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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Martha Rivers, Circuit Court Judge

Lower Court Case Nos.
2024-GS-32-00867 and 2024-GS-32-02893

The State, Respondent,

v.

Michael Anthony Dolan, Jr., Appellant.

Appellate Case No. 2025-001053

RECORD ON APPEAL

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TESTIMONY

Michael Dolan

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WITNESSES
Lexington County Sheriff's Department
John T Gietz

Law Enforcement Case #: 23017093

JAC
ARREST WARRANT NUMBER

2023A3210202710

ACTION OF GRAND JURY
TRUE BILL
[Signature]
Foreperson of Grand Jury
Date: 7-8-24
VERDICT

Foreperson of Petit Jury
Date:
INDICT

DOCKET NO. 2024GS3202893

The State of South Carolina
County of Lexington

LEXINGTON COUNTY GENERAL
SESSIONS
July Term 2024

THE STATE
vs.
Michael Anthony Dolan

Indictment For
P.W.I.D. Marijuana
SC Code: §44-53-370(b)(2), 44-53-370
(a)(1)
CDR Code: 0186
Class F Felony

S.R. Hubbard III, Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
)
)
)

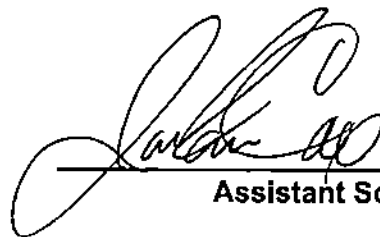
INDICTMENT FOR
2024GS3202893
P.W.I.D. Marijuana
§44-53-370(b)(2), 44-53-370(a)(1)

At a Lexington County General Sessions, convened on July 8, 2024, the Grand Jurors of Lexington County present upon their oath:

P.W.I.D. Marijuana

That in Lexington County, South Carolina, on or about September 5, 2023, the Defendant, Michael Anthony Dolan, did manufacture, distribute, dispense, deliver, or purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Marijuana, which was a controlled substance classified in Schedule I, II, III, flunitrazepam, or a controlled substance analogue, all in violation of Section 44-53-370(b)(2), 44-53-370(a)(1), et al. of the Codes of Law of South Carolina.

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


Assistant Solicitor

WITNESSES

Lexington County Sheriff's Department

John T Gietz

Law Enforcement Case #: 23017093

JAC

ARREST WARRANT NUMBER

2023A3210202705

ACTION OF GRAND JURY

TRUE BILL

Richard B.

Foreperson of Grand Jury

Date: 7-8-24

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2024GS3200867

The State of South Carolina

County of Lexington

LEXINGTON COUNTY GENERAL
SESSIONS

July Term 2024

THE STATE

vs.

Michael Anthony Dolan

Indictment For

Trafficking Methamphetamine

SC Code: §44-53-375(C)(5)

CDR Code: 0370

Exempt

S.R. Hubbard III, Solicitor

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

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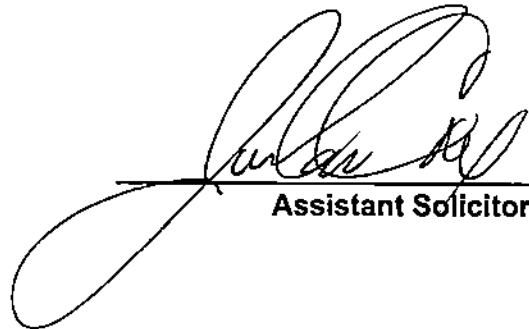
INDICTMENT FOR
2024GS3200867
Trafficking Methamphetamine
§44-53-375(C)(5)

At a Lexington County General Sessions, convened on July 8, 2024, the Grand Jurors of Lexington County present upon their oath:

Trafficking Methamphetamine

That in Lexington County, South Carolina, on or about September 5, 2023, the Defendant, Michael Anthony Dolan, did knowingly sell, manufacture, deliver, purchase, or otherwise bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession of more than four hundred grams of methamphetamine, as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1) or 44-53-210(d)(2), all in violation of Section 44-53-375(C)(5), et al. of the Codes of Law of South Carolina.

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



Assistant Solicitor

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON	)	
	)	
State of South Carolina	)	
	)	Indictment: 2024-GS-32-00867, et al
	)	
vs.	)	
	)	
Michael Dolan	)	MOTION TO SUPPRESS
	)	

Because the affidavit, submitted by SLED Agent Alex Gray, in support of the search warrant to search Defendants’ property, located at 217 Boy Scout Road, lacked probable cause, the search was illegal under the Fourth Amendment of the United States Constitution, Article 1, Section 10 of the South Carolina Constitution, and South Carolina Code, Section 17-13-140. Therefore, Defendant hereby moves to suppress all evidence seized from the search of his property.

I. FACTS

At approximately 5:00 p.m., on March 22, 2023, Lt. Robert Marzol, of the Town of Gaston Police Department, was on routine patrol, when he observed a blue Harley Davidson motorcycle, pull into the parking lot of a 7-11 convenience store, on Highway 321. Lt. Marzol checked the tag on the motorcycle, SC tag number ZG71131, which came back suspended for not having insurance. The tag also came back to a 2019 Chopper, not a Harley Davidson.

Lt. Marzol initiated a traffic stop on the driver of the motorcycle, identified as Cody Lee Sitton, who according to his driver’s license and vehicle registration, resided at 660 Portia Road, Blythewood, South Carolina. Marzol ran the identifying markings on the motorcycle, VIN # 4C9PD0857KC516921, which came back registered to Cody Lee Sitton, on a 2019 Chopper

motorcycle, with the same address of 660 Portia Road, Blythewood, South Carolina. However, the VIN plate and markings on the frame of the motorcycle did not appear to match.

Marzol patted down Sitton for weapons and discovered drug paraphernalia, some marijuana and methamphetamine. Sitton consented to a search of his person and admitted he had drugs. Wishing to investigate further, Marzol issued several traffic citations and had the motorcycle towed for further investigation. Sitton was advised that additional warrants would be forthcoming once the investigation was complete. Sitton was then released and no statements from Sitton were documented or memorialized.

The following day, SLED Agent Alex Gray, from the Vehicle Crimes Unit, met with Lt. Marzol and Gaston Police Chief Stephen Watkins, at Day's Towing, in Gaston, South Carolina, to examine the motorcycle seized from Cody Lee Sitton. Upon inspection, it was determined that the true VIN number of the motorcycle was VIN # 1HD1KBM19EB710442, which was confirmed as reported stolen out of Kershaw County. Agent Gray determined that the motorcycle had been registered to Sitton, on April 26, 2022, utilizing a fraudulent Manufacturer Certificate of Origin.

As a result, Marzol prepared warrants for Cody Lee Sitton and determined that he was in jail, in Richland County. On May 1, 2023, Marzol served Sitton with several warrants related to the traffic stop, possession of the stolen motorcycle and drug possession charges. Sitton bonded out and was released with confirmation of his Blythewood address, which is listed in the investigative file, contained in the warrants and is used in the Public Index filings regarding his criminal charges.

During conversation surrounding the motorcycle, Chief Watkins relayed that, in June of 2022, members of the Lexington Sheriff's Office told Chief Watkins that they had reason to

believe that there was a chop shop at 217 Boy Scout Road, home to Michael Dolan, a member of the Warlock Motorcycle Club. He also had received anonymous tips regarding activity at the property.

According to Gray's report, after receiving the information, in 2022, Chief Watkins had conducted some surveillance and observed motorcycles entering and exiting the property, as well as motorcycles and motorcycle parts on the property. Watkins also relayed that Sitton was allegedly seen being picked up by someone wearing a Warlock patch and given a ride to 217 Boy Scout Road.

Following the meeting on March, 23, 2023, SLED Agent Gray began an over 5-month long investigation which consisted of a search of South Carolina Department of Motor Vehicle records on motorcycles registered to Michael Dolan, noting a "Chop Boyz 2017 Chopper Glide Touring" motorcycle with a VIN # 4C9PB0558HC516011. The motorcycle was registered by Dolan on February 28, 2022, and according to the paperwork, was purchased from Chop Boyz Custom, from a dealer, in Chesapeake, Virginia, on December 19, 2017. The motorcycle was registered to his address of 217 Boy Scout Road, Gaston, South Carolina.

Gray made efforts to contact the founder of "Chop Boyz", Edward Wallop, through an investigator, Joshua Everett, with the Virginia Department of Motor Vehicles. According to the report by Agent Gray, Everett relayed that he attempted to contact Wallop at the registered business address for "Chop Boyz", in Chesapeake, Virginia, but was unsuccessful. According to Gray, he also examined the registration of Dolan's motorcycles and compared those to similarly registered throughout South Carolina, including the motorcycle seized from Cody Sitton. Agent Gray opined that Dolan's registration was done in a fraudulent manner and had some similarity

to other motorcycle registrations he reviewed, including the registration of Cody Sitton's motorcycle.

However, there is no mention of additional surveillance, of any type, being conducted at 217 Boy Scout Road nor were investigative techniques used to corroborate the presence of stolen property at Mr. Dolan's address. No purchases or sales of stolen motorcycles or motorcycle parts were made from that address or from Dolan. No undercover agent or confidential reliable informant was utilized to document stolen property being present at the location. During the more than 5 months of investigation, by Agent Gray, there was no evidence of stolen motorcycles or suspected stolen vehicles, entering or exiting the property, prior to the application for the search warrant.

Importantly, there is no corroborating evidence from surveillance, information received from confidential reliable informants, undercover agents, other law enforcement intelligence sources or by any investigative method, which places Cody Sitton at 217 Boy Scout Road, much less frequenting or having ties to the property that was the subject of the search. There are no recorded conversations, intercepted calls or text messages, photographs, videos or other surveillance evidence linking Michael Dolan to Cody Sitton, in any regard, prior to application for the search warrant being obtained.

However, on September 1, 2023, before the Honorable Scott Whittle, Agent Gray swore as an affiant that he had probable cause to search Dolan's property. Magistrate Judge Whittle signed the search warrant authored by Agent Gray. (A copy of which is attached for review by the Court).

Judge Whittle will be a witness for this motion to suppress. He will relay his memories and share his memorialization of this particular search warrant and describe his process of

evaluation to the Court. Based on evidence gathered at and seized from 217 Boy Scout Road, Dolan was charged with multiple offenses.

II. ARGUMENT

A. Because the affiant included deliberately false information, omitted exculpatory information or acted in a reckless disregard for the truth, in procuring the search warrant, the search warrant must be voided as if probable cause was lacking on the face of the affidavit.

A search warrant obtained upon deliberately false information, or upon information obtained with reckless disregard for the truth, will not justify the execution of a search warrant, if the affidavit considered without the false information lacks probable cause. *Franks v. Delaware*, 98 S.Ct. 2674 (1978). The rule in *Franks* applies with equal force to omissions, where the excluded exculpatory information, if included in the affidavit, would have precluded a finding of probable cause. *State v. Missouri*, 524 S.E.2d 394 (1999). A defendant is entitled to a hearing in order to challenge the veracity of the warrant under *Franks* if the defendant alleges a deliberate falsehood, or reckless disregard for the truth, along with an offer of proof, and if the affidavit, considered with the false information omitted, or with the exculpatory information included, would not amount to probable cause. *Id.* at 397.

At the time of his application for a search warrant, SLED Agent Gray, had information regarding a stolen motorcycle, seized from Cody Sitton, on March 22, 2023. He had determined that the motorcycle was stolen and registered to Sitton, at his home address of 660 Portia Road, Blythewood, South Carolina, which is approximately 40 miles from the residence of Michael Dolan, located at 217 Boy Scout Road, in Gaston, South Carolina.

Agent Gray also was informed of hearsay information and anonymous tips relayed

to Chief Watkins, in June of 2022, by the Lexington County Sheriff's Department of a possible chop shop located at 217 Boy Scout Road, and operated by Michael Dolan. According to Agent Gray's report, Chief Watkins conducted surveillance on the property, after receiving the anonymous information, but well prior to the traffic stop of Cody Sitton.

After receiving the anonymous tips, in June of 2022, Chief Watkins observed both operable and inoperable motorcycles on the property, as well miscellaneous motorcycle parts, including frames, engines, and transmissions. He also observed motorcycles entering and exiting the property. Based on his observations, he did not investigate further or request assistance from other agencies.

Agent Gray was also given information that Sitton was picked up from the Gaston Police Department and allegedly given a ride to 217 Boy Scout Road, following the seizure of his motorcycle, on March 22, 2023. There is nothing in the more than five month long investigation to corroborate this information or tie Cody Sitton to the location that was the subject of the search warrant.

Additionally, Gray conducted a records search of the South Carolina Department of Motor Vehicle records. His search of records concerning the motorcycle that was seized from Cody Sitton, on March 22, 2023, did not reveal any connection to Michael Dolan or 217 Boy Scout Road. Gray also was not able to develop any nexus between Michael Dolan and Cody Sitton from his review and analysis of motor vehicle records.

If it is "established by a preponderance of evidence that false knowingly and intentionally, or with reckless disregard for the truth, was included in the affidavit, and if material set aside, affidavit's remaining content is insufficient for probable cause, search warrant must be voided and fruits of the search excluded to the same extent as if probable cause was

lacking on the face of the affidavit.” *Franks v. Delaware*, 98 S.Ct. 2674 (1978). This applies to both false inculpatory information, as well as true exculpatory information that has been omitted. *Id.*

III. The Good Faith exception is not applicable.

The State should be precluded from arguing that the search could be “validated” by the good Faith exception adopted in *U.S. v. Leon*, 568 U.S. 897 (1984).

“the Fourth Amendment exclusionary rule does not bar the admission of evidence obtained by officers acting in reasonable reliance on a search warrant which was issued by a detached and neutral magistrate but ultimately deemed to be invalid. The dispositive issue is *whether sufficient information was given to the magistrate to perform his “neutral and detached” function rather than serve as a rubber stamp for the police.*” 468 U.S. 897, at 915. Emphasis added.

Leon “specifically precludes the application of the good faith exception in this situation,” when the warrant is based on an affidavit that does not provide a magistrate with a substantial basis for determining the existence of probable cause. *Id.* at 170. Our case would require the same preclusion of the good faith exception.

The Court found that intentionally or recklessly preparing the affidavit that does not to create an “impression of enhanced reliability...constitutes an affirmative misstatement for the Fourth Amendment analysis” *Id.* at 952. The Supreme Court found that suppression was still appropriate “if police officers were dishonest or reckless in preparing their affidavit.” *Leon* at 915. Finally, the Court reasoned that after finding the officer reckless in preparing the affidavit, “his objective good faith reliance on the warrant is no longer at issue.”

In our case, the affiant falsely asserted that Cody Sitton had ties to the address to be

searched, mentioning Sitton multiple times in the search warrant affidavit, including mentioning Sitton and Dolan in the same sentence in a portion of the affidavit. This information was false or its inclusion was done in a reckless disregard of the truth.

He also included information of Chief Watkins receiving anonymous tips and conducting surveillance, while omitting that the time frame during which the tips were received and when the surveillance was conducted. He excluded that the hearsay information was received and looked into, after Chief Watkins received the information, in June of 2022, which was never acted upon by the Gaston Police Department.

Agent Gray also omitted from the search warrant that the motorcycle seized from Sitton had no ties to Michael Dolan, or 217 Boy Scout Road, as the seized motorcycle was registered to Cody Sitton at 660 Portia Road, Blythewood, South Carolina. Additionally, there was no evidence collected that connected Michael Dolan to the Blythewood address or to Cody Sitton.

4. CONCLUSION

For all of the forgoing reasons, the Defendant moves that this Court suppress all evidence obtained from the search of his property, located at 217 Boy Scout Road, on September 5, 2023. He contends that the search was illegal and in violations of his rights under the Fourth Amendment of the United States Constitution, Article 1, Section 10 of the South Carolina Constitution, and South Carolina, Section 17-13-140. Additionally, he will rely on the argument of counsel and supporting case law, upon the hearing of this motion.

Respectfully submitted,

August G. Swarat, II
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P.O. Box 12526
Columbia, South Carolina 29211
Telephone: 803-240-6534

Columbia, South Carolina
February 19, 2025

1 State of South Carolina) Court of General Sessions
2 County of Lexington) Eleventh Judicial Circuit

3

4 State of South Carolina,) Transcript of Record
5 vs.) 2024-GS-32-00867
6 Michael Anthony Dolan,) 2024-GS-32-02893
7 Defendant.)

8

9 February 24th-27th, 2025
10 Lexington, South Carolina

11 B E F O R E:

12 The Honorable Martha Rivers, Judge; and a Jury

13

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

15 Jordan A. Cox, Assistant Solicitor
16 Lucas A. Pincelli, Assistant Solicitor
17 Melissa C. Byars, Assistant Solicitor

18 On behalf of the State of South Carolina

19 August G. "Tav" Swarat, Esquire

20 On behalf of the Defendant

21

REPORTED BY:

22

Stacy S. Johnson, RPR
Circuit Court Reporter

23

24

25

1 has informed you of that where they do generally find
2 people once they have absconded.

3 We'll come back after lunch and see what your
4 attorney can come up with to ensure me that you're
5 gonna come back every day, okay?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Thank you, sir.

8 MR. SWARAT: Thank you, Your Honor.

9 MR. COX: Thank you, Your Honor.

10 THE COURT: Okay. We're in recess until 1:30.

11 (Whereupon, a luncheon recess was taken at
12 12:12 PM.)

13 (Back on the record at 1:34 PM.)

14 BAILIFF: All rise. The Honorable Martha Rivers
15 presiding.

16 THE COURT: Thank you. Please be seated.

17 Okay. I hope everyone had a good lunch.

18 All right. We're back on the record in the
19 matter of State versus Michael Dolan and, Mr. Swarat,
20 I believe I said we'd start with your motion regarding
21 the search warrant of your client's address at
22 217 Boy Scout Road.

23 MR. SWARAT: Yes, Your Honor.

24 Your Honor, I filed a motion to suppress. I've
25 been talking to prosecution for several months about

1 the necessity for this hearing. I was concerned after
2 reading the search warrant affidavit along with the
3 other discovery in the case that information that was
4 contained in the search warrant was either outright
5 false or at least recklessly included in disregard for
6 the truth.

7 Your Honor, this investigation, if you will,
8 started with a traffic stop of an unrelated individual
9 to Mr. Dolan. It's an individual by the name of Cody
10 Sitton. Mr. Sitton was observed at a gas station in
11 Gaston. He pulled in, Lieutenant Marzol with the
12 Gaston Police Department observed him and saw that -- I
13 think he ran his plate and saw that he didn't have any
14 insurance and it was under suspension. There was some
15 reason to pull him over.

16 So he conducted a traffic stop. In talking to
17 Mr. Sitton, I think he patted him down first for
18 officer safety, he found some drug paraphernalia, a
19 pipe, also some drugs on him. He looked at the
20 motorcycle and noticed that it appeared that the true
21 VIN number on the bike had been painted over and you
22 couldn't read it and then there was another VIN
23 attached to it. He looked at it and he saw that the
24 things were in conflict with each other. It came back
25 as registered to Mr. Sitton through the DVM at an

1 address in Blythewood, South Carolina. 660 Portia Road
2 was the address where he lived and where everything
3 with the motorcycle was titled and registered.

4 Your Honor, Blythewood from the Gaston location
5 is about 40 miles. So he had no real connection to the
6 area where he was riding.

7 Your Honor, he told Mr. Sitton I'm gonna hold
8 your bike, I'm gonna give you some tickets, we're
9 gonna do some further investigation. After we've
10 investigated your motorcycle to determine whether it's
11 stolen or not, we'll take it from there and I'm
12 probably gonna be getting some warrants for you.

13 Mr. Sitton was picked up at the gas station. I
14 may have put in that it was Gaston Police Department,
15 but Lieutenant Marzol observed him getting picked up,
16 I believe, in a pick-up truck by a young red-haired
17 gentleman that is not Mr. Dolan.

18 Your Honor, he took the bike back. He and the
19 chief of police in Gaston, Stephen Watkins, looked over
20 the bike. They didn't know a whole lot about stolen
21 property, so they reached out to the vehicle crimes
22 unit, which SLED agent Alex Gray was a part of. Agent
23 Gray agreed to meet them the next day at the towing
24 company. They looked over the motorcycle, they
25 manipulated the paint to some degree to determine the

1 true VIN number on it, and it was found to be reported
2 stolen out of Kershaw County, which is fairly in close
3 proximity to the Blythewood address.

4 After that Lieutenant Marzol cut some warrants.
5 He charged him with, I believe, drug charges, something
6 related to the stolen property, and he looked to find
7 Mr. Sitton. He found him, he was arrested and was in
8 the Richland County Detention Center.

9 On May 1st of 2023, he served him with those
10 warrants. There is no information about having any
11 conversation with him, Mirandizing him or taking any
12 statements.

13 In reviewing Lieutenant Marzol's report, I
14 gleaned that all the information about this motorcycle
15 and this interaction with Mr. Sitton did not include
16 anything in it about Mr. Dolan. There's no mention of
17 him. There's also no mention of 2017 {sic} Boy Scout
18 Road; however, Your Honor in the affidavit it's got
19 down about midway in the first paragraph Chief Watkins
20 advised that Sitton, who's the rider of the motorcycle
21 that was stolen out of Kershaw County, had ties to the
22 address at 2017 Boy Scout Road, which they were seeking
23 to search.

24 Your Honor, going through all of the discovery
25 there's nothing to corroborate that whatsoever. We

1 believe that was falsely included or at the very least
2 was included in a reckless disregard for the truth.

3 It also says in the same sentence after it claims
4 that he has ties to the address that he was given a
5 ride back to that residence following the seizure of
6 his motorcycle. I've had a chance to communicate
7 with Lieutenant Marzol. He does not know where that
8 information came from.

9 Another concern I have is at the top of this it
10 talks about the March 23, 2023, date, but it includes
11 in here in about the second sentence Chief Watkins had
12 received numerous anonymous trips that Dolan was
13 operating a chop shop on his property, which would be
14 the same property, 2017 Boy Scout Road.

15 In reviewing SLED agent Gray's report in this
16 case from the vehicle crimes report, it's got in here
17 on the second page very clearly that this information
18 was received by Chief Watkins in June of 2022, some
19 fourteen to fifteen months before.

20 I have had a conversation with Chief Whittle with
21 -- excuse me Judge Whittle, and he has indicated to
22 me -- and he's here to testify for himself, you don't
23 need to take my word for it, but he would be concerned
24 about not knowing the staleness of the information that
25 was put in the report because every -- every date that

1 it references is March of 2023, but that's not when
2 these anonymous tips were received by Chief Watkins, it
3 was much earlier, well over a year, fourteen months.
4 He would have been concerned about the staleness of
5 that information and if he knew that Mr. Sitton, in
6 fact, was not connected in any way to the address at
7 2017 Boy Scout Road, he would not have found probable
8 cause, would not have signed the search warrant.

9 Your Honor, there is nothing to put Mr. Sitton
10 living there. Mr. Dolan had a motor vehicle repair
11 shop there that did paint and body work as well.
12 There's no evidence he was employed there. He didn't
13 have any family there. There is absolutely nothing to
14 corroborate this statement that he had ties to that
15 property. The only stolen item that is mentioned in
16 this affidavit is the motorcycle that they seized from
17 Cody Sitton.

18 If Your Honor will notice, there is absolutely
19 nothing in this affidavit that mentions any stolen
20 motorcycle parts or any stolen motorcycle that is the
21 subject of this search that would be on Mr. Dolan's
22 property. They at no time had any confidential and
23 reliable informant that went in to either take a bike
24 in to be repaired and notice something that came back
25 as stolen property. They didn't send anybody in

1 undercover. This investigation took place for more
2 than five months. There's nothing to tie Mr. Sitton to
3 Boy Scout Road. There's nothing to tie -- at the time
4 that he got the search warrant on September 1st of 2023
5 to tie Mr. Dolan and Mr. Sitton together in any way
6 whatsoever. The only address that they've got for
7 Mr. Sitton comes back to Blythewood and it shows no
8 connection of any type. Ties would at least indicate
9 that he would -- he frequented this address and had
10 some connection to that address in order to get a
11 search warrant to search it. There's nothing there.

12 Your Honor, in five and a half months they didn't
13 do any surveillance, they didn't take any pictures of
14 Mr. Dolan with Mr. Sitton. They never recorded phone
15 calls. There's absolutely nothing to validate that
16 Mr. Sitton had ties to Michael Dolan or that property
17 yet that was a huge part of the affidavit here.

18 In the second -- second paragraph, they talk
19 about twenty-four MCO's were almost identical to the
20 ones used by Sitton and Dolan. They've got -- they've
21 got them in the same sentence involved in something
22 with VIN numbers, but there's nothing to corroborate
23 that whatsoever.

24 I've looked over Judge Whittle's notes as has
25 Mr. Cox and they also mentioned to Judge Whittle

1 contemporaneous with the search warrant that there was
2 some issue with a co-defendant, that there were some
3 twenty-five motorcycles connected to gang members,
4 motorcycle gang members, that they were investigating,
5 which gave more reliability or credibility toward this
6 investigation; however, that information was not true.

7 There is no co-defendant of Michael Dolan's. Not
8 Mr. Sitton. Not anybody else. But these statements
9 were made and they were -- they were recklessly untrue,
10 and based on that we believe that a Franks hearing is
11 proper and that if the testimony bears out, that
12 evidence should be suppressed that came about as a
13 result of that search, which is everything in this case
14 and everything in his other nine indictments -- nine
15 warrants because everything flows from them accessing
16 his property illegally with a search warrant that was
17 -- that was done without probable cause.

18 Probable cause would not stand without trying to
19 tie Mr. Sitton and Mr. Dolan together and Mr. Sitton to
20 Mr. Dolan's property. There is nothing in here from
21 any source that says we've identified stolen property
22 at his residence. A confidential informant that is
23 reliable saw it within the last 72 hours. Your Honor,
24 this was five months in the making and the only thing
25 they've got is -- is something that is less than true.

1 THE COURT: Thank you, sir.

2 I want to make sure I understand your argument.
3 I have had a chance to read your written motion as
4 well.

5 So your problems with the affidavit on the search
6 warrant pertains to the fact that it was not dated as
7 to Chief Watkins' anonymous tips regarding a potential
8 chop shop on Mr. Dolan's property being from 2022
9 and --

10 MR. SWARAT: Yes, because it -- I apologize, Your
11 Honor. If -- because that was omitted and it would
12 have been exculpatory as to Mr. Dolan --

13 THE COURT: I understand.

14 MR. SWARAT: -- it would have indicated the
15 staleness of the information.

16 THE COURT: That's what -- I'm trying to go down,
17 what you're arguing, is that the omission of the year
18 2022 as to the chop shop tips for this property in
19 Gaston, the statement that Chief Watkins advised that
20 said he had ties to the aforementioned address just
21 as I was reading your motion come from the 2022
22 investigation in which he said he observed Mr. Sitton
23 coming --

24 MR. SWARAT: My understanding is it comes from
25 this traffic stop. The date of this traffic stop

1 is when they -- when that information is relayed by
2 some unknown source, we have no idea who, to either
3 the chief or Lieutenant Marzol, but there's no
4 corroboration of it. But it indicates was given a
5 ride back to the residence following the seizure of
6 his motorcycle, so that would put it in March of 2023.

7 THE COURT: And if that is incorrect -- you're
8 saying that's incorrect that he was not given a ride
9 back to Gaston following his tickets, but I thought I
10 read in your motion a statement that Chief Watkins had
11 potentially observed Mr. Sitton at the property in
12 2022.

13 MR. SWARAT: No. No, Your Honor. That's
14 correct.

15 THE COURT: Okay. Did I misread that?

16 MR. SWARAT: No. There's nothing to put
17 Mr. Sitton anywhere near Mr. Dolan's property in 2022
18 or --

19 THE COURT: Okay.

20 MR. SWARAT: -- or after this seizure of this
21 motorcycle and there's nothing to corroborate where
22 this information comes from. It's completely hearsay.

23 THE COURT: And then you object to the fact that
24 Sitton and Dolan were named together in the second
25 paragraph regarding the origin statements of the --

1 MR. SWARAT: It concerns me that the -- the part
2 that concerns me the most is Chief Watkins advised
3 that Sitton had ties to the aforementioned address
4 when there's -- there's nothing to suggest in the
5 investigation that that is true at all.

6 THE COURT: And to be clear, this is the
7 affidavit of Agent Gray after his conversations with
8 Chief Watkins and others in which he went to the
9 magistrate and obtained the search warrant, correct?

10 MR. SWARAT: Obtained the search warrant in
11 September. Yes, Your Honor. September 1st.

12 THE COURT: Right. And it says in there that he
13 started his investigation in March of 2023.

14 MR. SWARAT: Correct. So he investigated --
15 Investigator Gray investigated for five and a half
16 months and there's nothing to corroborate that through
17 his investigation or through any of the rest of the
18 discovery that Mr. Sitton had any ties to Boy Scout
19 Road.

20 THE COURT: Okay. Thank you, sir.

21 Yes, sir, Mr. Cox. Now you may speak.

22 MR. COX: Thank you, Your Honor. And I wasn't
23 trying to interject, I just wanted to make sure we had
24 the timeline of everything, and if the Court will
25 indulge me I'll just hopefully clear up any confusion

1 I may have or anything.

2 This -- the dates for this investigation, the
3 Cody Sitton traffic stop, was in March of 2023.
4 After he was stopped, that is when the Gaston Police
5 Department contacted SLED for a property crimes
6 investigation for the removed or the altered VIN number
7 on this now seized motorcycle. They determined the
8 motorcycle did have a false and fraudulent VIN number
9 and it was stolen out of Kershaw County. That was
10 the beginning of Agent Gray with SLED's investigation
11 into a chop shop. That is what he did from March
12 to September when he eventually went and got this
13 particular search warrant that Mr. Swarat's
14 challenging.

15 So that's kind of our timeline. The 2022 dates,
16 there was mention in the affidavit that Chief Watkins
17 with Gaston Police Department had received some
18 information -- or sorry -- April 26, 2022, that Sitton
19 -- this Cody Sitton individual was using a fraudulent
20 MCO, a Manufacture's Certificate of Origin, and that
21 played a key part into Agent Gray's investigation
22 because of that -- the MCO was similar, substantially
23 similar, to the ones that eventually were matched up
24 with Michael Dolan and this Chop Boys Customs and the
25 other twenty-four bikes. That's in that full second

1 paragraph of the search warrant. That is really where
2 Agent Gray's further investigation and the rest of
3 his probable cause for this search warrant went to,
4 matching those numbers up, matching up that they all
5 were looking similar to Michael Dolan's and that's what
6 eventually led him back to 217 Boy Scout Road.

7 But we're here for a Franks motion. I want to be
8 abundantly clear what we are here to determine at this
9 point. In order for an evidentiary hearing and in
10 order for us to go forward, the defense has to make
11 a substantial preliminary showing that the affiant,
12 so in this case Agent Gray, made a knowingly and
13 intentionally false statement or provided a false
14 statement to the magistrate with a reckless disregard
15 for the truth and what's included in those false
16 statements was necessary for a finding of probable
17 cause. That is the first step in this Franks motion.

18 The important aspect of filing these motions is
19 what the defense brings with it in order to prove that
20 these statements were false or omitted. I went through
21 his motion and what I could tell is that the only false
22 statement that he is alleging that Investigator Gray
23 made was that Cody Sitton had ties to the address to
24 be searched. That was the only statement included
25 by Agent Gray that was false. That is what, my

1 understanding, that the defense is stating. There's
2 been nothing that the defense has provided to support
3 that that statement is false. Nothing. And, Your
4 Honor, Franks is clear that there is a presumption of
5 validity with respect to the affidavit and the
6 challenger's attack must be more than conclusory, it
7 must be supported by a mere desire to cross-examine the
8 witnesses. There must be allegations of a deliberate
9 falsehood, a reckless disregard for the truth and they
10 must be accompanied by an offer of proof.

11 Pointing out specific portions of the warrants --
12 I'm reading directly from Franks v. Delaware, Your
13 Honor. I apologize. I should have said that at the
14 beginning.

15 THE COURT: That's fine.

16 MR. COX: They should point out specifically to
17 the portion of the warrant that is claimed to be false,
18 so for this first one it's that statement, that Cody
19 Sitton has ties to the address, and they should be
20 accompanied by a statement of supporting reasons.
21 Affidavits sworn or otherwise or reliable statements
22 of witnesses should be furnished or their absence
23 satisfactorily explained.

24 THE COURT: Can I ask you this, Mr. Cox?

25 MR. COX: Yes, ma'am.

1 THE COURT: How would you prove a negative in
2 that scenario?

3 MR. COX: Well, Your Honor, he would go to Chief
4 Watkins. Chief Watkins is the one making the statement
5 to Alex Gray. The statement is that Alex Gray was told
6 by Chief Watkins that Cody Sitton had ties to the
7 address. So there would need to be a statement from
8 Chief Watkins that's not what I told Agent Gray. That
9 would make the statement false from Agent Gray. Or he
10 said no, I actually said that Cody Sitton has no ties.
11 Because what we're doing here, Your Honor, is that
12 he's calling Agent Gray a liar. That is what they're
13 saying. He went to the magistrate --

14 THE COURT: Or Chief Watkins. One or the other.

15 MR. COX: Well, Your Honor, no, Franks applies to
16 the affiant.

17 THE COURT: To Agent Gray.

18 MR. COX: That's what we're doing here. If Chief
19 Watkins was the liar, then there has to be support
20 from the defense that Agent Gray should have known that
21 and that he disregarded the truth and still gave that
22 statement to the magistrate.

23 Your Honor, Agent Gray in his own affidavit
24 states that he was provided information that Cody
25 Sitton was seen being taken to 217 Boy Scout Road after

1 his arrest. That right there is a tie to the address
2 alone. Your Honor, even if he did not provide -- he's
3 not required to provide what the ties were in the
4 affidavit. That's not what the Franks hearing is here
5 to determine. Now if this is an attack on whether that
6 amounts to probable cause on that statement alone,
7 that's a whole different argument, that's a whole
8 different hearing. There is nothing from the defense
9 supporting that Agent Gray made a false statement to
10 the magistrate as it pertains to Cody Sitton having
11 ties and I submit that in the affidavit itself it
12 provides at least one tie to the address because he
13 was seen going to that address after his arrest. And
14 if there was someone out there who was willing to come
15 and provide a statement before today when this motion
16 was filed, then we should have had that because that's
17 what he has to bring in order to have the substantial
18 preliminary showing that the statement was false.
19 We haven't gotten that. I mean, Mr. Swarat said it
20 himself. He's saying there's no corroborating
21 information in the reporting. That's not what this
22 standard is.

23 The other -- the other statements that I was
24 trying to read through his motion, and these are more
25 omitted information, the timeframe during which the

1 tips were received. Your Honor, in the affidavit
2 itself Mr. Swarat mentions staleness and Judge
3 Whittle's apparent concern. Again, this is Mr. Swarat
4 communicating what he spoke to Judge Whittle about. We
5 were provided no statement, nothing like that, before
6 today.

7 I would submit to Your Honor that I do not agree
8 that the reporting of this locks in these anonymous
9 tips from 2022. They just say that Chief Watkins in
10 his capacity as police chief received anonymous tips
11 that a chop shop was being operated at 217.

12 THE COURT: Now, Mr. Cox, you would agree that to
13 support a warrant the information needs to be -- the
14 timing of the information is relevant.

15 MR. COX: Absolutely, I do, and that's not what
16 I'm saying here, Your Honor. I'm saying that we are
17 here -- I'm trying not to conflate what's required in
18 Franks with just an attack on the probable cause or
19 staleness of this, so.

20 THE COURT: I understand, but I think, if I
21 understand defense's argument is that because the
22 timeline was left out that's showing the reckless
23 disregard because they neglected to tell the magistrate
24 that it was over a year old.

25 MR. COX: Okay. Right, Your Honor. But we have

1 -- there's been no offer of proof supporting that all
2 of these anonymous tips came from 2022. Nothing
3 provided by the defense. No witness that he has spoken
4 to that he says no, look, I told Alex Gray that the
5 only tips we ever received about a chop shop being
6 operated in -- was from 2022 and that Alex Gray chose
7 to leave that out in order to effect a probable cause
8 finding. None of that has been shown today.

9 THE COURT: All right. Then you're saying -- go
10 to the next statement because that deals with your
11 argument as to the timing of the anonymous tip.

12 The next statement was that Mr. Sitton had ties
13 to Mr. Dolan's address and was given a ride back to
14 that address following the seizure of his motorcycle.

15 MR. COX: Yes, Your Honor.

16 THE COURT: The defense has stated that that was
17 a patently false statement.

18 MR. COX: That he was not taken back to his -- to
19 that address on that day.

20 THE COURT: Well, the full statement says Chief
21 Watkins advised that Mr. Sitton had ties to the address
22 and was given a ride back to that address.

23 MR. COX: Right. The defense is offering that
24 that is a false statement and has offered nothing
25 supporting that that is a false statement. So what --

1 what would make that statement false that Chief Watkins
2 lied -- either Chief Watkins lied to Alex Gray about
3 what he observed or Alex Gray lied about talking to
4 Chief Watkins, made it up and provided it to the
5 magistrate to get this search warrant signed. We've
6 had nothing from the defense to support either one of
7 those. No statement from Chief Watkins stating no,
8 that's not what I told Alex Gray. No statements from
9 anyone else saying no, that's -- Chief Watkins didn't
10 say that. I don't know where that came from. Nothing.
11 So there's no offer of proof. These are conclusory
12 statements from -- that's all this is from the defense
13 is that he's going through the affidavit, finding these
14 statements and saying they're false.

15 THE COURT: And the third portion that they are
16 raising is that all twenty-four of the MCO's were
17 almost identical to the ones used by Sitton and Dolan
18 with Chop Boys Custom.

19 MR. COX: Correct. That is from Agent Gray's
20 investigation into the chop shop. So what he did, he
21 ran -- he had the VIN number and then ran back the
22 manufacturer's certificate of origin and so he had
23 the first number. The MCO was almost identical to the
24 one that Sitton used and the VIN on the MCO was also
25 fraudulent and similar to the VIN that was found on the

1 motorcycle seized from Sitton. Further investigation
2 revealed twenty-four additional motorcycles registered
3 in South Carolina using fraudulent MCO's and fraudulent
4 VINS. All twenty-four were almost identical to the
5 one. So he's saying the numbers were close, they were
6 identical. That's what Agent Gray is accusing of going
7 on, that these are false MCO's being created through
8 this Chop Boys Customs company and it's a front to
9 clone bikes and the other four that were linked to
10 Michael Dolan's name in conjunction with all of the
11 other information, that Cody Sitton was seen going to
12 the address, that the chief received anonymous tips
13 saying a chop shop was being operated at Michael
14 Dolan's home, all of this information, and then the
15 MCO's and VIN numbers matching that closely, that is
16 when he was able to determine I need a search warrant
17 for this property to see if this truly is a chop shop
18 because he believed that he was gonna find information.
19 But there's nothing in support saying that Agent Gray
20 did not reveal twenty-four additional motorcycles
21 registered in South Carolina. Nothing has been
22 provided by the defense saying that was a false
23 statement or that he omitted anything related to that
24 that would affect the probable cause finding that would
25 have made that false. Nothing's been -- it's a

1 conclusory statement from the defense that this alone
2 was a false statement without anything backing it up.
3 And Franks is clear. The standard isn't just
4 conclusory statements because all that is is an attempt
5 by the defense to cross-examine witnesses. They --
6 they haven't made the offer of proof with it.

7 So my position is that none of these have been
8 supported by the defense enough that he's made a
9 substantial preliminary showing that not only are these
10 statements false, but also the probable cause would not
11 exist with those statements.

12 Because, Your Honor, I believe that if -- I
13 believe honestly, Your Honor, the second paragraph
14 alone I believe shows that there's enough probable
15 cause for a search warrant on the property due to
16 the connection to Michael Dolan himself, to the VIN
17 numbers, to the MCO's and the shop operating out of
18 his address, and all of that is in there.

19 So, no, Your Honor, I don't believe that we have
20 anything close to enough to warrant a hearing or any
21 of the -- any witnesses needing testimony.

22 THE COURT: Thank you, sir.

23 MR. SWARAT: Your Honor, may I respond briefly?

24 THE COURT: Yes, and I want to ask you about
25 this. I've been looking at the case that you passed

1 up, the State versus Robinson case, which Section B of
2 that case deals with this saying that you must prove
3 that the affiant knowingly and intentionally or with
4 reckless disregard for the truth included false
5 statements in the search warrant affidavit.

6 The State has pointed out that -- and I must
7 admit there's not much in there to deal with Agent Gray
8 and what his knowledge or information was at the time
9 for corroboration as to whether he knew those
10 statements were false or otherwise had a reason to
11 question them as the affiant to the search warrant.

12 MR. SWARAT: Your Honor, two things that I
13 referred to in gleaning the search warrant with the
14 evidence that was provided by the State are Agent
15 Gray's report and in Agent Gray's report he has
16 included that in June of 2022 members of the Lexington
17 County Sheriff's Office told Chief Watkins that they
18 had reason to believe that there was a chop shop at
19 Boy Scout Road, home to Michael Dolan. That goes to
20 the staleness issue and the omission that would have
21 been exculpatory as to Mr. Dolan in considering this
22 search warrant.

23 If they wanted to go get a search warrant for
24 Cody Sitton's address, I think they would probably have
25 a pretty good avenue of probable cause based on the

1 seizing of the motorcycle from him that came back
2 stolen from Kershaw County that they could tie to his
3 home address and if they wanted to go search 660 Portia
4 Road, I believe they might have had probable cause to
5 do so and could have gotten a search warrant.

6 But they're trying to shoehorn this thing into
7 a case about Michael Dolan in order to get on his
8 property and there's nothing in this entire affidavit
9 that indicates that stolen property is located on
10 Mr. Dolan's property.

11 THE COURT: Well, let me ask you about Mr. Cox's
12 statement as to Paragraph 2 because in your motion and
13 in this affidavit it appears that Agent Gray did
14 conduct his investigation primarily through the DMV
15 records and that pinged your client's MCO's for
16 investigation.

17 MR. SWARAT: I don't know if it pinged it or not.
18 I looked at what they --

19 THE COURT: That's how I'm taking the reading of
20 your motion is.

21 MR. SWARAT: I looked at the serial numbers or
22 VIN numbers on these and, you know, they're -- I don't
23 know anything about motorcycles, but they appear to
24 be different, one from the other. The VIN number on
25 Cody Lee Sitton's confirmed stolen motorcycle is

1 4C9PD0857KC516921. The one that they investigated
2 through records at the DMV registered to Michael
3 Dolan is 4CPPB0558HC516011, which was his personal
4 motorcycle. Your Honor, the start of it's fairly
5 similar, but the middle and the end of it is not
6 substantially similar I would submit, but none of
7 that -- and they could investigate whether or not
8 he's registering a motorcycle vehicle that he's built
9 in a fraudulent manner, but that doesn't give them a
10 right to search his property. There's nothing that
11 links stolen property at Michael Dolan's address
12 through this search warrant. They didn't pull anybody
13 over leaving there on a motorcycle that came back
14 stolen, they didn't send in a confidential reliable
15 informant that documented potential stolen property at
16 his residence. They didn't -- they didn't send in
17 another undercover officer to do something similar.
18 They don't have any surveillance that indicates that
19 Cody Sitton and Michael Dolan have any connection.
20 There are many, many different ways they could have
21 done it in five months, but they didn't do it. Nothing
22 that they ran on Cody Sitton comes back to Michael
23 Dolan.

24 I would also offer for the Court Lieutenant
25 Marzol's report from his interaction and arrest of

1 Cody Sitton. Nowhere in there is 217 Boy Scout Road
2 mentioned at all. Also Michael Dolan's name is not in
3 it, and I believe it's about an 8 or 9-page report.

4 I have talked to Lieutenant Marzol. He's under
5 subpoena to be here. He said they never conducted
6 surveillance at Michael Dolan's residence. They think
7 they might have had a traffic stop with him at some
8 point in time, that he has lived there, but he, his
9 family or that property had not been under surveillance
10 by them.

11 So this information, it has a reckless disregard
12 for the truth. They could have done some digging to
13 try to show a connection between Mr. Sitton to that
14 property or Mr. Sitton to Mr. Dolan, but they didn't
15 do so.

16 THE COURT: Okay. So, Mr. Swarat, you're not
17 saying Agent Gray -- I guess what I'm saying is
18 you're saying Agent Gray had a duty to corroborate
19 or otherwise redo an investigation that Chief Watkins
20 did.

21 MR. SWARAT: No, I'm not saying that at all, Your
22 Honor, because apparently Chief Watkins, whatever he
23 did, was back in the summer of 2022.

24 THE COURT: But Agent Gray relied upon that in
25 his affidavit, so would you want him to redo it?

1 MR. SWARAT: No. No, not at all, but it is
2 important for the magistrate to understand as a
3 judicial officer that this information is from more
4 than a year back from the arrest.

5 THE COURT: Well, then we're gonna get to the
6 point Mr. Cox made. How do you know that's the only
7 time that Chief Watkins got those tips?

8 MR. SWARAT: We don't -- we don't know any --
9 other than the date that's in Agent Gray's report from
10 SLED, we don't know a timeframe. There's nothing
11 included for Judge Whittle to consider, but we do have
12 the date of June 2022.

13 THE COURT: So you're saying that Gray's report
14 refers to Chief Watkins investigating in June of 2022,
15 so you assume that was the only time it was discussed.

16 MR. SWARAT: That's correct. Did I hand it up?
17 I don't know that I did. Here you are, Your Honor.
18 It's on the second page and I believe I've highlighted
19 it. This is a 2-man police department. They didn't
20 conduct surveillance. If they wanted to try to tie
21 stolen property to Mr. Dolan's address they could have
22 pulled somebody out of there that was riding a stolen
23 motorcycle, pulled them over for a traffic stop.

24 THE COURT: All right. I'm gonna let Mr. Watkins
25 -- ask Mr. Cox talk to that. I'm sorry I called you

1 Chief Watkins.

2 MR. COX: That's okay, Your Honor.

3 MR. SWARAT: That's right.

4 THE COURT: All right. So he's now pointing to
5 the fact that the only time we know is 2022 because
6 it's in your agent's report that it was 2022.

7 MR. SWARAT: Yes, Your Honor.

8 MR. COX: So -- yes, Your Honor. I think he's
9 referring to page 2. I would caution the Court, again,
10 and all of us to just assume that the structure of this
11 sentence means that June 2022 was the date that all
12 of this stuff happened. Throughout -- I mean, Agent
13 Gray's report refers to so many different dates, and
14 I'm gonna read exactly the portion that Mr. Swarat is
15 talking about. Chief Watkins provided the following
16 information regarding his suspicions as to why he
17 believed there was a chop shop operating out of the
18 217 Boy Scout Road. In June of 2022, members of the
19 Lexington Sheriff's Office told Chief Watkins that
20 they had reason to believe there was a chop shop at
21 217 Boy Scout Road, home to Michael Anthony Dolan,
22 end of sentence. Dolan was a validated member of
23 the Warlock outlaw motorcycle gang, Chief Watkins
24 began surveillance on the property and observed
25 numerous motorcycles entering and exiting, as well

1 as motorcycles and motorcycle parts on the party. The
2 chief received anonymous tips that there was limited
3 activity at the property during the day, but around
4 2AM activity picked up and numerous vehicles coming
5 and going.

6 Your Honor, the only thing locking onto June of
7 2022 was that the members of the Lexington County
8 Sheriff's Office told Chief Watkins that they had
9 reason to believe that there was a chop shop at
10 217 Boy Scout Road. Nothing in his report indicates
11 that Chief Watkins told him that the anonymous tips
12 and everything else happened in June of 2022.

13 It's not in the report, Your Honor, so to assume
14 that all of this happened within the one conversation
15 or on the same day I don't think is fair to Agent Gray.
16 And we provided -- we've been provided nothing from the
17 defense indicating otherwise. I mean, this is what
18 he's relying on and I'm -- it's my position, Your
19 Honor, that that is not an indication that Agent Gray
20 provided a falsehood to the magistrate.

21 MR. SWARAT: Part of that, Your Honor -- there
22 are a couple of things here. I don't think it's
23 incumbent on the defense to have to investigate what
24 they provide in discovery to prove it's not true.
25 However, looking at the affidavit there is -- these

1 sections in the affidavit where it says Mr. Sitton has
2 -- Mr. Sitton, the only person that had done anything
3 illegal to this point before they get a search warrant
4 for Mr. Dolan's home, that Mr. Sitton was on a stolen
5 motorcycle and then they try to bootstrap it somehow
6 that he is tied to Mr. Dolan's address in order to
7 get -- to have probable cause to get a search warrant
8 for this man's address. The only illegal activity,
9 the only stolen motorcycle we're talking about in
10 that entire affidavit, Cody Sitton was riding and he
11 -- he doesn't get connected through a 5-month long
12 investigation into Michael Dolan before they probe this
13 -- some of the extraneous information and hearsay to
14 try to get on his property, not showing that any stolen
15 property had been observed on this property, that any
16 stolen motorcycles had been seen leaving this property,
17 that they pulled over somebody that was on a motorcycle
18 that was reported stolen. They're trying to use the
19 traffic stop of Cody Sitton to get on Michael Dolan's
20 property.

21 THE COURT: Mr. Cox, you have one more thing to
22 say? You're still standing here.

23 MR. COX: Yes, Your Honor. I mean, I'm not gonna
24 belabor the point too much. Your Honor, this was not
25 simply a stolen motorcycle investigation. Agent Gray's

1 clear in his report and the affidavit that he didn't
2 just rely on what was provided to him for 217 Boy Scout
3 Road that Cody Sitton -- one officer provided him
4 information he was seen going to it. This comes down
5 in large part to these manufacturer's certificate of
6 origin. He makes a note in his report that these are
7 original ownership documents for a vehicle/motorcycle
8 issued directly from manufacturer and used to register
9 a vehicle for the first time. His continued
10 investigation, Your Honor, in his report shows how
11 this Chop Boys Custom MCO's connects Michael Dolan,
12 Cody Sitton, these fraudulent VIN numbers, to the
13 property. Because that is Michael Dolan's property.
14 That's where his bike was also registered to.

15 But, Your Honor, these -- I keep coming back to
16 the Franks requirement. We simply just haven't
17 received anything and nothing's been shown to the
18 Court that Agent Gray knowingly and intentionally
19 made fraudulent statements to the magistrate, Judge
20 Whittle, who issued the search warrant, or he did not
21 make statements to Judge Whittle with a knowing
22 disregard for the truth. There's been no substantial
23 showing -- or a substantial preliminary showing of that
24 from the defense.

25 MR. SWARAT: Your Honor, if I may --

1 MR. COX: It's not about putting an unfair burden
2 on the defense. This was a Franks motion. The burden
3 is on the defense to show this substantial preliminary
4 showing.

5 THE COURT: Yes, sir, Mr. Swarat. Very briefly.

6 MR. SWARAT: Mr. Cox used fraudulent and a couple
7 of different terms. The standard in Franks is to show
8 what we believe to be a false statement. Chief Watkins
9 advised that Sitton had ties to the aforementioned
10 address. There's nothing in the discovery whatsoever
11 that says that or shows that. I was gonna offer
12 Lieutenant Marzol to show that nothing about Michael
13 Dolan or 2017 Boy Scout Road came up in his
14 investigation of this stolen motorcycle or of Cody
15 Sitton, and was given a ride back to that residence
16 following the seizure of his motorcycle. I was
17 gonna put up Lieutenant Marzol to say that he saw
18 Mr. Sitton get picked up by a young redheaded kid, he
19 was not on a motorcycle, that he saw him leave. They
20 did not surveil Mr. Sitton further. There's nothing
21 to corroborate that he went back to Mr. Dolan's
22 residence and they -- they are trying to tie Cody
23 Sitton to this property in order to get a search
24 warrant, and I -- I submit that's a reckless disregard
25 for the truth.

1 Also, the timeframe that these anonymous tips and
2 the surveillance, that the tips occurred in June of
3 2022. That's in SLED agent Gray's report. That's very
4 remote in time. It's stale information. I was gonna
5 put, and I would put up, Judge Whittle to say that if
6 he'd known it was that stale and if he'd known that
7 Cody Sitton had no ties to Mr. Dolan's address of
8 2017 Boy Scout Road, he would have looked at them and
9 said you don't have probable cause and I'm not gonna
10 give you a warrant at this time, go out and further
11 investigate.

12 Judge Whittle was on the bench over thirty years
13 thereabouts, twenty-eight years, and he has turned down
14 search warrants on many occasions when he believed he
15 should, and according to our conversations, and I'll
16 put him on the stand and let him speak for himself, I
17 think the world of him and I trust him, if he would
18 have known that Sitton had no ties to this property,
19 then the first part of this affidavit has no merit
20 because it doesn't make a tie or a connection to 2017
21 Boy Scout Road. Only by including that he had ties
22 to the address and that he had been given a ride back
23 to that location after the seizure of his stolen
24 motorcycle, that's -- that's the connecting thread that
25 they've used to try to tie Cody Sitton to Michael

1 Dolan. And there's nothing that would qualify under
2 17-13 I believe it's 140 to show that stolen property
3 -- there was probable cause to find stolen property
4 at Mr. Dolan's residence. Also under Article 1,
5 Section 10, as you know, as Your Honor knows, the State
6 of South Carolina gives even greater rights to the
7 security of property. There was nothing -- there's
8 nothing in here that by itself if you take out Cody
9 Sitton, take out everything about Cody Sitton because
10 it's really not relevant to Michael Dolan, and on its
11 face if you just look at Michael Dolan there would have
12 been no probable cause to enter his property.

13 Thank you, Your Honor.

14 THE COURT: Thank you, sir. I'm gonna deny your
15 motion. I find that the statements that you've pointed
16 to are things that Chief Watkins advised Agent Gray
17 about. There's no indication that Agent Gray had
18 any knowledge of a falsehood or potential reckless
19 disregard for the truth. Everything there is
20 indicating that Chief Watkins -- so I appreciate
21 Judge Whittle being here and his reported or almost
22 proffered statements that this would have made a
23 difference in his analysis, and I'm sure every judge
24 ever signing a search warrant wishes they had more and
25 more information regarding it; however, I don't think

1 it's -- the standard is such would the judge have
2 issued the warrant or not, but whether a patently false
3 or disregard for the truth statement was made to the
4 judge so that we don't get into the judicial analysis
5 of it, but whether the investigating officer made such
6 a statement to call into question the veracity of the
7 affidavit upon which the warrant was issued.

8 To that point, I do find that the second
9 paragraph deals with the investigation that Agent Gray
10 did on his own with the analysis of the DMV records,
11 the defense is absolutely correct this would not have
12 gotten into play should Mr. Sitton have not been
13 arrested, but I don't know that his arrest in and of
14 itself is the only factor involved. Once they looked
15 at those records that is what helped point them to
16 Mr. Dolan. It may be that Mr. Dolan was a person of
17 interest in the community already. I don't know. That
18 would be up to Chief Watkins to come in and say and we
19 don't have any statements of Chief Watkins as to that
20 point.

21 Is there any argument anyone wants to make for
22 the record further? I'll give you the opportunity.

23 MR. COX: Not from the State, Your Honor.

24 MR. SWARAT: Your Honor, and I guess we deal
25 with the State's motion, as Your Honor can tell they're

1 not going forward on any charges about a chop shop.
2 There were some six or seven charges dealing with the
3 chop shop and a number of other alleged violations,
4 they're not going forward on those, and they also want
5 to prohibit me from even talking about it, so.

6 THE COURT: Well, before we get into that,
7 Mr. Swarat, on this motion would you like to put this
8 -- a report that you've handed up to me of Agent Gray
9 as a Court's exhibit for purposes of the record or are
10 you gonna be satisfied with what was read into the
11 record?

12 MR. SWARAT: Your Honor, I would like to put in
13 as a Court's exhibit the search warrant, along with the
14 affidavit.

15 THE COURT: I don't have a problem with that.
16 Does the State have any problem with that?

17 MR. COX: No, Your Honor. I think we should make
18 both the search warrant and the report Court's exhibits
19 1 and 2.

20 MR. SWARAT: And I would like to do that, Your
21 Honor. Do I need to make a copy or if I could get
22 somebody to make a copy? These are the only ones I
23 have.

24 THE COURT: That's why I was asking, sir. I
25 can't make you a copy.

1 Can the clerk make him a copy?

2 MR. SWARAT: That would be wonderful.

3 THE COURT: I have no copier here myself or
4 printer for that matter.

5 MR. COX: Your Honor, while we're doing that, is
6 there any need for Judge Whittle? There's certainly
7 not from the State.

8 THE COURT: Mr. Swarat, he's under subpoena from
9 you, I believe, isn't he?

10 MR. SWARAT: He was here for that purpose and
11 that purpose alone.

12 MR. COX: I think he's releasing him, Your Honor.

13 MR. PINCELLI: Judge, I'm gonna approach with
14 some case law that I mentioned in my motion in limine.

15 THE COURT: Is that yours?

16 MR. PINCELLI: That's your copy, Judge.

17 THE COURT: No, no. Which motion in limine?

18 MR. PINCELLI: I'm sorry. Yes, the motion in
19 limine regarding the property crimes investigation,
20 limiting testimony or evidence relating to it.

21 THE COURT: Thank you.

22 MR. COX: Your Honor, so it looks like there's a
23 search warrant, the report for Lieutenant Marzol, which
24 I don't think is being requested to be made a Court's
25 exhibit.

1 (Whereupon, the jury responds.)

2 THE CLERK: All right. Please have a seat.

3 Thank you.

4 THE COURT: Yes, sir.

5 MR. PINCELLI: Thank you, Your Honor. May it
6 please the Court?

7 Good morning, ladies and gentlemen. September 5,
8 2023, 217 Boy Scout Road in Gaston, Lexington County,
9 South Carolina, Michael Dolan was found in possession
10 of illegal drugs; marijuana and methamphetamine. That
11 is why we are here today.

12 We, as the State, have called two indictments.
13 Possession with intent to distribute marijuana and
14 trafficking in methamphetamine greater than 400 grams.
15 We have called those indictments. It is our burden to
16 prove you to you beyond a reasonable doubt that Michael
17 Dolan, the defendant, is guilty of those crimes.

18 Now throughout the course of this trial we're
19 gonna present a lot of evidence to you. The evidence
20 will come in the form of testimony, we'll have
21 witnesses standing -- sitting right up here on this
22 witness stand, they'll be asked questions, they'll
23 answer them. That's testimony. That will be part of
24 the evidence, but that will not be it. You'll have
25 an opportunity to view photographs, we'll put up some

1 videos that you can watch, you'll get to listen to at
2 least one recorded call. All of that is the evidence
3 that will be presented to you in this trial. Through
4 that you will learn the truth. Through that you will
5 learn the things that you need to know to do your job
6 at the end of this trial, which is to deliberate and
7 come up with a verdict.

8 So let's talk about that evidence. What will it
9 show you? What will that testimony, the photographs,
10 the videos, the call, all that will explain that on
11 that date I mentioned, September 5, 2023, the
12 defendant, Michael Dolan, did live at 217 Boy Scout
13 Road in Gaston. That was his home. Law enforcement
14 was there for a search of the property and when law
15 enforcement was there they did seize drug material.
16 You'll learn that specifically they seized most of
17 that drug material in the defendant's shop. Don't
18 take my word for it. You're gonna see a body cam.
19 The defendant himself is gonna be sitting in the back
20 of a truck. You'll hear noise in the background.
21 (Demonstrating.) What you'll learn that noise was,
22 it was the sound of law enforcement forcing entry into
23 his shop, beating the door in. The defendant realizes
24 what that noise is, too, because what he tells law
25 enforcement, something to the -- to the effect of man,

1 you didn't have to break it, I would have given you
2 the key. I have a key. You didn't have to break in.
3 His shop. Remember that. That's important. That's
4 part of the evidence we're presenting to you.

5 His shop. And why is that important? Because as
6 I mentioned, as you will see throughout the course of
7 this trial, the large majority of those drugs, the
8 marijuana and nearly 800 grams, more than a pound and a
9 half of methamphetamine, was found in that shop. Even
10 more importantly, think about where those drugs were
11 found. I've established it's in the shop. What were
12 they found in? It's a very specific container, a
13 unique container. One that you will hear about
14 throughout the course of this trial. It's a brown
15 metal tin, circular. The same kind of tin that you
16 might get popcorn or cookies in around Christmastime.
17 This tin even had bears around the outside of it. Why
18 is that important? Because over -- almost 800 grams of
19 methamphetamine were found inside. That's why it's
20 important.

21 But not just that. When the defendant is
22 arrested because law enforcement finds all these drugs,
23 he's taken to jail, Lexington County Detention Center.
24 He makes a phone call from jail to his wife. We'll
25 establish that the phone call came from Lexington

1 County Detention Center, that the phone number he used
2 was one that belonged to his wife, and you'll hear the
3 phone call. And they use a little bit of coded
4 language, but what you'll hear they're talking about
5 shortly after his arrest when he's speaking with
6 his wife, the defendant is -- it's important enough in
7 his mind, what does he ask about? Well, did they check
8 the metal container, the round one? There was a little
9 bit of back and forth. The round one with bears on it.

10 Why is that important? Why is he asking about
11 it? Now they might say papers and receipts. That's
12 not what he's talking about. He's talking about the
13 nearly 800 grams of methamphetamine. That's why it's
14 -- that is why that is of concern to him, that is why
15 it is of concern to me, the State, and that is why it's
16 very important to you as the jury. Because he had the
17 drugs in his shop, he knew about the drugs in that
18 container, and you'll see through testimony, through
19 pictures, inside of that container there was nothing
20 but methamphetamine and the packaging material for it.
21 It wasn't full of popcorn or Christmas cookies. It
22 didn't have any papers or receipts. It was chockfull
23 of methamphetamine and the bag that was wrapped around
24 the methamphetamine. That is important and that will
25 be something we prove to you beyond a reasonable doubt.

1 And let's circle back to that. The judge
2 mentioned that she is the judge of the law and at the
3 end of this case, you're gonna get a crash course
4 in the law. You're gonna learn everything from the
5 judge, what is important, what are the specific legal
6 definitions that you need to know to evaluate all of
7 the things that you heard and to deliberate correctly.
8 But very briefly because it's important, it is our
9 duty, it's our burden, to prove it to you beyond a
10 reasonable doubt.

11 You've heard about it on TV, I'm sure, movies.
12 It's what to think about. Beyond a reasonable doubt.
13 What does it mean? A reasonable doubt. Proof beyond
14 a reasonable doubt is proof that leaves you firmly
15 convinced. It's not proof beyond all doubt, it's not
16 proof beyond a shadow of a doubt. It's proof beyond
17 the highest hypothetical you can come up with. It is
18 proof that leaves you firmly convinced.

19 And, again, our burden comes of proving those
20 things to you on the indictments we have called.
21 Possession with intent to distribute marijuana, and
22 we'll prove that the defendant possessed marijuana
23 and had the intent to distribute it, and trafficking
24 methamphetamine in an amount greater than 400 grams.

25 Now in South Carolina, there's a lot of ways

1 actually that you can prove trafficking
2 methamphetamine, but don't get confused because
3 the way I submit to you that we will establish it
4 and prove beyond a reasonable doubt is a simple one
5 and it's straightforward, and I want you to follow
6 this throughout the course of this trial. We will be
7 proving the defendant, Michael Dolan, was knowingly
8 in possession of methamphetamine and that the amount
9 of methamphetamine was over 400 grams.

10 Knowingly. You're gonna hear the jail call. He
11 talked about a specific container. There's nothing
12 else in it. If he knows about the container, he knows
13 about the drugs.

14 In possession. This is, again, something the
15 judge will -- possession is actually a fancy legal
16 term, but generally it is dominion and control. You'll
17 get instructed about it later I'm sure, but possession
18 means dominion and control.

19 Possession. I'm in possession of this piece of
20 paper because it's in my hand. I possess this piece
21 of paper. I'm also in possession of an umbrella
22 right now, but I don't have it on me. It's locked
23 in my car and I have the keys to my locked car and
24 that umbrella's inside. Michael Dolan had the keys
25 to his locked shed and those drugs were inside. He

1 was exercising dominion and control over that locked
2 shed. He had knowledge of the container the drugs
3 were in in that locked shed, and all the evidence and
4 things presented to you will show that.

5 But very importantly and, folks, don't miss this
6 because this is the most important thing that you-all
7 brought to this courtroom. You came in with it
8 yesterday, you brought it in today and every day you
9 come back this week you'll have it with you, and it is
10 your common sense. You can take all of that testimony,
11 all of those photographs, the videos, the jail call,
12 you get to decide what is important, you get to decide
13 what is believable, and when you hear these arguments
14 you get to decide what makes sense. What makes sense
15 to you? Use your common sense.

16 People misplace their phone, they misplace their
17 glasses or their keys. I submit to you it doesn't make
18 sense. People don't misplace over a pound and a half
19 of methamphetamine and that doesn't just sneak into
20 your workshop. Use your common sense about that,
21 folks. Use your common sense when listening to that
22 jail call. When you're hearing the description of that
23 very important container that contains all those drugs.

24 Now in the jail call, I don't think you're gonna
25 hear baby, did they get all of my methamphetamine and

1 the trafficking amount needed to establish probable
2 cause and proof beyond a reasonable doubt for the
3 State of South Carolina? No, I don't think they say
4 methamphetamine in the call. I don't think they say
5 drugs. I would submit they're using coded language,
6 but you get to decide that. You get to weigh that.
7 Use your common sense.

8 When you have seen the pictures of everything
9 inside it, when you have all the context, you will
10 use your common sense and you will see there can
11 only be one thing and that one thing is that Michael
12 Dolan knowingly possessed methamphetamine in an amount
13 greater than 400 grams. You will have a chemist up on
14 the stand. She will tell you about all her laboratory
15 procedures and how she tested the substance, and it was
16 methamphetamine, and she found the marijuana -- excuse
17 me -- she observed the marijuana and it's, you know,
18 cannabis, it's marijuana.

19 When you look at all the evidence, when you use
20 your common sense, you will believe, you will know
21 beyond a reasonable doubt because you'll be firmly
22 convinced Michael Dolan is guilty of trafficking
23 methamphetamine and possession with intent to
24 distribute marijuana.

25 Thank you very much.

1 THE COURT: Thank you, sir.

2 Mr. Swarat.

3 MR. SWARAT: May it please the Court?

4 Madam Forelady, members of the jury, good
5 morning. It's always an honor to be in this courtroom
6 and in Lexington County. The gentleman behind you,
7 his portrait, was my first supervisor thirty years ago
8 this month and he taught me about prosecuting cases,
9 trying cases. He was a great lawman, he was a great
10 prosecutor, and he was a wonderful judge. He also
11 taught me how to read people. He would go and
12 introduce me to police officers as he drug me around
13 Lexington County and Richland County and Kershaw
14 County, ultimately all over the State trying cases
15 with him. When he'd introduce somebody he'd say that
16 fellow right over there, he's a good police. One of
17 them's right there. Stan Smith. Good police. He
18 would also tell me if I met an officer that was a
19 little questionable, he'd say if you get one of his
20 cases, be thorough, be complete. Make sure things
21 add up. Because when things don't add up there's
22 something going on, and there is in their case, ladies
23 and gentlemen. You'll see that from the evidence.

24 On September 5th of 2023, law enforcement didn't
25 enter Michael Dolan's property at 2017 {sic} Boy Scout

1 Road looking for drugs. They entered his property
2 looking for receipts, invoices, paperwork on
3 motorcycles and vehicles. Michael Dolan lives out in
4 the country in Gaston, South Carolina. He's got about
5 a 3-acre piece of land. His home is there and he's got
6 a motorcycle shop in the back. He rebuilds them if
7 they're wrecked, he builds motorcycles, he paints
8 motorcycles. That's how he makes a living. He pays
9 taxes on the money that he makes from it. He's been
10 doing that most of his adult life. Motorcycles are --
11 is one of his big loves. He rides motorcycles with his
12 friends, with his family. It's just part of who he is.
13 It's part of his DNA.

14 Michael Dolan's all about his family. He lives
15 at that location with his wife, children, pets. He's
16 got a long extended family here in Lexington County and
17 he was born and raised here. He also has a healthy
18 trust for law enforcement. People that do it right.
19 His stepfather was one of the big investigators at the
20 West Columbia Police Department and he raised him from
21 when -- the time he was fairly young until adulthood.
22 Billy Belk was his name. He's no longer with us. His
23 momma, Colleen Belk, and I'll ask Colleen to please
24 stand up, she has served in a capacity with law
25 enforcement since the 1980's. She was a dispatcher and

1 then she trained to be what's called a victim advocate,
2 so the various police agencies across Lexington County,
3 Cayce, West Columbia, for many years and now she does
4 it for the Pine Ridge Police Department. I've sat in
5 courtrooms with her in the old courthouse as she sat
6 there with victims of crime, people that had horrible
7 things happen to their families, and I know her well.
8 I've known her for more than 25 years. I sat here in
9 the new courthouse with her.

10 Mark Westbrook, who sits behind the judge right
11 there, his portrait, who this courthouse is named for,
12 I tried the first case ever in this courthouse with him
13 some 25 years ago. So I have a deep love and respect
14 for Lexington County and the good police here, but in
15 this case, some of them you will see did not do it
16 right.

17 The prosecutor talked to you about drug weights
18 and that's how they're gonna prove trafficking in
19 narcotics. You will also hear, ladies and gentlemen,
20 you'll get to evaluate on cross-examination that nobody
21 is gonna come through those doors and get on that
22 witness stand and say I sold drugs to Michael Dolan.
23 No undercover police officer is gonna do that, no
24 DEA agent, no FBI agent, no SLED agent operating
25 undercover. Because you-all probably don't know this,

1 but the police have drugs they sell to citizens.

2 It's called a reverse sting operation. I've
3 worked thousands of them and when I was in the state
4 grand jury as a prosecutor prosecuting all over the
5 State, we did it. We'd bring in police officers
6 undercover from other parts of the state so nobody
7 would know them and they'd set up a drug deal. Most
8 of it would be captured on these things now. Cell
9 phones. Text messages back and forth. Hey, when you
10 gonna meet me with that stuff? You won't have any
11 undercover officers coming in and saying I sold a pound
12 and a half of methamphetamine to Michael Dolan because
13 it just didn't happen. And he gave me \$40,000 for that
14 methamphetamine and here, I've got a camera I had that
15 was in my hat or on my shoe or on my belt buckle and
16 you're gonna see the transaction. You won't see any of
17 that.

18 Sometimes they use what are called confidential
19 informants, people that have access to a location or
20 may know somebody that's selling drugs. You won't have
21 a confidential informant come into this courtroom and
22 say I bought drugs from Michael Dolan, I did it on such
23 and such a date and here's how much I bought and here's
24 the video evidence of it. Then I bought drugs from him
25 on another date, here's the video evidence, here are

1 the text messages between us. Good solid police work,
2 good solid evidence. There's nothing like that.

3 Michael Dolan didn't traffic methamphetamine. He
4 did not use narcotics. One of the big reasons for
5 that is he's got a health condition. He's got a heart
6 condition. He doesn't use prescription narcotics, he
7 doesn't use illegal narcotics and he doesn't tolerate
8 those who do.

9 Marijuana. Ladies and gentlemen, Michael, a
10 motorcycle riding, wind in his hair kind of guy. Yes,
11 sir. Yes, ma'am. He has used cannabis products and
12 smoked marijuana for quite a few years. It's just
13 something he does. He's never done it around his
14 momma, he won't do it around his children, he doesn't
15 do it around his family. Sometimes he'll crank up some
16 music back in his motorcycle shop and he'll smoke a
17 joint or like, what have you. It's something he does
18 for his own personal use. He collects seeds from
19 different parts of the world. He has grown some
20 marijuana in his time, but he has never ever sold
21 narcotics to any human being or bought any narcotics
22 from any human being.

23 The prosecutor talked to you a little bit about
24 the burden of proof. Yes, the State has the burden of
25 proof of truth -- of proof. The judge told you this

1 is a criminal case. There are different cases that
2 go on in this courthouse. Sometimes they hold what's
3 called civil suits, civil cases, lawsuits between two
4 citizens over money, and there's a different burden of
5 proof in that and I want to make sure you understand
6 which ones applies.

7 I'll give an analogy. In a civil case, picture a
8 football on the fifty yard line. If one side moves the
9 football even a few inches to the other side, in a
10 civil case they win. They don't have to win by much.
11 They could win by a nose if you were racing horses.
12 Like horses I've got at my farm. In a criminal case,
13 the burden of proof is beyond any and all reasonable
14 doubt. It is the highest standard in the law in our
15 country, it's the highest standard in the law in the
16 world, and it means if the football analogy would
17 apply whether you like one team or another team, the
18 prosecution has to go down the field on every
19 possession and they have to punch the ball in the
20 endzone. They have to score touchdown after touchdown
21 after touchdown. If we hold them to four and out or
22 they have a turnover or we hold them to a field goal,
23 make a defensive stand, then we win in the criminal
24 courts.

25 Ladies and gentlemen, Michael Dolan is protective

1 of his rights. His First Amendment rights, his Second
2 Amendment rights, his right to privacy, his rights
3 against unlawful search and seizure. He's going to
4 advocate those rights and that's what he's doing in
5 this courtroom. When the Government has a case against
6 a citizen, he has the right to a trial by jury and
7 we've both picked you-all to be fair and impartial and
8 we know you're gonna honor your oath and do just that.

9 You will hear from Michael Dolan in this case.
10 He will be a witness. You can evaluate his
11 credibility, his believability. You get to judge him
12 under direct examination from me and under I'm sure
13 capable cross-examination from anyone of the three
14 prosecutors that they have here. Please listen to the
15 cross-examination, the direct examination of every
16 witness because one of the most challenging things I'm
17 sure being a juror, I've thought about it for years, is
18 you-all can't ask any questions. You-all can't write
19 down on a piece of paper and slide it to me and say
20 hey, can you ask him that? But the people that are
21 responsible for answering your questions in a criminal
22 trial are the prosecution. Please hold them to their
23 burden. Listen intently and fairly, which I know you
24 are, every single one of you has been intent throughout
25 the start of this case, and render a true and proper

1 verdict of not guilty.

2 Thank you.

3 THE COURT: Thank you, sir.

4 Ladies and gentlemen, I generally do a 10:15
5 break, and we're almost there, just to make sure all
6 the courtroom personnel gets a break before we get too
7 far down the line, so I will ask you-all to retire to
8 the jury room for one second.

9 (Whereupon, the jury retire to the jury room at
10 10:08 AM.)

11 THE COURT: Thank you. Please be seated.

12 Mr. Swarat, I just want to make sure that there's
13 no confusion. I didn't want to cause any confusion
14 because you made a mention to the law enforcement were
15 at the property looking for receipts and papers and I
16 thought that we had -- I had been fairly clear that we
17 just say they were there for a search warrant for a
18 legal purpose only. So I think we're okay with as far
19 as you've taken it now, but you can't take it any
20 further.

21 MR. SWARAT: And I was responding to their
22 mention of the call from jail talking about receipts
23 and paperwork, and that that's code --

24 THE COURT: Well, I understood what you were
25 saying, but it's a slippery slope going down there. I

1 A. The CDR. Yes, sir.

2 MR. COX: Thank you.

3 That's all I have, Your Honor.

4 THE COURT: Thank you, sir.

5 May this witness be excused?

6 MR. COX: He may, Your Honor.

7 MR. SWARAT: No objection, Your Honor.

8 THE COURT: Thank you, sir. You may step down.

9 (Witness excused.)

10 THE COURT: All right. Mr. Cox, you may call

11 your next witness.

12 MR. PINCELLI: The State calls Agent Gray.

13 (State's Exhibit Number 3 through 12 were marked

14 for identification.)

15 (Whereupon, Alex Gray was duly sworn by the Clerk

16 of Court.)

17 THE CLERK: Please go have a seat in the witness

18 box. Please state your full name and spelling of your

19 last name for the record, please, sir.

20 THE WITNESS: Alex Gray. G-R-A-Y.

21 ALEX GRAY,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. PINCELLI:

25 Q. Good morning. And is it Agent Gray?

1 A. Yes.

2 Q. Great, Agent Gray. I'll give you a second to pour
3 yourself some water.

4 Agent Gray, where do you work?

5 A. I work with the South Carolina Law Enforcement
6 Division or SLED.

7 Q. And as a member of SLED -- well, were you working
8 there in 2023?

9 A. Yes, sir. I've been working there since 2018.

10 Q. Did you have any other law enforcement experience
11 before that?

12 A. Yes, sir. Prior to my time with SLED, I worked for
13 the North Charleston Police Department from 2008 to 2018.

14 Q. And so you were with SLED on September 5, 2023; is
15 that correct?

16 A. Yes, sir.

17 Q. And did you have a reason to respond to a 217 Boy
18 Scout Road?

19 A. Yes, sir. We were executing a search warrant at that
20 location.

21 Q. And this might seem like a simple or silly question,
22 what county is that in?

23 A. That's in Lexington County.

24 Q. The same county we're standing in today?

25 A. Yes, sir.

1 Q. All right. And through your search warrant and the
2 source of your investigation, did you determine who lived
3 at 217 Boy Scout Road?

4 A. Yes, sir.

5 Q. And who was that?

6 A. The defendant, Michael Dolan.

7 Q. And do you see him in the courtroom here today?

8 A. Yes, sir.

9 Q. Could you point him out for us?

10 A. He's right over there in the green shirt.

11 Q. Thank you. And you said you were there for a search
12 warrant. What -- just very generally help explain to the
13 jury what occurs during a search warrant.

14 A. Sure. During the course of a search warrant, law
15 enforcement will arrive on-scene, we will secure the
16 residence and the property, make sure that we know who
17 all is there, so that, you know, no harm comes to them
18 or to us, and then once the property is secure and we've
19 determined that there's nobody hiding in the bushes waiting
20 for us, we begin the search for what we're looking for.

21 Q. And can you describe a little bit about the property
22 that was searched on that day, please.

23 A. Yes, sir. As you approach, there was -- I can't
24 remember, I want to say it was a gravel driveway, I can't
25 remember for sure, but you have the residence up front, you

1 had two entrances on the side that went around to the back
2 property and on the back property there were campers, lots
3 of vehicles. There was a shed on the back part of the
4 property.

5 Q. Okay. Did -- I'm gonna approach you with a few
6 photographs. Take your time and look at that. These are
7 three photographs. Tell me if you recognize those items.

8 A. Yes, sir. This is the residence that was searched and
9 this is a picture of everything that was in the backyard
10 that you can see. I believe this was from the gate on the
11 right-hand side of the property and then --

12 MR. SWARAT: Your Honor, I apologize. If he
13 could pull the mic a little closer to him. I'm having
14 a hard time hearing him.

15 THE WITNESS: This is the residence that was
16 searched and then the second picture that you showed me
17 is a picture of everything in the backyard and then the
18 last picture is a picture of the shed that was in the
19 backyard.

20 BY MR. PINCELLI:

21 Q. And those photographs, are they accurate depictions of
22 what you saw that day?

23 A. Yes, sir.

24 Q. All right.

25 MR. PINCELLI: Your Honor, at this time I would

1 move these photographs in as State's 3 through 5.

2 MR. SWARAT: Your Honor, I've seen those. No
3 objection.

4 THE COURT: Thank you, sir.

5 They're in without objection.

6 (State's Exhibit Number 3, 4 and 5, photographs,
7 were admitted into evidence.)

8 BY MR. PINCELLI:

9 Q. Agent Gray, now that you've told us what these are,
10 I'd like to show them to the jury. So up on the board I
11 have what's been marked as State's 3. What are we looking
12 at right here?

13 A. That's the front of the location that we searched, the
14 front of the house.

15 Q. Okay. So this is the 217 Boy Scout Road, Lexington
16 County, address?

17 A. Yes, sir.

18 Q. And State's 4, what do we have here?

19 A. That's the backyard of the residence.

20 Q. Okay. And State's 5?

21 A. That's the shed that was in the back of the residence.

22 Q. Okay. And throughout -- throughout this search,
23 were you walking around and looking for a lot of things
24 personally?

25 A. Yes, sir.

1 Q. And were there other members of law enforcement there?

2 A. Yes, sir.

3 Q. And why is that? Why don't you just do it by
4 yourself?

5 A. Especially on a property this large, if it was by
6 myself I would be there all day, and the goal is to get in
7 and out as quickly as we can as efficiently we can, so the
8 more people we can bring to a scene the faster we can do
9 what we came to do and then leave.

10 Q. And you said you're a member of SLED. There were
11 other SLED agents there; is that correct?

12 A. Yes, sir.

13 Q. And were those members wearing body cameras?

14 A. Yes, sir. Everyone from SLED should have a body
15 camera on.

16 Q. Did you have the opportunity to speak with the
17 defendant during that time?

18 A. Yes, sir.

19 Q. Were are other people -- other members of SLED wearing
20 a body cam, would they have been near the defendant during
21 those conversations?

22 A. Yes, sir.

23 Q. And do you believe that some of those conversations
24 were recorded on that body camera?

25 A. Yes, sir.

1 Q. Agent Gray, I'm gonna present you with what's been
2 previously marked as Court's 6. Do you recognize this
3 disk?

4 A. Yes, sir.

5 Q. And how do you recognize it?

6 A. I view it and initialed it.

7 Q. So those are your initials on it?

8 A. Yes, sir.

9 Q. And is this an accurate depiction of one of those
10 conversation with the defendant?

11 A. Yes, sir.

12 Q. And had it been altered or changed in any way?

13 A. No, sir.

14 MR. PINCELLI: At this time I would like to move
15 Court's 6 into evidence.

16 THE COURT: And, Counsel, we have confirmed
17 Court's 6 prior to?

18 MR. PINCELLI: That's correct, Your Honor.

19 MR. SWARAT: Your Honor, if it's the one we saw
20 yesterday, I have no objection.

21 THE COURT: Thank you, sir.

22 (State's Exhibit Number 6, Gray redacted
23 body-worn camera footage, was admitted into evidence.)

24 MR. PINCELLI: And this will be State's 6 and
25 Court's 6.

1 BY MR. PINCELLI:

2 Q. Agent Gray, I'm gonna play this for you. You said
3 there were other people on-scene. Were there also other
4 agencies on-scene?

5 A. Yes, sir.

6 Q. And explain to me -- or to the jury, when I say other
7 agencies, what does that mean?

8 A. So it's common practice when SLED conducts law
9 enforcement activities in a city or a county to reach out
10 to the respective city and county jurisdictions and say
11 hey, we're doing something in your city and/or county,
12 would you like to send somebody to come along to assist,
13 and in this particular instance the Gaston Police
14 Department and Lexington County Sheriff's Office came to
15 participate in our search warrant.

16 Q. And this disk that we're going to view, who's body cam
17 would this be?

18 A. This is Agent Caltrider's.

19 Q. All right. And who is she with?

20 A. She's with SLED.

21 Q. All right. Let's watch this video together. It's
22 about three minutes long.

23 (State's Exhibit Number 6 playing.)

24 Q. Agent Gray, who is this on the black of the truck?

25 A. That's the defendant.

1 Q. Thank you. Agent Gray, you said that that was the
2 defendant, Michael Dolan, correct?

3 A. Yes, sir.

4 Q. And who was he talking to in that video?

5 A. He was talking to me.

6 Q. So that's your back turned toward us on that camera
7 there?

8 A. Yes.

9 Q. And I think we all just heard the video, but what
10 is -- what does the defendant say to you during that
11 interaction?

12 A. He told me he would have given us the key to his shop.

13 Q. And what was that response to?

14 A. The banging that you heard earlier in the video was
15 the SWAT team forcing entry into the shop in the back.

16 Q. And we're talking about the shop. We just put
17 State's 5 into evidence. This metal building?

18 A. Yes, sir.

19 Q. Is this the shop that you were referring to?

20 A. Yes, sir.

21 Q. So that banging noise was what on this shop?

22 A. Them forcing entry to that door.

23 Q. So this open door here?

24 A. Yes, sir.

25 Q. Okay. So in response to that noise, is that why the

1 defendant made the statement?

2 A. Yes, sir.

3 Q. Okay. And, again, he's telling you he could have
4 given you what?

5 A. A key.

6 Q. Was that -- were those SLED agents that cleared the
7 shed?

8 A. Yes, they were.

9 Q. Okay. And were you part of clearing the shed?

10 A. No, I was not.

11 Q. After this interaction, what was your involvement
12 on-scene for the search?

13 A. After this, I did a limited search inside the house
14 and then I did a search of the shed on the back property
15 and in between that talking, you know, to the defendant and
16 other investigators.

17 Q. Did another agency take over the search at any time?

18 A. Yes. During the search narcotics were discovered
19 at which point the Lexington County Sheriff's Office
20 received a second search warrant so we stopped what we
21 were doing, they got a second search warrant for that and
22 they conducted their search parallel to ours.

23 Q. Did you have anything to do with that search for
24 drugs?

25 A. I did not.

1 Q. While you were on-scene you said you talked to other
2 individuals?

3 A. Yes, sir.

4 Q. Was one of those individuals the defendant's wife?

5 A. Yes, sir.

6 Q. And what was the purpose for speaking with her?

7 A. Just to, you know, let her know why we were there,
8 what was going on because she also, you know, lives at the
9 residence, make her aware, and once her husband was taken
10 into custody kind of let her know what the next steps were.

11 Q. And did you get any information from her during those
12 conversations?

13 A. Yes, sir. I collected her phone number.

14 Q. And we mentioned this before, but you were wearing
15 body came that day; is that correct?

16 A. Yes, sir.

17 Q. And was that conversation where you -- that
18 conversation with the defendant's wife where you got her
19 phone number, was that recorded on your body cam?

20 A. Yes, sir, it was.

21 Q. I'm gonna approach you with what has been premarked
22 as State's 7. Do you recognize this photograph?

23 A. Yes, sir. That's a screen shot from my body cam.

24 Q. And is it a fair and accurate depiction of what took
25 place that day and the recording on your body came?

1 A. Yes, sir.

2 MR. PINCELLI: I'd like to offer this photograph
3 as State's 7.

4 MR. SWARAT: No objection.

5 THE COURT: Without objection it will come in.

6 (State's Exhibit Number 7 was marked for
7 identification.)

8 BY MR. PINCELLI:

9 Q. Agent Gray, again, who were you speaking with inside
10 of this vehicle?

11 A. The defendant's wife.

12 Q. All right. And at the bottom of this screen, what is
13 this item here?

14 A. That's my notepad, which I wrote her phone number down
15 in.

16 Q. And it's a little bit blurry because it's a screen
17 capture and you were moving and technology and everything
18 else, but can you tell us the number that you wrote on that
19 note pad?

20 A. 803-960-2481.

21 Q. And, again, that's the number that was given to you by
22 who?

23 A. The defendant's wife.

24 MR. SWARAT: Your Honor, we would stipulate
25 that's Sheree Dolan's phone number and the phone number

1 we've been talking about with other witnesses.

2 THE COURT: Thank you, sir.

3 MR. PINCELLI: Even better.

4 (State's Exhibit Number 7, a photograph, was
5 admitted into evidence.)

6 BY MR. PINCELLI:

7 Q. Thank you, Agent Gray. You said another agency took
8 over the search and you had nothing more to do with that
9 secondary search; is that correct?

10 A. Yes, sir.

11 MR. PINCELLI: I beg the Court's indulgence.

12 Thank you, Agent. Answer any questions from the
13 defense, please.

14 THE WITNESS: Ys, sir.

15 MR. SWARAT: Thank you. May it please the Court?

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. SWARAT:

19 Q. Agent Gray, good morning.

20 A. Good morning.

21 Q. Agent Gray, you've given us a little bit of your
22 background, training and education. How long were you with
23 the North Charleston Police Department?

24 A. Ten years.

25 Q. Okay. And in -- in your ten years with the North

1 Charleston Police Department, what kind of cases did you
2 work?

3 A. I worked uniform patrol from 2009 to 2013. In 2013,
4 I went to investigations primarily focussing on property
5 crime investigations.

6 Q. Okay. And in your time on the road as we call it, did
7 you ever work any drug cases or recover any drugs?

8 A. Yes, sir.

9 Q. Okay. Approximately how many times in that period of
10 time?

11 A. I don't recall, sir.

12 Q. Probably hundreds?

13 A. Maybe. I honestly don't know, sir.

14 Q. When did you go to SLED?

15 A. 2018.

16 Q. All right. And when you began at SLED in 2018, what
17 were you focussed on?

18 A. I was hired into the vehicle crimes unit.

19 Q. Okay. Vehicle crimes unit?

20 A. Yes, sir.

21 Q. All right. And in your capacity, you began an
22 investigation, I believe, on March 23rd of --

23 MR. PINCELLI: Your Honor, I believe we have a
24 matter of law.

25 THE COURT: Yes.

1 MR. COX: Thank you, Your Honor.

2 THE COURT: Any other issues?

3 MR. SWARAT: None that I'm aware of, Your Honor.

4 I can't read their minds. I'm sorry.

5 THE COURT: There's a lot of mind-reading going
6 on.

7 (Whereupon, the jury return to the courtroom at
8 11:22 AM.)

9 THE COURT: You may be seated. Thank you.

10 Ladies and gentlemen, thank you for your
11 patience. I told you in the beginning sometimes you
12 have to go in and out a lot and you may have to do
13 it again. I can't predict that and neither can the
14 attorneys and it's no comment on anything going on with
15 this particular testimony except that there's a matter
16 that we want to make sure gets addressed appropriately,
17 and I appreciate that from both attorneys, okay?

18 Please continue to give the witnesses and the
19 attorneys your divided attention, but just know we may
20 have to ask you to step out again.

21 Thank you for your patience.

22 Yes, sir.

23 MR. SWARAT: Thank you, Your Honor.

24 BY MR. SWARAT:

25 Q. Agent Gray, I think where we left off you began an

1 investigation in March of 2023. I believe March 23rd; is
2 that correct?

3 A. Yes, sir.

4 Q. And that was at the request of the Gaston Police
5 Department and the chief of Gaston, Stephen Watkins; is
6 that correct?

7 A. Yes, sir.

8 Q. And during the course of that investigation, did you
9 focus your attention on Michael Dolan?

10 A. Yes, sir. That was part of what we were focussing on.

11 Q. Okay. And also you were focussing your attention on
12 217 Boy Scout Road; is that correct?

13 A. Yes, sir.

14 Q. Okay. How long did you conduct your investigation
15 before you asked for the search warrant that you served on
16 September 5, 2023?

17 A. On and off from March until September.

18 Q. Okay. So approximately five and a half months? Can
19 we agree on that timeline?

20 A. Yes, sir.

21 Q. Okay. And during the course of that investigation,
22 you conducted some surveillance?

23 A. Yes, sir. Very limited.

24 Q. Okay. During that five and a half months of focus on
25 217 Boy Scout Road, did you see or glean or collect any

1 evidence of drug activity at that location?

2 A. No, sir. That's not what we were looking for.

3 Q. Okay. And in your education and training, you -- you
4 have been taught to identify drugs; is that correct?

5 A. Yes, sir.

6 Q. Okay. You can identify marijuana?

7 A. Yes, sir.

8 Q. From sight? From smell?

9 A. Yes, sir.

10 Q. Often it's shown as green plant material in warrants?

11 A. Yes, sir.

12 Q. And methamphetamine?

13 A. I'm less familiar with that.

14 Q. Okay. Heroin?

15 A. It's been a long time since I worked the road and
16 dealt with it.

17 Q. Okay. Cocaine?

18 A. Yes, sir, to a limited extent.

19 Q. Okay. And also other narcotics like Oxycodone,
20 Hydrocodone, those types of things?

21 A. Again, very limited knowledge.

22 Q. On September 1st of 2023, you went to the magistrate,
23 Judge Scott Whittle; is that correct?

24 A. Yes, sir.

25 Q. Okay. And you presented an affidavit for a search

1 warrant?

2 A. Yes, sir.

3 Q. Okay. And requesting that affidavit, that's based on
4 a legal standard called probable cause?

5 A. Yes, sir.

6 Q. And so the jury doesn't get confused, can you define
7 probable cause for us?

8 MR. PINCELLI: Objection, Your Honor. That's a
9 matter of law.

10 THE COURT: Yes. That's sustained. I don't
11 think that's an appropriate question for this witness.

12 MR. SWARAT: Thank you, Your Honor.

13 THE COURT: And I'll remind the jury that I will
14 instruct you on all law regarding this case at the end
15 of the case, okay?

16 Thank you.

17 BY MR. SWARAT:

18 Q. Agent Gray, did you receive a search warrant on
19 September 1, 2023?

20 A. Yes, sir.

21 Q. All right. And in the time between September 1st and
22 September 5th, did you -- did you plan or organize how you
23 were gonna conduct the search at that location, 2017 Boy
24 Scout Road?

25 A. Yes, sir.

1 Q. All right. Explain that to us. Tell us a little bit
2 about how that was organized.

3 A. Well, once the search warrant was signed, I confirmed
4 with other members of my unit and some of the other
5 agencies who would be able be to provide assistance and
6 we set the date -- and set the date and time and meeting
7 location.

8 Q. And I believe you've already mentioned there were
9 members of the Gaston Police Department on-scene?

10 A. Yes, sir.

11 Q. Do you recall Chief Wright -- Watkins? I always call
12 him Chief Wright. Chief Watkins.

13 A. Yes.

14 Q. And also I believe Lieutenant Marzol?

15 A. Yes, sir.

16 Q. There were members of the Lexington County Sheriff's
17 Department?

18 A. Yes, sir.

19 Q. And would Agent Gietz -- or I believe it's
20 Investigator Gietz. Would he have been on the scene at
21 that time?

22 A. Yes, sir.

23 Q. Including other -- other deputies from that
24 department?

25 A. Yes, sir.

1 Q. And SLED agents were present on the scene as well?

2 A. Yes, sir.

3 Q. And the individuals from those agencies, many of them
4 were wearing body-worn cameras?

5 A. Yes, sir.

6 Q. Gaston Police Department, Lexington County Sheriff's
7 Department, SLED agents?

8 A. Yes, sir.

9 Q. All right. However, I believe you said that all of
10 them were. Was there an agent Ashley Asbill on the scene
11 from Cherokee County, from Gaffney?

12 A. Yes, sir.

13 Q. All right. And he was not wearing a body-worn camera;
14 is that correct?

15 A. I'm not sure, sir.

16 Q. You're not certain about that?

17 A. No, sir.

18 Q. To the best of your knowledge, you're supposed to have
19 body-worn cameras. Are you familiar with the Police Reform
20 Act?

21 A. Yes, sir.

22 Q. And that was in place, I believe, before this search
23 warrant was requested?

24 A. I'm not sure when it went into play, sir.

25 Q. I believe it was passed in August of 2023, but you-all

1 were under the guidance of that statute, correct?

2 A. Yes, sir.

3 Q. And you're not supposed to turn the cameras on and off
4 are you when you're conducting a search?

5 A. That all depends on, you know, the nature of the
6 search and what's going on.

7 Q. Okay. You're not supposed to cover up the camera so
8 that the footage can't be seen?

9 A. I don't know the particulars of that -- of that law.

10 Q. Have you been instructed how to operate with a
11 body-worn camera? Do you get guidance and training on
12 that?

13 A. Yes, sir.

14 Q. Okay. So you know you're not supposed to cover up
15 the lens so the footage can't be seen?

16 A. Yes, sir.

17 Q. All right. And you're not supposed to mute it so it
18 can't be heard?

19 A. Yes, sir. I'm not sure we can even mute our cameras.

20 Q. They record the sound as well as record the video; is
21 that correct?

22 A. Yes, sir.

23 Q. And like we saw on the small clip, there's audio,
24 there's video?

25 A. Yes, sir.

1 Q. And you're not supposed to turn them on and off during
2 the search?

3 A. Again, that's dependent on, you know, where you're
4 searching and you're interacting with members of the public
5 or not.

6 Q. Okay. Let's talk about this search. Would the SLED
7 agents, with the Lexington County Sheriff's Department and
8 Gaston, would it be fair to say there were approximately a
9 dozen officers on the scene?

10 A. Yes, sir.

11 Q. All right. And you could hear the banging, banging,
12 banging of one of the doors on his body shop that's in the
13 back located at the rear of the property?

14 A. Yes, sir.

15 Q. Okay. And those were agents bashing in one of the
16 doors -- one of the three doors on that -- on that shop;
17 is that correct?

18 A. Yes, sir.

19 Q. All right. Did you go in that shop during the course
20 of your investigation?

21 A. Yes, sir.

22 Q. All right. And you're aware that there was a rolling
23 garage door there so you could move vehicles in and out?

24 A. Yes, sir.

25 Q. All right. And that was unlocked; is that correct?

1 A. Yes, sir. I believe it was determined to be unlocked.
 2 Q. Okay. So they could have just rolled that up without
 3 having to bash in the door?
 4 A. That was the SWAT team operating that. I have no
 5 idea --
 6 Q. I guess my question is, if it was unlocked they could
 7 have gone through that unlocked garage door, correct?
 8 A. Yes, sir.
 9 Q. And it was unlocked. You just testified to it.
 10 A. Yeah. I mean, we didn't know that at the time.
 11 Q. And there was another door that was unlocked as well
 12 that didn't need to be bashed in. A door to that body
 13 shop.
 14 A. Again, sir, I wasn't back there when they did that.
 15 Q. Okay. When you were back in the body shop, did you
 16 locate any -- any drugs or drug paraphernalia?
 17 A. That's not what I was looking for.
 18 Q. But if you see it -- you know what it is if you see
 19 it, correct?
 20 A. Yes, sir.
 21 Q. Did you observe any drugs or drug paraphernalia?
 22 A. No, sir. But, again, that's not what I was looking
 23 for when I was back there.
 24 Q. My question is, did you see anything in his shed, any
 25 marijuana or drug paraphernalia?

1 A. No, sir.

2 Q. Okay. And you were looking for documents and
3 paperwork roughly the size of this exhibit, State's
4 Exhibit 7, correct?

5 A. I was looking for paperwork larger than that, but, I
6 mean, some of it might be that size.

7 Q. Okay. And part of your search you were looking for
8 paperwork, invoices, registration materials, that type of
9 thing, that type of paperwork?

10 A. Yes, sir.

11 Q. All right. And did you find any -- any invoices,
12 paperwork, registrations, during your search of 2017 Boy
13 Scout Road?

14 A. Yes, sir.

15 Q. Where did you find those items?

16 A. That was located in the residence itself.

17 Q. Okay. The large majority located in the residence?

18 A. Yes, sir.

19 Q. Could some of those items have been collected in the
20 body shop as well?

21 A. None of the paperwork. No, sir.

22 Q. You didn't collect any paperwork out of his body shop?

23 A. No, sir.

24 Q. Based on your notes, based on your report?

25 A. Yes, sir.

1 Q. Okay. Did you go inside the residence, sir?

2 A. Yes, sir, briefly, but there were other agents
3 searching there.

4 Q. Okay. How many agents roughly were inside his
5 residence?

6 A. I don't recall, sir.

7 Q. Okay. More than five?

8 A. I don't recall, sir.

9 Q. Do you recall agents being in his bedroom?

10 A. Yes, sir.

11 Q. Okay. And were they also going through his -- his gun
12 safe or where he had his shotguns and rifles, things like
13 that?

14 A. Yes, sir. I mean, everything was subject to search.

15 Q. Okay. And he's not a person that's prohibited from
16 owning firearms is he, sir?

17 A. No, sir.

18 Q. That's his right under the Second Amendment to have
19 those items, correct?

20 A. Yes, sir.

21 Q. And he hasn't lost that right --

22 A. No.

23 Q. -- in any regard?

24 A. No, sir. That's right.

25 THE COURT: Mr. Swarat, I think that's something

1 that's a matter of law that I'll talk about if
2 necessary.

3 MR. SWARAT: I'll get away from that topic.

4 THE COURT: I'd appreciate it.

5 BY MR. SWARAT:

6 Q. Did you see any drugs inside the bedroom, sir?

7 A. No, sir.

8 Q. No marijuana?

9 A. No, sir. I didn't spend much time in the bedroom.

10 Q. No powder cocaine?

11 A. No, sir.

12 Q. No methamphetamine?

13 A. No, sir.

14 Q. Okay. No prescription medications?

15 A. No, sir.

16 Q. You said you interacted with Sheree Dolan?

17 A. Yes, sir.

18 Q. And she's the lady you can partially see in State's
19 Exhibit Number 7?

20 A. Yes, sir.

21 Q. It appears to be blocked by somebody's arm?

22 A. That would be my arm, yes, sir.

23 Q. That's your arm?

24 A. Because I was writing in my -- when I was writing
25 where my arm was, that's my arm covering as I write in my

1 notebook.

2 Q. And she is in her vehicle at the time; is that
3 correct?

4 A. Yes, sir.

5 Q. And you're aware at some point she was placed under
6 rest?

7 A. She was advised she might be, yes, sir.

8 Q. Were you there when she was advised of her Miranda
9 rights?

10 A. Yes, sir.

11 Q. Can you tell us the Miranda rights?

12 A. Can I tell you the Miranda rights?

13 Q. Yes, sir.

14 A. We usually read them off of a card, so I can read them
15 off the card that I have?

16 Q. Yes, please.

17 A. Okay. And I was not the one that did it, so mine will
18 probably be slightly different than what was read because
19 everybody's cards are slightly different.

20 Q. Thank you, sir. Please continue.

21 A. Yes, sir. I'm just trying to get it out.

22 All right. You have the right to remain silent.

23 Anything you say can and will be used against you in a

24 court of law. You have the right to talk to a lawyer

25 and have him or her present with you while you're being

1 questioned. If you cannot afford to hire a lawyer,
2 one will be appointed to represent you before any
3 questioning if you wish. You can decide at any time to
4 exercise these rights and not answer any questions or
5 make any statements. Do you understand each of these
6 rights as I've explained to you? Having these rights
7 in mind, do you wish to talk to us now?

8 Q. And that was read to Sheree Dolan, the wife of Michael
9 Dolan?

10 A. Yes, sir.

11 Q. Who read those rights to her, if you recall?

12 A. Investigator Gietz.

13 Q. And that's Investigator Gietz back here in the blue
14 plaid tie?

15 A. Yes, sir.

16 Q. Were you aware that Mr. Dolan had a home security
17 system?

18 A. Yes, sir.

19 Q. And were you aware that the SLED agents and other
20 agents on the scene disabled that system?

21 A. Yes, sir.

22 Q. They destroyed some of the cameras; is that correct?

23 A. I -- I don't know they were destroyed. I know they
24 disabled them.

25 Q. There were some cameras that were knocked of where

1 they had been mounted; is that correct?

2 A. Yes, sir.

3 Q. And was the video footage from his security system
4 preserved in evidence?

5 A. No, sir.

6 Q. Did he also have cameras for the backyard as well?

7 A. Yes, sir. I believe so.

8 Q. All right. And for the body shop at the rear of his
9 property?

10 A. Yes, sir. I believe there were cameras there as well.

11 Q. Was any footage from his security system for his
12 business and his property preserved in evidence?

13 A. No, sir.

14 MR. SWARAT: I beg the Court's indulgence.

15 THE COURT: Sure.

16 MR. SWARAT: Thank you, Your Honor. That's all I
17 have.

18 THE COURT: Any redirect?

19 MR. PINCELLI: Briefly, Your Honor. Thank you.

20 REDIRECT EXAMINATION

21 BY MR. PINCELLI:

22 Q. Agent Gray, you were asked a lot about your
23 investigation and your part of search warrant. Were you,
24 Agent Gray of SLED, investigating drugs or looking for
25 drugs?

1 A. No, sir.

2 Q. Do you think that has a reason to do with why you
3 didn't observe any?

4 A. Yes, sir.

5 Q. Did another agency on-scene observe drug material?

6 A. Yes, sir.

7 Q. Did they find a large quantity of drug material to
8 your knowledge?

9 A. Yes, sir.

10 Q. And was that at 217 Boy Scout Road on September 5,
11 2023?

12 A. Yes, sir.

13 Q. You got a lot of questions on body cams. Did you keep
14 your body cam rolling the entirety of the time from when
15 you pulled into 217 Boy Scout Road until the time you left
16 that day?

17 A. No, I did not.

18 Q. And generally why is that?

19 A. If we are not interacting with the public, we do not
20 have to have them on. If we're conducting a search of a
21 sensitive nature, we do not have to have them on. Any time
22 that I dealt with the defendant or his wife it was on.

23 Q. And is that the SLED policy?

24 A. Yes.

25 Q. And do different -- you know, SLED is your agency?

1 A. Yes, sir.

2 Q. Do you believe that different agencies might even have
3 different policies than that?

4 A. Yes, sir.

5 Q. So it's a very dependent -- a fact dependent situation
6 as to when the body cams come on and off; is that correct?

7 A. Yes, sir.

8 Q. I think this is a good segue. We talked about -- or
9 you just testified to cameras on the property, that some
10 may have been disabled?

11 A. Yes, sir.

12 Q. Why would that have been?

13 A. SWAT can certainly speak to it more than I can, but
14 it's a security issue for -- we don't know who all is
15 watching it. With technology these days, I mean, you can
16 get your security footage on your phone. If there is
17 somebody else on the property, they could be watching as
18 law enforcement advances to try to set up an ambush. So
19 by disabling the cameras they're trying to protect
20 themselves as best they can from any unknown situations.

21 Q. Is that unusual behavior or anything that concerns you
22 during the course of a regular search?

23 A. No, sir.

24 MR. PINCELLI: Thank you, Agent Gray.

25 THE COURT: Thank you, sir.

1 Can this witness be excused?

2 MR. SWARAT: Your Honor, could I follow up,
3 please?

4 THE COURT: Briefly.

5 MR. SWARAT: Thank you, Your Honor.

6 RECROSS EXAMINATION

7 BY MR. SWARAT:

8 Q. Agent Gray, you were looking for items like VIN plates
9 as small as these two paperclips together? Would you say
10 that that's an item you were looking for in your search?

11 A. Potentially. Yes, sir.

12 Q. Okay. And that -- that could be in a drawer, that
13 could be in a lot of different places that you would open
14 to look?

15 A. Yes, sir.

16 Q. And did you, sir?

17 A. I know other agents did. I didn't personally.

18 Q. Okay. And you didn't locate any drugs or see any
19 drugs?

20 A. No, sir. As I stated, I did not.

21 Q. When did you -- when did you exit the scene of
22 2017 Boy Scout Road that day?

23 A. I was probably the last member of law enforcement to
24 leave.

25 Q. And approximately what time would that have been?

1 You-all were on the scene about six to eight hours, weren't
2 you?

3 A. I do not know, sir. I don't recall.

4 Q. Does that sound fairly accurate?

5 A. Eight hours sounds way too long, but I honestly don't
6 remember.

7 Q. Does six hours sound close?

8 A. Possibly. I honestly don't remember.

9 Q. Okay. So into the early afternoon at the very least?

10 A. Yes, sir.

11 Q. Okay.

12 MR. SWARAT: That's all I have.

13 THE COURT: Thank you, sir.

14 All right. May this witness be excused?

15 MR. PINCELLI: Please, Your Honor. And subject
16 to him being done testifying I'd like to release him
17 from sequestration so he can observe the rest of the
18 trial.

19 THE COURT: Certainly.

20 Agent Gray, thank you very much for being here.

21 THE WITNESS: Thank you, Your Honor.

22 (Witness excused.)

23 THE COURT: Can I have counsel approach real
24 quick?

25 MR. COX: Of course, Your Honor.

1 (Proceedings held at the bench; not reported.)

2 THE COURT: All right. Please call your next
3 witness.

4 MR. PINCELLI: Thank you, Your Honor.

5 The State calls Agent Johnson.

6 THE CLERK: Raise your right hand. Place your
7 left hand on the Bible.

8 (Whereupon, Jesse Lee Johnson was duly sworn by
9 the Clerk of Court.)

10 THE CLERK: Please go have a seat in the witness
11 box. Please state your full name and the spelling of
12 your last name for the record, please, sir.

13 THE WITNESS: Full name, Jesse Lee Johnson. Last
14 name spelling Johnson, J-O-H-N-S-O-N.

15 JESSE LEE JOHNSON,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. PINCELLI:

19 Q. Good morning, Agent Johnson.

20 A. Good morning, sir.

21 Q. And is it agent; is that correct?

22 A. Yes, sir.

23 Q. And what agency are you an agent of?

24 A. I'm with the South Carolina State Law Enforcement
25 Division, SLED.

1 Q. And how long have you been with SLED?

2 A. I have been an agent now for five years.

3 Q. And were you with law enforcement before SLED?

4 A. No, sir, I was not.

5 Q. In September of 2023, were you working with SLED?

6 A. Yes, sir, I was.

7 Q. And on specifically September 5, 2023, what were your
8 duties with SLED responding to 217 Boy Scout Road?

9 A. I was assisting with a search at that residence.

10 Q. And what were your duties related to assisting with
11 that search?

12 A. We assisted in making the scene safe and assisted with
13 the search afterward.

14 Q. What do you do, Agent Johnson, at SLED personally to
15 make sure the scene is safe? Who are you making sure it's
16 safe for?

17 A. We're making sure it's safe for everybody on the
18 scene, law enforcement and any other subjects, people
19 that are at the scene of the residence, and we do that by
20 utilizing safe tactics to enter the residence, clear the
21 structure and rendering the scene safe.

22 Q. Does that involve entering into all buildings and
23 checking it for people?

24 A. Yes, sir.

25 Q. Does that involve calling out to see if anybody is

1 around?

2 A. Yes, sir, it does.

3 Q. If you had interaction with a home security system
4 or you saw home security cameras around, what kind of
5 interaction might you have during a search while you were
6 clearing it?

7 A. In terms of like a ring door bell camera?

8 Q. Sure.

9 A. Okay. If we were to be engaged by voice, you know,
10 we've had instances where we would communicate with whoever
11 is on the other end of the line or whoever's on the other
12 end of that security system. It's situational dependent.

13 Q. Did you recall seeing any home cameras at this
14 location?

15 A. I don't recall.

16 Q. If any -- just if in general, would there be a reason
17 for anybody with SLED or any other agency obscuring the
18 camera during a search?

19 A. Yes, sir.

20 Q. And what would that be?

21 A. That would be for security of us on-scene if that
22 system were to be watched remotely from some other location
23 and/or to protect our identities dependent upon what
24 personnel is there. A quite a few different -- different
25 reasons why.

1 Q. But generally you said your job on-scene was about
2 security of the scene, correct?

3 A. Absolutely.

4 Q. So that goes to the heart of the matter?

5 A. Absolutely.

6 Q. And during your search, were you equipped with a body
7 camera?

8 A. Yes, sir, I was.

9 Q. I'm gonna approach you with a disk. Please tell me
10 if you recognize this item.

11 A. Yes, sir, I do.

12 Q. And how do you recognize it?

13 A. This is the disk that contains my body camera video
14 from the -- from the date in question.

15 Q. And do you -- have you viewed it before?

16 A. Yes, sir, I have.

17 Q. And is it an accurate depiction of your body camera
18 that's been altered in any way?

19 A. No, sir, it has not. It is accurate.

20 Q. Thank you.

21 MR. PINCELLI: At this time I'd like to move this
22 disk of Agent Johnson's body camera into evidence.

23 THE COURT: Will this be Number 8; is that right?

24 MR. PINCELLI: I would pause and defer to Madam
25 Court Reporter.

1 MR. SWARAT: I didn't quite understand. Has it
2 been edited or is it the whole footage?

3 THE WITNESS: That is the whole video, yes, sir.

4 MR. SWARAT: Thank you, Your Honor.

5 THE COURT: Without objection?

6 MR. SWARAT: Yes, Your Honor.

7 (State's Exhibit Number 8, Johnson body-worn
8 camera footage, was marked for identification.)

9 BY MR. PINCELLI:

10 Q. Agent Johnson, I believe this video is about a half
11 hour long and I'm not -- it's in evidence now to go back to
12 the jury, I'm not gonna play through all of it with you,
13 but generally what is this going to show?

14 A. This is going to show from the moment that we arrived
15 on-scene and a few moments leading up. We begin our
16 callout procedures -- or we activate the lights and sirens
17 equipped to our vehicles, we conduct callouts with intercom
18 systems mounted to our State-issued vehicles and we conduct
19 callouts of anybody inside the residence. After sometime
20 we meet with an individual located inside the residence.
21 They come out, we detain them, we conduct a search inside
22 the residence, a preliminary clearing inside the residence,
23 and then we go out and clear other structures behind the
24 residence.

25 Q. So that's a good point. When you're -- during the

1 course of this video, you are searching the property?

2 A. Yes, sir.

3 Q. But you're searching it for what?

4 A. For the materials listed or for -- for the probable
5 cause reasons listed.

6 Q. Well, aren't you first looking for people?

7 A. Yes, sir. That is the -- that's the number one safety
8 concern when we -- when we begin executing the search, yes.

9 Q. So you're -- you're clearing the residence throughout
10 the course of this video, correct?

11 A. Yes. Absolutely.

12 (State's Exhibit Number 8 playing.)

13 Q. And is this from your body cam?

14 A. Yes, sir, it is.

15 Q. Okay. And so where is -- you were pointing to your
16 chest. Where's that body camera?

17 A. It's mounted right here at the top of my plate area
18 centerline.

19 Q. Okay. So would this be right when you're responding
20 to the scene?

21 A. Yes, sir. There's a buffer period and right before
22 we activate.

23 Q. Okay. Were you first on-scene?

24 A. I don't recall.

25 Q. Okay.

1 A. I don't -- I don't recall. I was one of the first
2 vehicles in. I don't remember if I was the very first.

3 Q. Okay. But one of the first ones in there?

4 A. Yes, sir.

5 (State's Exhibit Number 8 playing.)

6 Q. Is that normal procedure?

7 A. Yes, sir.

8 Q. Why is it important for to you call out loudly and
9 blare sirens and all of that?

10 A. It's to alert anybody in the residence who we are, why
11 we're there and for them to comply with our lawful words to
12 come out and meet with us. It's for safety.

13 Q. And this is a normal part of you responding to a
14 search; is that correct?

15 A. Yes, sir.

16 Q. And you continue to do that?

17 A. Yes, sir, for a few minutes.

18 Q. I'm skipping ahead.

19 A. Yes, sir.

20 (State's Exhibit Number 8 playing.)

21 Q. Who do we see on your body cam now?

22 A. That would be the subject there, seated there.

23 Q. And I skipped over a little bit again. This will all
24 go back to the jury. I don't want to chop it up, but I
25 don't want to take too much time on -- on things that can

1 be viewed later. Where did that subject come out of?

2 A. The front door of the residence. Yes, sir.

3 Q. Okay. And who are these other gentlemen with you?

4 A. Those are other SLED agents that are also members of
5 the SWAT team.

6 (State's Exhibit Number 8 playing.)

7 Q. What are you doing here?

8 A. So I am holding a ballistic shield while other
9 members of the team are moving around me to best have a
10 safe angle to view inside the residence before we make
11 entry.

12 (State's Exhibit Number 8 playing.)

13 Q. We hear you continuing to call out.

14 A. Yes, sir.

15 Q. And it sounds like you-all are very coordinated with
16 where you're moving and where you're looking; is that
17 correct?

18 A. Yes, sir.

19 Q. And, again, what are the reasons for that and what
20 is the whole with purpose for what you're doing?

21 A. That's for safety -- safety. That's the tactics
22 we're trained. It's to make sure we conduct a safe search.

23 Q. Okay. And do you do that -- where do you do that on
24 the property on this day?

25 A. Inside this structure and then when we move to other

1 structures that were on the property, on the back side of
2 the property.

3 Q. So I'm skipping along. We're still in the house at
4 this point, right?

5 A. Yes, sir. Still in the main residence, yes, sir.

6 Q. Okay. I'll play this for a little bit of context.

7 (State's Exhibit Number 8 playing.)

8 Q. Where are you going up there?

9 A. Into the attic.

10 Q. So you're checking everywhere?

11 A. We check everywhere. Yes, sir.

12 Q. All right. Still in the residence, correct?

13 A. Yes, sir.

14 Q. Still in the residence?

15 A. Yes, sir.

16 (State's Exhibit Number 8 playing.)

17 Q. And now we have gone where?

18 A. We are now on the -- what we call the tree side or
19 behind the house, behind the main residence, clearing the
20 extra structures.

21 Q. And do you recall what structure this would have been?

22 A. That was a camper-style structure that was behind the
23 -- behind the residence.

24 Q. And you cleared it why?

25 A. Again, looking for persons, making sure that the scene

1 is safe.

2 Q. Okay.

3 (State's Exhibit Number 8 playing.)

4 Q. All right. What are we looking at right here?

5 A. That is a shop located on the back of the property.

6 Q. Okay. What's about to take place with this door?

7 A. So we're looking at some of our breachers. They are
8 about to force entry into this structure.

9 Q. And we heard someone yell out it's locked.

10 A. Yes, sir.

11 Q. Is that -- that your understanding, that that door was
12 locked?

13 A. Absolutely. Yes, sir.

14 Q. Is there a specific reason why you chose that door to
15 go into that structure from?

16 A. That was the main doorway that we saw and the other
17 entry point, there's a rollup door, but those -- those as
18 I understand it can be somewhat difficult to force entry
19 on where a normal conventional door is an easier doorway
20 to make entry on.

21 (State's Exhibit Number 8 playing.)

22 Q. It may sound like a silly question. That's pretty
23 doggone loud, isn't it?

24 A. Yes, sir.

25 Q. You would certainly be able to hear that from the

1 front of the property?

2 A. Yes, sir.

3 (State's Exhibit Number 8 playing.)

4 Q. You say bike left?

5 A. Yes, sir.

6 Q. Just so there's no confusion, what are you talking
7 about there?

8 A. That is a communication with the other teammates that
9 made entry to that structure that is telling them to pause
10 their movement on the right-hand side so that we can fight
11 on the left-hand side and finish clearing that portion
12 before we move deeper into the structure.

13 Q. So that's cop terms for what you're doing?

14 A. Yes, sir.

15 Q. There's no actual threat inside, right?

16 A. No, sir. Not from what we've seen at this time.

17 Q. Okay.

18 (State's Exhibit Number 8 playing.)

19 Q. Is this the garage-style door you were talking about?

20 A. Yes, sir.

21 Q. And from your experience in your position as someone
22 that clears residences, you testified that that's hard or
23 more difficult. Why was that not the door that you might
24 have chosen to go through?

25 A. They can be more difficult just to get an angle to

1 try to manipulate them just the way that they -- the way
2 that those mechanisms work and we have a lot more training
3 on conventional residential-style inward or outward opening
4 doors.

5 Q. Do you recall any other conventional residential-style
6 doors on that structure?

7 A. I don't recall.

8 (State's Exhibit Number 8 playing.)

9 Q. Is that your voice?

10 A. Yes, sir.

11 Q. So reviewing this video, being refreshed, hearing
12 your own voice, how many doors do you know to be on that
13 structure?

14 A. One.

15 Q. Okay. And then one --

16 A. Rollup. Yes, sir. One conventional and one rollup
17 door. Yes, sir.

18 Q. And then what do you do from here during your part of
19 the searches?

20 A. We do a back clear of this structure and so then we
21 end up back outside and then we go around to the rear of
22 this same structure.

23 Q. And we're still watching State's 8. It's paused, but
24 is this just the rear of the structure?

25 A. Yes, sir.

1 Q. You're walking around doing the same thing?

2 A. Yes, sir.

3 Q. Agent Johnson, following that part of your task, you
4 took about thirty minutes, we watched a lot of it, you
5 going through and clearing the residence, the outdoor
6 structures, looking around outside, did you take part in
7 any other search after that?

8 A. Yes, sir, I did.

9 Q. Okay. Was that recorded?

10 A. No, sir.

11 Q. And is there a reason for that?

12 A. It is not in our policy to maintain -- or to keep our
13 body camera on the whole time we're on-scene.

14 Q. During your follow-up search -- and when I say
15 follow-up, that part you were clearing for people mostly?

16 A. Yes, sir.

17 Q. During the next facet of your search, did you find
18 anything of interest?

19 A. Yes, sir, we did.

20 Q. And what did you personally observe or find?

21 A. I located a container in the bathroom of the master
22 suite in the primary structure, primary residence, and in
23 that container was suspected narcotics.

24 Q. And walk me through one more time where that was
25 found. We saw this was a large property.

1 A. Yes, sir.

2 Q. Where was this found?

3 A. So if you're in the primary structure --

4 Q. So you're talking about in the house?

5 A. Yes, sir. This house. If you're in the house on the
6 master suite side there was a bathroom connected to it and
7 in the bathroom of that -- or in the bathroom we found a
8 container containing suspected narcotics.

9 Q. And we heard you say fight left earlier?

10 A. Yes, sir.

11 Q. Now you're saying suspected narcotics. Did you think
12 you found drugs?

13 A. Yes, sir.

14 Q. I'm gonna approach you with what's been premarked as
15 State's 9. Do you recognize this photograph?

16 A. Yes, sir, I do.

17 MR. SWARAT: Your Honor, if I may, I'm not sure
18 if I've seen this one. I just want to make sure.

19 THE COURT: Certainly.

20 BY MR. PINCELLI:

21 Q. Agent Johnson, how do you recognize that photograph?

22 A. It's in the bathroom of the -- of the structure.

23 Q. Is that a fair and accurate depiction of what you
24 observed on-scene and what you just testified to finding?

25 A. Yes, sir, it is.

1 MR. PINCELLI: At this time I'd like to move this
2 photograph in as State's 9.

3 MR. SWARAT: No objection.

4 THE COURT: Thank you, sir.

5 Without objection, so moved.

6 (State's Exhibit Number 9, a photograph, was
7 admitted into evidence.)

8 BY MR. PINCELLI:

9 Q. Okay. And I don't think you have a laser pointer up
10 there, but if you could use your words to describe what
11 we're looking at here.

12 A. It's a metal tin, a metal container, with a dollar
13 bill and then a plastic baggie.

14 Q. Okay. And why -- why, again, was this of concern to
15 you?

16 A. Based on my training and experience, it appeared to be
17 what I believed to be narcotics, drugs.

18 Q. And upon observing this, did you notify anybody else
19 on-scene of what you found?

20 A. Yes, sir, I did. I notified Investigator Gietz.

21 Q. And what would have been the purpose for notifying
22 Investigator Gietz?

23 A. For him to immediately take a picture of the -- of
24 the substance that I located.

25 MR. PINCELLI: Thank you very much, Agent

1 Johnson. Please answer anything from the defense.

2 THE WITNESS: Yes, sir.

3 MR. SWARAT: Thank you. May it please the Court?

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. SWARAT:

7 Q. Agent Johnson, we've never met before, have we?

8 A. No, sir.

9 Q. Tell me a little bit about your time with SLED. How
10 long have you been with them?

11 A. I've been there a total of almost ten years. I was
12 there for four years -- or just under four years in a
13 non-sworn capacity and then over five years now as an
14 agent.

15 Q. Okay. And do you have any law enforcement experience
16 prior to that?

17 A. No, sir, I do not.

18 Q. Okay. So SLED was your first call of duty I guess is
19 the best way to say it?

20 A. Yes, sir.

21 Q. Let me talk to you a little bit just -- because we
22 just talked about State's Exhibit 9. This is something
23 you found in the bathroom of the master bedroom I guess?

24 A. Yes, sir.

25 Q. All right. It appeared to be the largest bedroom?

1 A. Yes, sir.

2 Q. With adult items in it, clothes and everything?

3 A. Yes, sir.

4 Q. All right. And was this item that's depicted in
5 State's Exhibit 9 that has a 31 on top of it --

6 A. Yes, sir.

7 Q. -- was it open or closed when you found it?

8 A. I do not recall.

9 Q. All right. Do you recall -- do you recall finding
10 exactly how this is or do you recall finding somewhere else
11 in the bathroom?

12 A. I'm sorry. I don't understand the question.

13 Q. All right. Did you find it and then put it on the
14 counter and then open it up? Can you describe -- describe
15 what took place. How did you find this item? How did you
16 discover it?

17 A. It was found during the search. Exactly -- exactly
18 which drawer in the bathroom I cannot recall.

19 Q. But you do recall it came out of a drawer?

20 A. A drawer or a vanity area, wherever it was. I can't
21 recall exactly where in that bathroom.

22 Q. And it appears to be -- let me come up here with you
23 if I could.

24 MR. SWARAT: May I approach the witness, Your
25 Honor?

1 THE COURT: Yes, sir.

2 MR. SWARAT: Thank you.

3 BY MR. SWARAT:

4 Q. It appears to be some -- some nail clippers and then
5 maybe a pink Q-tip?

6 A. I can see that. Yes, sir.

7 Q. It looks like something a lady would use to apply
8 makeup maybe?

9 A. Maybe so, sir. I don't know.

10 Q. You don't have a lady?

11 A. I don't know about the pink tweezers or the --

12 Q. But we're referring to State's Exhibit 9; is that
13 correct?

14 A. (Nods head.)

15 Q. And this item was not out in plain view when you
16 recovered it?

17 A. Are you talking about the ear -- the Q-tip or the tin
18 itself?

19 Q. No, the tin itself.

20 A. I don't recall.

21 Q. Okay. But you -- you conducted a thorough search,
22 correct?

23 A. Yes, sir.

24 Q. And you talked about the rollup door to the body shop
25 as I call it?

1 A. Okay. Yes, sir.

2 Q. That was unlocked?

3 A. I don't know. I don't know.

4 Q. Okay. Did you even try it to see?

5 A. No, sir.

6 Q. Okay. There's been testimony before that -- from a

7 previous witness that it was unlocked. You don't dispute

8 that testimony, do you?

9 A. I do not.

10 Q. Okay. And it appeared to be items of value in the

11 body shop?

12 A. I don't -- I'm not understanding your question. No,

13 sir.

14 Q. Things of value. Did you see large amounts of tools

15 and other things to work on vehicles?

16 A. In terms of specific items or value of those items,

17 I'm not an expert or anything on that.

18 Q. And I'm not trying to qualify you as one.

19 A. Yes, sir.

20 Q. You understand tools and things like that have value?

21 A. Yes, I do.

22 Q. They're expensive?

23 A. Yes, sir.

24 Q. Have you ever used tools?

25 A. Yes, sir.

1 Q. All right. And in there, there were motorcycles?

2 A. Parts of motorcycles, yes, sir.

3 Q. Okay. And those things have value as well?

4 A. Yes, sir.

5 Q. It would be common sense that an individual would keep
6 that door locked to keep those items secure. Would you
7 agree with that?

8 A. Yes, sir.

9 Q. Okay. You talked about the body camera. Did you come
10 in contact with Mr. Dolan who was the only person at the
11 scene?

12 A. Yes, sir, I did.

13 Q. All right. And describe your interaction with
14 Mr. Dolan.

15 A. It was in passing as he exited the residence. Again,
16 as he came out, I made contact with him for a moment until
17 he was detained and then my priority of work went back to
18 the residence.

19 Q. And he wasn't hostile towards you, was he, sir?

20 A. No, sir.

21 Q. He was cooperative with the agents that were on his
22 property?

23 A. Yes, sir.

24 Q. He didn't try to resist?

25 A. Not to my knowledge.

1 Q. He didn't try to run?

2 A. Not to my knowledge it.

3 MR. SWARAT: That's all I have.

4 THE COURT: Thank you, sir.

5 Any redirect?

6 MR. PINCELLI: One question.

7 REDIRECT EXAMINATION

8 BY MR. PINCELLI:

9 Q. We watched the video. We didn't see any resisting.
10 How long roughly do you think it took for Mr. Dolan to exit
11 his residence?

12 A. Anywhere from five to seven minutes.

13 Q. Several minutes?

14 A. Several minutes. Yes, sir. Multiple.

15 Q. Thank you.

16 A. Yes, sir.

17 THE COURT: Thank you.

18 May this witness be excused?

19 MR. PINCELLI: Yes, please, Your Honor.

20 THE COURT: You are excused. Thank you, sir.

21 THE WITNESS: Yes, ma'am. I appreciate it.

22 (Witness excused.)

23 THE COURT: Counsel, can you-all step up here one
24 second?

25 MR. SWARAT: Yes, Your Honor.

1 so far.

2 MR. COX: Thank you, Your Honor.

3 THE COURT: All right. Anything further?

4 MR. COX: Not from the State, Your Honor. We're
5 ready to proceed.

6 MR. SWARAT: No, Your Honor.

7 THE COURT: All right. Do we have all our
8 jurors? Bring them in.

9 (Whereupon, the jury returns to the courtroom at
10 2:11 PM.)

11 THE COURT: It's good to see you-all again. I
12 hope you had a pleasant lunch.

13 The State will continue with its case. Let's
14 call your next witness.

15 MR. COX: Thank you, Your Honor.

16 The State calls Investigator John Gietz.

17 (Whereupon, John Gietz was duly sworn by the
18 clerk of court.)

19 THE CLERK: Please go have a seat in the witness
20 box. Please state your full name and spelling of your
21 last name for the record, please, sir.

22 THE WITNESS: It's John Gietz. G-I-E-T-Z.

23 JOHN GIETZ,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. COX:

2 Q. Investigator Gietz, if you would, please tell the
3 jury where you work and what is your current role.

4 A. I work for the Lexington County Sheriff's Department
5 and I am a senior investigator with our narcotics team.

6 Q. And how long have you been with the sheriff's
7 department?

8 A. Since 2013.

9 Q. How long have you been with the narcotics enforcement
10 team?

11 A. Since about 2017.

12 Q. And in that role, if you could, just with -- as
13 pertains to narcotics enforcement, explain to the jury
14 what exactly you do.

15 A. People in the community will give tips, complaints or
16 anonymous information about people selling or trafficking
17 drugs. I'll investigate those tips or complaints. Also a
18 part of my job is to buy narcotics or to work as an under
19 -- in an undercover capacity to fight the crime of people
20 trafficking and selling narcotics, getting poison off the
21 street.

22 Q. All right. And were you in this role or in this
23 capacity back in September of 2023?

24 A. Yes, sir.

25 Q. And you've been in the courtroom with us here today,

1 correct?

2 A. Yes, sir.

3 Q. So you've heard a lot of the -- kind of the facts of
4 this case already?

5 A. That's correct.

6 Q. All right. So just briefly, Investigator Gietz, kind
7 of review for the jury why you were at 217 Boy Scout Road
8 in Gaston back on September 5, 2023.

9 A. I was assisting SLED with the execution of a search
10 warrant.

11 Q. And that was the reason you were out there that day?

12 A. That is correct.

13 Q. All right. And while you were on-scene, did you
14 assist with the execution of that search warrant?

15 A. I did.

16 Q. All right. Was that after SWAT made entry through the
17 home and in an outbuilding?

18 A. That's correct.

19 Q. I said an outbuilding. Was it more of a shop?

20 A. It was a shop, yes.

21 Q. Now during the execution of the search warrant by
22 SLED, what was discovered that may have furthered your
23 investigation?

24 A. There was marijuana found and marijuana paraphernalia,
25 so we obtained an additional search warrant due to the

1 scale of the search and the items being searched, so it
2 was just under searching for other drugs.

3 Q. And did you obtain that search warrant?

4 A. I did obtain that search warrant.

5 Q. And were there other narcotics enforcement officers
6 there with you?

7 A. Yes.

8 Q. Did you execute that secondary search warrant on the
9 same property?

10 A. I did.

11 Q. And were you and your team able to recover any
12 evidence related to that search warrant?

13 A. Yes. We found things that would indicate that the
14 manufacturing of marijuana was going -- was occurring, at
15 least evidence of that contained at that property, as well
16 as evidence of the trafficking of methamphetamine.

17 Q. All right. Investigator Gietz, I'm gonna approach you
18 with some photographs.

19 Investigator Gietz, I am going to approach you
20 with what's been premarked as State's exhibits 10, 11
21 and 12. Do you recognize what I've handed you? Well,
22 review those and let me know when you've reviewed all
23 of the documents.

24 A. Yes, sir. I recognize them.

25 Q. Okay. And really without going into much detail, what

1 are those documents reflecting?

2 A. So this is a seed starter --

3 Q. No --

4 A. -- that would typically be used in a grow house.

5 Q. Investigator Gietz, I apologize. We'll get into the
6 details in a moment, but are those photographs of items
7 found on scene on September 5, 2023?

8 A. Yes.

9 Q. Okay. And did you observe those items on that date?

10 A. Yes.

11 Q. Did you collect those items?

12 A. Yes.

13 Q. So you recognize what's in those photos?

14 A. I do.

15 Q. Are those photos fair and accurate depictions of those
16 items found on-scene that day?

17 A. They are.

18 MR. COX: Your Honor, at this time I offer
19 State's 10, 11 and 12 into evidence.

20 MR. SWARAT: No objection, Your Honor.

21 THE COURT: Without objection.

22 (State's Exhibit Number 10, 11 and 12,
23 photographs, were admitted into evidence.)

24 BY MR. COX:

25 Q. Investigator Gietz, I want to go through these initial

1 photos before we move onto some more.

2 All right. For the jury, what are we looking at
3 in State's 10?

4 A. That's a warming mat, that's a seed starter typically
5 found in a grow house, marijuana grow house.

6 Q. Generally how does it work?

7 A. It warms up the seeds so it will germinate quicker or
8 grow quicker.

9 Q. So when you and your officers found this item, what
10 did it indicate to you?

11 A. That it could possibly be used in a grow house,
12 marijuana grow house, for the production of marijuana.

13 Q. How about State's 11?

14 A. That's a grow light.

15 Q. And kind of the same thing? How does that play into
16 the investigation?

17 A. Artificial sunlight. It's used to create sunlight in
18 a grow house so you can grow marijuana.

19 Q. Investigator Gietz, I'm gonna approach you with a
20 laser pointer, all right? As we go through these, if you
21 think the laser pointer is gonna assist the jury in what
22 you're talking about, I just ask that you please use it.

23 And both of those items were found inside the
24 home?

25 A. That's correct.

1 Q. Okay. So -- and now let's go to State's Exhibit 12.
2 What are we looking at here?

3 A. That's a drawer from the master bathroom or owner's
4 bathroom, if you will. That is a dollar bill that was
5 collected as evidence by me containing a substance that
6 I recognize through my training and experience to be
7 consistent with methamphetamine.

8 Q. And who located -- that white page with Number 30, is
9 that what you and your officers placed?

10 A. I located that item.

11 Q. So you located this?

12 A. Correct.

13 Q. Did you collect this item for evidence?

14 A. I did collect that item.

15 Q. And did you submit this for testing?

16 A. I did.

17 Q. Okay. Now I want to show you what's been premarked
18 as State's Exhibit -- or what's been previously entered as
19 State's 9. This was an item found by Agent Johnson with
20 SLED?

21 A. That's correct.

22 Q. Was this found in the same location in the master
23 bathroom?

24 A. Similar location, yes.

25 Q. Okay. But you also collected this item, the dollar

1 bill, for testing?

2 A. I did.

3 Q. You yourself did that?

4 A. I did.

5 Q. And you submitted it for testing?

6 A. I did.

7 Q. All right. Investigator Gietz, did you and your
8 officers stop your now drug search warrant inside the home?

9 A. No. No, it was for other areas, as well as the shop
10 included.

11 Q. Okay. We've heard some testimony and seen some
12 testimony in the items related to a shop. Did you yourself
13 enter this shop and search for drug evidence?

14 A. I did.

15 Q. Okay. You with your fellow officers?

16 A. I did.

17 Q. All right. And would you -- did you document what
18 was found in that shop with your fellow officers?

19 A. Yes, I did.

20 Q. Was there evidence collected as part of your
21 investigation?

22 A. There was.

23 Q. Okay.

24 MR. COX: Your Honor, if I could have a brief
25 moment.

1 THE COURT: Certainly.

2 (State's Exhibit Number 13 through 24 were marked
3 for identification.)

4 BY MR. COX:

5 Q. All right. Investigator Gietz, I'm now showing you
6 what has been premarked, several items, State's 13
7 through 24. If you'll take a moment, review those, and
8 just let me know when you're done.

9 A. (Witness complies.)

10 (Discussion between counsel.)

11 MR. SWARAT: No objection, Your Honor.

12 THE COURT: Thank you, sir.

13 MR. COX: Okay. Your Honor, without objection
14 we're moving State's 13 through 24 into evidence.

15 THE COURT: Without objection so moved into
16 evidence.

17 (State's Exhibit Number 13 through 24,
18 photographs, were admitted into evidence.)

19 BY MR. COX:

20 Q. Investigator Gietz, there's about a dozen photographs.
21 If you would, we're gonna walk through these photos and
22 discuss what you and your team found inside the shop.

23 And the photos that you reviewed, was that
24 evidence found inside the shop?

25 A. Yes.

1 Q. Okay. I'm gonna start -- I incorrectly numbered it
2 as Number 12 originally. This is State's 24. What are we
3 looking at from this photo?

4 A. That's the inside of the shop.

5 Q. From where would this photo have been taken?

6 A. It looks like about the front door.

7 Q. And when you say front door --

8 A. The door that was made entry into.

9 Q. So when we saw the video of the SWAT making entry into
10 the shop, this was the door that they entered?

11 A. Yes.

12 Q. So this would have been what you saw when you first
13 entered the shop?

14 A. That's what it appears to be, yes.

15 Q. Okay. I'm showing State's Exhibit 13. What are we
16 looking at here?

17 A. That's some scented dryer sheets that typically would
18 be used to conceal the odor of marijuana.

19 Q. And that's why it played a part in your investigation?

20 A. Correct.

21 Q. State's 14. And if you need me to zoom in, please let
22 me know, Investigator Gietz.

23 A. That's a table inside the shop and it contains various
24 drug paraphernalia items, as well as raw marijuana.

25 Q. If you would, and let me know if I need to zoom, use

1 the laser pointer, show the jury in this photo where the
2 items that you collected or the important aspects of this
3 photo for your investigation. Where are you looking at?

4 A. Okay. So this is a grinder right here with raw
5 marijuana on it, as well as a smoking device. Over on the
6 side here you can see a packaging material with marijuana
7 in it based on my training and experience.

8 Q. Now where's this table located in the shop?

9 A. In the corner -- if you make entry into the door, it
10 would be to the left where there's a table and like a
11 cabinet.

12 Q. Okay. So I'm showing you back to State's 24. Kind of
13 where is this table located?

14 A. So it would be on this side over here.

15 Q. So outside the frame of this photo?

16 A. Correct.

17 Q. Again, State's Exhibit 15. What are we looking at?

18 A. Okay. So marijuana or a substance consistent with
19 such, more marijuana or a substance consistent with such,
20 a marijuana grinder with green leafy substance I know
21 through my training and experience to be marijuana, a
22 smoking device, and over here you can see a container that
23 typically would contain a marijuana product.

24 Q. Okay. Investigator Gietz, some of these photos show
25 the same thing, correct, just different positions?

1 A. Yes, sir.

2 Q. All right. So like, example, State's 16, is this the
3 grinder and the pipe that you just pointed out to the jury?

4 A. Yes, sir.

5 Q. Okay. And State's 17. Let me back out a little bit.
6 What are we looking at in State's 17?

7 A. So that's the package of marijuana, as well as the
8 grinder down at the bottom, but this right here would be a
9 prepackaged container of marijuana.

10 Q. Now when you say prepackaged, show the jury which
11 package you're talking about in this picture.

12 A. This package.

13 Q. Can you describe it for us?

14 A. It says Granny Za on it. It's a Ziploc bag. It's
15 already opened.

16 Q. Okay. Do --

17 A. Excuse me, sir.

18 Q. Yes, sir.

19 A. There's also one more thing in there. There's a --
20 there's a tin in the corner right there with some bears on
21 it and everything like that. There was -- that's where we
22 located the methamphetamine.

23 Q. Okay. So this was -- again, when you and your team
24 made entry into the shop with the search warrant, you're
25 finding these items in these locations prior to you -- this

1 is how they were prior to you entering the shop?

2 A. Yes, sir.

3 Q. Okay. Did you open -- this bag with Granny on it,
4 Agent Gietz, I mean, I'm looking at it, are there
5 indications on this package of what it is?

6 A. Yes. Yeah, it says, you know, cannabis flower over
7 here. Za is a term that I know through my training and
8 experience to be marijuana.

9 Q. Okay. Did you open that package and look inside?

10 A. I believe it was already open, sir.

11 Q. Okay. But you did document what was inside that
12 package?

13 A. I did.

14 Q. Okay. Did you seize it for evidence?

15 A. I did.

16 Q. This is State's 18. Just briefly tell use what we're
17 we looking at?

18 A. That's a green leafy substance that I know through my
19 training and experience to be marijuana.

20 Q. Okay. And that was the item you seized for testing?

21 A. That is correct.

22 Q. And just real quick, is that your hand holding the
23 item open?

24 A. Yes, sir.

25 Q. Okay. So you took this photo?

1 A. I did.

2 Q. All right. Now before we go any further, kind of
3 explain to the jury -- did you take the lead on this
4 investigation?

5 A. No, sir. Initially I was not the lead, but SLED
6 requested me to be at their search warrant. After I
7 responded, narcotics were found. I took lead as a
8 narcotics investigator for the county of Lexington since
9 that's where the incident location was.

10 Q. So once narcotics were found and you went and got your
11 search warrant, this became a NET Team investigation?

12 A. Correct.

13 Q. When you and your team are searching a property like a
14 shop, if you could kind of briefly explain to us how do you
15 set -- how do you set up shop? What are you doing? Where
16 is everyone going? How are you collecting evidence?

17 A. Well, depending on how much evidence you're gonna
18 take out of a residence, you know, there's different things
19 that are collected. So you'll need packaging material
20 to like package up your evidence. That way you're not
21 cross-contaminating any drugs. You'll need -- I mean, if
22 you're carrying out a lot of stuff, you will need a
23 container to carry that stuff out. I know that for me I
24 carry a backpack. It's a tan MOLLE backpack and it has a
25 bunch of Ziploc bags that I'll put evidence in. It also

1 has zip ties for different things that you would use if
2 you needed to make things safe and then I also had a black
3 pullout container that I got from Wal-Mart for like \$25
4 that folds up into a nice little cube, but it will spread
5 out for me and makes things easier to carry out.

6 Q. And as you and your team find evidence, if you're the
7 lead, are they bringing it to you?

8 A. That's correct. Yeah.

9 Q. And what do you do with that evidence? Do you
10 document it?

11 A. Yes. So -- so everybody does things a little
12 differently. For me, I like to stay mobile. That way I
13 can see everything, where it's located. If I need to get
14 a specific photo of something, I want to be the one to
15 do it. It also gives me a chance to interact with the
16 officers that find things and they tell me hey, this is
17 where I found it, this is how I found it.

18 Q. Okay. And is that what you did in this case?

19 A. That is. That's correct. Yes, sir.

20 Q. All right. Moving back to our photos, State's 19.
21 What are we looking at in this photo?

22 A. That would be a very large digital scale.

23 Q. And you collected this item or you took the photo of
24 this item for what reason?

25 A. It's used to in my opinion, if we're asking opinion,

1 it's used to weigh drugs.

2 Q. And where was this located?

3 A. In the shop.

4 Q. Near the evidence that we've already covered?

5 A. That's correct.

6 Q. All right. State's Exhibit 20. What are we looking
7 at here?

8 A. Against the wall just next to the table there was this
9 cabinet. It had miscellaneous drug paraphernalia located
10 here, as well as packaging material, stuff that you would
11 use to distribute marijuana in. There -- I believe there
12 was some other marijuana paraphernalia and -- and also raw
13 marijuana in there.

14 Q. State's Exhibit 21.

15 A. So that's the package that I was talking about just
16 put on the table so I could take a photo of it better.
17 It's black containers that you would put marijuana in and
18 be able to sell the marijuana individually.

19 Q. And that's in that -- those are individual black
20 containers?

21 A. Correct, right there. And then there's also a smoking
22 device there and a grinder.

23 Q. Investigator Gietz, this is State's 22.

24 A. That looks like evidence of the production of
25 marijuana.

1 Q. And that is why this photo was taken?

2 A. Correct.

3 Q. Kind of show us or talk to us how was this evidence
4 of --

5 A. It looks like it's --

6 Q. -- production of marijuana?

7 A. -- filters that used to strain marijuana out to get
8 more of a stronger marijuana or THC byproduct.

9 Q. Was this located along with other items you collected
10 in this case?

11 A. That's correct.

12 Q. All right. State's 23.

13 A. That's a marijuana grow house.

14 Q. Explain that to us. What are we looking at?

15 A. So you have the framework right here of essentially a
16 greenhouse, but you have an irrigation system, as well as
17 ventilation, and then if you look right here there's the
18 actual house itself.

19 Q. When you say a house?

20 A. To keep the heat in to help the plants grow.

21 Q. And where was this located?

22 A. In the shop.

23 Q. The same shop?

24 A. Yes.

25 Q. Was there another shop on the property?

1 A. No. Nothing of merit.

2 Q. All right. Investigator Gietz, the marijuana evidence
3 or what you attributed to marijuana grow -- or grow house,
4 was all of that collected as a part of this case?

5 A. Yes, sir.

6 Q. And some of the items, were they submitted for testing
7 to confirm what the substance was?

8 A. That's correct.

9 Q. Okay. Before we move forward into that, move forward
10 into the testing, you mentioned this container with the
11 bears on it. All right. Tell the jury again where was
12 that located.

13 A. In a tan tin with Teddy bears on it, the kind that you
14 would get Christmas popcorn in.

15 MR. COX: I beg the Court's indulgence.

16 (State's Exhibit Number 25 through 30 were marked
17 for identification.)

18 (Discussion between counsel.)

19 MR. SWARAT: No objection to the photographs,
20 Your Honor.

21 BY MR. COX:

22 Q. Investigator Gietz, I'm gonna show you what's been
23 marked as State's Exhibits 25 through 30. Would you take
24 a look at those for me.

25 A. (Witness complies.)

1 Q. Investigator Gietz, are those six photos fair and
2 accurate depictions of some items -- some more items you
3 found in the shop?

4 A. Yes. Yes, they are.

5 MR. COX: Your Honor, I offer State's 25
6 through 30 into evidence.

7 THE COURT: Thank you, sir.

8 I believe the defense has already said without
9 objection. They're so moved into evidence.

10 MR. COX: Thank you, Your Honor.

11 (State's Exhibit Number 25 through 30,
12 photographs, were admitted into evidence.)

13 BY MR. COX:

14 Q. All right. Investigator Gietz, let's go through these
15 photos.

16 Okay. State's 25. What are we looking at?

17 A. That is the metal tin that I referenced before. It
18 had a toolbox on top of it prior to that. The toolbox was
19 moved and then the photo was taken of that.

20 Q. Okay. But that is the position the tin was in when
21 you found it?

22 A. That's correct.

23 Q. And State's 26.

24 A. That is the same tin with the lid removed.

25 Q. Okay. State's 27.

1 A. That is the -- it's an inner bag that was contained
2 inside the tin.

3 Q. And what are those on the side of the tin?

4 A. Those are little Teddy bears.

5 Q. All right. And what are we looking at here?

6 A. That's methamphetamine.

7 Q. Is that from the tin that we've been talking about?

8 A. Yes. That is the inner bag removed and the meth -- a
9 picture of the methamphetamine that was found inside that
10 tin.

11 Q. And, again, State's 29.

12 A. That's the -- a gallon size Ziploc bag removed from
13 inside the bag that was inside the tin containing
14 methamphetamine.

15 Q. Okay. And the last one, State's Exhibit 30.

16 A. And that is methamphetamine, a picture of it.

17 Q. Was this in the condition that you found
18 methamphetamine?

19 A. Yes, sir.

20 Q. Who actually located what was inside this tin?

21 A. I did.

22 Q. And did you collect it for evidence?

23 A. I did.

24 Q. Did any other officers on the scene handle that
25 evidence prior to you submitting it for testing?

1 A. No.

2 Q. So you found a metal tin with bears on it with that
3 red and white bag inside and then the gallon Ziploc bag
4 inside that bag?

5 A. Yes, sir, I did.

6 Q. Okay. Did you do an approximate weight on-scene about
7 what the suspected weight was?

8 A. Yes, sir.

9 Q. What did you find out?

10 A. It was a little bit over 800 grams of methamphetamine.

11 Q. Okay. But what else did you do after weighing it
12 on-scene and finding the evidence? What's the next step
13 in your investigation when you find drugs?

14 A. I do a presumptive test on it to confirm that it's
15 methamphetamine. It's merely presumptive. It doesn't bear
16 any weight necessarily, but it's just a confirmation of
17 what my training and experience tells me that the substance
18 is methamphetamine. So that presumptive test confirms it,
19 I place it in a BEST kit, I seal it, sign it, and then I
20 submit it into evidence to be tested by a chemist.

21 Q. All right. And when you submit it, kind of walk us
22 through where do you take it. Does anyone accept it? Do
23 you place it anywhere? Walk us through what that process
24 is like.

25 A. So I turn it into evidence. It's usually locked

1 behind some kind of safe door or container or something
2 like that so no one else has access to it. The next person
3 in the chain of custody will gather the evidence, you know,
4 basically hold it in the evidence center until the chemist
5 can test the whatever substance it may be.

6 Q. But once you hand off or submit this item in the
7 sealed packaging for testing --

8 A. Yes.

9 Q. -- do you handle the actual drugs again?

10 A. No, sir.

11 Q. Okay. So it goes to a chemist and that's confirmatory
12 testing?

13 A. That's correct.

14 Q. Investigate Gietz, how many BEST kits did you submit
15 in this case?

16 A. I believe it was two.

17 MR. SWARAT: Your Honor, may we approach?

18 (Proceedings held at the bench; not reported.)

19 MR. SWARAT: Your Honor, at this time I renew my
20 previous motion that we took up pre-trial to suppress.

21 THE COURT: Thank you, sir. So noted.

22 (State's Exhibit Number 31 and 32 were marked
23 for identification.)

24 BY MR. COX:

25 Q. Investigator Gietz, I am going to bring you what's

1 been premarked as State's Exhibit 31 and 32.

2 Now without describing the contents, Investigator
3 Gietz, do you recognize what I've handed you?

4 A. Yes.

5 Q. And are these items that you collected on September 5,
6 2023, from 217 Boy Scout Road?

7 A. Yes.

8 Q. And are these items that you sealed for testing at
9 Lexington County Sheriff's Department?

10 A. Yes.

11 Q. Are these items that you took to the evidence lab?

12 A. Yes.

13 Q. So these are the drug evidence or the suspected --
14 proposed drug evidence that you submitted for testing in
15 this case?

16 A. Yes.

17 Q. And did you -- do you recognize any of the markings
18 or any of the numbers associated with those kits?

19 A. Yes. It has my signature, my initials and the date.

20 Q. All right. Thank you, Investigator Gietz.

21 Investigator Gietz, I want to ask you, after you
22 collected these drug items and submitted -- and
23 collected them for submitting to testing, throughout
24 this investigation did you develop a primary suspect?

25 A. I did.

1 Q. Who was that?

2 A. Michael Dolan.

3 Q. Was he eventually charged with the items found
4 on-scene?

5 A. Yes, he was.

6 Q. Okay. Now as part of your investigation did you
7 locate or listen to any calls from the Lexington County
8 Detention Center?

9 A. I did. I listened to jail calls.

10 Q. Okay. I'm going to present you with one.

11 MR. COX: Your Honor, I am publishing what's
12 previously been admitted as State's Exhibit 2.

13 THE COURT: Thank you, sir.

14 BY MR. COX:

15 Q. Investigator Gietz, have you reviewed State's
16 Exhibit 2 before today?

17 A. I have.

18 Q. Is that one of the same jail calls you listened to as
19 part of this case?

20 A. Yes, sir.

21 Q. Was this call made before or after you located the
22 drugs?

23 A. It was made after I located the drugs.

24 (State's Exhibit Number 2 playing.)

25 BY MR. COX:

1 Q. Investigator Gietz, on the rest of that call do they
2 discuss anything else found in the house?

3 A. No.

4 Q. Who are we listening to?

5 A. Michael Dolan and his wife, Sheree Dolan.

6 Q. And you recognize their voices?

7 A. I do.

8 Q. Okay. Investigator Gietz, we heard their statements.
9 What did this phone call tell you as part of your
10 investigation in connection with the drugs you found
11 on-scene?

12 A. It indicated a significance to the brown tin and they
13 were using coded -- based on my training and experience,
14 they were using coded talk to speak about methamphetamine
15 that was hidden and concealed inside the brown tin with
16 the Teddy bears on it where I located and seized the
17 methamphetamine.

18 Q. Did you locate any receipts in that container when you
19 opened it?

20 A. There was no receipts.

21 Q. What was the only thing you found inside that round
22 tin with the bears on it?

23 A. The white, red and black bag, a gallon size Ziploc
24 bag, and approximately 800 grams of methamphetamine.

25 Q. Investigator Gietz, to review, you found a large

1 amount of methamphetamine in the shop?

2 A. Yes, sir.

3 Q. You found evidence of what you described as
4 manufacturing marijuana throughout the property?

5 A. Yes, sir.

6 Q. And you and Agent Johnson found what you believed
7 to be dollar bills containing what also looked like
8 methamphetamine?

9 A. Yes, sir.

10 Q. Was it a large amount of methamphetamine on the dollar
11 bills?

12 A. No, sir.

13 Q. What would methamphetamine on a dollar bill indicate
14 to you as a narcotics investigator?

15 A. That it was just packaged for easy use and carrying.

16 Q. Investigator Gietz, in your investigation were you
17 able to determine who had access or who had a key to that
18 shop?

19 A. I was.

20 Q. Who was it?

21 A. It was Michael Dolan.

22 Q. Were you able to determine who lived in that home?

23 A. Michael Dolan.

24 MR. COX: Your Honor, I have no further questions
25 for Investigator Gietz at this time.

1 (Recess taken at 2:54 PM.)

2 (Back on the record at 3:06 PM.)

3 BAILIFF: Stay seated. Keep your seats. Court's
4 back in session.

5 THE COURT: Thank you.

6 Okay. Are we all set?

7 Mr. Swarat, are we all set?

8 MR. SWARAT: I believe so, Your Honor. I was
9 looking for one more exhibit.

10 THE COURT: Okay.

11 All right. Were you able to locate all your --

12 MR. SWARAT: I believe so, Your Honor. I've got
13 enough to go for a while.

14 Thank you, Your Honor.

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

16 (Whereupon, the jury return to the courtroom at
17 3:10 PM.)

18 THE COURT: Investigator Gietz, you're still
19 under oath. You will remain on the witness stand.

20 You may proceed with your cross-examination.

21 MR. SWARAT: Thank you, Your Honor. May it
22 please the court?

23 CROSS-EXAMINATION

24 BY MR. SWARAT:

25 Q. Agent Gietz, good afternoon.

1 A. Good afternoon.

2 Q. Now I believe you the introduced yourself to the jury
3 as a senior narcotics enforcement officer. Is that the
4 right description?

5 A. It's close enough.

6 Q. Okay. And you have participated in drug cases for how
7 many years?

8 A. Since -- since I was certified as a Class 1 officer.
9 I started in the jail initially.

10 Q. When were you certified as a Class 1 officer?

11 A. I'm not sure exactly. 2015, I believe.

12 Q. Okay. So you've had approximately ten years of
13 training and experience in that field with narcotics
14 enforcement? You mentioned narcotics trafficking.

15 A. Give or take, yes.

16 Q. Okay. Let's talk to the jury a little bit about how
17 some of those cases can be made, shall we?

18 A. If you'd like to.

19 Q. All right. You can buy drugs from a targeted
20 individual; that's correct?

21 A. That is correct.

22 Q. Okay. And one of the methods that can be used, I
23 believe you said you've worked undercover before?

24 A. Yes.

25 Q. As an undercover officer, you can go in and engage

1 with that targeted individual and purchase drugs from that
2 person?

3 A. That is a way.

4 Q. Okay. And sometimes you'll do that multiple times
5 before you -- you take them down so to speak?

6 A. It's all on a case by case scenario. You -- you
7 evaluate the evidence in front of you and you make a
8 determination what is best for your investigation, just
9 would proceed forward based off of that information that
10 you're able to gather.

11 Q. Okay. And when you buy these substances and you go
12 back and you have them tested and you document it, if you
13 do it multiple times then up can go get a search warrant
14 potentially for the premises from which you did these drug
15 transactions with that individual?

16 A. I wouldn't say that's the only way, but that is a way,
17 yes.

18 Q. That is a way?

19 A. That is a way.

20 Q. Okay. Multiple transactions, you go to the magistrate
21 judge, you tell him you have probable cause, he gives you
22 a warrant to search that premises and you can go back and
23 then search?

24 A. Yes.

25 Q. Okay. And that did not occur with Michael Dolan at

1 2017 Boy Scout Road, did it?

2 A. No, it did not.

3 Q. Okay. The State -- you working undercover for an
4 example, can also go in with drugs and sell those drugs to
5 a targeted individual, correct?

6 A. No, that is not correct.

7 Q. Explain to me what's not correct about it.

8 A. I don't do that. Our -- our team doesn't do that.
9 Lexington County does not do that.

10 Q. Okay. You have never conducted a reverse sting
11 operation?

12 A. No, sir.

13 Q. Okay. Have you heard of a reverse sting operation?

14 A. I've heard of it. It's outdated, but, yes, I've heard
15 of it.

16 Q. Outdated?

17 A. Yes.

18 Q. Okay. But if -- if a reverse sting operation was
19 taking place, that would mean that the Government, law
20 enforcement, would be taking a quantity of illegal
21 narcotics and selling it to a willing buyer?

22 A. Sir, I apologize, but I've never heard of that
23 happening. So like I've never done that in my career,
24 nor have I heard of anyone doing it during my career as
25 a law enforcement officer, so I wouldn't know how that

1 operation works.

2 Q. Have you ever worked with the DEA?

3 A. I have worked with the DEA.

4 Q. And you're not aware that they sell drugs sometimes
5 to a willing buyer and then take them down after the
6 transaction?

7 A. Sir, in my career I've never done that, so I would not
8 be able to speak on anything that I've never done or have
9 never seen anyone do.

10 Q. So you -- I guess you're saying you've never taken
11 anybody down in a buy-bust operation?

12 A. As far as buying drugs from somebody and then busting
13 them, yes, I have done that, but I've never done a reverse
14 buy, I've never had drugs in my possession that I've
15 attempted to sell to another person.

16 Q. Have you ever used a confidential informant to
17 purchase drugs from a targeted individual?

18 A. Yes, I have done that.

19 Q. Okay. How many times do you think you've done that?
20 Hundreds?

21 A. Yes, sir.

22 Q. Okay. And that did not occur with Michael Dolan
23 or did not occur also at his residence at 2017 Boy Scout
24 Road?

25 A. No, sir, that -- that never happened.

1 Q. We don't have any evidence of anything like that?

2 A. Of -- of controlled purchases, no.

3 Q. Okay. Controlled purchases or controlled sales. We
4 don't have either one?

5 A. Again, we don't do controlled sales, but, yes, none
6 of that -- we don't have any evidence of any of those
7 happening.

8 Q. Sometimes when you send in a confidential informant,
9 you will wire them up, they might be wearing a body wire
10 to record the conversation?

11 A. That's a way, yes.

12 Q. Okay. You can also have video on their person so that
13 the transaction is picked up on video?

14 A. That is a thing that could happen, yes.

15 Q. And you've used that technique before, haven't you?

16 A. Yes, sir, I have.

17 Q. Okay. Both the audio and the video? Both?

18 A. Yes, sir.

19 Q. And you've taken down individuals that way?

20 A. Yes, sir.

21 Q. You can also get a Title 3 search warrant and listen
22 to a citizen's cell phone conversation?

23 A. If I was a Federal agent, that is a way, yes, but --

24 Q. Okay. Explain how that takes place for the jury.

25 A. Well, I'm not a Federal agent, so I can't do that.

1 Q. Are you aware of that technique?

2 A. A wiretap?

3 Q. Yes, sir.

4 A. I am aware of a wiretap, yes, sir.

5 Q. Okay. That technique has been explained to you?

6 A. To some sense, yes.

7 Q. Okay. And that's when a government agency like the
8 DEA goes to --

9 MR. COX: Objection, Your Honor. Asked and
10 answered and counsel's testifying at this point.

11 THE COURT: Yes, sir. You are permitted on your
12 cross, of course, but please refrain from providing
13 testimony to the witness. I would say that he did ask
14 and answered that he does not use a wiretap, so go
15 forward and rephrase your question.

16 Thank you.

17 BY MR. SWARAT:

18 Q. When you go on the scene of a drug bust, can you seize
19 electronics?

20 A. Yes, sir.

21 Q. All right. And have you seized electronics in drug
22 cases?

23 A. Yes, sir.

24 Q. And do you get a search warrant sometimes to search
25 the contents of the phones you seize?

1 A. Yes, sir.

2 Q. Okay. And did you do that in this case?

3 A. I did.

4 Q. All right. And so you seized -- did you seize Michael
5 Dolan's cell phone?

6 A. Yes, I did.

7 Q. And you got a search warrant from Judge Johnson to
8 search his cell phone; did you not?

9 A. I believe that was the judge that I used, but I'm not
10 sure. I know that I obtained a search warrant.

11 Q. Okay. And it was sometime after September 5th of
12 2023?

13 A. Yes.

14 Q. Okay. And was there any information on Mr. Dolan's
15 cell phone in the form of text messages, e-mails or any
16 information whatsoever that pointed to drug transactions?

17 MR. COX: Your Honor --

18 MR. SWARAT: What's the objection?

19 THE COURT: He's not --

20 MR. COX: We have a matter of law to take up. We
21 have a matter of law to take up.

22 THE COURT: Okay. Ladies and gentlemen of the
23 jury, please go to the jury room. Let me get my words
24 straight.

25 Thank you.

1 THE COURT: We'll strike the question for now.
2 If the issue comes back up, please alert me before we
3 take it up so we won't have any issues.

4 MR. SWARAT: Thank you, Your Honor.

5 MR. COX: Thank you, Your Honor.

6 THE COURT: All right. Can we bring the jury
7 back in?

8 Thank you.

9 (Whereupon, the jury return to the courtroom at
10 3:26 PM.)

11 THE COURT: Ladies and gentlemen of the jury of
12 the jury, we are striking the last question. Striking
13 means that you are not to consider the question or any
14 potential answer. If I ever say that we're striking
15 evidence or testimony, that means it is removed from
16 this trial for your consideration at this time, okay?

17 Yes, sir. Please go forward.

18 MR. SWARAT: Thank you, Your Honor.

19 CONTINUED CROSS-EXAMINATION

20 BY MR. SWARAT:

21 Q. Investigator Gietz, you have had interactions with
22 Mr. Dolan in the community for a number of years; is that
23 correct?

24 A. That's correct.

25 Q. And at times those interactions have not been

1 pleasant?

2 A. I'm not sure how he felt about it. I had seemingly
3 pleasant interaction with him.

4 Q. There was an occasion on February the 20th of 2019
5 where you had an interaction about an event at his
6 daughter's middle school; is that correct?

7 A. That is correct.

8 Q. Okay. And -- and after that event, did you then go to
9 his home the following day?

10 A. I'm not sure the day that I went. I know I did go to
11 his home and speak with him.

12 Q. You went to his home after this particular occasion?

13 A. Yes, per request.

14 Q. Whose request?

15 A. Law enforcement's. Members of the Lexington County
16 Sheriff's Department.

17 Q. Okay. And you went to Mr. Dolan's home; is that
18 correct?

19 A. That is correct.

20 Q. You knocked on his door?

21 A. I did.

22 Q. You had another officer with you?

23 A. Yes. That's how we operate, yes.

24 Q. And you tried to have an interaction with him?

25 A. I did have an interaction with him.

1 Q. And he didn't want to talk to you, did he?

2 A. That's not true.

3 Q. Okay. Yes or no?

4 A. He -- he spoke with me. We had a good conversation.
5 In my opinion it was good.

6 Q. Okay. And you also went to his home about a week
7 later; is that correct?

8 A. I'm not sure.

9 Q. Do you recall showing up at a charity event for
10 Diabetes 1 that his daughter was participating in because
11 she had been diagnosed?

12 A. I do believe I was requested by the Irmo Police
13 Department to attend that event and I did in a law
14 enforcement capacity attend that event.

15 Q. And that was in 2017 and she would have been eleven
16 years old at the time?

17 A. I'm not sure. I don't know her age.

18 Q. Did you interact with Mr. Dolan at that charity event?

19 A. I interacted with a lot of people.

20 Q. Did you interact with Mr. Dolan?

21 A. Yes, sir.

22 Q. Okay. Have you also interacted with him at funerals?

23 A. I have seen him at funerals, yes.

24 Q. Have you gone to his home on other occasions?

25 A. I'm not sure.

1 Q. In your interactions with Mr. Dolan, has he developed
2 a nickname for you, Giggles?

3 MR. COX: Objection. Objection. Hearsay.
4 Relevance. 404. 403.

5 THE COURT: Yes, sir. I'll agree with the
6 prosecution in that -- Mr. Dolan's nickname per se.

7 BY MR. SWARAT:

8 Q. Have you had interactions with him at his place of
9 business?

10 A. I'm not sure where his place of business is. If
11 you're talking about 217 Boy Scout, then, yes, I have had
12 interactions with him the day that he was arrested.

13 Q. And prior, correct?

14 A. At 217 Boy Scout?

15 Q. Have you ever conducted surveillance of Mr. Dolan at
16 217 Boy Scout Road?

17 A. Yes.

18 Q. Okay. And as a result of these interactions over the
19 years, you have never charged him with any trafficking in
20 narcotics offenses?

21 A. Yes, sir. 400 grams or more of methamphetamine.

22 Q. I'm talking about previous interactions, Agent Gietz.

23 A. No.

24 Q. And you had no reason to, did you?

25 A. At that time, no.

1 Q. Did you have anyone conduct surveillance at 2017
2 Boy Scout Road prior to the service of this search warrant
3 by SLED?

4 A. I'm -- you'll have to rephrase that. Are you talking
5 about members of the Lexington County Sheriff's Department?

6 Q. Sheriff's department, SLED, DEA. Any -- any
7 organization. Gaston Police Department.

8 A. I didn't have anybody conduct surveillance on my
9 behalf.

10 Q. Was there any chatter within law enforcement that
11 there was drug activity occurring at 2017 Boy Scout Road
12 before this search warrant?

13 A. I'm not sure that 2017 --

14 THE COURT: Hold on. Mr. Cox has stood.

15 MR. COX: Your Honor, objection. We need to take
16 this up. A matter of law.

17 THE COURT: And just as a matter of procedure, if
18 one of the attorneys stand, please don't answer because
19 that means they're going to ask something and we need
20 to wait.

21 THE WITNESS: I apologize.

22 THE COURT: Ladies and gentlemen of the jury,
23 when the attorneys ask that you step into the jury
24 room, I take that as a sign that I need to discuss
25 something with them. I appreciate your patience.

1 MR. COX: Absolutely.

2 MR. SWARAT: Let's do that. Let me mark it and
3 I'm just gonna show it to you in the air and put it
4 back in.

5 (Defendant's Exhibit Number 1 was marked for
6 identification.)

7 (Whereupon, the jury return to the courtroom at
8 3:43 PM.)

9 THE COURT: Okay. Thank you.

10 Ladies and gentlemen, we've had a discussion
11 outside your presence. We're gonna strike the last
12 question provided by the defense.

13 You may proceed forward, Mr. Swarat.

14 MR. SWARAT: Thank you, Your Honor.

15 Your Honor, outside the presence of the jury we
16 premarked a flash drive as Defense Exhibit Number 1.
17 We've shown it to Investigator Gietz. He has confirmed
18 that that is his body-worn camera footage and audio
19 from September 5, 2023, from his interaction on the
20 scene at 2017 Boy Scout Road, and we'd like to play it
21 for the jury at this time in its entirety.

22 THE COURT: All right. This will be Defense 1,
23 being a flash drive with the body camera.

24 MR. SWARAT: Yes, Your Honor.

25 THE COURT: From the State?

1 MR. COX: Without objection, Your Honor.

2 THE COURT: It will be so admitted without
3 objection.

4 (Defendant's Exhibit Number 1, Gietz body-worn
5 camera footage, was admitted into evidence.)

6 (Whereupon, Defendant's Exhibit Number 1 was
7 played.)

8 MR. SWARAT: Your Honor, that's the end of the
9 footage of the body-worn camera by Agent Gietz.

10 THE COURT: Thank you, sir.

11 I believe we've already admitted it into
12 evidence; is that right?

13 MR. SWARAT: That's correct, Your Honor.

14 BY MR. SWARAT:

15 Q. Agent Gietz, do you recall all the events of that day?

16 THE COURT: Excuse me. Before you get started,
17 can you close the laptop so we're not staring at it?

18 MR. SWARAT: My apologies.

19 THE COURT: Thank you, sir.

20 Please repeat your question.

21 BY MR. SWARAT:

22 Q. Based on the body-worn camera that you had on that
23 day, you arrived at the scene a little before 8:30 that
24 morning?

25 A. If that's what the time said on there.

1 Q. You would agree with that though?

2 A. Whatever the body cam says, yes.

3 Q. Okay. You arrived at the scene when the other
4 members of law enforcement, the SLED agents, Gaston Police
5 Department, other members of your agency, you-all arrived
6 all about the same time?

7 A. Give or take, yes.

8 Q. Okay. Because you can hear in the first part of the
9 audio though the loudspeakers I'll call it asking for the
10 occupants of that residence to come out, correct?

11 A. Yes.

12 Q. Okay. So you were there early on?

13 A. Yes.

14 Q. And it goes through and it's about forty-five minutes.
15 Let's identify some of the people that are on that footage.
16 When it first comes on, you're at your pick-up truck?

17 A. That's my assigned patrol vehicle, yes.

18 Q. Okay. Which is a pick-up truck?

19 A. Correct.

20 Q. And it's got a toolbox on the back?

21 A. Correct.

22 Q. Then you walk up to another gentleman that's got on
23 SLED gear. Do you recall him?

24 A. Yes.

25 Q. And he's got a black beard or a very dark beard?

1 A. Okay.

2 Q. Would you agree with me?

3 A. Yes.

4 Q. Okay. And that's Agent Ashley Asbill from SLED?

5 A. Okay.

6 Q. Is it or not? Am I saying the wrong name? Is that --

7 A. I believe his name is Brunson Asbill.

8 Q. He goes by -- he goes by Ashley, but his given name is

9 Brunson, correct?

10 A. Yes.

11 Q. Okay. And that's who you were talking to?

12 A. Correct.

13 Q. And you muted your body-worn camera so you could have

14 a private conversation with him?

15 A. I guess so.

16 Q. You guess so? Why did you mute it?

17 A. I mean, there was -- there was no relevance -- there

18 was no community contact or anything like that. I was

19 just speaking to a fellow officer. I was maintaining a

20 perimeter position, which was very outside of the scope of

21 anything that was relevant other than the video.

22 Q. But you did --

23 A. No conversation was being had with anybody in the

24 residence.

25 Q. Not in the residence, but you were standing there

1 conversing with this other SLED agent, correct?

2 A. Sure.

3 Q. Okay. And he's a SLED agent from the Upstate. I
4 believe Spartanburg or Cherokee County, something around
5 that area of the state?

6 A. I'm not sure.

7 Q. You've never met him before?

8 A. I have met him before.

9 Q. Okay. How many times have you been in his presence?

10 A. I don't know how to answer that.

11 Q. More than ten, less than ten?

12 A. Probably more than ten.

13 Q. Okay. You'd interacted with him before?

14 A. Yes, sir.

15 Q. You had worked with him before?

16 A. I don't know. In what capacity do you mean worked?
17 Because I've been --

18 Q. In the general terms of what work means, sir.

19 A. Well, I mean, I've been at work while I was in his
20 presence, but as far as working cases with him I'm not sure
21 how many cases I've ever worked with him.

22 Q. Okay.

23 A. I don't believe it was really any.

24 Q. You were working this search warrant with him; were
25 you not?

- 1 A. That's correct.
- 2 Q. And he was the first officer that you spoke to?
- 3 A. He was the closest officer, yes.
- 4 Q. You-all were set up around the same area of the
- 5 property?
- 6 A. That's correct.
- 7 Q. And you went up and you had a conversation with him?
- 8 A. Sure.
- 9 Q. And that entire conversation was muted?
- 10 A. Yes, sir.
- 11 Q. As you continue on, you walked up and I believe you
- 12 said to Mr. Dolan what's up, Buddy. That was your voice on
- 13 the -- on the audio, wasn't it, sir?
- 14 A. Yes, sir.
- 15 Q. And you mentioned when you walked in about his dog?
- 16 A. Yes, sir.
- 17 Q. And you said in the video I've been on this property
- 18 before?
- 19 A. Yes, sir -- well, not that property. Not 217 Boy
- 20 Scout.
- 21 Q. What property had you been on with his dog?
- 22 A. An address on Millwood.
- 23 Q. And you -- you said you'd pet the dog?
- 24 A. That's correct.
- 25 Q. There's a series of footage where you and other agents

1 are in his bedroom?

2 A. Yes, sir.

3 Q. You agree that's depicted on your video?

4 A. Yes, sir.

5 Q. And that's on your body-worn camera?

6 A. Yes, sir.

7 Q. There's an older gentleman that's looking at -- at his
8 gun collection with you. Do you recall his name?

9 A. No, I do not.

10 Q. That's SLED is Agent Don Titus. Did you know him from
11 before?

12 A. No, I'd never met him before.

13 Q. And he is talking about it would be great if we could
14 get these guns. Do you recall him saying that?

15 A. I'm not sure if that's exactly what he said, but he
16 said something similar to that.

17 Q. You agree with me he said something to that effect?

18 A. I'll give you that, yes.

19 Q. Okay. Well, thank you. And he said at 8:58 and
20 45 seconds there are guns but no drugs. Do you recall him
21 saying that?

22 A. That sounds familiar. Yes, sir.

23 Q. Because you hadn't found any drugs in the bedroom, had
24 you?

25 A. At that time, no.

1 Q. Nobody had. You, Agent Gietz, claim to have found
2 prescription pills in the master bedroom, correct?

3 A. In the search warrant there are pills that are listed
4 on the search warrant.

5 Q. And who found those?

6 A. I don't have the search warrant in front of me, but I
7 can look at my report.

8 Q. I'll give you a moment. I believe it's on page 5 of
9 your report.

10 A. Are you sure it's on 5?

11 Q. It's numbered 5 on mine, but I'm not sure about yours.

12 A. Do you have an item number?

13 Q. It's down toward the bottom of the page. It says
14 reporting officer, Gietz, J.T. You're John Thomas Gietz,
15 right?

16 A. Yes.

17 Q. And at the bottom on the right-hand side it says
18 page 5 on the typed report.

19 A. Okay.

20 Q. Toward the bottom of the page, does it -- does it talk
21 about you locating an orange pill container in the master
22 bedroom?

23 A. Yes.

24 Q. And what do you recall that to have been?

25 A. I believe it was an orange plastic container with

1 multiple varieties of drugs with the -- with the label
2 scraped off of it.

3 Q. Did you take any photographs of that?

4 A. I'm not sure.

5 Q. Do you recall finding a South Carolina driver's
6 license next to those pills, next to the orange pill
7 container in the master bedroom?

8 A. Yes, sir. I'm not sure if it was a driver's license
9 or an ID, but...

10 Q. Look at your report. What do you have on your report,
11 sir?

12 A. Yep, it was. Yep.

13 Q. Yep, yep what?

14 A. It was a DL, a drivers license.

15 Q. A driver's license?

16 A. Yes, sir.

17 Q. Thank you. I couldn't understand you.

18 And whose driver's license was that?

19 A. Sheree Dolan.

20 Q. And Sheree Dolan is the wife of Michael Dolan,
21 correct?

22 A. Correct.

23 Q. Because you mention in the audio of your body-worn
24 camera to Mr. Dolan have you called Sheree. Do you recall
25 saying that to him?

- 1 A. I do.
- 2 Q. You knew Mr. Dolan?
- 3 A. That's correct.
- 4 Q. Do you recall telling his wife, Sheree Dolan, that you
- 5 were gonna place her under arrest for those pills that you
- 6 found next to the prescription bottle?
- 7 A. I don't remember placing her under arrest, no.
- 8 Q. Did you advise Sheree Dolan of her Miranda rights?
- 9 A. I did, yes.
- 10 Q. Why?
- 11 A. Because I was investigating a crime and I needed to
- 12 ask questions. I wanted her to have the advantage of
- 13 having her Miranda advisement before asking any questions.
- 14 Q. Well, what crime were you investigating that she would
- 15 have been the focus of?
- 16 A. A drug offense.
- 17 Q. And what drug offense was that?
- 18 A. It looks like it would probably have been scheduled
- 19 substances, most likely pills, yes.
- 20 Q. Do you recall telling her she was being charged with
- 21 benzos?
- 22 A. I didn't charge her with anything.
- 23 Q. Do you recall telling her that?
- 24 A. I believe I said that there was the potential that she
- 25 could be charged with that.

1 Q. Okay. And do you now know that she had a prescription
2 for Hydrocodone?

3 A. I do not know that.

4 Q. Okay. Would you like to take a look? I've shown
5 these to the prosecutor. And this is a photograph of
6 another pill bottle.

7 MR. COX: And, Your Honor, I'm objecting at
8 this point. There hasn't been a foundation or any
9 description of what's in those documents. They're not
10 in evidence, so if he can lay a foundation --

11 THE COURT: You're talking about the pictures,
12 not the documents, correct?

13 MR. COX: Pictures, the -- whatever he's handing
14 the officer. There's been no foundation laid to what
15 is in those documents -- or items.

16 THE COURT: Investigator Gietz, can you identify
17 what's in the picture there?

18 THE WITNESS: I mean, I could -- I could attempt
19 to tell you what the label says, but there's no date
20 or anything on this. All it says is what the pill
21 is. One of them says Hydrocodone and one of them
22 says Alprazolam, but there's no other identifying
23 information on them as far as date or --

24 BY MR. SWARAT:

25 Q. Is there a name on the pill bottle that's depicted in

1 this photo?

2 MR. COX: Objection.

3 THE COURT: I think the question is, Mr. Swarat,
4 whether this witness can identify and authenticate
5 those pill bottles. You asked him if he was aware of
6 the prescription and he said no. So can you lay the
7 foundation for those pictures as far as his knowledge
8 goes?

9 BY MR. SWARAT:

10 Q. Do these appear to be photographs of the orange pill
11 bottle that you reference in your report on page 5?

12 A. No.

13 Q. They do not?

14 A. No. That's not the pill bottle that was seized, no.

15 Q. Did you confirm, in fact, that Sheree Dolan had a
16 prescription for Alprazolam and for Hydrocodone?

17 A. I did not.

18 Q. At no time?

19 A. No, I did not.

20 Q. Never brought to your attention?

21 A. No, it wasn't.

22 Q. She didn't tell you that she had a prescription for
23 that medicine?

24 MR. COX: Objection. Hearsay.

25 MR. SWARAT: Hearsay?

1 been identified that that's Sheree Dolan in her vehicle and
2 a piece of paper showing her phone number on it. Was that
3 the lady you were having the conversation with on the scene
4 about these prescription medications?

5 A. Yes, that appears to be Sheree Dolan.

6 Q. That appears to be. And she explained to you some
7 about -- about her prescription medication?

8 MR. COX: Objection, Your Honor. Hearsay.

9 THE COURT: Sustained.

10 BY MR. SWARAT:

11 Q. As a result of your conversation with her, did you
12 charge her with any crime?

13 A. No, I did not.

14 Q. But you did Mirandize her and you said she was under
15 investigation for benzos, correct?

16 A. Something along those lines.

17 Q. Because her license was found next to the prescription
18 bottle?

19 A. Yes.

20 Q. You didn't charge her, but then you turned around and
21 you charged her husband with those substances, those pills;
22 is that true?

23 A. I did charge him with medications, yes.

24 Q. Okay. And what charges did you charge him with on
25 those medications?

1 A. I don't have my warrants in front of me, but --

2 Q. Do you have your report in front of you?

3 THE COURT: May I ask counsel to approach
4 briefly?

5 (Proceedings held at the bench; not reported.)

6 THE COURT: Ladies and gentlemen, I'll take the
7 opportunity to tell you again when we take matters
8 up outside your presence or like I just did in the
9 sidebar, it's not to keep anything from you. I'm
10 actually trying to keep you from having to go back
11 and forth to the jury room so much. If I think we
12 can take up a matter very quickly, I just ask the
13 attorneys to come forward, but there are rules of
14 evidence, rules of procedure. All of these attorneys
15 are very adept at that, but we do have to discuss
16 things because this is an adversarial process and
17 everyone is here advocating for their parties and
18 clients, okay?

19 So please understand that it's not anyone's
20 attempt to prevent you from hearing something or
21 seeing something that you should hear as part of
22 your deliberation.

23 Thank you.

24 BY MR. SWARAT:

25 Q. Agent Gietz, if you'd refer to page 6 of your report,

1 the next page. I believe it's in the first full paragraph,
2 the largest one. You ultimately charged Michael Dolan with
3 possession of those pills that you found, correct?

4 A. Correct.

5 Q. About 9:00 in the morning on the body cam footage, you
6 said I'm gonna apply for a secondary warrant.

7 A. Yes, sir.

8 Q. Do you recall doing that?

9 A. I do.

10 Q. Do you recall saying that?

11 A. Yes, sir.

12 Q. Okay. And can you explain to the jury what you meant
13 by I'm gonna apply for a secondary warrant?

14 A. Essentially there was already a search warrant
15 obtained, but it was a different scope than what I wanted
16 to pursue a search warrant for; what I had discovered
17 probable cause for that search warrant or what I thought
18 was, so I typed out a secondary search warrant involving
19 marijuana and weapons and then I went to a judge and
20 presented my probable cause to that judge and that judge
21 found probable cause and signed a secondary search warrant.

22 Q. Agent Gietz, and I believe if my timing's wrong you
23 please tell me, but Judge Whittle signed that warrant at
24 approximately 10:30 that morning, the same day?

25 A. I'm not sure. I don't have my warrant in front of me.

1 Q. Okay. Does that sound about right?

2 A. It was later than initially we said that we were -- it
3 wasn't immediate, but it was sometime after.

4 Q. Somewhere in the range of about two hours after
5 you-all had all been on-scene?

6 A. Oh, I don't know how long it had been, but it had been
7 some time, yes. It takes a while to type a search warrant.

8 Q. And you would agree with me that in those two hours no
9 drugs were collected at Mr. Dolan's property?

10 A. That is correct. We were awaiting a secondary search
11 warrant.

12 Q. Okay. No drugs collected in the bedroom?

13 A. We were awaiting a secondary search warrant.

14 Q. And as the older SLED agent said, you've got no drugs
15 when he was in the bedroom.

16 A. Is that a question or a statement?

17 Q. You agree he said that when you-all were in the
18 bedroom?

19 A. He did say that.

20 Q. And you went and got the secondary search warrant?

21 A. I did.

22 Q. Okay. And at that time you took control of the scene?

23 A. I wouldn't say that I took complete control. I'm not
24 sure if the first search warrant had completely been closed
25 out, but I began executing my search warrant, yes.

1 Q. And where did you start executing your search warrant?

2 A. So that's a difficult question to ask because multiple
3 people assisted on the execution of that search warrant.

4 So I can't necessarily say that we started in one place or
5 the other because when I start executing my search warrant
6 multiple people are executing that same search warrant.

7 Q. Do you agree with me that there is no body camera
8 footage from your search on the search warrant that you
9 went and got at 10:30 that morning with Judge Whittle?

10 A. That is correct.

11 Q. There's no body camera footage whatsoever?

12 A. No.

13 Q. Okay. There's no footage of you discovering any drugs
14 in Michael Dolan's bedroom?

15 A. I'm not sure I -- there's none of mine.

16 Q. And that's Sheree Dolan's bedroom as well?

17 A. I would assume so.

18 Q. No -- no pills on videotape? Were there any pills on
19 videotape?

20 A. Well, like on my body cam?

21 Q. Any of it.

22 A. I can't -- I can't speak for anyone else's body cam,
23 but I can speak for mine. There was none.

24 Q. You haven't looked at the evidence in the case you
25 made?

1 A. I didn't look at SLED's body cam.

2 Q. Okay. Any evidence of cocaine in the bedroom of
3 Sheree and Michael Dolan that's on body cam footage?

4 A. That is on body cam footage, no.

5 Q. And no methamphetamine either, right, from the bedroom
6 on body cam footage? I'm not trying to trick you.

7 A. I'm -- I honestly don't know. I mean, it could have
8 been in the SLED one, but I didn't see any body cam. I
9 know there's none on mine and I can only speak for myself.

10 Q. Well, if you had it, the prosecution would be
11 admitting that into evidence, wouldn't they? It would make
12 logical sense, wouldn't it?

13 A. I can't speak for them as well.

14 Q. There's no --

15 A. If you'd like to call them up there, they might --
16 they might be able to answer that question, but I know I
17 can't.

18 Q. You're not introducing any body camera footage that
19 shows drugs being recovered or discovered in the bedroom,
20 are you?

21 A. I am not.

22 Q. When you went out to his shop, there is no body camera
23 footage of your search, and I'm using air quotes, of his
24 shop, is there?

25 A. I don't have body cam of my search of the shop.

1 Q. You had the mechanism on your -- on your person,
2 didn't you?

3 A. No, sir.

4 Q. You took it off?

5 A. Yes, sir.

6 Q. Why?

7 A. Because I no longer needed it. I was executing a
8 search warrant. It's cumbersome to wear an outer-worn
9 vest during the execution of a search warrant. Per our
10 policy, narcotics agents aren't even required to wear a
11 body cam or a body-worn camera.

12 Q. Aren't required? Do you think it might be helpful for
13 the jury to understand for you to document what you were
14 doing in your search?

15 A. More evidence is always more helpful.

16 Q. I would agree. And you had your cell phone, didn't
17 you?

18 A. I had a cell phone, yes.

19 Q. And you could videotape the discovery of items as you
20 collected them, couldn't you have, sir?

21 A. I certainly did that, yes, sir. I took photographs of
22 the items as I found them.

23 Q. Did you take any video of the items as you found them?

24 A. No, I did not take a video, but I took photographs.

25 Q. And the bag you said that you took into the shop, did

1 you get that from your pick-up truck with the toolbox on
2 the back?

3 A. I never took a bag into the shop.

4 Q. I believe you testified you took a backpack.

5 A. No, I never took it into the shop.

6 Q. Where did you take it?

7 A. Into the main residence.

8 Q. Where did you take items to secure and document?

9 A. Into the main residence.

10 Q. So what do you do when you went out to the shop?

11 A. I collected those items and then I carried them
12 individually.

13 Q. So you're -- did you take a backpack out of your
14 toolbox?

15 A. My toolbox, no, sir.

16 Q. You did not take a backpack out of your truck?

17 A. I did take a backpack out of my truck, yes, sir.

18 Q. And you took that onto the property of 217 Boy Scout
19 Road?

20 A. Yes, sir.

21 Q. When you weighed this methamphetamine you said you
22 recovered from Michael Dolan's property, you got in your
23 report it was 808 grams. Does that sound to be correct?

24 A. Give or take.

25 Q. Why don't you take a look at your report to make sure

1 we're clear on that one.

2 A. I mean, that's -- that's what I put down, yes.

3 Q. All right. So that's what's in your report?

4 A. Correct.

5 Q. Okay. I'm gonna show you a photograph without first
6 showing this to the jury and ask you if you can identify
7 what's in that photograph?

8 A. It says 807.

9 Q. What's in the photograph first, please, Investigator
10 Gietz?

11 A. It looks like a TruNarc scan and then a bag of
12 methamphetamine and then a scale.

13 Q. What is a TruNarc scan?

14 A. It's a presumptive test.

15 Q. And how do you perform the presumptive test? Can you
16 can explain that to the jury?

17 A. I mean, I can only give you a limited scope of how the
18 tests actually work, but essentially you shoot a laser at
19 the drugs. The drugs does its magical test or whatever.
20 I don't know how to explain it because I'm not a TruNarc
21 technician. I just know how to operate the machine. You
22 run a check and then you scan it and it comes back and
23 gives you a presumptive test.

24 Q. And it's done by a laser?

25 A. Yes.

1 Q. So none of the material in the bag, the suspected
2 drugs, are consumed in any way? It doesn't reduce the
3 amount that's in the --

4 A. Yeah, but weights can shift very easily just based
5 off of how the weight is set on the scale. So if I was to
6 set this pen or this photograph on any of kind of scale,
7 depending on where the item sat on the scale it could give
8 a different reading.

9 Q. Well, you're certainly an expert on scales.

10 MR. COX: Objection.

11 THE COURT: Sustained.

12 BY MR. SWARAT:

13 Q. Your Honor -- Agent Gietz, is the methamphetamine that
14 you claim to have collected from the body shop of Michael
15 Dolan's property shown in this photograph?

16 A. Yes.

17 Q. Okay. Along with the scale with the reading and this
18 methamphetamine TruNarc presumptive test kit?

19 A. So I would like to --

20 MR. COX: Your Honor, objection. Can we please
21 move that into evidence?

22 MR. SWARAT: I was getting ready to. I'm asking
23 him if all that's shown.

24 THE COURT: All right. Counsel, please address
25 me and not each other.

1 Yes, sir. You said you would, so.

2 MR. SWARAT: Yes, Your Honor. I move that in as
3 Defense Exhibit 2.

4 MR. COX: Without objection.

5 MR. SWARAT: Thank you.

6 THE COURT: So moved without objection. This is
7 a picture of the scale, the presumptive test for
8 methamphetamine.

9 (Defendant's Exhibit Number 2, a photograph, was
10 marked and admitted into evidence.)

11 MR. SWARAT: And may I publish this to the jury?

12 THE COURT: Yes, you may.

13 BY MR. SWARAT:

14 Q. Where my finger is pointing, that shows the reading on
15 the scale?

16 A. Of that photograph, yes.

17 Q. And the baggie that this suspected methamphetamine is
18 in, that appears to be just a common Ziploc bag? Sir, does
19 that appear to be a fairly common Ziploc bag?

20 A. Yes, sir.

21 Q. That's not in what's been described as a BEST evidence
22 kit bag?

23 A. No, sir.

24 Q. And since I brought up that topic, the BEST evidence
25 bag, can you explain to the jury why you take this -- this

1 container, this Ziploc bag with the suspected narcotics,
2 and put it in a BEST evidence bag?

3 A. It's so you can securely turn the evidence into the
4 evidence testing center so they can get a true weight and
5 then also get a true scan or test of the material without
6 any tampering.

7 Q. Okay. Once you've documented the BEST evidence bag
8 and sealed it, if it's tampered with it will show it, won't
9 it?

10 A. Yes.

11 Q. Okay. And that's why you put it in there?

12 A. Yes.

13 Q. This bag -- baggie that was recovered that's shown
14 in Defense Exhibit Number 2, did you submit that for
15 fingerprint evidence?

16 A. No, sir.

17 Q. Okay. Did you submit it for touch DNA evidence so it
18 could be linked to a known person?

19 A. There was no need. The abundance of evidence didn't
20 require me to submit it for testing. There was enough
21 evidence on there to say that it belonged to Michael Dolan.

22 Q. This metal box that you say you found it in, and I'll
23 show you a photograph of it if you're not sure what I'm
24 talking about, did you have that tested in any way to see
25 whose fingerprints were on the container that you say you

1 found this in?

2 A. No, it wasn't necessary due to the abundance of
3 evidence that the item belonged to Michael Dolan.

4 Q. The item as you say you recovered it was in a --
5 almost looked like a freezer bag. Do you recall what I'm
6 talking about? How would you describe it?

7 A. I think I described it earlier as a gallon size
8 Ziploc bag and then I'm not sure if you're talking about
9 the white, red and black bag that it was in.

10 Q. Yes, sir. That's what I'm talking about. And if I
11 may, I can't read the handwriting, but it looks like
12 State's Exhibit Number 29 and it appears to show your
13 evidence number as 32. Is the plastic bag that we're
14 talking about that's red and white and black shown in this
15 photograph?

16 A. Yes, it is shown in that photograph.

17 Q. Okay. It almost looks like a freezer bag and it says
18 backpack on it.

19 A. I'm not sure. Before that date I'd never seen that
20 bag, so I'm not sure what it is.

21 Q. And did you have that bag tested for fingerprints or
22 DNA?

23 A. The same answer as before. Due to the abundance of
24 evidence that the item belonged to Michael Dolan there was
25 no necessary purpose to have it tested.

1 Q. You didn't feel like it was necessary?

2 A. There was an abundance of evidence that it belonged to
3 him.

4 Q. And showing you State's Exhibit Number 27, does that
5 appear to show this metal container that you reference with
6 some kind of bears on it --

7 A. Yes, sir.

8 Q. -- and the backpack bag?

9 A. I never said backpack bag, but --

10 Q. It says backpack on it, doesn't it?

11 A. Sure. The bag that I described is a red and white and
12 black backpack.

13 Q. And, again, you didn't -- you didn't test that --
14 any of these items that are shown in this photograph for
15 evidence to try to identify who had handled these items?

16 A. I did have them tested for drugs, but I did not
17 have them tested for fingerprints and DNA. It was not
18 necessary.

19 Q. We played a audio tape of a phone call between
20 Mr. Dolan and his wife and there was a reference to
21 paperwork and receipts. You've told the jury you believe
22 that was code for something?

23 A. Yes.

24 Q. Can you -- can you explain that again? I didn't quite
25 understand it the first time.

1 A. Based on my training and experience, it appeared to
2 be code for drugs.

3 Q. Okay. I'm gonna show you what's been entered into
4 evidence as State's Exhibit Number 30. It's got a hand
5 that's got a blue glove on it holding up a bag that appears
6 to be the Ziploc bag of suspected methamphetamine. Below
7 it, do you see some paperwork?

8 A. I do.

9 Q. Okay. And those appears to be receipts or a work
10 order or invoice?

11 A. They're papers, yes.

12 Q. Okay. And were these in close proximity to this bear
13 container and this methamphetamine you claim to have found?

14 A. Yes.

15 Q. All right. In State's Exhibit Number 30, the
16 paperwork I'm referring to is on the bottom of that
17 photograph; is that correct? And on the phone they were
18 talking about paperwork that had been in that container,
19 correct? Correct?

20 A. They were talking about what I believed was coded
21 language to talk about drugs, but the word "receipts" or
22 "paperwork" was used, yes.

23 Q. I'm showing you State's Exhibit Number 20 in evidence.
24 There appears to be at the top of this photograph paperwork
25 in the top corner, top right-hand corner of the photograph;

1 does there not?

2 A. It does.

3 Q. Okay. And that's right near where you say you found
4 this suspected methamphetamine and it's in the top of the
5 photograph that appears to be paperwork, correct, sir?

6 A. It does appear to be paperwork, yes.

7 Q. Some type of invoice?

8 A. If that's what you want to call it. I'm not sure.

9 Q. I'm showing you State's Exhibit 26 and 25 in
10 conjunction. Agent Gietz, this appears to show the metal
11 container with a lid on it and in the top paperwork or
12 invoices?

13 A. Okay.

14 Q. Do you agree with that?

15 A. It is definitely paperwork, yes.

16 Q. And in State's Exhibit Number 26 next to what appears
17 to be a multi outlet strip, there appears to be paperwork
18 as well?

19 A. There is paperwork there.

20 Q. So what's said on the jail call between Sheree Dolan
21 and her husband about paperwork in the shop by this metal
22 container or in this metal container, that adds up, doesn't
23 it?

24 A. No, it does not.

25 Q. You disagree with that?

1 A. I disagree with that.

2 Q. And you didn't take any paperwork out of that
3 container. Is that what you're saying?

4 A. I did not take a single piece of paperwork out of
5 that. She said that they were in the container. There
6 was nothing in the container other than methamphetamine.

7 Q. State's Exhibit Number 19 -- let's go with 19. There
8 appears to be a notepad with paperwork and a pen in the
9 photograph?

10 A. There's a notepad and a pen.

11 Q. And there's writing and some paperwork below it?
12 There's writing on it and then paperwork below it?

13 A. I don't see that. I see there's writing on there, but
14 I don't see any paperwork below it.

15 Q. Do you see paperwork right here, sir?

16 A. I see --

17 Q. And over in this corner as well?

18 A. Are you sure that's what that is? That that's
19 paperwork?

20 Q. The best my old eyes can tell you.

21 A. I don't -- I don't know. There appears to be a pad
22 with writing on it, yes.

23 Q. There was quite a bit of paperwork, invoices and the
24 like in that shop, correct?

25 A. Yes, there was paperwork in the shop.

1 Q. Okay. And you talk on the body-worn camera, your
2 body-worn camera, about mechanic paperwork that was on the
3 kitchen island inside the house; did you not, sir?

4 A. I believe so.

5 Q. Agent Gietz, in your interactions with Mr. Dolan
6 throughout the several years had you ever seen him on his
7 motorcycle?

8 A. I've seen him on a motorcycle, yes.

9 Q. Okay. I'm gonna show you a photograph and ask if
10 you see his motorcycle on top of a flatbed truck in that
11 photograph?

12 A. I would guess so. I don't know. He's had multiple
13 motorcycles.

14 Q. That appears to be one of his motorcycles?

15 A. I mean, if you're saying it's his motorcycle, then you
16 would know better than I would, but it seems like it's his
17 motorcycle. I was there for a drug search warrant, sir.

18 MR. SWARAT: Any objection to moving this in as
19 Defense Exhibit Number 3?

20 MR. COX: No objection, Your Honor.

21 THE COURT: Admitted without objection.

22 (Defendant's Exhibit Number 3, a photograph, was
23 marked and admitted into evidence.)

24 BY MR. SWARAT:

25 Q. Agent Gietz, who prepared paperwork for Sheriff Koon

1 of Lexington County's signature to have this motorcycle
2 destroyed?

3 A. I have absolutely no idea.

4 Q. But you were the case agent on this case from
5 Lexington County, correct?

6 A. I was the case agent, but I'm not sure about any
7 paperwork.

8 Q. And you know now though that his motorcycle was
9 destroyed less than two months after you arrested him; is
10 that correct?

11 A. I've heard someone talk about it, but I don't know for
12 sure that that is the case.

13 Q. It just magically happened, right?

14 A. It wasn't anything to do with me, sir.

15 Q. Agent Gietz, a chemist is gonna come in here and
16 talk about the recovered methamphetamine that you say was
17 recovered out of the bedroom, correct?

18 A. Yes.

19 Q. The one that's in the little -- little box, looks like
20 a Snickers box with a dollar bill?

21 A. That is one of the dollar bills, yes.

22 Q. Okay. She's gonna talk about that?

23 A. I would guess so.

24 Q. And the testing of it?

25 A. Again, these are questions for her, not for me.

1 Q. Did you submit them for testing, sir?

2 A. I did.

3 Q. Okay. She's gonna talk about the other dollar bill
4 that was found in the drawer in the bedroom?

5 A. I would assume so, but, again, that's not me. It's --

6 Q. You submitted them for testing?

7 A. Yes, sir.

8 Q. Was she the one that tested them?

9 A. I believe so, yes.

10 Q. And the pills, the prescription medication, that you
11 had tested, is she gonna talk about that?

12 THE COURT: Mr. Swarat, on what basis would this
13 witness know whether she's gonna testify?

14 BY MR. SWARAT:

15 Q. Did you submit those for testing from the -- the agent
16 that's gonna testify tomorrow?

17 A. I did submit them for testing.

18 Q. Thank you. That's all I'm asking. And the suspected
19 methamphetamine that we've shown the jury multiple times
20 now, she's gonna testify about that as well? You submitted
21 it for testing through her?

22 A. I did submit it into testing.

23 Q. Including she would have weighed that. Is that part
24 of the testing she performed and part of her documentation,
25 that she weighs the evidence?

1 A. I would assume so, but there's always, you know, her
2 testimony that is gonna have to come in.

3 Q. Right. As well as the suspected cannabis or
4 marijuana?

5 A. Sure.

6 MR. SWARAT: I beg the Court's indulgence.

7 Thank you, Your Honor. That's all I have at this
8 time.

9 THE COURT: Thank you, sir.

10 A brief redirect?

11 MR. COX: Your Honor, I'll try to be as brief as
12 possible. I don't expect to take much time.

13 THE COURT: I'm not trying to limit you. Just
14 being cognizant of the time.

15 MR. COX: I appreciate that, Your Honor. I am as
16 well.

17 REDIRECT EXAMINATION

18 BY MR. COX:

19 Q. Investigator Gietz, we covered a lot. I don't believe
20 I have much left for you.

21 Okay. I may be jumping around. That was a lot.
22 We covered a lot of material.

23 A. Yes, sir.

24 Q. This motorcycle, Defense's Exhibit 3, okay, you were
25 the drug investigator?

1 A. Yes, sir, I was the drug investigator.

2 Q. Did you seize a motorcycle as part of your case?

3 A. No, sir.

4 Q. Were you there on-scene on September 5, 2023,
5 initially for a different investigation?

6 A. Yes, sir.

7 Q. Is it possible that they collected some evidence as
8 part of their investigation?

9 A. I believe that's possible.

10 Q. Okay. But, again, that evidence would have nothing
11 do to do with the drugs you found?

12 A. That is correct.

13 Q. Okay. I'm glad we talked about that.

14 Now there was some talk about finding evidence of
15 a drug trafficker, correct?

16 A. Correct.

17 Q. Investigator Gietz, is every drug trafficker in
18 Lexington County a drug dealer?

19 A. What do you mean by that question?

20 Q. Is dealing drugs the only way that you investigate
21 drug trafficking?

22 A. No.

23 Q. Is it possible that when you come across a large
24 amount of methamphetamine you then charge that person with
25 trafficking meth?

1 A. Absolutely.

2 Q. Without any other evidence of any drug dealing, drug
3 buys, controlled buys, undercover work, anything like that,
4 just finding a certain amount of drugs?

5 A. Absolutely.

6 Q. Did you find drugs in Michael Dolan's shop?

7 A. Yes, sir.

8 Q. Did you have evidence to support that this was Michael
9 Dolan's shop?

10 A. Yes, sir.

11 Q. Did you find drugs in Michael Dolan's home?

12 A. Yes, sir.

13 Q. In the master bedroom?

14 A. Yes, sir.

15 Q. In the bathroom?

16 A. Yes, sir.

17 Q. On dollar bills?

18 A. Yes, sir.

19 Q. That you testified are common with the use of
20 methamphetamine?

21 A. That's correct.

22 Q. Can a drug trafficker use the drugs that they're
23 trafficking?

24 A. Yes, sir.

25 Q. Investigator Gietz, there was testimony today when you

1 were in here about items of value in the shop, correct?

2 A. Correct.

3 Q. In your experience as a drug investigator, what the is
4 value of 800 grams of methamphetamine?

5 A. Anywhere from --

6 MR. SWARAT: Your Honor, I have no objection to
7 this line of questioning.

8 THE COURT: Well, thank you, sir.

9 BY MR. COX:

10 Q. Please answer the question, Investigator Gietz.

11 A. It depends on whether you're selling in bulk or
12 breaking it down into smaller quantities, but to purchase
13 it straight out just like that, anywhere from three to
14 \$5,000 would be my estimates.

15 Q. Okay. Investigator Gietz, your interactions, what
16 we've heard over the years with Michael Dolan, were they
17 in your capacity as a law enforcement officer?

18 A. Yes, sir.

19 Q. That's when you made contact with him?

20 A. Yes, sir.

21 Q. Including September 5, 2023?

22 A. Yes, sir.

23 Q. How much methamphetamine did you find in his shop?

24 A. I would have to have the chemist test it, but the
25 scale at different times can weigh different things on my

1 end, which is a presumptive test, it was over 800 grams,
2 which is double the threshold for the highest level of
3 trafficking.

4 Q. And did you charge Michael Dolan with trafficking
5 methamphetamine 400 grams or more?

6 A. Yes, sir.

7 Q. Could you have charged him with any higher amount of
8 trafficking other than 400 grams or more?

9 A. No, sir. That is the max limit.

10 MR. COX: Your Honor, that's all I have for
11 Investigator Gietz.

12 THE COURT: Thank you, sir.

13 Investigator Gietz, I understand that you will
14 remain with us throughout this trial; is that right?

15 THE WITNESS: Yes, ma'am.

16 THE COURT: I believe you are released as a
17 witness at this time, sir.

18 MR. COX: Thank you, Your Honor.

19 (Witness excused.)

20 THE COURT: All right. Ladies and gentlemen of
21 the jury, I apologize for keeping you later than I
22 indicated I would at the beginning of the day; however,
23 as you see as things progress we don't have a magic
24 timer on how these things are gonna go.

25 I appreciate your attention to everything today.

1 MS. BYARS: Yes, Your Honor. At this time the
2 State calls Meg Walker to the stand.

3 THE COURT: Thank you, Ms. Byars.

4 (Whereupon, Margaret Walker was duly sworn by the
5 Clerk of Court.)

6 THE CLERK: All right. Please go have a seat on
7 the witness box. Please state your full name and
8 spelling of your last name for the record, please,
9 ma'am.

10 THE WITNESS: Margaret Walker. W-A-L-K-E-R.

11 MARGARET WALKER,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. BYARS:

15 Q. Good morning, Ms. Walker. Can you introduce yourself
16 to the jury?

17 A. My name is Margaret Walker. I am a chemist with the
18 Lexington County Sheriff's Department.

19 Q. And how long have you been with the sheriff's
20 department?

21 A. I've been there about eight and a half years.

22 Q. And before that, what was your employment?

23 A. I was a student at the time.

24 Q. And I want to talk some more about what you did to
25 become a chemist. What kind of education and training do

1 you need?

2 A. I have a degree in forensic chemistry and a minor in
3 criminal justice from York College of Pennsylvania.

4 Q. Besides that training you received early on, do you
5 receive training regularly throughout your career?

6 A. When I first started my career, I did about
7 three months with the State Law Enforcement Division,
8 commonly known as SLED: I also do -- every other year I
9 go to a conference for training.

10 Q. Now I want to talk about your role as a chemist. Can
11 you describe to the jury what that entails?

12 A. So basically what I do is I analyze suspected
13 narcotics that are brought in off the road either by our
14 deputies or brought in by other agencies that need it
15 tested and I then create a report for that. I also handle
16 all of the chemicals that are in the drug lab.

17 Q. Now have you ever analyzed a substance lab tested
18 positive as methamphetamine?

19 A. Yes, I have.

20 Q. Are you familiar with how many times?

21 A. A little over 2,000 times.

22 Q. And have you ever tested or analyzed a substance
23 tested positive for cannabis?

24 A. Yes, I have.

25 Q. Are you familiar for approximately how many times?

1 A. A little over a thousand.

2 Q. Have you ever testified in court regarding your
3 analysis of a substance?

4 A. Yes, I have.

5 Q. Do you know how many times?

6 A. Sixteen times.

7 Q. Have you been qualified as an expert before?

8 A. Yes, I have.

9 Q. Are you familiar with how many times?

10 A. Sixteen.

11 MS. BYARS: Your Honor, at this time the State
12 offers to have Meg Walker qualified as an expert in
13 drug analysis.

14 THE COURT: Thank you.

15 MR. SWARAT: Your Honor, we would so stipulate
16 and without objection.

17 THE COURT: Thank you, sir.

18 BY MS. BYARS:

19 Q. Now, Ms. Walker, before we get into the facts of this
20 case and what you tested, I just want to talk in general.
21 Can you explain what happens once you are assigned to test
22 suspected narcotics in a case?

23 A. Once I -- I get notified by our evidence custodians
24 that something needs to be tested, I will then go over to
25 the evidence lobby. They will sign it out to me and then

1 I will take it back to my drug lab for when it needs to be
2 tested.

3 Q. And who submits evidence to be tested?

4 A. Our deputies, other case officers for other agencies.
5 Mostly officers.

6 Q. You mentioned an evidence lobby. Is that a secure
7 area?

8 A. Yes, it is.

9 Q. Who has access to that area?

10 A. The only people that have access are the LCSD deputies
11 and higher-ups in the LCSD department.

12 Q. Now what -- how is evidence submitted? What kind of
13 -- is in a kit or a box?

14 A. So when evidence -- when drug evidence is submitted,
15 it's placed into what called a BEST kit, which stands for
16 Best Evidence Sample Testing, and it's a tamper evident
17 bag. So if you try to pull the bag or if you cut it,
18 there's special designs on it that will be -- that will be
19 morphed or they'll have disfigurements. That way you know
20 that somebody has tried to tamper with the bag.

21 Q. What do you do if you notice that sign of tampering
22 with a BEST kit?

23 A. I directly contact my supervisor and we go from there.

24 Q. Now once you get the BEST kit, what do you do from
25 that step?

1 A. I will then take the evidence and I will double-check
2 the paperwork making sure that the chain of custody
3 paperwork matches the BEST kit, making sure that everything
4 is signed off properly. I then will open everything up and
5 then start itemizing each item on my worksheet.

6 Q. We'll talk more about the chain of custody in a little
7 bit, but can you describe to the jury how you test an item?

8 A. So basically what I do is once I itemize everything on
9 my worksheet, I will then take each individual item and
10 weigh the raw material. I will then do a presumptive test,
11 then do a confirmatory test in the process.

12 Q. How do you weigh your substance?

13 A. So each individual substance is placed into a weigh
14 boat, but each weigh boat is zeroed out or tared. So
15 basically I put the weigh boat on, I then will hit zero and
16 then I will place the substance into that weigh boat and
17 put it back onto balance to give me the raw weight of the
18 material.

19 Q. So when you weigh a substance, is the packaging
20 material included in that?

21 A. No, it is not.

22 Q. Now I want to talk about your involvement in this
23 case. Were you asked to analyze any suspected narcotics in
24 this case?

25 A. I was.

1 Q. Now before we get into your specific testing, what
2 is typically the process of Lexington County Sheriff's
3 Department of items being submitted for testing from an
4 officer to you?

5 A. So basically the officer will submit the evidence
6 and then the evidence -- it will be given to an evidence
7 custodian. Once the evidence custodian has it in custody,
8 they will place it into a secure location and then it will
9 be held there until I pick it up.

10 Q. And, again, before the evidence custodian gets it,
11 where is that located?

12 A. It's in the drug -- oh, I'm sorry.

13 Q. Is it in a secure area before the evidence custodian
14 picks it up to bring it to you?

15 A. Yes. If the evidence room is closed, it will be
16 secured in a locker or placed into another secure location.

17 Q. And who has access to that locker?

18 A. Only the evidence custodians.

19 Q. Now how many BEST kits did you receive in this case?

20 THE WITNESS: May I refer to my notes, ma'am?

21 THE COURT: Yes.

22 Counsel, I don't know if you could hear that on
23 the microphone, but the witness just asked to refer to
24 her notes and I'm allowing her to do so without further
25 input from me.

1 BY MS. BYARS:

2 Q. And do you need any water?

3 A. Yes, please. I'm sorry.

4 There were two BEST kits in this case.

5 Q. What officer turned drugs in for testing in this case?

6 A. Both of them were with Deputy Gietz.

7 Q. And who besides Deputy Gietz and yourself would be in
8 the chain of custody?

9 A. Our two evidence custodians, Candy Kyzer and Robert
10 Bart.

11 Q. And when did you receive an item for testing in this
12 case?

13 A. The first item I received was -- both were on
14 January 18th.

15 Q. Was there any signs of tampering or manipulations when
16 you received the BEST kits?

17 A. No.

18 MS. BYARS: Your Honor, I'm approaching the
19 witness with what's been marked for identification
20 purposes as State's Exhibit 31 and 32.

21 THE COURT: Thank you.

22 BY MS. BYARS:

23 Q. Ms. Walker, let's just walk through this one by one.
24 State's Exhibit 31, are you familiar with that item?

25 A. I am.

1 Q. And how are you familiar with that item?

2 A. It has my initials and it has the date that the BEST
3 kit was opened and sealed.

4 Q. And on the BEST kit is there any form of
5 identification such as a lab number or a case number?

6 A. So on each individual BEST kit there is a unique
7 identifying number, which is our -- what's considered the
8 control number and which is what I use for my lab number.

9 Q. And for State's Exhibit 31, does that BEST kit appear
10 to be manipulated or altered in any way since the last time
11 you viewed it?

12 A. No.

13 Q. Now turning to State's Exhibit 32, can you explain --
14 are you familiar with this item?

15 A. I am.

16 Q. And how are you familiar with this item?

17 A. It has my initials and it has the date that it was
18 opened and closed as well.

19 Q. And is there a special identifying number on this kit
20 as well?

21 A. Yes, there is.

22 Q. Has this BEST kit been changed or altered in any way
23 since the last time you were encountered with it?

24 A. No.

25 MS. BYARS: Your Honor, at this time the State

1 offers State's 31 and 32 into evidence.

2 MR. SWARAT: Your Honor, I have no objection
3 other than the objection we made pre-trial that I would
4 preserve at this time.

5 THE COURT: Thank you, sir. So noted and entered
6 into evidence without objection.

7 (State's Exhibit Number 31 and 32, BEST kits,
8 were admitted into evidence.)

9 BY MS. BYARS:

10 Q. Now, Ms. Walker, turning to State's Exhibit 31, I
11 believe that should be the BEST kit with the -- ending in
12 9634.

13 A. Yes.

14 Q. And I believe you have your report with you as well,
15 correct?

16 A. Yes.

17 Q. If you need to reference that, you may. We're just
18 gonna walk through your report and so bear with me. It
19 might take some time. Turning to Item 1.1 in BEST kit
20 ending in 9634, can you describe what you tested and what
21 your analysis was?

22 A. So the first item -- the item in this case was a
23 Ziploc bag containing crystal substance. I then did the
24 weight of it. I then did an indicative test, which is a
25 spot test which gave me an orange reaction, which is

1 indicative with methamphetamine and amphetamine. I then
2 did a confirmatory test with our gas chromatography mass
3 spectrometer, commonly know as the GC-MS, and in that it
4 gave me the final results of methamphetamine.

5 Q. Now for lay people who don't necessarily understand
6 what you just said, can you explain what the spot test is?

7 A. The spot test is to kind of give us an idea of what
8 we're working with. It's just to -- for extraction
9 purposes it's to make sure that we are not going into this
10 completely blind.

11 Q. You mentioned GC-MS. Can you tell us about that?

12 A. Basically the gas chromatography mass spectrometer,
13 commonly known as the GC-MS, is basically to look at
14 unique ions within a substance. So it means giving you a
15 butterfly and I have you go into a library with so many
16 books and based off the color, the design, the wingspan,
17 you take those individual unique identifiers and you find
18 that specific butterfly.

19 Q. And you mention that your test came back when you
20 weighed it 792 grams, correct?

21 A. Yes.

22 Q. Now can you explain how a field weight that an
23 officer may do on-scene can be different from when you
24 do a confirmatory test?

25 A. Their balances in the field are not calibrated and

1 then also they have -- they include the outermost packaging
2 where I just do the substance itself. They will include
3 like the Ziploc bag, the sandwich bag, whatever is involved
4 in carrying that material.

5 Q. Now, Ms. Walker, when you do the confirmatory test do
6 you calibrate your scales?

7 A. Yes, I do.

8 Q. And how often do you do that?

9 A. I calibrate them once a week.

10 Q. And how important is that? Why do you do that?

11 A. It -- it can change the life of somebody if I do not
12 calibrate them once a week. It could be the difference
13 between something super small to something super big. It
14 can change somebody's life and I want to make sure I'm
15 giving the best possible results for that.

16 Q. Were you regularly calibrating your scales when you
17 weighed the substance in this case?

18 A. Yes.

19 Q. Now turning to BEST kit ending in 6874, this BEST kit
20 has a few items that you tested. Turning to Item 1.1, can
21 you describe to the jury what you tested and what your
22 analysis showed?

23 A. I tested a foil zipper pouch labeled Granny Za's
24 containing plant material. So with plant material we have
25 to do a microscope test to make sure we're looking for

1 three unique hairs and then we also, again, do another spot
2 test to see if there is cannabinoids in the plant material
3 and then I do the same GC-MS analysis for that.

4 Q. And what do your reports show in 1.1?

5 A. Cannabis was found.

6 Q. And how much -- what was the weight?

7 A. It was 3.50 grams.

8 Q. And in your expert opinion, what does cannabis qualify
9 as?

10 A. From our -- from my space it is an umbrella term
11 essentially. It encompasses industrial hemp and marijuana.
12 The difference is the concentration of THC. I was just
13 proving that there was Delta 9 in the plant material.

14 Q. And is there a difference between industrial hemp and
15 marijuana?

16 A. For marijuana it has to be above the percentage
17 0.3 percent and if it's below it is considered industrial
18 hemp.

19 Q. Now turning to Item 1.2, can you describe to the jury
20 what you tested and what the analysis showed?

21 A. Glass jar labeled Baby Jeter containing hand-rolled
22 cigar containing plant material.

23 Q. And what were your results of Item 1.2?

24 A. Cannabis.

25 Q. And how much?

1 A. 0.30 grams.

2 Q. Now turning to Item 1.4, can you describe to the jury
3 what you tested and what it showed?

4 A. Ziploc bag containing plastic bowl containing plant
5 material.

6 Q. What were your results from 1.4?

7 A. Delta 8 tetrahydrocannabinol was found and Delta 9
8 tetrahydrocannabinol was found.

9 Q. And how much?

10 A. It was 1.67 grams.

11 Q. What does THC qualify as?

12 A. Delta 9 and Delta 8 are C-1 substances.

13 Q. And what does that mean?

14 A. They have no accepted use, high potential for
15 psychological and physical dependance and abuse.

16 Q. Now turning to Item 1.5, can you tell the jury what
17 you tested and the results?

18 A. Ziploc bag containing flattened plant material.

19 Q. And what did the results show?

20 A. Cannabis was found.

21 Q. And how much did it weigh?

22 A. It was 113.73 grams.

23 Q. And approximately how many ounces?

24 A. 4.01.

25 Q. Turning to Item 1.7, can you describe what you tested

1 and how much was the result from that?

2 A. One one-dollar bill E7A427742J containing residue.

3 Q. What were the results?

4 A. Methamphetamine.

5 Q. And was there any weight collected from that?

6 A. No, there was not. It was residue.

7 Q. And so is that typical that there wouldn't be weight
8 obtained from a residue on an item?

9 A. Yes.

10 Q. Turning to Item 1.8, can you tell the jury what you
11 tested and the results?

12 A. One one-dollar bill E92476411I containing residue.

13 Q. And what was the results of that item?

14 A. Methamphetamine.

15 Q. And was there a weight obtained from that?

16 A. It was no weight obtained. It was residue as well.

17 Q. Now, Ms. Walker, once you get the results is there
18 anything else you do in a case?

19 A. Once the report has been written, I will then hand
20 it off to a peer review group and I work with three other
21 agencies and they take my report and they will check it
22 for grammatical errors, data inconsistencies, that sort of
23 thing, and then they'll give it back with either notes or
24 they approve it.

25 Q. And did you do that in this case?

1 A. Yes, I did.

2 Q. Were there any changes from your report?

3 A. No.

4 MR. SWARAT: Your Honor, we would have no
5 objection if they want to move both of the reports
6 into evidence for the jury.

7 MS. BYARS: Your Honor, one moment.

8 (Discussion between counsel for the State.)

9 MS. BYARS: Your Honor, the State is not
10 intending on offering the reports at this time. If
11 the defense would like to move them in, then we have a
12 matter of law that we need to address.

13 MR. SWARAT: I'll do that at the time, Your
14 Honor. Thank you.

15 THE COURT: All right. Thank you, Mr. Swarat.

16 MS. BYARS: Your Honor, that is all from the
17 State. Please answer any questions the defense may
18 have.

19 Thank you.

20 THE COURT: Yes, sir.

21 MR. SWARAT: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. SWARAT:

24 Q. And I believe we've met, but I think it's been a long
25 time. Good to see you again.

1 A. Good to see you, too, sir.

2 Q. Let me slide this thing out of the way.

3 You referred to two reports that you prepared in
4 this case?

5 A. Yes, sir.

6 Q. And they showed the analysis of the substances that
7 you tested?

8 A. Yes.

9 Q. Okay. And that's laid out in plain English so the
10 jury could read it?

11 A. Yes.

12 Q. Both in your first report, which was about the large
13 quantity of methamphetamine?

14 A. Yes.

15 Q. And then the other report, which is a laundry list of
16 smaller items and cannabis?

17 A. Yes, sir.

18 Q. Okay. And that's laid out in plain English that the
19 jury could follow as well?

20 A. My reports will have the information that was -- that
21 I gathered from the data.

22 Q. Yes, ma'am.

23 A. It also will have the chain of custody attached.

24 Q. Wonderful.

25 MR. SWARAT: Your Honor, I would move those in as

1 (Whereupon, the jury return to the courtroom at
2 10:05 AM.)

3 THE COURT: All right, Mr. Swarat. You may
4 proceed.

5 BY MR. SWARAT:

6 Q. Agent Walker, I'm gonna show you a report and ask you
7 if you can identify what this report is?

8 A. I just want to let you know I'm not an -- I'm a
9 civilian employee. I'm not a deputy.

10 Q. I'm sorry. I gave you a battlefield promotion.

11 A. Yes. Thank you.

12 Q. We're moving this in as Defense Exhibit Number 4. Is
13 that your report about the large quantity item that you
14 tested?

15 A. Yes, sir.

16 Q. Okay. And I'm gonna show you another report and ask
17 if you can identify that one, please, ma'am.

18 A. It is.

19 Q. Okay. And starting with --

20 MR. SWARAT: We move this in as Defense Exhibit
21 Number 5, Your Honor.

22 MS. BYARS: Your Honor --

23 MR. SWARAT: I understand over the State's
24 objection.

25 THE COURT: Wait a second. Well, let's let her

1 make her objection.

2 MS. BYARS: Yes, Your Honor. Just subject to the
3 Court's ruling earlier.

4 THE COURT: Yes, thank you.

5 Ladies and gentlemen of the jury, we had a
6 discussion regarding these reports outside of your
7 presence and I've made a ruling they're now moved into
8 evidence over the objection of the State.

9 (Defendant's Exhibit Number 4 and 5, drug
10 analysis reports, were admitted into evidence.)

11 BY MR. SWARAT:

12 Q. Ms. Walker, going to Defense Exhibit Number 4, that
13 is the large substance that you tested?

14 A. Yes, sir.

15 Q. Okay. And it arrived to you in a BEST evidence bag;
16 is that correct?

17 A. Yes, sir.

18 Q. Okay. And you described the BEST evidence bag, but
19 once Gietz puts the item in the BEST evidence bag and seals
20 it, nobody can tamper with it and if they do tamper with it
21 from the time it goes from him to you, you'll know it?

22 A. Once Investigator Gietz turns in the item, if somebody
23 was trying to -- trying to break into the BEST kit to
24 destroy it, it's tamper evident, so the designs on the side
25 of the bag or by the adhesive seal, they would -- that

1 would also be -- it would -- the design would be morphed.

2 Q. And according to the BEST evidence bag, Gietz was the
3 one that put that item in the BEST kit?

4 A. Based off the chain of custody Investigator Gietz did
5 submit the evidence off the chain of custody that I have,
6 yes.

7 Q. And put it in the BEST kit himself?

8 A. Yes.

9 Q. Okay. And you mentioned that there's a Ziploc bag in
10 there?

11 A. Yes, sir.

12 Q. Okay. Have you had the occasion to ever weigh a
13 Ziploc bag?

14 A. For evidence purposes, no.

15 Q. For any reason?

16 A. I don't include Ziploc bags in weights.

17 Q. You don't include the bag in the weight?

18 A. No, I do not.

19 Q. Okay. What would you suppose a Ziploc bag weighs?

20 A. It depends on the size of the Ziploc bag, the
21 manufacturer, the company that makes them, the plastic
22 that's being used. So in this case probably 5 to 10 grams
23 depending on the size of the bag and everything I mentioned
24 before.

25 Q. Okay. You believe it might -- it might be as much as

1 5 grams?

2 A. 5 to 10 grams.

3 Q. To 10 grams?

4 A. Again, depending on the size of the bag and depending
5 on the company and the plastic that's being used.

6 Q. It's been testified that the field weight of this item
7 was 808 grams. Your analysis came back with 792 grams; is
8 that correct?

9 A. Yes.

10 Q. I hate to make you do math, but what's 808 minus 792.

11 A. 16 grams. Something along --

12 Q. 16 grams. How much is in an ounce?

13 A. I can't tell you off the top of my head, sir. I am --

14 Q. Could we agree that it's 28 grams?

15 A. Yes.

16 Q. Okay. So 16 grams is more than half an ounce?

17 A. Roughly.

18 Q. And you don't know what happened to that item from the
19 time it was in the field until Investigator Gietz put it in
20 the BEST evidence bag, do you, ma'am?

21 A. I was not there at the scene. I am only a chemist.
22 I work specifically in the lab, so whatever was happening
23 on-scene and whatever was happening between the time he
24 submitted it into evidence, I have no clue what he did.

25 Q. You don't know what he did with it?

1 A. He put it in the BEST kit and turned it into evidence.
2 That's all I know.

3 Q. And you don't know where he got it from, do you,
4 ma'am?

5 A. It's not my responsibility to know where he got it.

6 Q. So you don't, right?

7 A. Yes, sir.

8 Q. Okay. Let's talk about Defense Exhibit Number 5. The
9 first item I believe you've testified about is the Granny
10 Za's containing plant material.

11 A. Uh-huh. Yes, sir.

12 Q. That's correct?

13 A. Yes, sir.

14 Q. Okay. And you mentioned you tested for THC levels?

15 A. Delta 9 tetrahydrocannabinol, yes.

16 Q. Because in South Carolina some cannabis products are
17 not illegal, correct?

18 A. It has to -- there has to be a certain concentration
19 of Delta 9 within the plant material. What I do is
20 called qualitative analysis, not quantitative analysis.
21 Qualitative is meant to -- just for show. So it's like you
22 would eat ice cream and you taste the chocolate, you know
23 the chocolate is there; where quantitative analysis is
24 where you know exactly down to the measurement, so you know
25 how much of that chocolate ice cream is made with cocoa.

1 Q. I'm getting hungry now.

2 The second item, ma'am, can you tell the jury
3 what you tested there?

4 A. Glass jar labeled Baby Jeter containing hand-rolled
5 cigar containing plant material.

6 Q. Okay. And what was that determined to be?

7 A. Cannabis.

8 Q. And did it have a THC concentration?

9 A. It did not have Delta 9 concentration, no.

10 Q. Okay. The next item, ma'am, what was that?

11 A. Plastic bottle container.

12 Q. Okay. And did you observe the plastic bottle? Did
13 you take a look at it?

14 A. It was a -- it was a plastic bottle. I --

15 Q. Is that in the -- in State's Exhibit Number 32?

16 A. Yes.

17 Q. Okay. Can you just point that out to us, if you
18 would? I know it's hard to see. For a number of reasons
19 I know we don't want to cut open the item, but that's the
20 plastic bottle that you're indicating to now in State's
21 Exhibit 32?

22 A. Yes.

23 Q. And, ma'am, you don't -- you don't know where that
24 came from, do you, ma'am? You don't know where Gietz
25 collected it from, do you?

1 A. I don't -- I do not know where Investigator Gietz got
2 it from.

3 Q. But that was placed into evidence for your analysis in
4 this case?

5 A. I tested whatever is in that BEST kit and if he placed
6 it in that BEST kit that's what he did.

7 Q. Which he did according to the records. He's the one
8 that put it in the BEST kit, right?

9 A. Yes.

10 Q. Okay. I'm not trying to trick you.
11 What's the next item that you tested?

12 A. Three oval green tablets.

13 Q. Okay. And what were those three oval green tablets
14 determined to be?

15 A. Alprazolam.

16 Q. Alprazolam. Okay. And that's the generic form of
17 what drug, ma'am?

18 A. Xanax.

19 Q. Xanax. What was the next item that you tested?

20 A. The next -- I have a question.

21 Q. Yes, ma'am.

22 A. Are you talking about Item 1.3.2 or are you talking
23 1.1.3.3 -- or Item 1.3.3?

24 Q. The one after the Alprazolam.

25 A. Two oblong peach tablets.

1 Q. Two oblong peach tablets. And what were those
2 determined to be?

3 A. They were Naproxen. They were indicated.

4 Q. Naproxen. What is Naproxen? I know what it is, but
5 can you explain to the jury what it is?

6 A. It's a muscle relaxer.

7 Q. What was the next item, ma'am?

8 A. One round yellow tablet with worn markings.

9 Q. Okay. And what was that yellow tablet, ma'am? What
10 was that determined to be?

11 A. It was no controlled -- it was no controlled substance
12 detected.

13 Q. Okay. It wasn't a drug of any kind, was it?

14 A. Based off the sampling, no.

15 Q. Or a controlled substance. It wasn't something that
16 would require a prescription or was an illegal substance?

17 A. Based off of my libraries, it did not match anything
18 that was in my system.

19 Q. What was the next one, ma'am?

20 A. One oblong white tablet.

21 Q. All right. And what was the oblong white tablet?

22 A. It was hydrocodone acetaminophen.

23 Q. Hydrocodone, is that a controlled substance?

24 A. It is.

25 Q. All right. And it's illegal to possess that without

1 a prescription?

2 A. Yes.

3 Q. And it's illegal to possess the Alprazolam without a
4 prescription, correct?

5 A. Correct.

6 Q. And all of these items were submitted by Agent Gietz?

7 A. Yes.

8 Q. Okay. And if you go to the last page of -- or the
9 last two pages of that report, did you print out some
10 information about what those substances are and add that
11 to your report?

12 A. I did.

13 Q. Okay. And that would be helpful for the jury to see
14 and peruse?

15 A. Basically whenever I indicate something or if there is
16 an issue with the tablet itself, I will put in published
17 literature, so I had published literature on my report. So
18 I have two pages in there for what the Naproxen is based
19 off of the impression that was on the tablets.

20 Q. And let's talk about these dollar bills that you
21 tested. I believe they're in 32.

22 A. Yes, sir.

23 Q. Thank you, ma'am. And are those the two dollar bills
24 that you tested in State's Exhibit 32?

25 A. Yes, sir.

1 Q. Okay. And you indicated there was residue on those
2 dollar bills, ma'am?

3 A. Yes, sir.

4 Q. Okay. And even though it's just residue, just a tiny
5 little bit, you can still test that for the substance that
6 it is?

7 A. Yes, I can.

8 Q. So it would also go to -- it's common sense that if
9 you can test a very, very small sample and determine what
10 it is like methamphetamine, testing the large sample there
11 you don't have to consume any of the potential illegal
12 substance in order to determine what it is? I asked that
13 all convoluted. When you tested the large portion of
14 methamphetamine that you had in this case that's in State's
15 Exhibit 31, did you have to take away any substantial
16 weight of methamphetamine to determine what it was?

17 A. No. Whenever I do my indicative testing and when I
18 do my confirmatory testing, I only need a small amount.

19 Q. And you used the gas spectrometer thingy-dingy to do
20 that?

21 A. The gas chromatography mass spectrometer, commonly
22 known as the GC-MS?

23 Q. Yes, ma'am.

24 A. Yes.

25 Q. Is that thing turbocharged?

1 A. I wish.

2 MR. SWARAT: Thank you, ma'am. I believe that's
3 all I have at this time.

4 THE COURT: Thank you.

5 Any redirect?

6 MS. BYARS: No redirect, Your Honor.

7 We just ask that this --

8 THE COURT: May this witness be excused?

9 MS. BYARS: Yes, Your Honor.

10 MR. SWARAT: No objection, Your Honor.

11 THE COURT: Thank you, Ms. Walker, for being here
12 today.

13 THE WITNESS: Thank you.

14 (Witness excused.)

15 THE COURT: Any other witnesses for the State?

16 MR. COX: Your Honor, the State rests.

17 THE COURT: All right. We're gonna take this
18 opportunity -- it's 10:20 -- to take a quick break. I
19 realize you-all just came back in, but the rest of us
20 need a little break, all right?

21 Thank you. Please do not deliberate or discuss
22 the case or any of the testimony you've heard up until
23 this point.

24 (Whereupon, the jury retires to the jury room at
25 10:20 AM.)

1 THE COURT: Okay. Are there any motions?

2 MR. COX: Not from the State, Your Honor.

3 MR. SWARAT: Your Honor, at this time we move for
4 a directed verdict of acquittal on both charges.

5 I know how Your Honor's gonna rule, but I would
6 also renew our objection to any of the items that were
7 seized from Mr. Dolan's home coming into evidence based
8 on our motion to suppress, which I know the Court's
9 ruling, but we need to preserve the record and I want
10 to do so at this time.

11 THE COURT: Do you want to put any other argument
12 on the record as to your motion for directed verdict,
13 the basis for that?

14 MR. SWARAT: No, Your Honor.

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

16 I do find that the State has submitted sufficient
17 evidence for this case to move forward and be submitted
18 to the jury at this time.

19 Let's go ahead and take your client's right to
20 testify at this time.

21 Mr. Dolan, would you please stand.

22 (Whereupon, Michael Anthony Dolan, Jr., was duly
23 sworn by the Court.)

24 THE DEFENDANT: Yes, ma'am, I do.

25 THE COURT: Thank you, sir.

1 THE COURT: All right. And thank you for
2 confirming that you have not spoken to your wife
3 pursuant to the sequestration.

4 All right. Thank you, sir.

5 THE DEFENDANT: You're welcome.

6 THE COURT: All right. Let's bring in the jury.

7 (Whereupon, the jury returns to the courtroom at
8 10:55 AM.)

9 THE COURT: Okay. I believe the State rested
10 before the break and we have taken up any motions in
11 the interim.

12 Mr. Swarat, you may proceed.

13 MR. SWARAT: Your Honor, the defense calls
14 Michael Dolan.

15 (Whereupon, Michael Anthony Dolan, Jr., was duly
16 sworn by the Clerk of Court.)

17 THE CLERK: Please go have a seat in the witness
18 box. Please state your full name and spell your last
19 name for the record, please, sir.

20 THE WITNESS: Michael Anthony Dolan, Jr.
21 D-O-L-A-N.

22 MICHAEL ANTHONY DOLAN, JR.,
23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. SWARAT:

1 Q. Mr. Dolan, good morning.

2 A. Good morning.

3 Q. Mr. Dolan, let's tell the jury little bit about
4 yourself. Where were you born, sir?

5 A. Lexington Medical Center in Lexington, South Carolina.

6 Q. How long have you -- have you lived here in Lexington
7 County?

8 A. My whole life.

9 Q. Where did you go to school, sir?

10 A. Lexington High School.

11 Q. And did you graduate from Lexington High School?

12 A. Yes, sir. In 1999.

13 Q. Did you continued onto get a degree?

14 A. Yes, sir, I did. At Midlands Technical College in
15 welding technologies.

16 Q. All right. Welding technologies?

17 A. Yes, sir.

18 Q. And is that a skill you acquired to conduct your
19 business?

20 A. Yes, sir.

21 Q. All right. And what is your line of work, Mr. Dolan?
22 What do you do?

23 A. I work on motorcycles, primary Harley-Davidson's,
24 custom manufacturing, welding on them, performance issues
25 with them, any kind of maintenance on them.

1 Q. Okay. And do you have family here in the area, sir?

2 A. Yes. All my family lives here.

3 Q. Are you married?

4 A. Yes.

5 Q. What's your wife's name, sir?

6 A. Sheree Dolan.

7 Q. Do you collectively have children?

8 A. Me and Sheree, we have children, but not together.

9 I have two children from a previous and she has three
10 children from her previous.

11 Q. All right. And how old are they and we'll start with
12 yours?

13 A. My two, my daughter Grace, the oldest, is 19. My
14 youngest Lillian is 13.

15 Q. And is Lillian still living at home?

16 A. Yes, sir.

17 Q. All right. And has Grace moved out?

18 A. Yes. She has since moved out.

19 Q. Who is she living with now?

20 A. She actually stays with my grandmother. Closer to her
21 job.

22 Q. And what does she do for a living?

23 A. She works at the hospital as well.

24 Q. Lexington Medical Center?

25 A. Yes, sir.

1 Q. And what is her occupation?

2 A. I want to say she's like a service technician or a
3 nurse technician maybe.

4 Q. It's a form of nursing?

5 A. Yes, she's in nursing.

6 Q. Mr. Dolan, were you operating a business at the time
7 this occurred?

8 A. Yes, sir.

9 Q. All right. And what was your business?

10 A. Dolan's Fab Shop.

11 Q. And how long had you been operating that type of
12 business?

13 A. Roughly eight, nine years since I left instructing at
14 Arclabs Welding School.

15 Q. And say that a little louder. I don't think the jury
16 can hear you.

17 A. I started my own business when I was working Arclabs
18 Welding School where I was the lead instructor and after I
19 left that school I started my own business.

20 Q. All right. And when you first started that business,
21 where was it located?

22 A. 106 Millwood Avenue, the shop I had at that address.

23 Q. Okay. And did you also reside at that address at the
24 time?

25 A. Yes, sir.

1 Q. And was it set up -- and I don't necessarily mean the
2 layout, but similar to your residence at Boy Scout Road
3 where it has a shop on the property as well?

4 A. Yes, sir.

5 Q. Okay. So you had a shop at your previous address and
6 your residence?

7 A. Correct.

8 Q. All right. Just like you did at the time this
9 occurred in September of 2023 at Boy Scout Road?

10 A. Yes, sir.

11 Q. What types of items did you keep in your shop for your
12 professional life?

13 A. Okay. I had numerous welding machines for different
14 processes of welding, cutting torches to cut metal,
15 different hand tools, different diagnostic computer tools,
16 various parts that I bought from different vendors, bike
17 lifts, air compressors. Pretty much all aspects of a full
18 custom shop.

19 Q. Okay. Let me -- let me draw your attention to
20 September 5th of 2023. Tell us how that day started for
21 you.

22 A. I woke up the morning, give my wife a hug and kiss
23 bye. She leaves for work, I'm getting dressed, start doing
24 my paperwork, e-mails, you know, invoices, looking at when
25 parts were coming in, what parts I need to order, pretty

1 much preparing for my day, and all of a sudden I see a
2 light go across my bedroom window and I'm thinking one of
3 my guys are already coming to work and when I walk out my
4 bedroom door I noticed a SLED tactical SUV going through
5 my backyard with two agents walking behind it with assault
6 rifles pointing everywhere.

7 Q. And did you have a security system for your home?

8 A. Yes, sir.

9 Q. Both inside your home and outside?

10 A. Yes, sir.

11 Q. Did you have a security system for your business that
12 monitored the backyard?

13 A. Yes, sir. It was all linked together with our camera
14 system.

15 Q. Okay. And what happened next?

16 A. I noticed they were coming through my backyard and so
17 then I walked to the front door and I noticed there was
18 numerous vehicles, they'd parked another car in the front
19 yard. They were on their loudspeaker with a siren and
20 everything, so I then proceeded back to my bedroom to get
21 dressed fully and tell my wife and my father that -- what
22 was going on, and then I walked out the front. I guess
23 surrendered myself to them.

24 Q. You didn't have all your clothes on at the time?

25 A. No, I didn't because they kept going on with the horn,

1 yelling and everything. I wasn't trying -- my neighbor, he
2 sleeps all day, he works third shift, so I was not trying
3 to aggravate that.

4 Q. And when you said you communicated with your wife and
5 your father, did you do that by phone?

6 A. Yes, sir.

7 Q. Okay. And you had a cell phone?

8 A. Yes, I did.

9 Q. Like most of the people on planet Earth?

10 A. Correct.

11 Q. And was anybody else at the house with you?

12 A. No, sir.

13 Q. Were any of your family members on the property at
14 all?

15 A. Not at that moment.

16 Q. Okay. You were by yourself other than your pets?

17 A. Yeah, just me and my dogs.

18 Q. And you say you went out?

19 A. Yes, sir.

20 Q. And did you arm yourself or anything like that?

21 A. No, sir. I just walked out with my hands in the air
22 and holding my cell phone similar to how I am now and
23 walked down the steps and they told me to put the cell
24 phone down, turn around and walk to them.

25 Q. And did you comply with what they asked you to do?

1 A. Yes, sir.

2 Q. Did you try to run?

3 A. No. No, sir.

4 Q. Did you try to hide in the attic that we saw the
5 stairs going up to?

6 A. No, sir.

7 Q. Were those stairs down when you started your day?

8 A. No, sir.

9 Q. All right. They went through your entire house
10 including your attic?

11 A. Yes, they did.

12 Q. When you -- when you came out, where did they place
13 you in the time that -- after you had your first
14 interaction with them?

15 A. One of the SLED agents detained me, put cuffs behind
16 my back very tightly and told me to stand at the back of
17 an F-150 truck, a gray truck it was if I'm not mistaken,
18 on the tail -- by the tailgate, and then that's when Alex
19 Gray, the agent behind you, walked up to me and introduced
20 himself.

21 Q. And you're referring to Alex Gray that's right here on
22 this row?

23 A. Yes, sir. With the bald head.

24 Q. The gentleman with the teal colored shirt and black
25 tie?

1 A. It has a design on it, but the gentleman besides you
2 with the bald head, yes, sir.

3 Q. Okay. And he has a pin on it from SLED?

4 A. I see a pin. I cannot distinguish what it says.

5 Q. I can identify with that, not being able to see that
6 far. And did he -- he have a conversation with you?

7 A. Yes, sir.

8 Q. Okay. And were you rude or disrespectful to him?

9 A. No, not at all.

10 Q. Okay. And did you have questions for him about what
11 they were doing?

12 A. Yes, I did.

13 Q. Okay. And without going into a lot of detail, did he
14 explain to you that they were gonna search your property?

15 A. Yes.

16 Q. Did they serve you with a search warrant?

17 A. No, I never received any paperwork when I requested
18 it.

19 Q. At that time or any other time?

20 A. Correct. I never received any paperwork until maybe
21 three and a half to five minutes before bond court the next
22 morning.

23 Q. And we'll get to that. We've got a long way to go
24 before we get to that, but we will. And when you were
25 interacting with Agent Gray, were you sitting on the

1 tailgate of a pick-up truck?

2 A. I was leaned up against it for the first part and then
3 I asked him if I could just sit down on it and he said yes.

4 Q. Okay. Did you have any shoes on?

5 A. No, I did not.

6 Q. I believe in Gietz's body-worn camera, there's a
7 female agent that's walking around a little bit in the
8 front of you in the front yard?

9 A. Yes, sir.

10 Q. And did she offer to go to your bedroom and get you
11 some shoes to put on and some socks?

12 A. To the best of my recollection, I believe Agent Gray
13 asked her to go get me some socks and shoes. She asked me
14 where they were and I told her in my second drawer of my
15 dresser and there should be my Hey Dude shoes right beside
16 it.

17 Q. Okay. And that was in your bedroom?

18 A. Yes, sir.

19 Q. And you allowed her to go in there?

20 A. Right.

21 Q. But they were all in your house anyway?

22 A. I didn't really have a choice in the whole matter,
23 but I told her that's where my stuff was.

24 Q. Okay. And I believe that was SLED agent Lott.

25 Bridgette Lott?

1 A. No, sir. I believe it's Calbert -- Cal --

2 Q. There was another female agent on the scene. Yes,
3 sir.

4 A. I think Calbert or Calhert something. I don't recall
5 her true name, but it was the other woman there.

6 Q. And did you have any interaction with any other SLED
7 agents at the scene?

8 A. Yes, I did.

9 Q. Okay. Can you tell us about that?

10 A. I want to say his -- Alex Gray's supervisor, Craig
11 Harrellson, brought me a bottle of water. The SWAT team
12 member who originally detained me, the gentleman that
13 testified yesterday, I don't remember his name, the
14 blond-haired guy with the goatee, he had made some rude
15 comments, but -- looking at us, like what are you-all
16 looking at and stuff like that, but that's about the most
17 gist of it other than when Shawn Ludwig served me with my
18 warrants at the jailhouse before I went to bond court.

19 Q. During the time you were with Agent Gray, did you have
20 -- I won't say conversation, did you have any interaction
21 with Gietz?

22 A. He attempted to -- to converse with me with his little
23 hey, Buddy, comments that he always makes, but I just
24 passed it by me. I don't pay attention to him.

25 Q. Okay. He's -- he's the voice on the body-worn camera

1 that says hey, Buddy, what's up or what's up, Buddy?

2 A. Yes, sir. That's his typical tactic when he walks up
3 to me to make it appear that we're friends.

4 Q. Can you pull the mic a little closer to you? I
5 apologize. I can't hear you and I don't know if all the
6 members of the jury can hear you.

7 A. Is that better?

8 Q. Yes, sir. Is he the individual that started talking
9 about your dog?

10 A. Yes.

11 Q. Okay. And tell us about your dog.

12 A. He's a Hungarian bloodline Bullmastiff roughly about
13 160 something pounds, lean. I had him -- his father was
14 imported from Hungary through my Miami and great bloodlines.

15 Q. I didn't know if I was gonna get his family tree, but
16 it is interesting.

17 A. But, I mean, he's a -- he's a phenomenal dog.

18 Q. And what's his name?

19 A. Bang.

20 Q. And did Gietz talk or make some comments about your
21 dog while you were sitting there?

22 A. Yes, he did.

23 Q. And what were those comments if you recall?

24 A. To the best of my knowledge, I think he said oh, he's
25 a beautiful dog, a real big dog. I think he even mentioned

1 he had a Mastiff or something like that throughout the
2 time.

3 Q. Had you had previous interactions with Gietz in the
4 years before?

5 A. Yes, numerous times. Roughly a dozen.

6 Q. And not going into a whole lot of detail, were those
7 interactions positive or negative?

8 A. Well, I mean, I guess positive because I never -- he
9 never arrested me or anything, but they were all negative
10 in a way because it was nothing but harassment.

11 Q. And -- and you had never -- you had done nothing wrong
12 and were not charged with any crime of any kind in your
13 interactions with Agent Gietz before?

14 A. Correct.

15 Q. Did you -- would you describe your interactions as
16 more than ten or less than ten?

17 A. Probably more than ten.

18 Q. Okay. Did you, in fact, develop a nickname for him
19 that you called him face to face?

20 MR. COX: Objection, Your Honor, as previously.
21 Relevance. Hearsay. Everything. 404. 403.

22 MR. SWARAT: It's not hearsay.

23 THE COURT: Ladies and gentlemen, would you step
24 out for just a second. I'm sorry. I want to hear a
25 little bit more about that.

1 instruction to the jury that it's been stipulated that
2 all officers were there under a proper search warrant.
3 I know you have objected to that admission, but I have
4 ruled that it was a proper search warrant and there's
5 to be no indication that they were there for an
6 improper reason at that time, and I think that would be
7 the best way to solve it if we keep going down the road
8 too far.

9 MR. SWARAT: Thank you, Your Honor.

10 MR. COX: Thank you, Your Honor.

11 THE COURT: Let's bring the jury back in.

12 (Whereupon, the jury return to the courtroom at
13 11:15 AM.)

14 THE COURT: Thank you.

15 Yes, sir, Mr. Swarat. You may continue.

16 MR. SWARAT: Thank you, Your Honor.

17 BY MR. SWARAT:

18 Q. Mr. Dolan, in your ten plus interactions previously
19 with Gietz over the years, did you develop a nickname for
20 him?

21 A. Yes, sir.

22 Q. Did you call him that nickname to his face with he and
23 his colleagues present?

24 A. Yes, and his partner Holt -- even Holt acknowledged
25 the nickname and said come on Giggles, get in the truck,

1 let's go.

2 Q. Giggles?

3 A. Yes, that was -- because he's nervous when he talks
4 to me. He kind of giggles before he says anything.

5 Q. Did he appear to like that nickname?

6 A. No, he got a little mad about that when his partner
7 told him to get in the car, Giggles, let's go, which was
8 at 2:30 in the morning.

9 Q. Mr. Dolan, there's been some reference to a phone call
10 that was made between you and your wife when you were at
11 the Lexington County Detention Center. She, of course, was
12 at home.

13 A. Yes, sir.

14 Q. Did you have an opportunity to listen to that call?

15 A. Yes, sir.

16 Q. Just like the jury did in the courtroom?

17 A. Yes, sir.

18 THE COURT: Mr. Dolan, make sure you speak into
19 the microphone. You're sitting back and you're kind of
20 is soft-spoken right now.

21 THE WITNESS: Yes, I did.

22 THE COURT: Thank you.

23 BY MR. SWARAT:

24 Q. And there were some other five calls between you and
25 your wife?

1 A. Correct.

2 Q. And in the course of that conversation, the first
3 one, the one that the jury has heard, did you make
4 reference to invoices, work orders, paperwork, things
5 from your business?

6 A. Yes, I did.

7 Q. And not going into much detail, were those items
8 something that law enforcement had gathered from your
9 residence or your shop, either one?

10 A. Are they -- could you answer -- ask me that again.

11 Q. Work orders, paperwork, invoices, receipts, were those
12 things that Agent As -- Agent Gray had focussed on in the
13 search of your home?

14 A. That's what I was told, yes. They would be looking
15 for invoices, any type of paperwork showing any type of --
16 I'm trying to word it properly here. Any kind of paperwork
17 to deal with a chop shop or a body shop or anything like
18 that.

19 Q. Okay. When you were released from jail, Mr. Dolan,
20 did you have an attorney at that time?

21 A. No, I did not.

22 Q. Okay. And as a result of the request for invoices and
23 receipts and paperwork, did you through your wife's e-mail
24 address reach out to Alex Gray from -- SLED agent Gray?

25 MR. COX: Objection. Objection, Your Honor.

1 THE COURT: I'm sorry. I didn't hear the
2 question. What's the nature of your objection though?

3 MR. COX: For one, hearsay, Your Honor, and
4 relevance, but primarily hearsay.

5 MR. SWARAT: I'll rephrase it, Your Honor.

6 THE COURT: Okay. That would be helpful for me
7 right now. Thank you.

8 BY MR. SWARAT:

9 Q. As a result of your contact with Agent Gray, did you
10 through your wife provide invoices, work orders, receipts
11 and paperwork from your business to Agent Gray?

12 A. Yes, I -- we sent him everything he requested.

13 Q. Okay. And that was done in September of 2023 right
14 after you were arrested?

15 A. Yes, sir.

16 Q. Okay. And it went directly to Agent Gray through his
17 e-mail address?

18 A. Correct. His e-mail address at SLED.

19 Q. Okay. Also more documentation in October of 2023?

20 A. Correct.

21 Q. And I believe some documentation from February of
22 2024?

23 A. Yes, sir. That's correct.

24 Q. Invoices, receipts, titles, work orders, that sort of
25 thing from -- from your business?

1 A. Yes, sir.

2 Q. Okay. And you did that freely and voluntarily?

3 A. Yes, I did.

4 Q. Okay. Without the advice of counsel, without even
5 having an attorney?

6 A. Correct.

7 MR. SWARAT: May I approach the witness, Your
8 Honor?

9 THE COURT: Yes, sir.

10 MR. SWARAT: Thank you.

11 BY MR. SWARAT:

12 Q. Mr. Dolan, I'm gonna show you a stack of paperwork
13 and I'm gonna ask you a question after you've had a chance
14 to look through it.

15 THE COURT: Mr. Swarat, could you show it to the
16 prosecution first what you're --

17 MR. SWARAT: They have all this in evidence, Your
18 Honor.

19 THE COURT: I would ask you to show it and make
20 sure so they know what we're talking about.

21 MR. SWARAT: Okay.

22 THE COURT: Thank you.

23 MR. COX: Your Honor, may we approach?

24 THE COURT: Yes, sir.

25 (Proceedings held at the bench; not reported.)

1 THE COURT: All right. Mr. Cox, you've had the
2 opportunity to review the documents that Mr. Swarat was
3 asking his client to identify. Do you have anything?

4 MR. COX: Yes, I do, Your Honor. I'm objecting
5 under hearsay and relevance, as well as the Court's
6 prior ruling.

7 THE COURT: I'm gonna sustain his objection based
8 upon the pre-trial rulings of the Court and the nature
9 of those documents. I think there has been testimony
10 regarding -- sufficient to cover what is involved in
11 this case as far as the defense position.

12 BY MR. SWARAT:

13 Q. Mr. Dolan, you provided invoices to Agent Gray?

14 A. Yes.

15 Q. You provided work orders to Agent Gray?

16 A. Yes.

17 Q. You provided receipts to Agent Gray?

18 A. Yes.

19 Q. Okay. There is some insinuation that in your
20 conversation with your wife on September 5th of 2023 from
21 the jail that your reference to invoices and paperwork,
22 titles and the like, was drug code.

23 A. I understand that's what they're claiming, but --

24 Q. Okay. Can you explain what you were talking to with
25 your wife?

1 A. Yes, sir. I was asking for the business receipts,
2 invoices, part receipts, you know, all the stuff to prove
3 that I'm a legitimate business, I'm not running a chop shop
4 or anything like that.

5 Q. Mr. Dolan, let's go back to the search of your home.
6 How many agents roughly were on the scene that you've
7 identified?

8 A. All law enforcement together, roughly twenty on my
9 house.

10 Q. Approximately how many vehicles?

11 A. There's probably ten or more.

12 Q. When the body-worn camera was shown to the jury when
13 Agent -- or Gietz first turns it on, is there another
14 gentleman dressed in SLED gear that's standing next to him
15 having a conversation?

16 A. Yes.

17 Q. Okay. And can you describe what he looks like so the
18 jury can find him in the video?

19 A. He's a white gentleman, roughly five-seven, about my
20 frame, older. He's probably almost 60, maybe 65. A little
21 goatee with -- a lot similar to mine, but not as long.
22 His name is Ashley Asbill or Agent Brunson Ashley Asbill
23 from --

24 Q. And did you know him? Did you recognize him?

25 A. Yes, sir.

1 Q. And he's the one talking to Gietz in the first part
2 with the conversation muted?

3 A. Yes, sir.

4 Q. Going forward, they've asked about the loud noises
5 coming from the back towards your shop?

6 A. Yes.

7 Q. Can you please relay to the jury the things that were
8 destroyed on your property?

9 A. Yes. First and foremost, the SWAT team came up to
10 my house, yanked my doorbell camera off the wall, made
11 entry to my house. It was unlocked. Went through the
12 whole house. If you can imagine your home being turned
13 upside down and shook, that's probably what -- the best
14 recollection I could say of it. They went through my
15 wife's deceased child's memory box and desecrated it.
16 They went into my backyard to my shop area, which we leave
17 all our doors unlocked at the house everywhere, and they
18 destroyed the door trying to get into the shop, you could
19 turn handle and pull it to you if it's unlocked, and the
20 roll-up doors were unlocked. When they went into my shop,
21 they -- they took numerous items from my shop that wasn't
22 documented and I'm still trying to find pictures and stuff
23 from my house that are missing that I haven't been able to
24 locate.

25 Q. I'm gonna show you --

1 A. That's about the gist of it almost.

2 Q. Thank you, Mr. Dolan. I'm gonna show you what's been
3 marked, I believe, as Defense Exhibit Number -- let me make
4 sure.

5 MR. COX: I'm sorry. I didn't hear which exhibit
6 you were referring to.

7 MR. SWARAT: I wanted to make sure I had my hands
8 on it before I -- before I said it.

9 BY MR. SWARAT:

10 Q. This is State's Exhibit Number 4 and, Mr. Dolan, I'm
11 gonna show it to you in just a second and ask you what area
12 of your property it depicts. I'll let you take a look at
13 that first.

14 A. This is a picture of my backyard. If you were to
15 enter the backyard from the right side of -- looking at my
16 residence, the right side gate swings open. That's what it
17 was looking like, which my little building right there, a
18 paint booth that I used, it wasn't all torn up. They had
19 tore that up as well.

20 Q. Back behind the basketball goal that's sort of in the
21 center, do you see your shed in the background?

22 A. Yes, sir. I have a 30 by 50 shop.

23 Q. And I'll try my best. Does my -- my index finger
24 point toward the shop that's in the background behind some
25 of those trees and the basketball goal?

1 A. Yes, sir. You can see the white roof.

2 Q. I need more hands or a longer finger. And back there,
3 sir, inside your shop, did you have motorcycles that you
4 were working on for customers?

5 A. Yes, sir.

6 THE COURT: Mr. Swarat, I apologize. I need a
7 quick break. I'm so sorry.

8 MR. SWARAT: We all could use a little bit.
9 Thank you, Your Honor.

10 THE COURT: I'll let you continue to publish that
11 to the jury.

12 MR. SWARAT: Thank you, Your Honor. I'll stand
13 down.

14 THE COURT: Ladies and gentlemen, I'm so sorry to
15 interrupt Mr. Swarat and I'll ask you to come back in
16 just a minute after a short break. I appreciate it.

17 (Whereupon, the jury retires to the jury room at
18 11:31 AM.)

19 THE COURT: I do apologize for interrupting you
20 at that stage in your questioning. I know that's not
21 ideal, but I want to give the jury time to get in the
22 room before I exited.

23 I would take the opportunity to instruct
24 Mr. Dolan as with any other witnesses in the pre-trial
25 that we're not to refer to chop shops, you're not

1 BY MR. SWARAT:

2 Q. I don't completely recall where we were at the time.
3 At a point did your wife arrive at the residence?

4 A. On September 5th? Yes, sir.

5 Q. Okay. And tell us about that.

6 A. When I was on -- I think I was sitting on the back of
7 the tailgate at the moment when she arrived and I could
8 hear the chatter on the radio from them walking around,
9 you know, somebody pulled up, a white car pulled up.

10 Q. And did you know your wife to drive a white car?

11 A. A silver-ish white color, yes.

12 Q. And did you confirm that she had gotten back to the
13 house?

14 A. I -- yeah, I witnessed her showing up.

15 Q. I'm not gonna hold you to it, but approximately what
16 time was that?

17 A. Somewhere around maybe -- between 9:15 to 9:30
18 possibly. I didn't have a watch or my phone or any way
19 to tell time.

20 Q. Were you still on the back of the pick-up truck at
21 that time?

22 A. Yes, sir.

23 Q. Could you hear any conversation between your wife and
24 members of law enforcement after she arrived?

25 A. I couldn't understand the conversation, but I could

1 hear her loudly speaking.

2 Q. Was she -- was she happy or upset?

3 A. I'm pretty sure she was irate.

4 Q. Yes, sir. And did she have any interaction that you
5 witnessed or overheard with Gietz?

6 MR. COX: Objection. Hearsay, Your Honor.

7 THE WITNESS: Yes.

8 THE COURT: I think the question at this point
9 was did she have any interaction. I'll allow that
10 question. I don't know if he's gonna ask what the
11 subject of the conversation was.

12 BY MR. SWARAT:

13 Q. Mr. Dolan, what did you hear?

14 MR. COX: Objection. Hearsay, Your Honor.

15 THE COURT: Yes, sir.

16 I hate to do this, I'm gonna ask you to step out
17 real briefly.

18 MR. SWARAT: Could we approach instead?

19 THE COURT: Yeah, you can approach if you'd like.
20 We'll try it that way. Please keep your voices down.

21 (Proceedings held at the bench; not reported.)

22 THE COURT: Ladies and gentlemen, please step
23 out.

24 (Whereupon, the jury retires to the jury room at
25 11:48 AM.)

1 strike this question about what did he overhear when
2 the jury comes back in. That was in front of the jury.

3 THE COURT: Okay.

4 (Whereupon, the jury return to the courtroom at
5 12:00 PM.)

6 THE COURT: Ladies and gentlemen, I have ruled on
7 a matter of law. The previous question is stricken.
8 Mr. Swarat will now proceed with his questions.

9 MR. SWARAT: Thank you, Your Honor.

10 CONTINUED DIRECT EXAMINATION

11 BY MR. SWARAT:

12 Q. Mr. Dolan, do you use narcotics of any kind?

13 A. No, I do not.

14 Q. Okay. Do you know, if you know, and if you don't
15 know, then you don't know, do you know your wife to have
16 prescription medication?

17 A. Yes, I do.

18 Q. And speak up a little bit for us, sir.

19 A. Yes, sir, I do.

20 Q. I apologize. You're very soft-spoken.

21 A. Yes, I do.

22 Q. And, if you know, what are those prescriptions for?

23 A. Anxiety and muscle spasms and she has one for pain.

24 Q. Okay. And was there a conversation that you observed,
25 without going into what was said, between Gietz and your

1 wife Sheree?

2 A. Yes.

3 Q. During the course of that conversation, did Gietz read
4 your wife her Miranda rights?

5 A. Yes.

6 Q. And was the subject of the conversation about these
7 prescription medications?

8 A. Yes.

9 Q. How did that make you feel?

10 A.irate.

11 Q. What did you observe? What was your present sense
12 impression about what was happening with your wife?

13 A. I was under the impression that he was about to arrest
14 her for her prescription pills.

15 Q. Did she ultimately get arrested for the prescription
16 pills?

17 A. No, she did not.

18 Q. Why not?

19 A. Because I stood up and said I will take custody of
20 anything inside my residence to avoid my wife going to
21 jail.

22 Q. And where did she keep her pill bottles for the
23 prescription medication, if you know?

24 A. In her underwear drawer. The chest of drawers where
25 you keep your clothing, and the drawer where she keeps her

1 underwear, she keeps her medication there as well.

2 Q. And to the best of your knowledge that morning was
3 that door closed?

4 A. Yes.

5 Q. Was there any loose medication laying around on top
6 of any of your furniture or in your bedroom?

7 A. No, sir.

8 Q. Do you ever recall any medication laying out outside
9 of a prescription bottle?

10 A. No, sir.

11 Q. Do you have pets that run around the house?

12 A. Yes, we do.

13 Q. Okay. Do you have children and visitors that come to
14 your residence?

15 A. Yes, children, grandchildren and visitors.

16 Q. You wouldn't want to keep loose prescription
17 medication out so somebody could take it by mistake?

18 A. No. Kids don't know the difference between candy and
19 medication.

20 Q. Did you -- you or your wife to your knowledge bring
21 to Gietz's attention that she had those prescriptions?

22 A. Yes.

23 Q. Did you ultimately get charged with those medications?

24 A. Yes.

25 Q. You just told us that you do not use narcotics of any

1 kind?

2 A. Correct.

3 Q. Prescription other otherwise?

4 A. Correct.

5 Q. Why do you not use prescription narcotics? Can you
6 explain that to the jury? Is there something unique to
7 you?

8 A. Yes, sir. I was born with actually a heart condition
9 known as Wolff-Parkinson-White syndrome. In laymen's
10 terms, I guess so to say, you have four chambers of your
11 heart, the upper aorta, lower ventricle. I have -- you
12 have what they call like a wire run from your upper to your
13 lower and that sends an AV node, which is an electrical
14 impulse to cause your heart to contract and pump. I had an
15 extra run and during my subsequent attacks growing up it
16 was determined that's what it was and I had corrective
17 heart surgery and they told me any type of medications or
18 stimulants or anything like that could possibly cause my
19 heart to explode and stop working, which is permanent
20 death.

21 Q. So use of prescription narcotics is something you've
22 been not just prohibited from, but advised against ever
23 using the rest of your lifetime?

24 A. Yes, sir.

25 Q. Did your physicians advise you about the use of any

1 illegal narcotics?

2 A. Yes, sir.

3 Q. And what was their recommendation or advice to you
4 based on your heart condition?

5 A. Don't do anything to speed it up. You only have so
6 many beats.

7 Q. If you were to use illegal narcotics, that could kill
8 you as well?

9 A. Yes, sir.

10 Q. How old are you, Mr. Dolan?

11 A. 44 years old.

12 Q. Have you ever sold, trafficked or bought illegal
13 narcotics?

14 A. No, sir.

15 Q. Ever in your life?

16 A. No, sir.

17 Q. I don't know if we can dig down to it, and I know
18 we can't open it, but, Mr. Dolan, if you'll bear with me
19 I'm gonna show you what's been marked as State's Exhibit
20 Number 32. You were present when the chemist testified
21 earlier?

22 A. Yes.

23 Q. Okay. And the suspected narcotics on these dollar
24 bills, did you use methamphetamine at all for your personal
25 use?

1 A. No.

2 Q. According to the testimony by Agent Gietz or Gietz,
3 these were found in your bedroom?

4 A. That's what they say.

5 Q. Had you seen anything like that in your bedroom?

6 A. No, sir.

7 Q. Were those your items?

8 A. No, sir.

9 Q. Do you know how they got there?

10 A. No, I do not.

11 Q. Were they there before Gietz got on your property?

12 A. No, they were not.

13 Q. I'm showing you State's Exhibit Number 31. Was this
14 substance on your property before Gietz got on it?

15 A. No, it was not.

16 Q. There's been some talk about a metal container in your
17 shop. Do you recall that testimony?

18 A. Yes, sir.

19 Q. And I'm gonna show you State's 26, 27 -- I can't
20 carry more than that, so we'll start with that. Do you
21 recognize the metal container that's shown in State's
22 Exhibit Number 27 and 26?

23 A. Yes, a typical metal container and I keep numerous
24 metal containers in my shop.

25 Q. What did you know to be in this metal container before

1 Gietz got into your shop?

2 A. It would have had invoices from prior jobs that I had
3 completed for customers.

4 Q. Prior motorcycle jobs from when you worked on them?

5 A. Yes, sir.

6 Q. Would have receipts, invoices and paperwork?

7 A. Yes, sir. Would have all been together.

8 Q. Did you recognize this cannister when this photograph
9 was shown to you earlier?

10 A. It was never shown to me, I've seen it on the big
11 screen, but I recognize the brown container. I don't
12 recognize the bag inside of it.

13 Q. Okay. You've never seen the bag inside of it?

14 A. No, sir.

15 Q. That was not on your property prior to Gietz getting
16 in your shop?

17 A. No, sir. I've never seen that bag before.

18 Q. This item here, this is State's Exhibit Number 29,
19 Your Honor, and -- and Number 30. What's contained in this
20 Ziploc baggie with the pink seal, was that on your property
21 before Gietz got back in your shop?

22 A. No, it wasn't.

23 Q. Have you ever used, sold, bought, trafficked any type
24 of material like was -- was in this bag?

25 A. No, sir.

1 Q. I'm showing you State's Exhibit Number 22 and ask you
2 if you recognize what's shown in that photograph?

3 A. It would appear to be pucks as one would say.

4 Q. Can you explain to us?

5 A. Yeah. It's when you take cannabis or marijuana and
6 if you put it in a little -- little bag, when you press it
7 together it extracts the THC out of it and creates like a
8 hash almost that you can add alcohol to make a salve, make
9 a rub for body pain, or you can ingest it. All different
10 types of way for medication.

11 Q. Okay. What's contained as it appears in this
12 photograph, it appears to be like pressed plant material?

13 A. Yes, sir.

14 Q. That was yours?

15 A. Yes, sir.

16 Q. And you use it to make a salve kind of like CBD oil?

17 A. Yes, sir.

18 Q. And because you cannot take narcotic pills, narcotic
19 medication, is this what you use for pain?

20 A. Yes, sir.

21 Q. You self-medicate with that?

22 A. Yes, sir.

23 Q. Do you also smoke weed?

24 A. I smoke cannabis.

25 Q. Okay. Have you smoked cannabis probably since your

1 high school days?

2 A. Yes, sir.

3 Q. And is that something you do in your home?

4 A. No, sir.

5 Q. Do you ever do that around your family?

6 A. No, sir.

7 Q. Have you ever done it around your momma?

8 A. No.

9 Q. Do you -- have you ever collected seeds?

10 A. Yes, sir.

11 Q. Okay. Tell us about that.

12 A. Seeds are not illegal. They contain no viable THC.

13 Pretty much similar to different rosebushes. Every --

14 every rosebush is a little bit different in the variation

15 of their color of their flowers, the scent of how strong

16 the rose is. Cannabis products are the same way. Certain

17 seeds and strains of cannabis have more medical benefits

18 than others and you can cross-germinate seeds to make your

19 own strain which will help benefit you and your medical

20 needs if you need to.

21 Q. And I'm gonna show you State's Exhibit Number 15 and

22 16, but before I ask you about these two, you talked about

23 the different variations. Does your wife Sheree collect

24 plants as well?

25 A. Yes, sir, she does.

1 Q. What type?

2 A. They're like little cactus plants, very small.
3 Probably a couple inches in diameter.

4 Q. All right. Are they also called succulents?

5 A. Yes, sir, they are.

6 Q. All right. And how many -- roughly how many did your
7 wife have?

8 A. On that day of September 5th she had roughly a hundred
9 different varieties of them.

10 Q. And did she use grow materials as they've been
11 described by Gietz for her succulents?

12 A. Yes. That's the grow light that they seized in the
13 picture that they showed the box that it came in.

14 Q. All right. And that was for your wife's succulents?

15 A. Yes, sir.

16 Q. At the time this occurred, were you growing any
17 marijuana?

18 A. No, sir.

19 Q. Okay. Back to 15 and 16, is that your pipe, lighter
20 and grinder that's depicted in the photographs?

21 A. Yes, sir.

22 Q. And that's from your own personal use of cannabis?

23 A. Correct.

24 Q. And some of these items like the CBD oil, you can buy
25 that legally here in South Carolina, can't you?

1 A. Yes, sir, at numerous stores across the state. Gas
2 stations as well.

3 Q. You can also get I guess what they call buds or
4 marijuana flowers from dispensaries?

5 A. Yes, sir.

6 Q. And do they have dispensaries here in South Carolina?

7 A. They're not technically termed as a dispensary.

8 They call them like vape shops or smoke shops. Even gas
9 stations you can buy the jars of THC 8 flowers.

10 Q. And we've seen -- here it is. State's Exhibit
11 Number 17, is that one of those products?

12 A. Yes, sir.

13 Q. And it looks like this is entitled Granny Za's?

14 A. Yes, sir. That's the label name.

15 Q. And got a blue-haired old lady with what looks like
16 a marijuana joint hanging out of her mouth. Is that
17 something you purchased?

18 A. Yes, sir.

19 Q. For your own personal use?

20 A. Yes, sir.

21 Q. Were you distributing any narcotics out of 217 Boy
22 Scout Road?

23 A. No, sir.

24 Q. Have you ever sold one gram of methamphetamine?

25 A. No, sir.

1 Q. Have you ever sold one gram of cocaine?

2 A. No, sir.

3 Q. Much less 808 suspected grams of methamphetamine?

4 A. No, sir.

5 Q. You've had interaction with Gietz, Asbill and others
6 over the years. I'm not gonna go into detail.

7 A. Yes, sir.

8 Q. Have you ever been by Gietz charged with any crime in
9 your interactions with him?

10 A. Not up until September 5, 2023.

11 Q. And that was after he served his search warrant, the
12 second search warrant, some two hours after the raid on
13 your property?

14 A. Yes, sir. And it was the next day when I was in jail
15 when I was served those warrants.

16 Q. You mentioned being beside your wife when you were
17 Mirandized.

18 A. Yes, sir.

19 Q. Tell us about that.

20 A. I had been told to go stand kind of towards the outer
21 part of my driveway closer to the road where Gaston Police
22 Department, Lieutenant Marzol's vehicle, police vehicle,
23 was and I was told to stand at the back of that vehicle
24 with Lieutenant Marzol. My wife and my father was allowed
25 to stand around me. I was uncuffed and just, I guess,

1 detained.

2 Q. Was Gietz still milling around your property at the
3 time?

4 A. Yes, sir.

5 Q. Because of your prior interactions with him, had you
6 focussed your attention on him?

7 A. Yes, sir.

8 Q. Okay. What, if anything, was he doing in proximity
9 to the pick-up truck he arrived in?

10 A. At one point me and the fellow -- people that I was
11 standing around with observed Mr. Gietz -- throughout the
12 investigation of my property, everybody walks in the front
13 door or the back door going to the backyard or if you're
14 looking at my house the right side gate, which is on a big
15 hinge swing, everybody would go through there. We observed
16 Mr. Gietz coming through the left side gate that you have
17 to physically manually lift up and slide over, and he slid
18 it up over enough just for him to squeeze through it, goes
19 and gets in the back of his truck and --

20 Q. Let me slow you down. With your own eyes you observed
21 him getting in his truck?

22 A. Yes, sir.

23 Q. Okay. Describe what he was doing.

24 A. He was in the back of his pick-up truck looking in a
25 toolbox, just like moving stuff around, constantly saying

1 I know it's in here, I know it's in here somewhere.

2 Q. And did he retrieve something out of the pick-up
3 truck?

4 A. Yes, he did. Some type of backpack.

5 Q. Okay. Describe it for us.

6 A. I was roughly about fifty yards maybe from him. It
7 was some kind of dark backpack he put on his back and
8 jumped out of the back of his truck and steadfastly walked
9 back through the gate that he exited my rear of my yard
10 through and went back to the shop.

11 Q. Went back towards your shop. And could you see -- you
12 say -- it wasn't a clear backpack, was it?

13 A. No, sir.

14 Q. You couldn't see inside it?

15 A. No, sir.

16 Q. Didn't know what was in it?

17 A. No, sir.

18 Q. All right. When he went back to your shop with that
19 backpack, did you see him afterwards?

20 A. Yes.

21 Q. Okay. And without going into detail, were you placed
22 under arrest by Agent Gietz? Just yes or no.

23 A. The next time I saw him was I arrested? No. I had
24 seen him later on and I was arrested by him, yes.

25 Q. Okay. Then you were taken to the Lexington County

1 Detention Center?

2 A. We stopped at the Gaston Police Department first, but,
3 yes.

4 Q. Okay. Ultimately you get to the detention center?

5 A. They took me to the Lexington County Detention Center,
6 yes.

7 Q. And that's where these some six calls with your wife
8 were made?

9 A. Over the next couple of days, yes, sir.

10 Q. And did you have a bond hearing?

11 A. The next morning. Yes, sir, I did.

12 Q. And without going into what he said, did Gietz come to
13 the bond hearing?

14 A. Yes, he did.

15 Q. Okay. And was he for you or against you?

16 A. What he said was definitely against me.

17 Q. Were you informed of a charge that shocked you?

18 A. All of them did. I was, yes.

19 Q. Was there something that was just out of the realm of
20 possibility that shocked you?

21 A. Yes, sir, there was.

22 Q. And what was that?

23 A. Trafficking methamphetamine.

24 Q. After you were released, did you -- did you ultimately
25 make bond?

1 A. Yes, I did.

2 Q. Was it difficult to do that?

3 A. Very.

4 Q. Did you have to mortgage your property?

5 MR. COX: Objection. Relevance, Your Honor.

6 MR. SWARAT: Okay. I'll go to something else.

7 THE COURT: Thank you.

8 MR. COX: Move to strike, Your Honor.

9 THE COURT: Counsel has agreed that he's not
10 going to go forward on that.

11 BY MR. SWARAT:

12 Q. Did you -- did you get a chance to go back to your
13 property after you were released?

14 A. Yes, sir.

15 Q. Okay. And did you -- did you look around your house?

16 A. Yes, sir.

17 Q. I imagine you were upset?

18 A. Very much so.

19 Q. Did you go back to your shop?

20 A. Yes, I did.

21 Q. Okay. Before I even get to that, did you look at the
22 security cameras around your property?

23 A. Yes, sir.

24 Q. And what condition were they in after -- after the
25 police raided your home?

1 A. Destroyed.

2 Q. Destroyed?

3 A. Yes, sir.

4 Q. Did you have a system inside your house to record or
5 back that up?

6 A. Yes.

7 Q. And what had they done with that?

8 A. They unplugged it.

9 Q. They unplugged it. And did it record a little bit of
10 the surveillance of your property by them that morning?

11 A. Yes, sir.

12 Q. Okay. Did it record them destroying your cameras?

13 A. Yes, it did.

14 Q. Were they laughing about it?

15 A. Yes, they were.

16 Q. Did you go back in your shop?

17 A. Yes, sir.

18 Q. Was your shop in disarray?

19 A. To say the least.

20 Q. Did you find something in your shop that had never
21 been in your shop until Gietz got in your shop?

22 A. Yes, sir.

23 Q. And have you provided this to me?

24 A. Yes, sir.

25 Q. And we've shared it with the prosecutor?

1 A. Correct.

2 Q. Without showing this to the jury in a bag that's not
3 clear, I'm gonna ask you if you recognize what -- if you
4 recognize what's in here?

5 A. Yes.

6 Q. Okay. And is that what you found?

7 A. Yes, it is.

8 Q. Okay. And describe it for us.

9 A. It is a black bag, tote, that says police on the side.

10 Q. Had you ever seen it before, before they came into
11 your residence --

12 A. No, sir.

13 Q. -- and on your property?

14 A. No, sir.

15 Q. Until Gietz went back to your shop, had you ever seen
16 it?

17 A. No, sir.

18 Q. Okay. And was there anything in it when you found it?

19 A. No, sir. It was empty.

20 Q. Okay. And you believe it was left by law enforcement
21 that day?

22 A. Yeah. Yes, sir.

23 Q. Okay.

24 MR. SWARAT: Your Honor, I'm gonna move this into
25 evidence.

1 THE COURT: Is there any objection?

2 MR. COX: One moment, Your Honor.

3 THE COURT: Are you gonna mark it?

4 MR. SWARAT: I'm doing it right now. I move it
5 into evidence as Defense Exhibit Number 6, Your Honor.

6 MR. COX: Your Honor, I don't have an objection.
7 I think he laid the foundation.

8 THE COURT: Thank you, sir.

9 Without objection.

10 For identification we'll mark the bag that it's
11 in.

12 THE COURT REPORTER: Well, the paper bag --

13 THE COURT: For identification it's probably
14 easier to mark the bag than the police bag.

15 MR. SWARAT: And just for the record, it's in a
16 Trader Joe's bag.

17 (Defendant's Exhibit Number 6, a paper bag/police
18 bag, was marked and admitted into evidence.)

19 BY MR. SWARAT:

20 Q. And does it appear to be the size and shape of the bag
21 that Gietz was pulling out of his pick-up truck, Mr. Dolan?

22 A. Yes.

23 THE COURT: All right. One second, Mr. Swarat.

24 I think we're back on the record. The court
25 reporter's had a chance to prepare the exhibit label

1 for you. And, for the record, when you were talking
2 earlier she was not typing. It's a Trader Joe's paper
3 grocery bag. It's been marked as Defendant's Exhibit 6
4 and the police bag that is being referred to is inside
5 the Trader Joe's.

6 MR. SWARAT: And may I publish the bag that's
7 inside to the jury, please?

8 THE COURT: Yes, sir.

9 BY MR. SWARAT:

10 Q. And, Mr. Dolan, the bag that's in as Defense Exhibit
11 Number 6 it was completely empty?

12 A. Correct.

13 Q. The bag that Gietz was carrying, he slung it over his
14 shoulder somehow?

15 A. Yes, sir.

16 Q. From your observation, did it appear to have some
17 weight to it?

18 A. Yeah, it had something in it the way it just flung
19 over there and slammed his back. It didn't bounce.

20 Q. Thank you.

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

22 THE COURT: Thank you, sir.

23 BY MR. SWARAT:

24 Q. I'm gonna show you what's been marked as -- or it's in
25 evidence as Defendant's Number 3 and ask if you recognize

1 what's depicted in that photograph?

2 A. Yes, I do.

3 Q. And what's depicted in that photograph?

4 A. Two motorcycles on a flatbed trailer of a truck.

5 Q. Okay. And do you recognize those motorcycles?

6 A. Very much so.

7 Q. Okay. The one that's in the back closest to the point
8 of view, whose motorcycle was that, Mr. Dolan?

9 A. That's my personal motorcycle.

10 Q. Your personal motorcycle. Do you ride motorcycles
11 with your family?

12 A. Yes, I do.

13 Q. Do you ride motorcycles with your friends?

14 A. Yes, I do.

15 Q. Do you get together to ride them together?

16 A. Yes, we do.

17 Q. And there's another motorcycle in the photograph.
18 Briefly tell us if you recognize that motorcycle.

19 A. I do.

20 Q. Okay.

21 A. It was a customer of mine I was working on.

22 Q. A customer of yours?

23 A. A customer of mine. That's his motorcycle, the red
24 one.

25 Q. Which would relate to the invoices and paperwork that

1 you kept?

2 A. Yes, sir.

3 Q. And receipts?

4 A. Yes, it would.

5 Q. Mr. Dolan, I'm gonna have you look at that photograph.
6 The one that's in the back that we first referred to
7 as your motorcycle, tell us the history behind your
8 acquisition of that motorcycle.

9 A. I bought it years ago as a wrecked motorcycle from
10 some gentleman at the Greer drag strip and rebuilt it fully
11 from ground up by myself.

12 Q. How long did that take you to rebuild that motorcycle?

13 A. Roughly three and a half to four years so to say. I
14 did it as a side project.

15 Q. You'd have to find numerous parts to fit it?

16 A. Yes, sir.

17 Q. Where did you -- where did you get your parts?

18 A. I buy my parts from marketplace. A lot of times you
19 will see businesses going out of business and they're
20 selling their stock parts or their inventory. A lot of
21 Harley-Davidson dealerships they also have what they call
22 take-off parts and they'll take them off of motorcycles
23 when people upgrade them or whatever and they just throw
24 them in a little corner lot in the back of their dealership
25 and if you're friends with the service manager or whatever,

1 similar to like I am, they will just give you the parts.

2 Q. And was that -- that motorcycle, your motorcycle,
3 registered with the DMV?

4 A. Yes, it was.

5 Q. Were you paying insurance on it?

6 A. Yes, I was.

7 Q. Did you pay taxes on it?

8 A. Yes, sir. It's tagged in that picture.

9 Q. Was it taken off your property on that wrecker?

10 A. Yes, it was. Well, I assume it was because in the
11 picture I was en route to the detention center.

12 Q. Did you request to have the motorcycle back?

13 A. Yes, numerous times.

14 Q. Okay. Both through you and your wife with Agent Gray?

15 A. Yes.

16 Q. And also through your attorney in a motion you filed?

17 MR. COX: Objection, Your Honor.

18 THE COURT: Yes, sir.

19 MR. COX: We're complete -- relevance as to filed
20 motions, anything like that related to anything in this
21 case.

22 THE COURT: Yes, sir.

23 Mr. Swarat, I tend to agree to with him. I don't
24 see how the motorcycle's relevant to the charges of the
25 drug possession.

1 MR. SWARAT: I'll speed it up.

2 BY MR. SWARAT:

3 Q. After asking for your motorcycle back, your personal
4 motorcycle, what did -- what did you find that had occurred
5 to it or with it?

6 MR. COX: Objection, Your Honor. Same objection.

7 MR. SWARAT: It goes to prejudice and bias and
8 motive to misrepresent. I'm gonna show the vindictive
9 nature of what took place.

10 THE COURT: All right. Well, let's not get into
11 argument.

12 If we're gonna argue, then I'll ask the jury to
13 return to the jury room so I can take up a matter of
14 law.

15 (Whereupon, the jury retires to the jury room at
16 12:31 PM.)

17 THE COURT: Okay, Mr. Swarat.

18 I think the initial objection was for relevance
19 and I assume due to the fact that we're keeping the two
20 prosecutions separate between the property crimes and
21 the drug crimes that are alleged against your client.
22 I understand that you've been showing motive, bias
23 and things as to the Lexington County investigation
24 involving the Investigator Gietz. Tell me how the
25 destruction of a motorcycle has to do with this crime

1 12:42 PM.)

2 THE COURT: Yes, sir, Mr. Swarat. Please
3 continue.

4 MR. SWARAT: Thank you, Your Honor.

5 CONTINUED DIRECT EXAMINATION

6 BY MR. SWARAT:

7 Q. Mr. Dolan, do you still have Defense Exhibit Number 3
8 up there with you?

9 A. Yes, sir, I do.

10 Q. And it's the one that shows your personal motorcycle
11 on the back of a wrecking truck?

12 A. Yes, it does.

13 Q. And have you -- have you requested return of that
14 motorcycle on a number of occasions?

15 A. Yes, sir.

16 Q. Okay. Ultimately did you get word on the street about
17 what happened to your motorcycle?

18 MR. COX: Objection, Your Honor.

19 THE COURT: That's gonna be sustained for the
20 prior reasons and hearsay.

21 BY MR. SWARAT:

22 Q. Did you -- did you investigate and go to the wrecking
23 service that -- that took your motorcycle?

24 A. Yes, I did.

25 Q. Okay. And as a result of going to the wrecking

1 service, did you determine that your motorcycle has been
2 destroyed?

3 MR. COX: Objection, Your Honor. Leading and
4 your prior rulings on this matter.

5 THE COURT: Yes, sir.

6 Please rephrase your question.

7 MR. SWARAT: Thank you, Your Honor.

8 BY MR. SWARAT:

9 Q. Where do you know that motorcycle to be at this time?

10 A. To the best of my recollection, it has been destroyed
11 -- it had been destroyed.

12 Q. Thank you. Mr. Dolan, you have been accused of
13 trafficking in methamphetamine. I'm showing you State's
14 Exhibit Number 31. Are you guilty of trafficking
15 methamphetamine?

16 A. No, sir.

17 Q. Do you buy it?

18 A. No, sir.

19 Q. Do you sell it?

20 A. No, sir.

21 Q. Do you move it from place to place?

22 A. No, sir.

23 Q. Do you make money off of methamphetamine?

24 A. No, sir.

25 Q. Other than the \$2 they recovered out of your house,

1 did they find big stacks of money in your house?

2 A. No, sir.

3 Q. And they searched it from top to bottom, including
4 your attic?

5 A. Every nook and cranny they looked.

6 Q. Okay. Agent Gietz testified this stuff's worth big
7 money, thousands of dollars. Do you recall that testimony?

8 A. Yes, I do remember him saying that.

9 Q. And you didn't have any thousands of dollars?

10 A. I've never had thousands of dollars in my bank
11 account.

12 Q. Mr. Dolan, do you distribute marijuana --

13 A. No, I do not.

14 Q. -- or cannabis?

15 A. No, sir.

16 Q. Do you have it for your own use?

17 A. Yes, sir.

18 Q. Okay. Are you guilty of possession of marijuana?

19 A. Yes, I am.

20 Q. Are you guilty possession with intent to distribute
21 marijuana?

22 A. No, sir.

23 MR. SWARAT: Thank you. Please answer any
24 questions they may have for you.

25 THE COURT: Yes, sir. Cross.

1 CROSS-EXAMINATION

2 BY MR. COX:

3 Q. Mr. Dolan, this bag, this -- this bag here, this is
4 the bag that you are saying today in front of this jury
5 that Investigator Gietz brought drugs into your home and
6 planted in your house?

7 A. That's not what I said.

8 Q. That's not what you said?

9 A. I said I found that bag in my shop after I was
10 released from jail.

11 Q. So you don't know what this bag is?

12 A. The only thing I know about it, it's a police bag.

13 Q. It has police on it. You have no idea where this bag
14 came from?

15 A. No.

16 Q. So when you said Investigator Gietz had a backpack on,
17 that he came through the side of your gate, that there must
18 have been the drugs in it, this isn't that bag?

19 A. Those weren't my words.

20 Q. Is this the bag that you claim to have seen
21 Investigator Gietz wearing on September 5, 2023?

22 A. I said that I observed him getting a backpack out of
23 his trunk, like toolbox in the back of his truck, throwing
24 it onto his back and going into my back residence -- the
25 back of my yard.

1 Q. And that was 50 yards away standing by the truck?

2 A. Rough estimate. I was standing by a car.

3 Q. I think you said it was dark in color, right?

4 A. Yes.

5 Q. Okay. But when this was brought up, you said you saw
6 him toss it over his back, it must have been heavy, right?

7 It must have had something in it?

8 A. Yeah, he threw it over his shoulder.

9 Q. You don't know what was in it?

10 A. No, I don't.

11 Q. You don't know if this was drugs?

12 A. I just said I was 50 yards away.

13 Q. You don't know if it was the drugs, correct?

14 A. No, I do not.

15 Q. Okay. It could have been a laptop, right?

16 A. Possibly.

17 Q. Did you see Investigator Gietz with a laptop that day?

18 A. No, I didn't.

19 Q. Did anyone in your family see one?

20 A. Not that I can recall, no.

21 Q. Not that you can recall? I'll come back to that.

22 Mr. Dolan, you smoke marijuana, correct?

23 A. Correct.

24 Q. The marijuana in your house on September 5, 2023, that
25 was yours?

- 1 A. There was no marijuana inside my house.
- 2 Q. On your property. I apologize.
- 3 A. (Nods head.)
- 4 Q. The marijuana found on your property on September 5th,
- 5 that was yours?
- 6 A. Correct.
- 7 Q. That was yours alone?
- 8 A. Correct.
- 9 Q. You talked to us about the different types of
- 10 marijuana or I believe you called it cannabis material.
- 11 All of that is still yours?
- 12 A. Yes, sir.
- 13 Q. You're admitting here today that that is yours?
- 14 A. Yes, sir.
- 15 Q. You talked to us about the process of extracting
- 16 certain things, manipulating the cannabis, correct?
- 17 A. Yes, I did.
- 18 Q. You did that yourself?
- 19 A. Yes, I did.
- 20 Q. At your property?
- 21 A. Yes, I did.
- 22 Q. Okay. Not Mrs. Dolan?
- 23 A. Correct.
- 24 Q. Okay. Not anyone else in the home?
- 25 A. Correct.

1 Q. Not anyone else living there?

2 A. Correct.

3 Q. All of that was yours?

4 A. Yes.

5 Q. In your shop?

6 A. Yes. I admitted that.

7 Q. That's your shop?

8 A. That's what I said, right.

9 Q. Mr. Dolan, the meth wasn't yours though. That's what
10 you're telling us today?

11 A. Correct.

12 Q. You don't know anything about it?

13 A. No, I do not.

14 Q. You don't know how it got there?

15 A. No, I don't.

16 Q. But you saw the testimony today that it was found in
17 this circular container, right?

18 A. Hypothetically.

19 Q. No, not hypothetically. You heard the testimony that
20 it was found in the container.

21 A. There was no supporting evidence.

22 Q. Mr. Dolan, did you hear testimony in this trial that
23 the meth was found in a circular container in your shop?

24 A. Yes, I did hear that.

25 Q. You heard that testimony. Did you hear that it was a

1 circular container with bears on it?

2 A. Yes, I did.

3 Q. You know that container?

4 A. Yes, I do. I've seen it in the pictures.

5 Q. Correct. A circular container, correct?

6 A. Yes.

7 Q. That's yours, right?

8 A. Yes.

9 Q. That was in your shop?

10 A. Yes. It had invoices in it, receipts, all types of
11 paperwork.

12 Q. In your shop, that's yours, where you work and where
13 you smoke your marijuana, correct?

14 A. Rephrase that question.

15 Q. That's where you smoke your marijuana in your shop,
16 correct?

17 A. I mean, various spots throughout my shop and maybe at
18 the back of my property. You know, I might walk through
19 those woods or something like that, yes.

20 Q. But you do that?

21 A. Yes, me personally.

22 Q. And in this photo your grinder, your weed, your pipe,
23 correct?

24 A. That was all put there on the table, yes.

25 Q. That's your stuff, Mr. Dolan, right?

1 A. That was taken out of a cabinet and put onto that
2 table for the picture, yes.

3 Q. Okay. But it was in your shop before it was put on
4 that table?

5 A. Yes.

6 Q. That's yours. There's no doubt about it, right?

7 A. Yes. I've said that before.

8 Q. Right. And in this photo, that's the circular tin?

9 A. Yes, it is with something on top of it.

10 Q. You don't know what's on top of it?

11 A. If you'd move your finger.

12 Q. Here you go. If you want to look at that.

13 MR. SWARAT: Could Mr. Cox refer to the exhibit
14 number when he shows it to him, please, Your Honor.

15 MR. COX: I'm about to publish it, Your Honor.

16 MR. SWARAT: It's already in evidence.

17 MR. COX: I'm gonna publish it.

18 If I could have one moment, Your Honor.

19 THE COURT: Certainly.

20 BY MR. COX:

21 Q. Mr. Dolan, have you had a chance to review that
22 exhibit?

23 A. Yes, I have.

24 Q. Okay. I'm putting on the overhead State's
25 Exhibit Number 15.

1 Mr. Dolan, where my finger is, that's the
2 circular container?

3 A. Yes.

4 Q. That's the one that you're claiming only had receipts
5 and statements and invoices?

6 A. That's not the only one, but, yes, that did have them
7 in there.

8 Q. That's the one we're talking about, right?

9 A. Yeah, but you said the only one.

10 Q. Mr. Dolan, this is your workshop, correct?

11 A. Yes, it is.

12 Q. That table that these items are on, that's where you
13 conduct your business?

14 A. Clarify conduct my business.

15 Q. In your shop, when you walk in -- I'm gonna find
16 the picture of the entrance. To the right is all your
17 motorcycles and your -- the equipment that you said is
18 your business, correct?

19 A. When you walk into the front. The picture I'm
20 assuming you're gonna show.

21 Q. State's Exhibit 24.

22 A. Yeah. If you look to the front, you see numerous
23 tool boxes right there all housing tools, you see carts
24 towards the left and like a coffee -- a coffee can.
25 There's numerous parts on the wooden shelves to the left

1 wrapped all the way around the corner, numerous paint
2 buckets, different colors, another toolbox in the back,
3 you see a motorcycle on the bike lift to the right.

4 Q. So this is the entrance to your shop, correct?

5 A. That's one of them.

6 Q. The picture that I just showed where this circular
7 container was, that's to the left from this picture, right?

8 A. Correct.

9 Q. Okay.

10 A. Per the picture.

11 Q. On the side wall of your shop where this table and
12 things are, do you have other documents? Do you keep other
13 files, any documents, in that same area?

14 A. Yes, I keep other invoices to be done, done,
15 et cetera.

16 Q. And you keep them in certain areas?

17 A. Yes.

18 Q. Okay. Files?

19 A. I keep them in files, other metal bins, previous
20 years' metal bins. I keep them in metal bins so they don't
21 deteriorate.

22 Q. Metal bins so they don't deteriorate. Do you keep
23 them in a Christmas cookie container like that?

24 A. A metal bin's a metal bin to me, but I don't care
25 what's on the outside.

1 Q. And this just happens to be the same one that you
2 were speaking to your wife about from the Lexington County
3 Detention Center?

4 A. That was the current one I was using for that year.

5 Q. Just not for meth though, correct?

6 A. I don't use meth or have anything to do with it.

7 Q. So, Mr. Dolan, the door to your shop was locked prior
8 to law enforcement getting there, correct?

9 A. I leave all my doors open. You can go to my house
10 right now. I guarantee you the shop doors are open.
11 There's probably a door open to my house or a window
12 cracked.

13 Q. You leave all the doors open?

14 A. Yes.

15 Q. Even to your shop?

16 A. You wouldn't go in my backyard if you saw my dog.

17 Q. I'm asking you do you leave the door to your shop
18 open?

19 A. That's what I said, yes.

20 Q. So why were you sitting on the back of a truck with
21 law enforcement telling them I'll give you the key, you
22 didn't have to break a door in.

23 A. I would have gave you the key if you needed it.

24 Q. Why would you need the key? You just said your doors
25 were open.

1 A. They didn't need to break it open. It was unlocked.
2 If you twist the door and pull out, the door opens. If
3 you --

4 Q. Well, why would you need to give them the key,
5 Mr. Dolan?

6 A. Because apparently they don't know how to operate the
7 door.

8 Q. You don't think law enforcement knows how to open a
9 door?

10 A. Apparently not.

11 Q. And you offered up your key even though you knew it
12 was unlocked?

13 A. The rollup door was unlocked just as well.

14 Q. Okay.

15 A. Did they not know how to open a rollup door?

16 Q. Mr. Dolan, I'm asking you --

17 A. I know.

18 Q. -- why would you offer a key to law enforcement if
19 your door's open? Why wouldn't you tell them you didn't
20 have to break the door open, you could have just opened it?

21 A. At the current time I guess that's what I said.

22 Q. I'm not asking you to guess. You saw yourself saying
23 that.

24 A. I said it, yes.

25 Q. Yeah.

1 A. I'm saying, you know, I don't know why I said it at
2 the moment. It was early in the moment.

3 Q. You don't know why you said it?

4 A. Well, I know why I said it. Because I heard them
5 beating like hell on the door.

6 Q. Okay.

7 A. But, like I said, the door unlocked if you twist the
8 handle and pull. The video shows him grab it and push.

9 Q. You just wanted to give them a key for an unlocked
10 door just because?

11 A. Apparently they didn't know how to unlock the door or
12 open the door I should say since it was unlocked.

13 Q. Mr. Dolan, you said you don't use methamphetamine, you
14 don't know anything about methamphetamine in your home?

15 A. Correct.

16 Q. All right. State's Exhibit 12. This is a drawer
17 inside of your master bathroom, correct?

18 A. It would appear to be.

19 Q. Would you like to review the exhibit?

20 A. I can see it fine.

21 Q. Do you need me to zoom in?

22 A. No.

23 Q. Okay. Is this in your house?

24 A. I recognize my hairbrush and a razor, you know, a
25 little glue slick my wife uses, some razor cleaner. I

1 recognize a couple of items in there.

2 Q. So this is in your house?

3 A. Yes.

4 Q. That is your bathroom drawer?

5 A. I wouldn't say my bathroom drawer. A drawer in my
6 bathroom, yes, it appears to be.

7 Q. Do you use the drawer? You just said that's your
8 hairbrush, correct?

9 A. Yes. That's what I said. That's a hairbrush.

10 Q. You share it with your wife?

11 A. Yes.

12 Q. Okay. State's Exhibit 9. And same thing, same
13 bathroom, right? This is your sink?

14 A. Yeah, that appears to be the middle of the cab --
15 countertop, yes.

16 Q. Okay. But this is your bathroom?

17 A. It appears, yes.

18 Q. Your master bathroom in your home?

19 A. The way my spare bedroom is, but, yeah, that appears
20 to be my master bedroom.

21 Q. That's -- that's your bedroom?

22 A. My bathroom, yes.

23 Q. Your bathroom and in -- right next to your bathroom?

24 A. Yes.

25 Q. Okay. Now when police first arrived on-scene, you're

1 dog Bang that we heard about was in your house?

2 A. Yes, he was.

3 Q. Okay. We've heard that he's a nice dog. We've heard
4 that Investigator Gietz knew him and knew him to be nice,
5 correct?

6 A. Those are lies.

7 Q. Your dog is not a nice dog?

8 A. No, he's not.

9 MR. COX: Your Honor, if I could have a moment.

10 THE COURT: Yes.

11 BY MR. COX:

12 Q. So your dog is not a nice dog. That's what you're
13 saying?

14 A. If I'm in the yard you're not gonna be attacked, but
15 I'm sure if you go in my yard with my family not around
16 it's not gonna be good.

17 Q. Okay.

18 A. Unless you've got a cheeseburger in your hand or
19 something like that like any dog.

20 Q. Mr. Dolan, does anyone else live at your home besides
21 Mrs. Dolan?

22 A. My children.

23 Q. Back in September of 2023?

24 A. Yes. I had two children that lived there as well and
25 prior I had somebody that rented out my camper for roughly

- 1 eight months, but he had since moved out.
- 2 Q. And who was that?
- 3 A. Brian Fulgham.
- 4 Q. I'm sorry?
- 5 A. Just some worker. Some guy looking for a place to
- 6 live.
- 7 Q. But he wasn't in your house?
- 8 A. No.
- 9 Q. He wasn't going through your home, your bathroom,
- 10 nothing like that?
- 11 A. To the best of my knowledge, no.
- 12 Q. Well, don't you have a security system set up?
- 13 A. Yeah.
- 14 Q. So is it to the best of your knowledge or were you not
- 15 aware of him going through your house or not?
- 16 A. I don't watch my cameras religiously.
- 17 Q. Mr. Dolan, you testified that you don't smoke in front
- 18 of your mom?
- 19 A. Correct.
- 20 Q. You don't smoke in front of your children?
- 21 A. Correct.
- 22 Q. You keep that to yourself?
- 23 A. Yes, sir.
- 24 Q. So you keep that aspect of your life a secret?
- 25 A. You could say so, yes.

1 Q. I'm asking you. Do you --

2 A. I keep that away from my family.

3 Q. You keep that drug activity away from your family?

4 A. Yes.

5 Q. You keep that a secret from your family?

6 A. Yes.

7 Q. And the people in your home?

8 A. Yes. I don't let them know. I don't do it in front
9 of them and I don't make it known to them or anything like
10 that.

11 Q. You don't make it known to them?

12 A. No.

13 Q. You keep it in your shop?

14 A. Yes.

15 Q. So they don't know anything about it?

16 A. Correct.

17 Q. You keep that away from them, you keep that door
18 locked, you keep everything away from them?

19 A. I didn't say I keep the door locked.

20 Q. Okay.

21 A. Quit trying to put words in my mouth.

22 Q. Mr. Dolan --

23 THE COURT: Please just answer the questions of
24 the attorneys.

25 THE WITNESS: Would you rephrase your question?

1 BY MR. COX:

2 Q. Mr. Dolan, you keep your drug activity on your
3 property a secret from your family and the people that
4 live with you, correct?

5 A. I keep my consumption of medical cannabis to myself.
6 That is the only drug activity I pursue -- I engage in.
7 Does that answer your question?

8 Q. Mr. Dolan, you testified that when you first came out
9 of the house there was SLED and SWAT on the scene, correct?

10 A. Yes, sir.

11 Q. You made contact with Investigator Alex Gray?

12 A. After I was detained, yes.

13 Q. So --

14 A. He made contact with me.

15 Q. You didn't -- we played a little bit of the video.
16 You came out of the home and one of the SWAT members made
17 contact with you, right?

18 A. (Nods head.)

19 Q. Walked you with Agent Gray to the back of the truck?

20 A. Walked me to the back of one of the trucks. I don't
21 know which agent it was. I think it was the guy that was
22 here testifying yesterday, but when I sat there, leaned
23 against that guy's truck, Agent Gray had walked around the
24 back of his truck, looped around and then came up to me.

25 Q. Agent Gray came and spoke to you --

1 A. Introduced.

2 Q. -- first?

3 A. Yeah, he introduced himself to me and said it was his

4 investigation.

5 Q. It was his investigation --

6 A. Yes.

7 Q. -- correct? That's why SWAT was there, that's why

8 SLED was there, that's why anyone was at your house,

9 correct?

10 A. Yes.

11 Q. On September 5, 2023, that's why everyone was there

12 was that was Agent Gray's investigation, correct?

13 A. Correct.

14 Q. And he told you he's part of the vehicle crimes unit,

15 correct?

16 A. He did tell me that he was in that unit.

17 Q. And he had a search warrant for a chop shop, correct?

18 A. Correct.

19 Q. That's why they were there, right?

20 A. Yes. They were there to look for VIN's, anything like

21 that, paperwork, invoices, receipts. The whole nine.

22 Q. Now you weren't taken to jail immediately, were you?

23 A. (Shakes head.)

24 Q. Okay. First you were detained. SWAT's on the scene

25 and you saw them --

1 THE COURT: Mr. Dolan, make sure you answer
2 verbally because you just shook your head no. I don't
3 know if you said no. I didn't hear you say no.

4 THE WITNESS: I'm sorry. I answered his
5 question, but then I --

6 THE COURT: Okay. Maybe I'm the problem. Let's
7 just make sure you answer verbally. Thank you.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: I'm sorry. For the record and so the
10 jury can hear you. I don't know if everybody's looking
11 at you at the time when you shake your head.

12 THE WITNESS: Okay. Yes, ma'am.

13 THE COURT: I'm sorry, Mr. Cox, to interrupt you.

14 MR. COX: No, not a problem, Your Honor. You
15 gave me a nice little moment there.

16 BY MR. COX:

17 Q. Mr. Dolan, I'm gonna go back to Investigator Gietz for
18 a moment.

19 (State's Exhibit Number 2 playing.)

20 Q. Mr. Dolan, this is the phone call you made with your
21 wife from LCDC, correct?

22 A. I'd assume. I haven't heard it yet.

23 (State's Exhibit Number 2 playing.)

24 Q. Does that refresh your memory, Mr. Dolan?

25 A. I didn't hear her say who -- who the call was from.

1 Q. Were you in here for the testimony of this trial,
2 Mr. Dolan?

3 A. Yes. I mean, I'm not gonna say yes, that's my phone
4 call when I have not heard the phone call.

5 Q. Okay. I'm referring to State's Exhibit 2, Mr. Dolan.

6 A. Okay.

7 Q. We have heard some testimony and heard a jail call you
8 made with your wife, correct?

9 A. Yes.

10 Q. That was presented in trial in court this week?

11 A. Yes.

12 Q. In that call, you were talking to Mrs. Dolan about
13 some of what happened that day, correct?

14 A. Correct.

15 Q. Including a short conversation with her about Gietz
16 working on a laptop inside your home. Do you recall that?

17 A. I do not recall Gietz -- saying anything about Gietz
18 and a laptop in my home.

19 (State's Exhibit Number 2 playing.)

20 Q. So, Mr. Dolan, you were conferring with your wife
21 about observing Investigator Gietz with his laptop in your
22 home, correct?

23 A. That's what it said, yes, sir.

24 Q. Is that what you were referring to, Mr. Dolan?

25 A. I said yes. That's what it said or played. It's been

1 since September 5, 2023. I have a hard time remembering
2 everything, little details.

3 Q. You have a hard time remembering every little detail?

4 A. It's been a couple of years. Yes, sir.

5 Q. So does that include -- that would include the details
6 that somebody planted drugs at your house?

7 A. Rephrase that question.

8 Q. You're having a hard time remembering the details of
9 when you were arrested that day?

10 A. I didn't say I'm having a hard time remembering the
11 details. I said I can't remember every little detail that
12 was said on that day.

13 Q. Okay.

14 A. That was -- that was five seconds of a conversation.

15 Q. Mr. Dolan, you've testified to the harassment of
16 Investigator Gietz and yourself?

17 A. Uh-huh.

18 Q. You've known him over a few years?

19 MR. SWARAT: You've got to answer verbally, sir.

20 THE WITNESS: Yes, sir.

21 THE COURT: Thanks.

22 BY MR. COX:

23 Q. You've known him over the years, correct?

24 A. Yes, sir.

25 Q. And the times that you've had interactions with

1 Investigator Gietz, he was working with the sheriff's
2 department, correct?

3 A. Presumably.

4 Q. He was interacting with you in his capacity as a law
5 enforcement officer, correct?

6 A. Yes, I would assume.

7 Q. To your knowledge, right?

8 A. To my knowledge. To the best of my knowledge, yes.
9 That's one way of looking at it.

10 Q. That's why he was interacting with you?

11 A. Uh-huh. Yes.

12 Q. Were you always alone when Investigator Gietz came and
13 interacted with you over those years?

14 A. No.

15 Q. Okay. Were some of the people you were with friends?

16 A. Yes.

17 Q. Some of them associates?

18 A. Yes.

19 Q. Some of them the people that you ride motorcycles
20 with?

21 A. Yes.

22 Q. In any of those interactions -- Mr. Dolan, you
23 testified that none of those prior interactions with
24 Investigator Gietz resulted in you being charged with
25 anything?

1 A. Correct.

2 Q. That's what you testified to. In any of those other
3 interactions with Investigator Gietz, did any of your
4 friends or associates wind up being charged or arrested?

5 A. I'm trying to word this correctly because I can't say
6 certain things, but --

7 Q. I just want you to answer the question, Mr. Dolan.

8 A. Well, as per what the judge said earlier, nobody went
9 to jail whenever he said -- when he talked to me in that
10 context. When me and him were talking with other people
11 around, nobody went to jail at those current times.

12 Q. Mr. Dolan --

13 A. So your answer would be, no.

14 Q. Thank you. So none of those other interactions, it's
15 your testimony that no one that you were with was arrested
16 or charged, correct?

17 A. Correct.

18 Q. All right. Now one of the interactions with
19 Investigator Gietz was at a funeral, correct?

20 A. Numerous occasions, yes.

21 Q. Numerous funerals or numerous occasions?

22 A. Numerous funerals.

23 Q. Okay. And Investigator Gietz approached you at one
24 of these funerals?

25 A. Yes.

1 Q. Did he approach you at others?

2 A. Yes.

3 Q. Did that upset you?

4 A. Yes.

5 Q. Did it upset your friends?

6 A. Yes.

7 Q. Why would it upset your friends?

8 A. We're mourning the loss of our friends, our brothers,
9 and here he is harassing us; hey, Buddy.

10 Q. He said hey, Buddy?

11 A. Yeah. He always says that every time he sees me.

12 Q. So he walks up to you and your friends, he says hey,
13 Buddy?

14 A. Yes.

15 Q. And you didn't like that?

16 A. I gave him the same response I did in the video.

17 Q. What response?

18 A. You're looking at it.

19 Q. Mr. Dolan, I don't need you to explain --

20 A. Okay. I don't say anything to him. I ignored his
21 presence.

22 Q. You don't say anything to him?

23 A. (Shakes head.)

24 Q. It's your testimony here today that Investigator Gietz
25 approached you at a funeral, said hey, Buddy, and you

1 didn't say anything else to him?

2 A. At one particular funeral, yes. Another particular
3 funeral that you're questioning, yes, I did say something
4 to him as I testified to earlier.

5 Q. Mr. Dolan, what did you say to Investigator Gietz?

6 A. I'm not your fucking friend. Don't sit there and hey,
7 Buddy me and make me look like we're friends in front of
8 everybody because we're not.

9 Q. You didn't want Investigator Gietz approaching you
10 and making it look like you were friends with Investigator
11 Gietz, correct?

12 A. Correct.

13 Q. Because he's with law enforcement?

14 A. Correct.

15 Q. Is that what upset your friends?

16 A. Yes.

17 Q. Why would that upset your friends?

18 MR. SWARAT: Objection. Speculation. Calls for
19 speculation.

20 THE COURT: I think the defense counsel's right.
21 I'm not sure he would know why -- exactly why.

22 MR. COX: Your Honor, he testified that it did
23 upset his friends. So my question is why did it upset
24 them? He knows it upset them, so he knows why it upset
25 him.

1 THE COURT: I don't know if he knows it upset
2 them if he would know why it upset them.

3 MR. COX: Your Honor, my question was if he's
4 able -- I'm trying to glean what -- I can rephrase.

5 THE COURT: Ladies and gentlemen, could you step
6 out for --

7 MR. COX: I can rephrase.

8 THE COURT: You-all can approach. You can stay
9 right there. You-all approach for a second. Come
10 here.

11 (Proceedings held at the bench; not reported.)

12 MR. SWARAT: Thank you, Your Honor.

13 THE COURT: Thank you, sir. Sustained.

14 BY MR. COX:

15 Q. Mr. Dolan, when Investigator Gietz approached you at
16 this funeral, you testified that you were upset, correct?

17 A. Yes.

18 Q. And that your friends were upset?

19 A. Correct.

20 Q. Are you aware of why your friends were upset with you
21 talking to Investigator Gietz?

22 MR. SWARAT: I'm sorry, I couldn't hear the
23 question.

24 THE COURT: The question was are you aware of why
25 your friends would be upset if you talked to Officer

1 Gietz.

2 MR. SWARAT: Same objection as to speculation.

3 THE COURT: I think he can ask if he's aware.

4 MR. SWARAT: He either is or he isn't. I agree
5 with that, Your Honor.

6 THE COURT: Thank you, sir.

7 BY MR. COX:

8 Q. Mr. Dolan, are you aware of why your friends would be
9 upset with you speaking to Investigator Gietz?

10 A. Because it was disrespectful of him to be at a funeral
11 conducting that type of business.

12 THE COURT: I'll take that as a yes. He's aware.

13 BY MR. COX:

14 Q. Mr. Dolan, you just testified that it was because of
15 his being disrespectful at a funeral.

16 A. Yes.

17 Q. Isn't it true that your friends were upset because
18 it would have made you look like you're talking to
19 Investigator Gietz?

20 A. You're talking about two different funerals, sir.

21 Q. Okay. I want to talk about the other funeral then.

22 A. Okay.

23 Q. Investigator Gietz came up to you at another funeral?

24 A. Okay.

25 Q. And that upset you as well?

1 A. Yes.

2 Q. And it upset your friends?

3 A. Yes.

4 Q. So are you aware why your friends were upset with you
5 talking to Investigator Gietz at that funeral?

6 A. Because if you're seen talking with law enforcement,
7 you're considered unloyal because he's an untrue --
8 untrustworthy person. Nobody likes him. He's a snake in
9 the grass.

10 Q. But you said he approached you at a funeral and just
11 said hey, Buddy?

12 A. That's his antics.

13 Q. His antics?

14 A. (Nods head.)

15 Q. Okay. So you and your friend get upset with an
16 officer that comes up to you at a funeral and says hey,
17 Buddy?

18 A. When Officer Gietz does.

19 Q. Why would that upset you when an officer comes up to
20 you?

21 A. You're not -- the way you're wording it is different,
22 sir. You're saying officer, which contains many different
23 officers, many different calibers of police officers. We
24 are, in turn, talking about Gietz, right?

25 Q. Yes. When you said disloyal, you said it made you

1 look disloyal, disloyal how, Mr. Dolan?

2 A. You sleep with the snakes if you talk with them.

3 Q. Sleep with the snakes if you talk to them?

4 A. Isn't that a phrase? Yes. You are who you hang out
5 with. If I'm seen hanging out with law enforcement trying
6 to be all buddy, buddy, I'm gonna be perceived as a law
7 enforcement associate, you know.

8 Q. A lot of your friends have a problem with you being a
9 law enforcement associate.

10 A. Because of a lot of law enforcement is not viewed as
11 trustworthy in my lifestyle.

12 Q. So you and your friends don't want you talking to the
13 police because it would be disloyal?

14 A. Don't want anybody. You don't trust police. Look at
15 where we are now.

16 MR. COX: Your Honor, one moment, please.

17 THE COURT: Thank you, sir.

18 BY MR. COX:

19 Q. Your friends would be upset if you were seen
20 associating with law enforcement, Mr. Dolan, correct?

21 A. No.

22 MR. SWARAT: Your Honor, I thought we were
23 specifically talking about Gietz's interactions with
24 Mr. Dolan.

25 MR. COX: He said law enforcement on his answer.

1 THE COURT: I'll allow the question.

2 THE WITNESS: No, because I would not associate
3 with law enforcement in those terms.

4 BY MR. DOLAN:

5 Q. You would not associate with law enforcement?

6 A. I don't -- I don't associate with law enforcement.

7 Q. You do not associate with law enforcement?

8 A. Outside of the scope of my mother's job.

9 Q. Outside the scope of your mother's job?

10 A. My mother is, I think, an enforcement officer or
11 victim's advocate. I know she's that.

12 Q. And, Mr. Dolan, what other family do you have that's
13 in law enforcement?

14 A. My stepfather is a retired detective, my stepbrother
15 was a police officer, his wife was a police officer. My
16 mother's worked at numerous police agencies my whole life.
17 My stepfather did as well, too. I've worked for numerous
18 officers doing side jobs at their residence years ago when
19 I was younger, my teenage years, but that's about that.

20 Q. But you don't associate with law enforcement now?

21 A. No, I do not outside of my mother.

22 Q. Something's changed?

23 A. Yeah.

24 MR. COX: Your Honor, that is all I have for
25 cross-examination.

1 THE COURT: Thank you, sir.

2 Any redirect?

3 MR. SWARAT: Briefly, Your Honor.

4 THE COURT: Yes, sir.

5 REDIRECT EXAMINATION

6 BY MR. SWARAT:

7 Q. There are members of law enforcement in your family
8 that you love dearly?

9 A. Yes.

10 Q. Including your mother?

11 A. Yes.

12 Q. Billy Belk, who was your -- your step-dad?

13 A. Yes.

14 Q. Who brought you up like a dad?

15 A. Yes.

16 Q. Okay. Did you hunt with Billy?

17 A. Yes.

18 Q. Did you hunt with Chief Dennis Tyndall at West
19 Columbia?

20 A. Yes, I did.

21 Q. Did you hunt with other members of the law enforcement
22 community?

23 A. Yes, I have.

24 Q. And did Billy Belk give you many of the guns we saw in
25 your gun case in your bedroom?

1 A. Yes, he did.

2 Q. And have you asked to have those back?

3 A. Numerous times.

4 Q. Those were handed down to you from Billy?

5 A. Yes.

6 Q. Okay. And are there other police officers that are
7 members of law enforcement that you don't trust?

8 A. Very much so.

9 Q. And is Gietz one of them?

10 A. Number one.

11 Q. Number one?

12 A. Yes.

13 MR. SWARAT: That's all I have.

14 THE COURT: Thank you, sir.

15 Thank you, Mr. Dolan. You may step down. Thank
16 you.

17 THE DEFENDANT: Thank you.

18 (Witness excused.)

19 THE COURT: Mr. Swarat, you may call your next
20 witness.

21 MR. SWARAT: Defense calls Colleen Belk.

22 (Whereupon, Colleen Belk was duly sworn by the
23 Clerk of Court.)

24 THE CLERK: Please go have a seat on the witness
25 stand. Please state your name and the spelling of your

1 last name for the record.

2 THE WITNESS: My name's Colleen Belk. B-E-L-K.

3 COLLEEN BELK,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. SWARAT:

7 Q. Ms. Colleen, I've known you for decades --

8 A. Yes.

9 Q. -- but the jury does not know you. Can you tell us a
10 little bit about yourself?

11 A. Sure. I am a retired law enforcement officer;
12 however, I do work part-time now for the Town of Pine Ridge
13 as their victim services advocate. I worked twenty plus
14 years in West Columbia Police Department and I started out
15 as a dispatcher for seven years and then I was afforded the
16 opportunity to go to the criminal justice academy and I
17 became a sworn officer and began the career of a lifetime.
18 I loved it.

19 Q. And in that capacity did we work together when I was
20 young like them and didn't have gray hair?

21 A. Yes, we did. Many times.

22 Q. And have you testified on behalf of the State in the
23 courtrooms of Lexington County?

24 A. Yes, I have.

25 Q. Many times?

1 A. Many times.

2 Q. Put up by the prosecution?

3 A. Yes.

4 Q. Tell us about your family. Do you have children?

5 A. I do. I have two children. A son and a daughter.

6 Q. Okay. And who is your son, ma'am?

7 A. Michael Dolan.

8 Q. All right. And who is your daughter?

9 A. Jennifer Rabon.

10 Q. And now going on a little further, do you have

11 grandchildren?

12 A. I do. I have four grandchildren.

13 Q. Okay. And what are their ages?

14 A. Dylan is 23, Grace is 19, Isabelle is 15, and Lillian

15 is 13.

16 Q. And I hate to ask you this question because it's gonna

17 make me feel old. You actually have a grand-baby -- a

18 great grand-baby?

19 A. I have a great grandson now and I have my second great

20 grandson on the way. He'll be here in July.

21 Q. Congratulations.

22 A. Thank you.

23 Q. When Michael Dolan, your son, when he was growing up,

24 did he live with you?

25 A. Yes.

1 Q. At some point in his growing up, did you and Billy
2 Belk have a relationship?

3 A. Oh, yes. Billy and I were married.

4 Q. Right. Were you married when Michael was -- before
5 Michael was born or after?

6 A. After.

7 Q. Okay. How old was Michael when Billy came into your
8 life?

9 A. Michael was six and Jennifer was four.

10 Q. And you and Billy had a courtship?

11 A. Yes.

12 Q. Who was Billy Belk?

13 A. Billy at that time when we met, he was a road officer.
14 He worked on patrol and he was eventually promoted to
15 criminal investigations. He worked narcotics, he worked
16 vice, he worked all aspects of investigations, and then he
17 was promoted to lieutenant over investigations, criminal
18 investigations.

19 Q. And in that capacity as a lieutenant of investigation,
20 was that West Columbia Police Department?

21 A. Correct.

22 Q. That's how I got to know both of you; is that correct?

23 A. That's correct.

24 Q. We worked some cases back in the old courthouse?

25 A. Yes, we did.

1 Q. And sadly Billy is no longer with us, is he?

2 A. Right.

3 Q. When did he pass away?

4 A. 2016.

5 Q. I'm sorry.

6 A. It's okay. I've got it. 2016. In July 2016.

7 Q. I'll get you some water.

8 A. I'm sorry. Just the mention of it sometimes. I'm
9 okay.

10 Q. What did Michael refer to Billy as? What was his --
11 did he call him dad?

12 A. He called him dad and -- but Billy most of the time,
13 but if he -- if he spoke to Billy, he would call him Billy,
14 but if he spoke to anyone else about Billy he would call
15 him my dad.

16 Q. And did Billy treat your children as his own so to
17 speak?

18 A. He did. Yes, he did.

19 MR. COX: Your Honor, I need to object. May we
20 approach briefly?

21 THE COURT: Certainly.

22 (Proceedings held at the bench; not reported.)

23 BY MR. SWARAT:

24 Q. Ms. Belk, did Billy hunt with Michael?

25 A. Yes.

1 Q. Did he do activities with Michael?

2 A. Yes.

3 Q. And Michael was raised up, if you will, in a law
4 enforcement household?

5 A. Most certainly, yes.

6 Q. And was Michael respectful of you and Billy?

7 A. Yes.

8 Q. Okay. Let's fast-forward a little bit to Michael's
9 teenage years. Did he discover marijuana at some point
10 in his teenage years?

11 A. Yes, he did.

12 Q. How did you become aware that he'd discovered
13 marijuana?

14 A. My sister, her husband, smoked marijuana, and he
15 allowed some of the boys to smoke with him and that
16 became an interest for Michael and then I believe he also
17 associated with his friends in high school and that was
18 their thing.

19 Q. Okay. Did Michael ever smoke marijuana in front of
20 you?

21 A. No.

22 Q. Were you aware through conversations with Michael that
23 -- that he used marijuana?

24 A. Yes.

25 Q. Was he honest about it with you?

1 A. He was.

2 Q. But he was respectful enough not to do it in front of
3 you?

4 A. Correct.

5 Q. Have you ever known him to use marijuana in front of
6 his family?

7 A. No.

8 Q. Has he -- over and above smoking marijuana, did he
9 develop an interest in the seeds and different strains of
10 marijuana?

11 A. He did.

12 Q. Can you explain that to the jury?

13 MR. COX: Objection, Your Honor.

14 THE COURT: Yes, sir. What's the nature of your
15 objection?

16 MR. COX: Relevance. This is improper character
17 testimony. This is fact testimony. This is clearly
18 improper.

19 THE COURT: I believe this is getting into fact
20 testimony and Ms. Belk was allowed to remain in the
21 courtroom as a non-fact witness.

22 MR. SWARAT: Okay.

23 MR. COX: Thank you, Your Honor.

24 THE COURT: Yes, sir. It's sustained.

25 BY MR. SWARAT:

1 Q. Does Michael have a heart condition?

2 A. He does.

3 Q. And what is that heart condition?

4 MR. COX: Objection, Your Honor. Same objection.

5 THE COURT: Thank you, sir.

6 If you're presenting her as a character evidence,
7 let's move along to that -- as a character evidence to
8 that evidence.

9 MR. SWARAT: Okay.

10 BY MR. SWARAT:

11 Q. Have you ever known Michael to use narcotics of any
12 kind?

13 A. No. I'm sorry, no.

14 Q. And what is Michael's character for truthfulness or
15 untruthfulness?

16 A. Mike is painfully truthful.

17 Q. Painfully truthful?

18 A. Yes. My feelings have been hurt a few times.

19 MR. SWARAT: Abiding by the Court's admonishment
20 and --

21 THE COURT: Not admonishment.

22 MR. SWARAT: Excuse me, instructions to go
23 forward and just cover this ground, that's all I would
24 have at this time.

25 THE COURT: All right.

1 MR. SWARAT: Please answer any questions the
2 prosecution may have.

3 THE COURT: Thank you, sir.
4 Cross.

5 MR. COX: No cross, Your Honor.
6 Thank you, Ms. Belk.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: Ms. Belk, you may step down.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 THE COURT: All right. Mr. Swarat, do you have
12 any other witnesses?

13 MR. SWARAT: No, Your Honor. The defense rests.

14 THE COURT: Thank you, sir.

15 All right. Ladies and gentlemen of the jury, we
16 have some other matters to take up. I'm gonna ask you
17 to return to the jury room while we take up some other
18 matters in this case and then I'll have you back out.

19 So feel free -- make sure you-all use the
20 restroom and take a break, grab another bottle of
21 water, whatever you need to do, okay?

22 Thank you. Please do not discuss any of the
23 evidence, testimony or your thoughts on the case thus
24 far.

25 (Whereupon, the jury retires to the jury room at

1 at this point?

2 MR. SWARAT: The defense rests as well, Your
3 Honor.

4 THE COURT: Thank you, sir.

5 We took the opportunity to take up matters of
6 law after the jury left yesterday, so, ladies and
7 gentlemen, we are now at the stage of the trial where
8 we will proceed with closing arguments. Similar to
9 opening arguments, these are not evidence in the case.
10 This is a presentation by the advocates for each side
11 to wrap up the evidence and the testimony that's been
12 presented to you.

13 When they talked in their opening statements, we
14 weren't sure what evidence would be presented to you.
15 Now we have that full presentation and they can make
16 their arguments to you.

17 After the closing arguments, we'll take a brief
18 break and then I will charge you as to the law.
19 Remember at the beginning I said you are the judge of
20 the facts and I am the judge of the law. You are to
21 take the law as I present it to you.

22 In their closing arguments, they may refer to the
23 law, but it is my instructions that you follow as to
24 the law, okay?

25 Thank you.

1 Yes, sir. You may proceed.

2 MR. COX: Thank you, Your Honor. May it please
3 the Court?

4 Good morning, members of the jury. Let me start
5 by saying you are coming close to finishing one of the
6 highest forms of public service that one can provide in
7 this country. You've done so attentively, you've done
8 so properly, so we thank you. I'm sure I speak for
9 Mr. Swarat as well. We thank you for that service both
10 for the State and for the County of Lexington.

11 We can't do our jobs, we can't present these
12 cases, this system doesn't work unless we have a true
13 jury of our peers to be able to present this evidence
14 to meet our burden and do our jobs, so thank you for
15 that. And that is exactly what we did this week.

16 Mr. Pincelli told you from the beginning exactly
17 why you were here. We, the State of South Carolina,
18 have brought two indictments before you. Trafficking
19 methamphetamine and PWID marijuana. That's it. That
20 is what you were called upon to decide, that is what
21 you were called upon to deliberate and that is what we
22 brought you through the evidence and the testimony in
23 this case.

24 We're gonna -- briefly in a few minutes I'm gonna
25 go through with you exactly what the law says that

1 trafficking methamphetamine, what it means, what PWID
2 marijuana means, the different ways to prove it and the
3 different ways we have proved it. And then the judge
4 is also gonna instruct you later on once the closings
5 are done on exactly what the law is. You don't take my
6 word for it. I'm here to argue. That's what I'm doing.
7 We've presented our case and now I am arguing to you
8 our side. On the law and what the law is and what your
9 job is, that is gonna come from the bench from Judge
10 Rivers just like it has all week. So if there's a
11 discrepancy, if there's different arguments, you rest
12 on what you saw, what you heard and what you hear from
13 the judge.

14 Members of the jury, this case, you heard a lot.
15 We brought you evidence, we brought you witnesses, we
16 brought you testimony, video, pictures, drugs. You
17 heard some other stuff as well. You heard a lot.

18 The case is fairly simple. On September 5, 2023,
19 investigators with SLED, their vehicular crime unit,
20 arrived at 217 Boy Scout Road to serve a search
21 warrant, which the warrant was for a chop shop. That's
22 why they were there.

23 You heard from Agent Gray. This was his case,
24 his investigation. He's not from here. He works for
25 SLED. They're a statewide agency. He told you when

1 they come into communities like Lexington County, like
2 Gaston, what do they do? Especially when they're going
3 onto a property they've never been, they ask for help,
4 and who did he ask help from? Gaston Police Department
5 and Lexington County Sheriff's Department. They're
6 coming into a community, they're serving a warrant --
7 or they're executing a warrant. They want to make sure
8 they do it the right way, they want to make sure they
9 do it with folks who know the area, know the layout.
10 They're trying to do their jobs and that's what they
11 did.

12 You saw SWAT was on-scene. You saw the size of
13 the property, you heard testimony about the size of the
14 property, you heard testimony from one of the SWAT
15 agents themselves as to why they do what they do, why
16 they operate the way they do, what the security risks
17 are, the reason they do these things. You heard that
18 straight from the witness stand. And then you even see
19 on the camera from Agent Johnson's body camera what
20 they did when they arrived on-scene.

21 On September 5th, they arrived. SWAT approached
22 first. They call out, they bring out the defendant
23 from the house. It takes him a minute, but he finally
24 comes out. They don't throw him on the ground. They
25 don't harass him. He's detained. Police are on the

1 scene. They have weapons out. They're trying to make
2 the scene secure for the search warrant.

3 They detain him. They walk him to the back of
4 a truck. He's not in handcuffs. Again, these SWAT
5 members have never met him, they don't know who else
6 is in the house, they don't know who else is on the
7 property, they don't know who's watching them. They
8 took him to the back of the truck. They detained him.

9 They go through the house, they clear the house.
10 They go through the shop, they clear the shop. And you
11 saw that. You saw the video of that. You'll see it
12 again. All of this is going back to you. You get to
13 see it all again. You get to deliberate with the same
14 evidence that's been presented to you. You get to
15 determine was that locked. They told you it was. You
16 saw it was. You're gonna hear them say door locked,
17 you're gonna see them breach it, you're gonna hear the
18 defendant again say I'd given you the key.

19 So they breached the door of a locked shop. You
20 get to see them go inside, you get to see the layout of
21 the shop exactly when law enforcement first arrives,
22 where everything is. We're gonna go through a little
23 bit of that in just a minute, but you'll get to see
24 through photos, through video of how the scene was
25 found even before any searches for drugs took place.

1 That was all brought to you.

2 And what happens? The defendant's taken out of
3 his handcuffs, he's told we're executing a search
4 warrant, gave him all the information. He needs to
5 sit tight. He's detained. They bring him a bottle of
6 water. Is he being harassed?

7 What do officers find? Investigator Gietz with
8 the Lexington County Sheriff's Department, a narcotics
9 officer, why's he on-scene? You already heard. SLED
10 needed assistance. He's with the sheriff's department.
11 You saw Gaston Police Department out there. They are
12 assisting with a search warrant. That is why they are
13 there. Nothing else.

14 They go through and what do they find? Drugs.
15 Period. Drugs. Marijuana, weed, a grinder, pipe,
16 seeds, a grow lamp, a warming pad, irrigation system,
17 in the shop. All of this. Not through harassment,
18 they didn't bring this to the scene. You heard the
19 defendant himself. This is his stuff. This is his
20 marijuana. These are his drugs that's in his shop.
21 You heard that from the stand.

22 But that doesn't mean the police stop. Because
23 investigators are on-scene. They got a narcotics
24 officer on the scene helping with a search warrant.
25 He doesn't turn his eyes off, he doesn't stop

1 investigating. No. He does his job.

2 He goes and gets a search warrant because of what
3 he found and he comes back and he searches for more
4 drugs, and that is what he finds in the shop in this
5 circular tin with the bears on it. We're gonna
6 highlight that a little bit more in just a few minutes.
7 But that is where they find 792 grams of meth, and that
8 is the weight of it, members of the jury.

9 The testimony is 792 grams. Yeah, they tested
10 the weight of it in the field. You heard that. That's
11 why they do it. They have to make charges, they have
12 to figure out what they have, but the weight on -- the
13 field weight that Investigator Gietz had, that's not
14 what you need to rely on. Michael Dolan's been charged
15 with 400 grams or more of methamphetamine. That's what
16 we had to prove and we did not stop with the word of
17 Investigator Gietz of what he weighed it on the scene.
18 He weighed it with the packaging. No, we didn't stop
19 there because he's not charged with possessing
20 400 grams with packaging. We had to confirm it was
21 meth.

22 It was brought to you how much it was. You heard
23 from the chemist herself. You heard her testing, you
24 heard what her expert opinion was on the weight of
25 these drugs, and it's 792 grams. You heard from her

1 why there might some be discrepancies. She was even
2 asked some questions on how much bags would weigh and
3 how that can affect it. She told you she didn't know,
4 but she took a guess. It depends on the brand. It
5 depends on -- it could be anywhere from 5 to 10 grams.
6 I submit to you it would probably be a little bit more,
7 it might be a little bit less, but she doesn't rely on
8 guessing weights.

9 She tested the substance in this BEST kit.
10 These drugs. This meth. This is 792 grams of
11 methamphetamine, and there's no reasonable doubt as
12 to how much that weighs because it is over -- it is
13 400 grams or more. That is the law. That is what we
14 had to prove.

15 But that was not the only meth found on the
16 property, was it? Because they continued their search.
17 And not just Investigator Gietz, the same Agent Johnson
18 who had the body camera on that you got to see walking
19 through the house, he assisted.

20 Agent Johnson, the one who took the stand. We
21 heard nothing about any prior interactions with the
22 defendant on him, did we? No. He's a SLED agent.
23 He's with SWAT. He was there for a reason. He helped
24 with the search of the house. Everything he told you,
25 what you saw on his body cam, you get to judge his

1 credibility, too, just like every witness. You get to
2 match up with what they told you with what you see with
3 the rest of the evidence. That is the key to your jobs
4 when you're deliberating.

5 Agent Johnson came here and told you he was
6 assisting with a search and what did he find? What did
7 Agent Johnson find? This container in the master
8 bathroom. Not in the shop. The master bathroom. In
9 Michael Dolan's bathroom. This container with a dollar
10 bill on it tested positive for meth. Meth in the
11 house, meth in the shop. Michael Dolan's house.
12 Michael Dolan's shop. Michael Dolan's property.

13 I'm not gonna go too much more over the marijuana
14 material. I believe you've heard enough testimony not
15 only from the officers, not only what was found, but
16 from the defendant himself.

17 That is what happened on September 5, 2023.
18 Those are the facts of the case. That is what was
19 provided to you in testimony, that was provided to
20 you in the evidence in this case.

21 So what now? Once we finish with closing
22 arguments, you'll be charged on the law, you'll go
23 back to your jury room and you'll begin deliberating
24 this case. You'll speak amongst yourselves, you'll
25 weigh the evidence and you will determine a verdict

1 of guilty or not guilty.

2 That is what you'll be doing. You'll be
3 determining if the State of South Carolina, if we, met
4 our burden of proof beyond a reasonable doubt on each
5 element of the two indictments that we called. You're
6 gonna hear the judge. She's gonna instruct you on what
7 beyond a reasonable doubt means under the law of South
8 Carolina. We're not playing football, members of the
9 jury, we're in a court of law and that's why the judge
10 is instructing you on what reasonable doubt means and
11 she's gonna instruct you that proof beyond a reasonable
12 doubt leaves you, members of the jury, firmly convinced
13 of the defendant's guilt. And that a reasonable doubt
14 has to have a real probability. It has to be based in
15 reason. It's not beyond all doubt or a shadow of a
16 doubt or based on any possible conspiracy, any kind of
17 thing in your mind. That is not what the law is, that
18 is not our burden and that is not what you are gonna
19 decide when you deliberate this case. That is not what
20 we proved.

21 I told you we brought two indictments. I'm gonna
22 start with the marijuana indictment. PWID marijuana
23 is a bit of shorthand. PWID generally stands for
24 possession with intent to distribute marijuana;
25 otherwise, if we generated these indictments, we gave

1 the title, we're saying here, we're telling you, under
2 this law, under the code section, it means manufacture,
3 distribute, dispense, deliver or purchase or otherwise
4 aid, abet, attempt -- it's a mouthful, members of the
5 jury, so when we're referring to it we shorthand it and
6 call it PWID marijuana, but here are the elements of
7 this charge.

8 We had to prove to you beyond a reasonable doubt
9 two things. The first, you can see the "or's" on this
10 board. Those are the different ways that you can prove
11 this. We don't prove each one. If we prove to you any
12 of these beyond a reasonable doubt, that means we've
13 met our burden.

14 And what are we looking at here? Did we prove
15 the defendant manufacture, distribute, dispense.
16 Manufacture. You're gonna get the legal definition of
17 manufacture, members of the jury. You're gonna learn
18 exactly what that means.

19 Possess with intent to manufacture, distribute,
20 dispense or deliver. Either one. Members of the
21 jury, I submit to you that the testimony you heard
22 not just from the State, but also from the defense,
23 we have proved beyond a reasonable doubt that he was
24 manufacturing or he was possessing with intent to
25 manufacture beyond a reasonable doubt.

1 You heard the testimony from Mr. Dolan, his
2 knowledge of the seeds, his knowledge of the raw
3 marijuana, what he does with them, what he can do with
4 them, why he has them, all of that knowledge you take
5 into account what he was possessing that marijuana
6 for. He did not say on the stand that he was selling
7 marijuana. He said it was for personal use.

8 Members of the jury, you saw the photos, you
9 heard the testimony from Investigator Gietz on what
10 he found, the different kinds of marijuana material,
11 products, the packaging, the scale in the shop. He's
12 not weighing receipts or papers with a scale. Members
13 of the jury, he's weighing his drugs. He's weighing
14 his meth and his marijuana. That's what this is.

15 What did Agent Gietz tell you this was, State
16 Exhibit 21, a black tube? You're gonna get to see
17 this. In cabinet, in the same shop, in the same
18 corner, black tubes. You heard that narcotics
19 officer tell you this is for packaging marijuana,
20 for distributing marijuana.

21 You heard the testimony from the same chemist
22 talk to you about the meth. You rely on her testimony
23 on what that material was. From the raw marijuana,
24 from the Grandma Za's package that you're gonna get to
25 see, and exactly where it was in the shop. All of

1 that.

2 And then also -- you listened to the defendant.
3 He took the stand. You listened to what he said.
4 He smokes weed. He uses marijuana products. He
5 uses cannabis products is what he said in his shop.
6 Remember he keeps that from his family, that secret
7 part of his life. He keeps that from his family, his
8 drug activity.

9 Members of the jury, I'm asking you to follow the
10 evidence, follow the testimony. I'm even asking you to
11 follow the defendant's own words. We've proved beyond
12 a reasonable doubt that he's guilty of the PWID
13 marijuana indictment.

14 The second charge. This is important. This is
15 trafficking methamphetamine. 400 grams or more.
16 Members of the jury, trafficking can be sort of a
17 buzzword. I'm sure you've come across this term before
18 either on the news, in the course of your life, however
19 you've heard this term before, it can be confusing,
20 but you're gonna get the law on exactly what it means
21 to traffic in drugs, to traffic in methamphetamine.
22 Because, number one, members of the jury, here is what
23 it does not mean. Trafficking in methamphetamine, for
24 somebody to be guilty of trafficking methamphetamine,
25 does not mean that they are only selling drugs. It

1 does not mean that they are only manufacturing or
2 cooking these drugs. That is not what it means.

3 In South Carolina, if you are found in possession
4 of drugs over a certain amount, for example, over
5 400 grams or more, if you are found in possession of
6 those drugs, you are guilty of trafficking. You are
7 a drug trafficker. That is what it means in South
8 Carolina. That is what we told you this case was about
9 from the beginning and that is what we proved.

10 How is Michael Dolan knowingly in possession of
11 400 grams or more of methamphetamine? Well, members
12 of the jury, the short part of it is you heard from
13 the chemist, Meg Walker, what this was, what's in this
14 bag. It was methamphetamine. You heard that. She
15 told you. She went through her testing. Her expert
16 opinion. It was methamphetamine. You have the weight.
17 It's 792 grams. You have to determine if 792 is 400 or
18 more. We know it is. We know it is.

19 The same thing as in the marijuana indictment,
20 members of the jury. You see these "or's"? Our burden
21 is not to prove every single word that's before you
22 because in South Carolina these are different ways
23 that you can traffic in drugs. These are the different
24 ways you can traffic in meth. One who is knowingly
25 in actual or constructive possession.

1 Members of the jury, same as before, I'm here,
2 I'm arguing, I'm giving you our case, but you're gonna
3 hear from Judge Rivers what the law is, and she's gonna
4 instruct you on what the law of actual and constructive
5 possession are. So listen to those instructions.

6 I suspect they're gonna say something similar,
7 but what Mr. Pincelli told you in opening statement
8 and what I'm telling you now, actual possession. What
9 is actual possession? Something is actually in my
10 custody. I have it. This marker, this marker, is in
11 my actual possession. This marker's in my pocket. It
12 is in my actual possession. That is not in this case.
13 You saw the videos. You've seen the evidence. Michael
14 Dolan, he didn't have drugs on his person. He did not.

15 What is constructive possession? That means
16 these drugs were found somewhere where you have
17 dominion or control over or the right of dominion and
18 control over.

19 What did Mr. Pincelli tell you in his opening
20 statement? Sometimes it rains, so he keeps an umbrella
21 in his car. It's not with him. He's not holding it.
22 It's in his car. He has a key to it. He's the one who
23 drives it. He has dominion and control over it. He
24 has the right to dominion and control over it. He is
25 constructively as he sits here today in possession of

1 that umbrella.

2 Members of the jury, where were the drugs found?

3 In a drawer in his bathroom, the dollar bills, and

4 then in the shop. That locked shop. His shop. His

5 property. Behind the door that he has the key to. In

6 the corner of his shop, his workshop, where he keeps

7 everything, all of his materials, where he says he does

8 his job, next to the table with the rest of his drugs

9 that he claimed are his drugs. The marijuana, the

10 Grandma Za's, all of this stuff, the paperwork, they

11 were found in the same place, members of the jury.

12 Found on a container -- or in a container with bears

13 on it. A round tin with bears on it. A round cookie

14 dish, popcorn can, whatever you want to call it. A

15 round tin.

16 Members of the jury, when Agent Gietz found this

17 tin it was in the same spot as it was the whole time,

18 hadn't been disturbed, not before law enforcement got

19 there. How do you know that? I'll take down this

20 board for a second. This is Agent Johnson's body cam.

21 This is him entering the shop. You're gonna have this.

22 You're gonna be able to review it yourself. They have

23 entered the shop. They've gone immediately left in

24 the shop. This table is this table right here as

25 documented when the evidence was collected. The little

1 orange bucket that's got cats on it; orange bucket
2 that's got cats on it. When you play the video,
3 papers, this material here; the same photo, the same
4 evidence. Exactly where it was in this photo.

5 Members of the jury, when you play this video and
6 you look here, the same material. The same pipe, same
7 grinder, same raw marijuana. Right here. You're gonna
8 see the plastic container with the white lid and a
9 green package on top of it. Same position. This is
10 when they first breached the property. This is when
11 the drugs were found. It's not disturbed. This is
12 the Grandma Za's, the little raw marijuana in the green
13 package. The same place on the table.

14 Members of the jury, a yellow handle, right here,
15 black bag. Below it, the little container. Here's a
16 photo of the table where the marijuana is found. Right
17 here. This bag. You're gonna see there are more
18 photos of it. You're gonna take them back there with
19 you. Right here in this corner. Bag on top. It looks
20 like a little measuring tape with a yellow handle on
21 it sticking out of the bag and right below it is a
22 metal tin with bears on it. You see it in the photos
23 that were taken from the officers when the drugs were
24 collected. Members of the jury, you see it with your
25 own eyes when officers breach the property before

1 Investigator Gietz ever leaves his truck to go into the
2 house.

3 You have his body cam in evidence. You're gonna
4 see where he is when you're hearing the banging on the
5 door when they breached inside. You get to match these
6 times up. You get to determine where the evidence was.
7 It got there because it was already there. It was
8 behind a locked door. It wasn't brought in there with
9 a bag, a bag that the defendant decided he didn't know
10 anything about. It was behind that locked door because
11 that's where he keeps things of value. That's where he
12 keeps his secrets. That's where he keeps that side of
13 his life away from his family. He had the key to his
14 shop. That's where he lives, that's where he works,
15 that's where he uses his drugs, that's where he
16 manufacturers his weed and that's where he possesses
17 his meth there. There and in his bedroom.

18 Members of the jury, you heard from the defendant
19 that he keeps the drug activity a secret from his
20 family. Did it seem like it was a secret from his
21 family? What other testimony did you hear? Smoking
22 since he was a teenager, smoking with family members.
23 That's how he got into this. Members of the jury, that
24 was no secret. The marijuana, all of that product,
25 that was no secret.

1 So what secret is he talking about? What secret
2 does he actually keep behind the locked door? It's not
3 the marijuana, it's not the weed. It's the meth. It's
4 the meth. That's why it's in a circular container
5 covered up by another bag with a measuring tape on it.
6 That's why it's not out in the open like the other
7 material. That's the secret. That's why it stayed
8 behind the locked door.

9 Members of the jury, he was knowingly in
10 constructive possession of methamphetamine, 400 grams
11 or more. We met our burden. We've met our burden,
12 we've proved our case, we scored our touchdowns, and
13 you find the defendant guilty.

14 THE COURT: Thank you, Mr. Cox.

15 Mr. Swarat.

16 MR. SWARAT: Your Honor, I need to organize some
17 things, set a few things up. I'm gonna be up there for
18 a minute. Maybe we could take a bathroom break for
19 about ten minutes and let me set that up because I
20 don't want them sitting for the length of time I'm
21 gonna take.

22 THE COURT: Okay. We'll take a break.

23 Ladies and gentlemen, please return to the jury
24 room.

25 (Whereupon, the jury retires to the jury room at

1 10:14 AM.)

2 MR. COX: And, Your Honor, I don't know if I need
3 to formally do it, but I just ask him to preserve his
4 demonstratives for my reply.

5 THE COURT: All right.

6 (Recess taken at 10:15 AM.)

7 (Back on the record at 10:25 AM.)

8 BAILIFF: Keep your seats. Court's back in
9 session.

10 THE COURT: Okay.

11 (Whereupon, the jury return to the courtroom at
12 10:27 AM.)

13 THE COURT: Yes, sir, Mr. Swarat. You may begin.

14 MR. SWARAT: May it please the Court? Thank you,
15 Your Honor.

16 Madam Forelady, members of the jury, on behalf
17 of the people of Lexington County, which you truly
18 represent in the jury box, I want to thank you as well
19 for your service. Mr. Cox said a quote about jury
20 service being one of the highest forms of service.
21 That quote is by Winston Churchill and he said jury
22 service is the highest form of service you can give to
23 your country in peacetime and he said it during the
24 middle of World War II when London was being bombed the
25 hell out of, but he thought jury service was the

1 highest form in peacetime because you protect the home
2 front. The citizens of where you live, when you
3 protect their rights, you are the last line of defense
4 to overreach.

5 Ladies and gentlemen, I apologize to you right
6 now. I'm old and I'm tired and as Toby Keith said, I'm
7 not as good as I once was, but today I hope I'm as good
8 once as I ever was. Because Michael Dolan deserves it.
9 It's been three against one over here during the trial,
10 and there's nothing wrong with that, but I'm doing my
11 best to listen to the testimony, to remember what's
12 coming up next, and if I say something during my
13 closing argument that you don't remember, go by your
14 memory. There are fourteen of you right now that have
15 listened to the evidence very attentively. I have
16 never seen a jury so focussed on the evidence. I have
17 seen jurors fall asleep in trials before when I'm
18 sitting back there in the gallery just watching the
19 trial go on. You-all have been locked in and we
20 certainly appreciate it. It will soon be twelve and
21 not fourteen, but all of you have done it.

22 I told you at the start of this case that there
23 are good police and there are bad police. The
24 gentleman whose portrait is behind you, Judge Knox
25 McMahon, started out as a lawman, ended up paying his

1 way through law school walking a beat downtown Columbia
2 and also here in Lexington County riding the road as a
3 sheriff's deputy, then he went to law school, became a
4 prosecutor, prosecuted over here for a number of years,
5 then he went across the river as we say to Richland
6 County. Then he became a judge. I got to work with
7 him on a lot of Lexington County cases, I got to work
8 with him on Richland County cases. He drug me down to
9 Charleston. We went to Cherokee County. We went down
10 to Beaufort, Hampton County, tried all kinds of
11 desperados and also dirty cops and crooked politicians.

12 If you don't believe there are bad ones, I've
13 wasted my breath this entire week and I've wasted your
14 time, but there are some that don't play by the rules.
15 Good police, to serve and protect; bad police, to
16 harass and arrest, and I would submit to you, you're
17 gonna see at the end of this, I'm gonna try and tie it
18 all together for you, you're gonna know which one
19 you're dealing with.

20 But this case rises and falls, make no mistake of
21 it, on the word of Gietz. Everything he says I ask you
22 to scrutinize. Not just based on what you saw on the
23 witness stand, but what you see in Defendant's Number
24 1. This is his body camera footage. Now he turns off
25 the mic sometimes, he covers it up, he turns it off.

1 You're not supposed to be doing all that. The Police
2 Reform Act. That came out because a lot of people got
3 hurt and killed when that body camera got turned off.
4 North Charleston, Officer Daniel Slager, killed Walter
5 Scott. That body cam was off. Very fortunately there
6 was a citizen sitting in a side yard that videotaped
7 the whole thing because that police report said he was
8 resisting arrest, he was coming at me. The man got
9 shot in the back.

10 MR. COX: Objection, Your Honor.

11 THE COURT: Yes, sir.

12 MR. COX: May we approach, please?

13 THE COURT: Yes, sir.

14 (Proceedings held at the bench; not reported.)

15 THE COURT: Thank you, sir. Please proceed.

16 MR. SWARAT: Thank you, Your Honor.

17 Ladies and gentlemen, when you come into this
18 courthouse, you don't leave your knowledge of the world
19 behind. You bring it in here with you. You bring your
20 common sense. You know what's out there in the world,
21 you know about body cameras. Regardless of where you
22 live, whether it's Montana or Minneapolis. And these
23 things are important. They document what goes on, what
24 occurs, because sometimes that written report doesn't
25 comport with what's on the videotape.

1 There was a SLED search warrant and there was a
2 bunch of dancing around this and I get irritated, and I
3 apologize if I do, maybe I've been doing this too long,
4 maybe I'm too old, but it irritates me when there's an
5 attempt to stretch the truth. I'm never gonna try to
6 stretch the truth with you and if you think I did,
7 please hold it against me and not Michael Dolan.

8 Agent Gray was here dancing around this vehicle
9 crimes unit and chop shop and invoices and statements
10 and paperwork and receipts and titles and VIN numbers
11 and VIN plates. That's what SLED was there looking
12 for. They were looking to see if Michael Dolan had any
13 stolen motorcycles or stolen parts on his property.
14 That's what got them on the property.

15 I would submit, and we'll talk about it a bunch,
16 that Gietz had other reasons for being there. Asbill
17 had other reasons for being there. We'll get into
18 that.

19 They played this jail call for you. What do they
20 say about it when it started out, this jail call? You
21 get to listen to it. I'm just showing you the printout
22 of the sheet. Yeah, he called his wife. He called his
23 wife six times. That's one call. They were talking
24 about receipts, invoices, paperwork. Why? Because
25 it was a -- it was a vehicle crime case from the

1 beginning. He's gathering up all the stuff he needs to
2 prove ownership of those things, who these bikes belong
3 to.

4 And imagine, just imagine, your car's at the body
5 shop, there's a bunch of them up on the racks. The
6 police show up, they haul all of them off. Some of
7 them were customers having work done. You saw in his
8 shop there was a bike up on the rack. He's got buckets
9 of paint, he's got tools all over the place, he's got
10 motorcycles parts. Some of these people had their
11 vehicles hauled away. He had to show work orders and
12 receipts, invoices, in order to show who these bikes
13 belonged to and why they were there.

14 And this was a SLED case. It was a SLED case,
15 but the Lexington County Sheriff's Department had his
16 personal motorcycle destroyed. Defendant's Number 3.
17 His own bike they had destroyed some six weeks after he
18 was arrested. No probable cause, no due process, no
19 anything else. It's now a cube of metal somewhere,
20 probably in a landfill. Is that vindictive? Does
21 that show bias against him by Gietz? Does that show
22 prejudice against him? We submit that it does. Does
23 it insult common sense to say that receipts, invoices
24 and statements and paperwork is code for drugs?

25 You-all, we talked about it, and you can remember

1 the testimony, you have twelve brains, fourteen right
2 now, but you-all can remember the testimony. They
3 seized his cell phone. They put a search warrant on
4 it. They downloaded every single bit of it. Where's
5 this hey, how much would two invoices be? How much
6 does that cost me? How much is one paperwork, two
7 invoices and one receipt? How much would that be?
8 You don't think they would put that evidence up if
9 it existed if he had drug transactions on his text
10 messages, on his Facebook account, on What's App, chat
11 app or whatever -- whatever these apps are. Yeah, I'm
12 old. But everything in our lives are contained on
13 those things and there's absolutely nothing they
14 presented in front of you to tie this language,
15 receipts, paperwork, invoices, titles, back to drug
16 transactions. Did they stretch the truth with you and
17 why?

18 I said at the start of this case nobody's gonna
19 walk through those doors back there, come up here, put
20 their hand on the Bible and testify that they bought
21 drugs from Michael Dolan. The testimony was from
22 Agent Gray and his vehicle crimes investigation, he
23 investigated him five and a half months before he got
24 that search warrant. Was there any evidence of drug
25 transactions coming in and out of 217 Boy Scout Road?

1 Was there any drug transactions between a willing buyer
2 and Michael Dolan as a willing seller? When they got
3 video cameras they can stick in your hat, they can put
4 them on your shoes, they can put them in your belt
5 buckle. They've got all kinds of toys at SLED. Did
6 you see any video footage of somebody buying drugs from
7 Michael Dolan or selling drugs to Michael Dolan for
8 that matter? Did you see anything like that? No,
9 ma'am. No, sir.

10 We don't live in a police state. You get to
11 evaluate that yourselves. When the body camera
12 footage is on while SLED's on the scene, I'll talk
13 a little bit about it. When it first starts out on
14 Gietz's body cam, he's standing there with Asbill.
15 We've identified him as the guy with the kind of black
16 goatee beard, a little bit longer. He's a SLED agent
17 from Cherokee County. They come together. They mute
18 that -- he mutes his body camera so you can't hear the
19 conversation. You didn't get a chance to hear it and
20 the camera's turned a little bit away from Asbill, so
21 you can't read his lips. I can't read lips. Maybe
22 some of you-all could have if they had done it right,
23 if they had preserved the evidence, and certainly if
24 you had the audio you'd know what they were talking
25 about, but they both had experiences, run-ins,

1 interactions, whatever you want to call them, with
2 Mr. Dolan. We'll get to some of that. Whether he's
3 biased or prejudiced against Mr. Dolan.

4 But they have a fairly long conversation, then
5 Gietz -- Gietz walks across the property and he comes
6 up there. Asbill is being respectful to Michael Dolan
7 and you judge for yourself Mr. Dolan's demeanor sitting
8 in bare feet, a pair of jeans, a T-shirt, hands cuffed
9 behind his back. He is sitting on the back of a law
10 enforcement-issued pick-up truck and Asbill's talking
11 to him and he's being respectful to Asbill. They're
12 having a reasonable conversation. Was he agitated on
13 the scene? Was he causing a ruckus? Was he resisting
14 arrest? Did he try to run? Did he try to hide?
15 Guilty people run, hide, resist. And you can resist
16 an unlawful arrest, but he cooperated. He complied.

17 And -- and he and Agent Gray were having a
18 reasonable conversation. Then comes old Gietz, who
19 he calls Giggles. Giggles Gietz. What's up, Buddy?
20 Ha-ha. And he wants to chat him up. And you'll notice
21 Dolan just kind of ignored him. He didn't want to talk
22 to him. He knew him. He knew him by name and sight.
23 Giggles Gietz has been trying to mess with him for
24 years was the testimony going back to 2'16 I recall.
25 The first incident was at a Diabetes 1 fund-raiser.

1 And his daughter Grace, who's seated right there behind
2 us in the front row, she's got her diabetes monitor on
3 right now, was an 11-year old girl and Gietz and his
4 minion show up and they want -- they pull out her
5 father, her dad, to talk to him, to mess with him.
6 What's up, Buddy? Didn't arrest him for anything.

7 You know, ladies and gentlemen, under the First
8 Amendment, we've got the right to associate with
9 whomever we please. You've got the right to assembly,
10 you've got the right to free speech. You've got a
11 lot of rights under the Constitution. The First
12 Amendment's a big one. And he -- he can -- he can be
13 in a motorcycle club, he can ride motorcycles with his
14 friends, with his family.

15 I wanted you to hear the entire tape of Gietz
16 from when SLED was on the scene and SLED was in control
17 of that scene. They talk about his father showing up,
18 this gentleman back over here in the corner. He's a
19 validated member of the Warlock MC. MC is motorcycle
20 club. Yeah, he's one of the original members. He's
21 the last of the Mohicans. He founded the charter here
22 in the Midlands. And, yeah, his son ended up joining
23 later on to be around his father and his friends.
24 Nothing wrong with that. It's not against the law.

25 There are law enforcement motorcycle clubs, fire

1 department motorcycle clubs, the Christian Disciples is
2 a faith-based motorcycle club, and there are all races,
3 creeds, national origins of motorcycles clubs. About
4 a hundred of them in the Midlands. I didn't have any
5 clue until I got involved with this case, but he's got
6 the right to associate with whomever he pleases.

7 After Gietz talks to him for a moment or two and
8 he says hey, hey, did you call Sheree? Did you reach
9 out to Sheree? Talking about a man's wife and is he --
10 is he putting his business out there? Hey, you got
11 that -- you got that big ass Mastiff, that big dog. He
12 goes inside his house. He's giggling away. Talks
13 about the dog. Oh, yeah, yeah, yeah, I've been on this
14 property before. I petted his dog.

15 Real police, professional police, they don't even
16 talk or act like that. They do their job. They're
17 respectful of the rights and feelings of others like --
18 like Gray was with his interactions with Mr. Dolan out
19 there. That's real police.

20 He goes in there and he said oh, yeah, yeah,
21 yeah, Sheree inherited this house when her momma died.
22 I tell you what, her momma was real surprised to find
23 out she was dead. She's still alive. He's just making
24 the mess up. He's a marijuana guy. Look at this,
25 look at this. He must have flushed the marijuana down

1 the toilet. It's hard to flush marijuana down the
2 toilet. They're just making stuff up. There wasn't
3 any marijuana in that house.

4 As the body cameras are rolling, they're in -- at
5 first in the kitchen, there's a kitchen island there.
6 He's got mechanic paperwork here, there's titles, you
7 know, mechanic stuff, invoices. What's he do for a
8 living? He builds motorcycles. He fixes motorcycles.
9 He paints motorcycles. And he's got to refute what
10 Agent Gray is trying to put on him with this chop
11 shop allegation and the way to do it is through his
12 paperwork for his business. Why wouldn't he be talking
13 to his wife on the phone from jail about that when
14 that's what he thinks he's facing? He was mighty
15 surprised to find out the next morning that he was
16 looking down the barrel of something like this.

17 We're not in here talking about money, folks.
18 We're in here talking about freedom. Taking away his
19 freedom. That's a whole bunch of dope. I believe
20 Agent Gietz, and if I'm wrong you remember, testified
21 that's about 3,000 to \$5,000 worth of dope and if you
22 cut it down into smaller pieces selling it in grams or
23 ounces, it may even be worth more than that.

24 Show me the money. You-all remember Cuba
25 Gooding, Jr.? Show me the money. Where's all the

1 money if he's a big-time drug dealer? They claim they
2 got two dollar bills out of the house. What else did
3 they find? Do you think if he had a bunch of stacks of
4 cash up in his attic they wouldn't have it stacked out
5 here on this? Use your common sense. Of course they
6 would have. Absolutely they would have.

7 The marijuana. And I'll jump from one thing to
8 the other. I swear I think I've got ADHD that was
9 never diagnosed. This -- this is what hit me last
10 night. I was moving horses from one pasture to another
11 and I had to let my big dogs out before I let the
12 little dogs out and it hit me right in the forehead.
13 State's Exhibit Number 15 and 16. My better half,
14 Nicole, is OCD. She organizes her mess. I have a
15 mess. I'm messy. She's OCD. Everything looks like
16 it's spaced out one or two inches apart. And if you
17 remember the exchange between Michael Dolan and the
18 prosecutor when they're asking questions, he's getting
19 answers from Mr. Dolan, he said Gietz -- Gietz staged
20 that photograph. That was in a cabinet. It was not
21 sitting out like that. That's been staged.

22 I'm trying to do four or five other things at the
23 same time. That's been staged. That was after the
24 body cameras had been turned off, ladies and gentlemen,
25 and I will submit to you when nobody's watching and

1 those body cameras turn off, they destroyed his
2 surveillance system, too. Now if you're a big-time
3 drug dealer, all they had to do is pull the footage
4 from his own cameras. They'd have it here in court to
5 show you, people coming in and out buying drugs. They
6 didn't want you to see that footage. They destroyed
7 all that stuff.

8 That's -- that's when it hit me. Yeah, that's
9 a staged photograph. Gietz staged that. There is
10 nothing in the video footage showing any drugs in the
11 -- in the bedroom. I asked about three different ways,
12 but there's an older SLED agent in there, a guy that's
13 seasoned, real police, good police, a guy name Don
14 Titus. He's about eighty something now, but he's --
15 he's solid. They're in there looking at those guns,
16 the guns that were given to him by Lieutenant Belk, his
17 dad, the man that raised him.

18 Shotguns. Remember them talking over and over
19 again incessantly that's a sawed-off shotgun? Don't
20 you think that's a sawed-off shotgun? Isn't that
21 barrel too short? They talk about it for a while, but
22 there were multiple agents in the bedroom. Do you hear
23 any of them say look, there's some prescription pills
24 right here out loose. Those look like prescription
25 pills. Those might be benzos. Do you hear any of that

1 on that body cam footage? No, you sure don't. Do they
2 say wait, wait, wait, wait, there's stuff here in the
3 bathroom?

4 Look at this, State's Exhibit 9. This little
5 thing looks like a tin. It looks like it says Snickers
6 with what appears to be powder something or another and
7 a dollar bill in it on the kitchen -- I mean, on the
8 bathroom sink. Do you see that in any of the video
9 footage? Don't you know if there was video footage of
10 it from SLED's search they would have had it rolled out
11 to you? Look how this is open. Ladies and gentlemen,
12 that's been staged. Giggles Gietz at work.

13 The same thing with this dollar bill. State's
14 Exhibit 12. Michael Dolan said yeah, that's my
15 hairbrush. I hadn't seen a dollar bill. I don't use
16 narcotics. He told you exactly why he doesn't use
17 narcotics. If prescription medication can kill him,
18 what do you think illegal narcotics would do to him?
19 The same thing. It would kill him. He's got a heart
20 condition. They didn't plan for that. Gietz didn't
21 plan for that. What a tangled web we weave when first
22 we practice to deceive. This is Gietz at work. No
23 body cameras, you-all. All these photographs he took.

24 Let's talk about this -- this tin, State's
25 Exhibit 25. This appears to be a tin which Michael

1 Dolan says yeah, it was out there in the shop, it was
2 closed. I had paperwork in it, invoices, receipts,
3 paperwork for my business. That was from that year,
4 2023. It's closed up in this photograph, but let me
5 tell you why it's staged in this one. See all that
6 paperwork right there, appears to be a work order up
7 top? If you-all ever had work done on a vehicle, they
8 give you an estimate, they write it up, they put down
9 what parts they're gonna have to add to it, how much
10 that each one's gonna cost in order to repair or
11 service your vehicle. Use your common sense. That's
12 what these are. And they're right beside that tin.

13 They're talking on that jail call. You get the
14 paperwork in there? There was paperwork in it before
15 Gietz got in there by himself with no other agent. I
16 want you to think about that for a second. As Gietz
17 would say hum, my question is, listen to him on that
18 body camera footage because it is classic, and one of
19 my favorite things on there, is he prohibited from
20 possessing firearms. You know, certain people in
21 our society can't -- convicted felons can't possess
22 firearms. Michael Dolan is not a convicted felon.
23 Does he have a distribution charge on his record?
24 Distribution? Because if you've got one of those, you
25 can't possess firearms. Guess what? He didn't. They

1 didn't plan for that.

2 Don Titus. You've got guns, but you've got no
3 drugs. They'd been in his bedroom for about thirty
4 minutes at that point looking around, multiple agents.
5 One female agent went and got him some shoes and socks
6 out of his bedroom. He said yes, please, that would be
7 great. Going through the drawers in order to get the
8 socks, looking around in order to find the shoes.
9 Nobody said yeah, there are drugs in there. I submit
10 to you there weren't until Gietz got control. Going to
11 get a secondary search warrant. This is gonna be my
12 search warrant.

13 All the cameras are off and he's going through.
14 Michael Dolan is about 50 yards away. Michael Dolan's
15 about 50 yards away sitting there in handcuffs. He's
16 next to his wife. They have both been Mirandized. Did
17 -- did Gietz harass his wife? Yes, ma'am. Yes, sir.
18 Sure did. Why did she have to be read her Miranda
19 rights? You have the right to remain silent. Anything
20 you say can and will be held against you in a court of
21 law. If you cannot afford an attorney, you can be
22 appointed an attorney and you have the right to refuse
23 to answer any of my questions. Talking to her about
24 benzos and pill bottles and her South Carolina driver's
25 license being next to these pills allegedly. Michael

1 Dolan told you she had three medications. She had one
2 for anxiety. That's Alprazolam. You can see the drug
3 report. She had Hydrocodone for pain. And the other
4 one was Naproxen, which is not a controlled substance.
5 You can just scoot down to the Walgreen's right down
6 the street and get all the Naproxen you want. It's not
7 a controlled substance. She had those three. And
8 there's one pill an anxiety medication, one pill a pain
9 medication, one pill of muscle relaxant, that's
10 Naproxen, just laid out. I submit to you it's staged.
11 Because, ladies and gentlemen, Michael Dolan told you
12 we don't let medication just out in the open, and
13 that's why she kept in it in her drawer. I believe he
14 said in her underwear drawer. We've got pets. We've
15 got a 160-pound Mastiff going through there, got a
16 Frenchie dog. I've got dogs, too, I love animals, and
17 you'll hear in the conversation with Agent Gray please
18 don't shoot my dog. He only said it one time, but
19 please don't shoot my dog. Agent Gray said we hope we
20 won't have to do that. We hope we won't have to shoot
21 your dog. Agent Gray was decent to him. No doubt
22 about it. Gietz wants to act like he's a member of the
23 family. Oh, yeah, I petted that dog. I've been on
24 this property before. I know his dog. Now that's not
25 harassment? Some dozen times over several years.

1 The next one after the diabetes rally, showed up
2 at his daughter's middle school. Mr. Dolan's there
3 with his wife. They go in. It's a counseling session.
4 She's getting ready to go to White Knoll High School
5 and they want to chart a course for her to --

6 MR. COX: Objection, Your Honor. May we please
7 approach?

8 THE COURT: Yes, sir. Let's go over here.

9 (Proceedings held at the bench; not reported.)

10 THE COURT: Thank you, sir. You may proceed.

11 MR. SWARAT: Thank you, Your Honor.

12 Ladies and gentlemen, you-all can remember the
13 testimony. I submit to you the testimony was there
14 was some interaction at his daughter's middle school.
15 The next day Gietz went to his house with another
16 officer, knocked on his door. Mr. Dolan didn't want
17 to talk to him. That was embarrassing for his child.
18 It was harassing for he and his family. She's in a
19 schoolhouse, a place where she should be safe, feel
20 safe. A place where you go to learn.

21 There's testimony about interactions at funerals.
22 Yeah, one of his friend dies, somebody they ride with,
23 somebody they're friends with. Yeah, they show up out
24 of respect. Absolutely. Who doesn't do that? What's
25 wrong with that? Anything wrong with that? And Gietz

1 -- Gietz has -- Mr. Dolan called it disrespect. That's
2 pretty dead on it. To show up and come up to him and
3 chat -- try to chat him up; hey, Buddy, what's up
4 Buddy, at a funeral? Is that professional police?

5 Gietz said it happened at a couple of funerals,
6 more than one. Asked did Mr. Dolan get arrested at any
7 of these funerals? No, he didn't. He didn't. Because
8 when Mr. Dolan testified, they could bring all that up,
9 they could cross-examine him on any of that. He didn't
10 get arrested for anything. He hadn't done anything
11 wrong. Did somebody else in the group get arrested?
12 Gietz says yes, Dolan said no. You decide credibility,
13 ladies and gentlemen of the jury, you decide what you
14 want to believe. You got to observe the demeanor of
15 both. Giggling Gietz up on the stand. You got to
16 observe the demeanor of Mr. Dolan and -- and his momma,
17 but you get to decide who's telling you the truth.
18 That's not my decision. It's yours.

19 Other instances. I've been on his property, I
20 petted his dog. You know, there's some things you just
21 don't do in this world. You don't -- you don't harass
22 a man's wife, you don't lay hands on his pet, you don't
23 mess with his family and you darn sure well, and I
24 would say other words if we weren't in a court of law,
25 you don't -- you don't put hands on his ride and then

1 turn it into a block of metal for spite I would submit
2 to you. Prejudice. Bias. Absolutely.

3 Ladies and gentlemen, there was a good bit of
4 talking about this, and I do want to talk to you about
5 it, Gietz measured this with a scale that he had. I
6 talked to him about there's somewhere in the report
7 about 808 grams. This one says 807. It's in a Ziploc
8 bag. You will note it appears to be in the exact same
9 Ziploc bag in the photograph before it was tested by
10 the chemist and afterwards. Now this little thing on
11 the bottom, I can't remember what they called it, a
12 narc track or something. Gietz said it has a laser in
13 it. I don't know anything about that sort of stuff.
14 I'm not a millennial. I'm an old dude that doesn't
15 know technology, but it came back for methamphetamine.
16 Yeah, it probably is. You know, the funny thing about
17 it is it could have been something like fentanyl that
18 if handled or opened could kill somebody. 807 on here.
19 It's still in the original bag.

20 Going back and forth with the chemist I would
21 submit to you she -- she weighed it in this original
22 bag. That makes common sense. She said she took it
23 all out, I don't know if you have to scrape everything
24 along the sides in order to get it all out to weigh it
25 outside the original packaging, and then she would

1 weigh it and put it back in the original packaging.
2 Does that make common sense to you-all? But there was
3 a discrepancy of about 16 grams or 15, whichever number
4 you go by, 807, 808. That's a lot of dope, you-all.
5 That is a lot of dope. And it's worth money. But the
6 only person that was in possession and control of this
7 item, State's Exhibit Number 30, is the one who's got
8 the gloved hand. That's Gietz. And that's before it
9 goes in the BEST evidence tamper-proof bag.

10 There's a saying a gloved hand covers a dirty
11 hand. Did you -- did you test it for fingerprints,
12 Agent Gietz? And this container, State's Exhibit
13 Number 27, this big bag, looks almost like a freezer
14 bag, you-all can call it whatever you believe it looks
15 like, but is that in evidence? Did they test it? They
16 didn't even retain it. I guarantee you Gietz has still
17 got it.

18 Did they test it for fingerprints? He's got on
19 gloves so you know he's not leaving his fingerprints.
20 Not to our knowledge. Did you test it for touch DNA?
21 Man, science has gotten so incredible. DNA was a thing
22 back in 1996. That's when it hit the main stage. When
23 we used to use it, it was so complicated. It took
24 forever to get tested. Touch DNA, they can tell
25 you-all that was me in a skinny second. That's not

1 hard at all anymore. Did you test it for touch DNA to
2 see who might have handled it? No. No, I found it on
3 is his property. That's good enough. That's plenty
4 good enough to take a man's freedom.

5 Sawed-off shotgun. Went on and on about that.
6 Possession of a sawed-off shotgun is a pretty serious
7 crime. Was Dolan charged with possession of a
8 sawed-off shotgun? No, ma'am. No, sir.

9 MR. COX: Objection, Your, Honor. I'm sorry. We
10 need to approach again.

11 THE COURT: Yes, sir.

12 (Proceedings held at the bench; not reported.)

13 MR. SWARAT: Thank you, Your Honor.

14 THE COURT: All right. Let's try to proceed
15 without anymore interruptions to Mr. Swarat.

16 MR. COX: Yes, Your Honor.

17 MR. SWARAT: Thank you, Your Honor.

18 Did Gietz put his thumb on the scales of justice?
19 You-all have seen the scales of justice; blindfolded,
20 even scales.

21 Ladies and gentlemen, we talked about the burden
22 of proof. The State has the burden of proof in their
23 case. We don't have to prove anything. We don't have
24 to one bit. I gave you a football analogy. They've
25 got to run up and down the field scoring touchdown

1 after touchdown. They told you they -- they scored
2 their touchdown. He's presumed to be innocent until
3 they rip that away from him.

4 Reasonable doubt. It's not to any and all
5 possible doubt, but if you have a reasonable doubt in
6 considering some of your most important decisions in
7 life, if you would hesitate, if you're not sure, if
8 you have more questions.

9 I told you at the start I've always wondered what
10 it would be like if jurors could ask us questions
11 during the course of it, and I apologize if I've gone
12 on too long sometimes on a topic. That's -- that's
13 me, but if I don't -- if I don't get it through to
14 everybody on the jury, if everybody doesn't understand
15 the point and I miss something or I don't convey it
16 properly, it can affect people's lives big time. So
17 if I go on and on it's partly because you can't ask
18 questions and you can't say move along, we've got it,
19 thumbs up, we've got it. So I apologize for droning
20 on and on sometimes.

21 Ladies and gentlemen, I submit to you there's
22 a lot in here to doubt. I've talked about video
23 surveillance, audio surveillance, controlled buys. I
24 talked to Agent Gietz about it. I think I talked to
25 Agent Gray about it. Giggling Gietz. Respectful Gray.

1 I'll go with that. They didn't employ any methods like
2 that. There's nobody that left Mr. Dolan's property
3 and got pulled over and had methamphetamine. There's
4 no surveillance of any drug transactions whatsoever.
5 If it were out there in five and a half months with
6 Gray and a long period of time with Gietz, what, seven,
7 eight years, you'd think there would be evidence of it
8 that they'd show you in this courtroom to prove their
9 case? Of course they would. Use your common sense
10 about that. They don't just have to prove enough up to
11 tilt the scale a little bit.

12 The football analogy. When you're talking about
13 money and suing somebody in court, the football is
14 right square on the 50 yard line and if one side moves
15 it over even a smidgen, then they win in what's called
16 civil court. This is criminal court. Touchdown after
17 touchdown after touchdown. I would submit to you that
18 they tried to spike this football. They spiked it
19 before they crossed the goal line. That's a turnover,
20 not a touchdown.

21 Mr. Dolan has -- has cut up with Gietz. Cut up
22 I don't even talk about. He doesn't like him. That's
23 pretty obvious. Neither side. There's some -- there's
24 some animosity there I submit to you based on the
25 testimony and the way it came out. Yeah, Mr. Dolan

1 called him Giggles in front of some of his colleagues.
2 Get in, get back in the truck, Giggles, come on. You
3 think -- you think Gietz liked that? You think he
4 wanted to get back at Mr. Dolan a little bit? A little
5 payback? A little something? A little payback? I
6 submit to you Gietz wants the last laugh in this case,
7 and that's what he's tried to do here.

8 But, ladies and gentlemen, when I sit down I
9 won't get a chance to talk to you again. Mr. Cox, the
10 prosecutor, is gonna get up and he's gonna tell you
11 everything I said was just BS. Like My Cousin Vinny.
12 Well, I'm not Vinny Bag-O-Donuts. I'm not Johnnie
13 Cochran. I'm not Atticus Finch, even though I look
14 like him in these glasses a little bit. To Kill a
15 Mockingbird. I'm trying to talk to everybody in the
16 jury box from every generation.

17 I hope I've been for this moment as good as I
18 once was. I said I'll be the last voice you'll hear
19 on behalf of Michael Dolan. That's partially true.
20 Ladies and gentlemen of the jury, yours will be the
21 last voice heard in this case, and it is the only one
22 that matters. Do justice, speak the truth, and you
23 have the last word.

24 Thank you.

25 THE COURT: Thank you, sir.

1 Mr. Cox.

2 MR. COX: Thank you, Your Honor.

3 Members of the jury, we haven't hidden from our
4 burden, we haven't hidden from what we had to present
5 to you. We haven't hidden from what you are actually
6 hear for and it's to weigh this evidence that you
7 heard. All the witnesses, not just the State
8 witnesses, anyone, the credibility of anybody that took
9 the stand, everything you saw, you're supposed to weigh
10 all that to determine whether we met burden of proof of
11 two indictments. That is why you are here.

12 You heard a lot about good and bad police. I
13 still can't figure out if everyone was in on the
14 conspiracy or if it was just Investigator Gietz.
15 If Alex Gray was good police, you take that into
16 consideration in weighing his credibility. What did
17 he tell you they were doing there for? Was it to
18 harass Michael Dolan? No. It was to serve a search
19 warrant on a vehicular crime case for a chop shop.

20 Agent Johnson. Good police. Then you take that
21 into consideration weighing his testimony, watching his
22 body camera footage, seeing where everything is laid
23 out in the shop and weighing it to see if this was
24 staged or not. If they're good police, then you take
25 that and you take their evidence and see if that tells

1 you who's guilty and who's not.

2 Investigator Gietz is a narcotics officer. He
3 works for the Lexington County Sheriff's Department.
4 Those good police, Agent Gray, why did he tell you
5 that Gietz was out there? To help with his search
6 warrant. That's the same thing Investigator Gietz
7 told you.

8 We didn't hide from the interactions he had with
9 Mr. Dolan. Mr. Dolan told you himself. Yeah, there
10 were multiple interactions concerning Investigator
11 Gietz and both he and Mr. Dolan said it was in a law
12 enforcement capacity. You heard that from the stand.
13 You take that into consideration.

14 And when I asked Mr. Dolan did any of his friends
15 that he was with, any of his associates get arrested or
16 charged, what did he say? He said no. So we called
17 Investigator Gietz back up and we found out that they
18 had. So is that harassment or is that good police
19 doing his job?

20 Members of the jury, this is not an unlucky man
21 being harassed by a dirty cop. This is an angry man
22 because a narcotics officer keeps arresting all of his
23 friends, and he's an angry and desperate man, angry now
24 because that same narcotics officer found his drugs in
25 his shop. The ones that he was keeping secret. The

1 ones behind his locked door. The ones he had the key
2 to.

3 Members of the jury, you are here to determine if
4 Michael Dolan possessed 400 grams or more. The defense
5 argument's right. There is no testimony, there is no
6 evidence of any drug dealing, anything like that
7 because that is not what this case was and that's not
8 what we told you it was from the beginning. He was in
9 knowingly possession of 400 grams of meth. We don't
10 know what he was doing with it. We know it was in his
11 bathroom. We know -- and you heard from Investigator
12 Gietz why dollar bills and why meth's on them and what
13 that means. I submit to you he uses methamphetamine.
14 I don't know if he shares it with anybody, I don't know
15 if he sells it, and neither do you, because that's not
16 what you're here for. You are here to determine if we
17 proved to you that he possessed it and that is exactly
18 what we did.

19 We met our burden. We ran up and down the field
20 all day, scored those touchdowns. This game was over
21 by halftime, folks. We met our burden and when you
22 deliberate you find Michael Dolan guilty.

23 Thank you.

24 MR. SWARAT: I beg the Court's indulgence. I
25 left my cell phone up here.

1 of organize this so that when we charge the jury --

2 THE COURT: Sure. Why don't we go ahead and do
3 that while we're on break. That would be great. Make
4 sure you go through the evidence.

5 (Pause in proceedings.)

6 THE COURT: All right. Counsel has reviewed the
7 exhibits and confirmed that as far as they understand
8 all of the exhibits that are properly to go back are in
9 the box. Is that right?

10 MR. COX: That's correct, Your Honor.

11 (Recess taken at 11:40 AM.)

12 (Back on the record at 11:48 AM.)

13 THE COURT: All right. Now we can bring the jury
14 back.

15 Thank you.

16 All right. They're bringing the jury back in.
17 Let's come to order.

18 (Whereupon, the jury return to the courtroom at
19 11:50 AM.)

20 THE COURT: I will now charge you on the law.
21 Charge is just another word for instruct you on the
22 law. As I am the judge of the law, I tell you the law
23 to apply to the facts. This is such an integral and
24 important part of the phase of the trial that I do read
25 it to make sure that I say all the words. If you see

1 me look down, I'm not ignoring you. We haven't gone
2 over this, but it's that I want to make sure I tell you
3 properly.

4 You must consider this charge as a whole. You
5 don't focus on some portions to the exclusion of
6 others. The indictments charge the defendant with
7 trafficking methamphetamine and possession with intent
8 to distribute marijuana. I remind you that the fact
9 the defendant was arrested charged and indicted in the
10 case is not evidence and cannot be considered by you
11 as evidence of guilt in this case, nor can it create a
12 presumption or inference of guilt. These documents are
13 simply the formal written instruments which contain
14 the charges made against the defendant. These are the
15 formal documents by which this case was brought into
16 the court.

17 The following things are not evidence and you
18 must not consider them as evidence in deciding the
19 facts of this case. Statements and arguments of
20 the attorneys, questions and objections of the
21 attorneys, testimony that I have instructed you is
22 to be disregarded.

23 I remind you that during this trial you and I
24 have had certain duties to perform. As the trial
25 judge, it is my responsibility to preside over the

1 trial of this case and I also have the duty to rule on
2 the admissibility of evidence offered during the trial.
3 You are to consider only the competent evidence before
4 you.

5 If there was any testimony ordered stricken from
6 the record in this case during this trial, you must
7 disregard that testimony. You are to consider only the
8 testimony which has been presented from the witness
9 stand and exhibits which have been made a part of the
10 record in this case and any stipulations of counsel.

11 I have the additional duty to charge you the law
12 applicable to the case. As the presiding judge in this
13 matter, I am the sole judge of the law of the case. It
14 is your duty as jurors to accept and apply the law as
15 I state it to you. If you already have an idea as to
16 what you think the law is or what it should be and it
17 does not agree with what I tell you, you must abandon
18 that idea, disregard that thought, because you are
19 sworn to accept the law and apply it as I tell you it
20 is.

21 In every case tried in this court before a jury,
22 the jury become the sole and exclusive judge of the
23 facts in a case. A trial judge cannot comment on the
24 facts, state -- make a statement on the trial to you or
25 do anything to make you think that I know what a fact

1 is. If I have said anything or done anything that
2 implies to you in any way that I am stating a fact,
3 that is to be disregarded. I certainly do not intend
4 to do that. I'm only here to rule on the admissibility
5 of evidence.

6 If anything I say during the course of the
7 instruction to you gives you the impression as to
8 statement of facts, that is to be disregarded. I have
9 no opinion about the facts of this case. The law does
10 not allow me to have an opinion about the facts. That
11 is solely your purview. As jurors, it is your duty to
12 determine the effect, value and weight of the evidence
13 presented during this trial.

14 The defendant has pled not guilty to the
15 indictments. That plea puts the burden of proof upon
16 the State to prove him guilty. A person charged with
17 committing a criminal offense in South Carolina is
18 never required to prove himself innocent. I charge you
19 that it is an important rule of law that the defendant
20 in a criminal trial, no matter what the seriousness
21 of the charge may be, will always be presumed to be
22 innocent of the crime for which the indictment was
23 issued unless guilt is proven by evidence satisfying
24 you of that guilt beyond a reasonable doubt.

25 This presumption of innocence does not end when

1 you begin your deliberations. It accompanies the
2 defendant throughout the trial until you reach a
3 verdict based on the evidence satisfying you of guilt
4 beyond a reasonable doubt.

5 The presumption of innocence is like a robe of
6 righteousness placed about the shoulders of the
7 defendant which remains with him unless it has been
8 stripped from the defendant by evidence satisfying you
9 of the defendant's guilt beyond a reasonable doubt.

10 The presumption of innocence -- the presumption
11 of innocence is not a mere legal theory. It is not
12 just a legal phrase. It is a substantial right
13 afforded to every defendant. Every defendant is
14 entitled to this presumption until you, the jury, are
15 satisfied from the evidence of the defendant's guilt
16 beyond a reasonable doubt.

17 The State has the burden of proving the defendant
18 guilty by beyond a reasonable doubt. Some of you may
19 have served on jury cases in other matters, in civil
20 cases, where you were told if it was more likely than
21 not to have occurred a fact is true, and the greater
22 weight or preponderance of the evidence was the
23 standard.

24 In criminal cases, the State's proof must be more
25 powerful than that. It must be beyond a reasonable

1 doubt. Proof beyond a reasonable doubt is proof that
2 leaves you firmly convinced of the defendant's guilt.
3 There are very few things in this world that we know
4 with absolute certainty and in criminal cases the
5 law does not require that the proof overcomes every
6 possible doubt. If, based on your consideration of the
7 evidence, you are firmly convinced that the defendant
8 is guilty of the crime charged, you must find him
9 guilty. If, on the other hand, you think there is a
10 real possibility that the defendant is not guilty, you
11 must give the defendant the benefit of that doubt and
12 find him not guilty.

13 There are two types of evidence which are
14 generally presented during a trial; direct evidence
15 and circumstantial evidence. Direct evidence directly
16 proves the existence of a fact and does not require
17 deduction. Circumstantial evidence is proof of a chain
18 of facts and circumstances indicating the existence
19 of a fact. Crimes may be proven by circumstantial
20 evidence. The law makes no distinction between the
21 weight or value to be given to either direct or
22 circumstantial evidence. However, to the extent
23 the State relies on circumstantial evidence, the
24 circumstances must be consistent with each other and
25 when taken together point conclusively to the guilt

1 of the accused, and that must be done beyond a
2 reasonable doubt. If these circumstances merely
3 portray the defendant's behavior as suspicious, the
4 proof has failed.

5 The State has the burden of proving the defendant
6 guilty beyond a reasonable doubt and that rests with
7 the State regardless of whether the State relies on
8 direct or circumstantial evidence or some combination
9 of the two.

10 Criminal intent is a state of mind which operates
11 jointing with an act or omission in the commission
12 of a crime. Criminal intent is a mental state of
13 conscious wrongdoing. Criminal intent includes those
14 consequences which represent the very purpose for which
15 an act is done or known to be substantially certain to
16 the result regardless of one's desire.

17 Intent may be shown by acts and conduct of the
18 defendant and other circumstances from which you may
19 naturally and reasonably infer intent. Criminal intent
20 may be proven by the State beyond a reasonable doubt --
21 must be proven by the State beyond a reasonable doubt.

22 You must determine the credibility of witnesses
23 who have testified in this case and the evidence
24 presented. Credibility simply means believability. It
25 becomes your duty as jurors to analyze and evaluate

1 the witnesses and the evidence and determine the
2 credibility of the witnesses and evidence.

3 In determining the credibility of witnesses who
4 have testified in this case, you may believe one
5 witness over several witnesses, several witnesses over
6 one witness. You may believe part of the testimony
7 of a witness and reject the remaining part of the
8 testimony of that very same witness. You may believe
9 the testimony of a witness in its entirety or reject
10 the testimony of a witness in its entirety. You may
11 consider whether any witness has exhibited to you any
12 motive, bias, prejudice or other motive in this case.
13 You may also consider the appearance and manner of a
14 witness while testifying on the witness stand.

15 The rules of evidence ordinarily do not permit
16 witnesses to testify as to opinions or conclusions.
17 An exception to this rule exists for witnesses we
18 call expert witnesses. A witness who by education
19 and experience has become an expert in some art,
20 science, profession or calling may state an opinion
21 as to relevant and material matters in which the
22 witness claims to be an expert and may also state the
23 reasons for the opinion. You should consider any
24 expert opinion received in evidence in this case and
25 like any other evidence give it the weight you think

1 it deserves. If you decide that the opinion of an
2 expert witness is not based on sufficient education
3 and experience or if you conclude that the reasons
4 given in support of that opinion are not sound or that
5 the opinion is outweighed by other evidence, you may
6 disregard the opinion entirely.

7 An expert witness's testimony is to be given no
8 greater weight than that of any other witnesses simply
9 because the witness is an expert. Further, you are not
10 required to accept an expert's opinion even though it
11 is not contradicted.

12 The defendant has presented evidence through a
13 character witness of his good reputation and character
14 to show that it would be inconsistent with the
15 defendant committing the crime. The weight you give
16 to that testimony like all other testimony in the case
17 is for you to decide in your good judgment. You may
18 consider testimony of the defendant's good character
19 along with all other evidence in deciding whether or
20 not the defendant committed the crime.

21 The defendant is charged with trafficking in
22 methamphetamine. The State must prove beyond a
23 reasonable doubt that the defendant knowingly sold,
24 manufactured, delivered, purchased or brought
25 into the State or provided financial assistance or

1 otherwise aided, abetted, attempted or conspired to
2 sell, manufacture, deliver, purchase or bring into the
3 State, or, was knowingly in actual or constructive
4 possession, or, knowingly attempted to become in actual
5 or constructive possession, of 400 grams or more of
6 methamphetamine. The State must also prove beyond a
7 reasonable doubt that the amount of methamphetamine was
8 400 grams or more.

9 To prove possession, the State must prove beyond
10 a reasonable doubt that the defendant had both the
11 power and the intent to control the disposition or
12 use of the methamphetamine. Possession may be either
13 actual or constructive. Actual possession means the
14 methamphetamine was in actual possession, physical
15 custody, of the defendant. Constructive possession
16 means the defendant had dominion and control or the
17 right to exercise dominion or control over either the
18 methamphetamine itself or the property on which the
19 methamphetamine was found. Mere presence at the scene
20 where the drugs were found is not enough to prove
21 possession. Two or more persons may have joint
22 possession of a drug.

23 The defendant is charged with possession with
24 intent to distribute marijuana. The State must prove
25 beyond a reasonable doubt that the defendant knowingly

1 manufactured, distributed, dispensed, delivered,
2 purchased or aided, abetted, attempted or conspired to
3 manufacture, distribute, dispense, deliver or purchase,
4 or, possessed with the intent to manufacture,
5 distribute, dispense, deliver or purchase marijuana.
6 To prove possession, the State must prove beyond a
7 reasonable doubt that the defendant had both the power
8 and intent to control the disposition or use of the
9 marijuana.

10 Possession may be actual or constructive. Actual
11 possession means the marijuana was in the actual
12 physical possession of the defendant. Constructive
13 possession means the defendant had dominion or control
14 or the right to exercise dominion or control over
15 either the marijuana itself or the property on which
16 the marijuana was found. Mere presence at the scene
17 where the drugs were found is not enough to prove
18 possession. Two or more persons may have joint
19 possession of a drug.

20 The State must also prove beyond a reasonable
21 doubt the defendant intended to distribute the
22 marijuana. Distribute means to deliver other than
23 by administering or dispensing a drug. Intent may
24 being be shown by acts or conduct of the defendant and
25 other circumstances from which you may naturally and

1 reasonably infer intent.

2 In determining whether defendant had the intent
3 to distribute marijuana, you may consider the
4 circumstances surrounding the defendant's alleged
5 possession, you may consider the amount of the
6 substance alleged to have been possessed, the manner
7 in which it was allegedly possessed, the place where
8 it was allegedly possessed, and other factors which you
9 consider to be important. You must find that the
10 defendant did not intend to have the marijuana solely
11 for his own use.

12 Possession of more than 28 grams or one ounce of
13 marijuana creates an inference that the defendant
14 possessed the marijuana with the intent to distribute
15 it. This inference does not relieve the State from
16 proving beyond a reasonable doubt that the defendant
17 had the intent to distribute. It is simply an
18 evidentiary fact to be taken into consideration by you
19 along with other evidence in the case and to be given
20 the weight you decide it should have.

21 A defendant is guilty of illegally possessing
22 marijuana if the State proved beyond a reasonable doubt
23 that the defendant knowingly possessed the drug by
24 either actual or constructive possession. To prove
25 the criminal offense of possession of marijuana, the

1 State must prove beyond a reasonable doubt that the
2 defendant had both the power and intent to control the
3 disposition or use of the marijuana. Possession may be
4 either actual or construction -- constructive. Such
5 evidence may be shown by direct or circumstantial
6 evidence.

7 Marijuana means all species or variety of the
8 marijuana plant and all parts thereof, whether growing
9 or not, the seeds of the marijuana plant, the resin
10 extracted from any parts of the marijuana plant or
11 every compound, manufacture, salt, derivative, mixture
12 or preparation of the marijuana plant, marijuana seeds
13 or marijuana resin. Marijuana does not mean the mature
14 stalks of the marijuana plant or fibers produced from
15 these stalks, oil or cake made from the seeds of the
16 marijuana plant, including cannabidiol derived from
17 the seeds of the marijuana plant, any other compound,
18 manufacture, salt, derivative, mixture or preparation
19 of the mature stalks, except the resin extracted
20 therefrom, including cannabidiol derived from mature
21 stalks, the sterilized seed of the marijuana plant,
22 which is incapable of germination for purposes -- let's
23 see. I skipped something. That's it. That's the
24 definition.

25 Manufacture means to produce, prepare, convert,

1 process, plant, cultivate, grow or harvest a drug
2 naturally or chemically. That includes any packaging
3 or repackaging of the drug or labeling or relabeling of
4 the drug's container.

5 Ladies and gentlemen, when you go back to the
6 jury room all evidence will be sent back with you. You
7 will also have the verdict sheet that we have prepared.
8 There is absolutely no significance to the order of
9 anything on this sheet. We just simply must put all
10 charges and all possible verdicts on those charges.

11 This sheet contains -- has trafficking in
12 methamphetamine; not guilty or guilty. Possession
13 with intent to distribute marijuana; not guilty or
14 guilty -- possession of marijuana, 28 grams -- more
15 than 28 grams; not guilty or guilty. And possession
16 of marijuana, 28 grams; not guilty or guilty.

17 The foreperson is charged with filling out this
18 form and delivering it to the Court through the
19 bailiff. The foreperson organizations deliberations,
20 but other than that the foreperson has no greater
21 weight or vote in your deliberations.

22 There is no significance to anything on the
23 verdict form. That is not a statement of facts or
24 opinion from the Court. It is simply that we must
25 type one thing before another.

1 Your verdict must be a unanimous verdict as to
2 each charge. When the jury agrees on the verdict, the
3 foreman will initial on the line next to the verdict on
4 the verdict form and sign your name at the bottom as
5 the foreperson. You will inform the bailiff you have
6 reached a verdict and at that time you will come back
7 into the jury room {sic}.

8 Although your verdict is to be unanimous, you
9 need to reach your verdict after you have impartially
10 considered all of the evidence, discussed it fully with
11 the other jurors and listened to your fellow jurors.
12 You should not be afraid to change your opinion if you
13 are persuaded to do so. You should not come to your
14 decision lightly or simply because your other jurors
15 think it is right. It is very important that you
16 attempt to reach a unanimous verdict, but, of course,
17 only if each of you can do so after having made your
18 own decision. Do not change an honest belief about the
19 weight and effect of the evidence simply to reach a
20 verdict. In other words, do not change your opinion
21 solely for the sake of reaching a unanimous verdict.
22 A verdict is not to be based on sympathy, passion,
23 prejudice or emotion or some other considerations not
24 found in the evidence.

25 I'm gonna ask you to step out. I'm gonna make

1 sure we don't have any other matters to take up with
2 you. You are not to begin any deliberations at
3 this time. When you have received all evidence and
4 the verdict forms, that's when you begin your
5 deliberations. If I need to come out and tell you
6 anything else, you may come back out here, okay?

7 Thank you.

8 Also, we have lunch for you, but do not begin
9 your lunch at this time.

10 Thank you.

11 (Whereupon, the jury retires to the jury room at
12 12:11 PM.)

13 THE COURT: Gentlemen, any exceptions, anything
14 to be added?

15 MR. COX: I'm sorry, Your Honor.

16 THE COURT: That's fine.

17 MR. COX: Not from -- I don't believe for the
18 charges.

19 MR. SWARAT: No.

20 MR. COX: Judge, do you normally instruct the
21 jury about while they're deliberating if they need to
22 take a break or somebody needs to step out --

23 THE COURT: I don't normally, no.

24 MR. COX: Okay. That's okay.

25 THE COURT: I just deal with it as it comes up.

1 MR. COX: Thank you, Your Honor.

2 MR. SWARAT: Thank you, Your Honor.

3 THE COURT: Okay. So we're ready for them to get
4 everything?

5 MR. COX: I believe so, Your Honor.

6 MR. SWARAT: Yes, Your Honor.

7 THE COURT: All right.

8 (Whereupon, the alternates were released and the
9 evidence was sent back to the jury room at 12:12 PM.)

10 THE COURT: Okay. Thank you, gentlemen. We'll
11 be in recess in this case while the jury deliberates.

12 MR. COX: Thank you, Your Honor.

13 (Recess taken at 12:12 PM.)

14 (Back on the record at 1:41 PM.)

15 THE COURT: All right. The jury has sent over
16 two questions. Number one. Do we need to consider
17 that both search and seizures were done lawfully or
18 unlawfully? And Number two. Can we know when both
19 warrants were presented to the defendant and was it in
20 a lawful manner?

21 All I'm gonna do is call them out here and say
22 they have all evidence to be considered, okay?

23 MR. SWARAT: Thank you.

24 MR. COX: Thank you, Your Honor.

25 THE COURT: You can bring in the jury.

1 (Court's Exhibit Number 7 was marked for
2 identification.)

3 (Whereupon, the jury returns to the courtroom at
4 1:43 PM.)

5 THE COURT: Thank you. I have received two
6 questions. One. Do we need to consider both search
7 and seizures were done lawfully or unlawfully? And, 2,
8 can we know when both warrants were presented to the
9 defendant and was it in a lawful manner?

10 I can instruct you that all evidence has been
11 presented in the case. You are to determine the facts
12 from the evidence entered into the case and the
13 testimony presented and we are finished with that
14 portion of the trial. You have everything you need
15 in order to make a determination as to guilty or not
16 guilty.

17 Thank you.

18 FOREPERSON: Thank you, Your Honor.

19 MR. COX: Thank you, Your Honor.

20 (Whereupon, the jury retires to the jury room at
21 1:44 PM.)

22 THE COURT: All right. For counsel's
23 notification, we've marked as Court's Exhibit 7 the
24 sheet with both questions on it. I'm handing it back
25 to the court reporter.

1 Is there any objection or exception to what I
2 said to the jury?

3 MR. COX: No, Your Honor. Not from the State.

4 MR. SWARAT: No, Your Honor.

5 THE COURT: All right. Thank you.

6 (Recess taken at 1:45 PM.)

7 (Back on the record at 2:01 PM.)

8 BAILIFF: All rise. The Honorable Martha Rivers
9 presiding.

10 THE COURT: Thank you. Please be seated.

11 I understand we have a verdict.

12 All right. Before we come out, everyone -- just
13 a general statement. Everyone's been very professional
14 throughout these proceedings. I appreciate that. I
15 expect everyone to continue to do so. I have no idea
16 what this verdict is at this time. I don't want any
17 exclamations, outbursts or statements from anyone in
18 the courtroom upon the reading of the verdict, okay?

19 Please bring in the jury.

20 (Whereupon, the jury return to the courtroom at
21 2:03 PM.)

22 THE COURT: Madam Foreperson, I understand you
23 have a verdict.

24 FOREPERSON: We do.

25 THE COURT: And is it a unanimous verdict?

1 FOREPERSON: It is.

2 THE COURT: Thank you, ma'am. I'd ask you to
3 hand that to the clerk -- to the bailiff.

4 THE CLERK: As to Indictment 2024-GS-32-00867 and
5 Indictment 2024-GS-32-02893, the State versus Michael
6 Dolan. Has the State of South Carolina proven beyond a
7 reasonable doubt that Michael Dolan committed the act
8 of trafficking 400 grams or more of methamphetamine?

9 Guilty.

10 Has the State of South Carolina proven beyond a
11 reasonable doubt that Michael Dolan committed the act
12 of possession with intent to distribute marijuana? We,
13 the jury, unanimously find Michael Dolan guilty.

14 As signed by the foreperson today -- do you want
15 me to say the date?

16 THE COURT: Sure.

17 THE CLERK: -- February 27, 2025.

18 THE COURT: February 27, 2025. Thank you.

19 Any requests?

20 MR. SWARAT: Your Honor, we would request polling
21 of the jury, please.

22 THE COURT: Thank you.

23 Madam Clerk.

24 THE CLERK: Okay.

25 All right. Ladies and gentlemen of the jury, I

1 will call you by your juror number. Please raise your
2 hand and answer the question out loud.

3 Juror Number 191, please raise your hand.

4 Is this your verdict and is it still your
5 verdict?

6 JUROR NUMBER 191: Yes.

7 THE CLERK: Thank you.

8 Juror Number 41. Is this your verdict and is it
9 still is your verdict?

10 JUROR NUMBER 41: Yes.

11 THE CLERK: Thank you.

12 Juror Number 151. Is this your verdict and is it
13 still your verdict?

14 JUROR NUMBER 151: Yes.

15 THE CLERK: Thank you.

16 Juror Number 147. Is this your verdict and is it
17 still your verdict?

18 JUROR NUMBER 147: Yes.

19 THE CLERK: Thank you.

20 Juror Number 36. Is this your verdict and is it
21 still your verdict?

22 JUROR NUMBER 36: Yes.

23 THE CLERK: Thank you.

24 Juror Number 158. Is this your verdict and is it
25 still your verdict?

1 JUROR NUMBER 158: Yes.

2 THE CLERK: Thank you.

3 Juror Number 119. Is this your verdict and it is
4 still your verdict?

5 JUROR NUMBER 119: Yes.

6 THE CLERK: Thank you.

7 Juror Number 180. Is this your verdict and is it
8 still your verdict?

9 JUROR NUMBER 180: Yes.

10 THE CLERK: Thank you.

11 Juror Number 140. Is this your verdict and is it
12 still your verdict?

13 JUROR NUMBER 140: Yes.

14 THE CLERK: Thank you.

15 Juror Number 73. Is this your verdict and is it
16 still your verdict?

17 JUROR NUMBER 73: Yes.

18 THE CLERK: Have I polled everybody?

19 JUROR NUMBER 38: No.

20 THE CLERK: Who am I missing? What's your juror
21 number?

22 JUROR NUMBER 38: 38.

23 THE CLERK: I'm so sorry, ma'am.

24 Juror Number 38. Is this your verdict and is it
25 still your verdict?

1 JUROR NUMBER 38: Yes.

2 THE CLERK: Thank you very much.

3 All jurors have been polled.

4 JUROR NUMBER 184: No. 184.

5 THE CLERK: Oh, I missed -- I missed two. I'm so
6 sorry. Lord blessed.

7 Juror Number 184. Is this your verdict and is it
8 still your verdict?

9 JUROR NUMBER 184: Yes.

10 THE CLERK: Thank you.

11 Now all jurors have been polled. Sorry about
12 that.

13 THE COURT: Thank you, ma'am.

14 Anything further, Mr. Swarat?

15 MR. SWARAT: No, Your Honor.

16 THE COURT: Thank you, sir.

17 Ladies and gentlemen of the jury, thank you. I
18 thank you. The Court -- as a member of the Court, I
19 thank you for doing your duty as a citizen to this
20 state. We appreciate your service. We certainly
21 understand that this is an imposition upon your normal
22 lives and I think everyone here appreciates your
23 diligent service.

24 You may return to the jury room. You have
25 completed your service at this time. You will collect

1 MS. BYARS: Your Honor, may I approach?

2 THE COURT: Yes, ma'am.

3 (Proceedings held at the bench; not reported.)

4 THE COURT: Okay. Mr. Swarat, I have the
5 sentence sheets for your client to both charges.
6 For 2024-GS-32-00867, being the trafficking charge;
7 2024-GS-32-02893, being the possession with intent to
8 distribute marijuana charge.

9 Is there anything you'd like to say at this time?

10 MR. SWARAT: Yes, Your Honor.

11 First, just for the record, we'd like to renew
12 our motions to suppress. I understand and respect
13 Your Honor's rulings. We made a motion to suppress
14 the first search warrant for a number of reasons, and
15 we had a Franks hearing, which I believe we made a
16 showing. We were not allowed to call any witnesses.
17 We moved to suppress all the evidence that was
18 collected based on the first search warrant. Your
19 Honor ruled against us, and I respect your ruling, we
20 respectfully disagreed, and we'd like to note that
21 objection for the record for appellate purposes.

22 We would also renew any objections we had during
23 the course of the trial to the introduction of evidence
24 that we objected to at the time, including any of the
25 evidence that came in under the State's case.

1 Your Honor, we make a motion for a new trial
2 based -- based upon our perception that some of those
3 were errors.

4 I'll let Your Honor go ahead and rule on it, but
5 I think I understand how Your Honor is going to rule.

6 THE COURT: Thank you, sir.

7 For the record, all your prior objections are
8 renewed and the rulings previously stated stand. I
9 see no reason to overturn those. Your motion for
10 a new trial is denied. I find that the State has
11 presented enough evidence and that any issues
12 presented in the course of this trial as to
13 presentations for your client were the result of
14 defense, and what I'm referring to are the issues
15 regarding any memberships in gangs, motorcycle clubs,
16 prior -- other investigations involving this defendant
17 and other potential charges. I do not believe the
18 State introduced those and the Court had attempted to
19 limit them out of fairness to your client as well.

20 MR. SWARAT: Your Honor, as to my client's prior
21 record, he has a simple assault conviction I believe
22 from 2007 for which he received \$257.50 fine. That is
23 his only prior record. He is 44 years old.

24 You've heard about his family, you've seen them
25 in the courtroom. He's got a ton of community support.

1 MS. BELK: Thank you, Your Honor. I understand
2 -- my voice usually carries. I understand mandatory
3 sentencing; however -- I may not agree with the
4 verdict; however, I respect Your Honor. I would ask
5 for the minimum, the 25, not the max. My son is a good
6 man. I'm 64. I will be gone before he gets out. For
7 his children's sake, I thank you for 25.

8 THE COURT: Thank you, ma'am.

9 MS. BELK: Thank you.

10 MR. SWARAT: And I believe that's -- that's all
11 we're gonna have.

12 THE COURT: Thank you, sir.

13 In the case of 2024-GS-32-00867, the sentence
14 of the Court is that you be committed to the State
15 Department of Corrections for 28 years. That is
16 consecutive with 2024-GS-32-02893, which is that
17 you are to be committed to the State Department
18 of Corrections for five years.

19 Thank you, sir.

20 MR. COX: Thank you, Your Honor.

21 (Whereupon, the proceedings were concluded for
22 February 27, 2025, at 4:26 PM.)

23

24

25

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

**217 Boy Scout Rd.
Gaston, SC 29053**

S/A A. Gray

PENGAD 800-831-4989	COURT'S
	EXHIBIT NO. <u> 2 </u>
	IDENTIFICATION/EVIDENCE
	DKT.# <u> </u>
DATE: <u> </u>	

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

AFFIDAVIT

Personally appeared before me, one Special Agent Alex Gray who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Property to be sought includes any and all vehicles reported stolen including but not limited to, cars, trucks, vans, motorcycles, all-terrain vehicles (ATVS), golf carts, side by sides and trailers. Any and all vehicle component parts related to stolen vehicles including, but not limited to, engines, frames, vehicle identification number (VIN) plates and Federal Certification Mylar labels. Any and all paperwork related to the cloning and sale of stolen vehicles to include, but not limited to, manufacturer certificates of origin, vehicle titles, vehicle registration and insurance information. Any and all items that can be used for vehicle theft and the operation of a chop shop including, but not limited to, bolt cutters, drills, drill bits, grinders, motorcycle/ATV ramps and letter/number metal punch sets. Any and all electronic equipment that contains video, images, personal information and can access the internet including, but not limited to, computers, tablets and cell phones. Any and all portable storage devices or removable media capable of storing and transferring data to include but not limited to CDs, DVDs, BluRays, USB Flash drives, portable hard drives, compact flash cards, sd cards, removable drives, or diskettes and security system digital video recording (DVR) hard drives. Any paperwork indicia of occupancy, residency and/or ownership of the premises to include but not limited to utility bills, telephone bills, water bills, concealed envelopes, keys and misc. bills or letters.

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

The location to be searched is 217 Boy Scout Road which is in Lexington County, SC. The location is a single-family, single-story residence with a brick base, white wooden siding, and a gray roof. If one is looking at the residence from the front, one would see numerous trees in front of the residence that partially obstruct the view of the residence. Working right to left, there is a multi-paned window flanked by dark colored shutters. To the left of that window is another multi-paned window flanked by dark colored shutters. To the left of that window is the front door to the residence and to the left of that is another multi-paned window flanked by dark colored shutters. The door and the windows on either side are under a covered porch with white columns and a white railing. There is a semi-circle of approximately seven brick steps leading up to the front porch, with two sets of white wooden railings that dissect the steps rather than flank them. To the left of the porch is another multi-paned window flanked by dark shutters. There is a paved driveway in front of the residence that quickly splits into a fork with two separate gravel/dirt driveways running alongside either side of the residence. There are two metal poles on either side of the entrance to the driveway. Both drives lead to metal gates attached to a large wooden privacy fence that surrounds the property. To the left of the driveway is the mailbox, which is white with a red flag, and also bearing the faded numerics 217 below the flag. It is mounted atop a wooden post. This search is to include all outbuildings located on the property, all vehicles, and all persons located on the property at the time of the search.

[Handwritten signature]
9/11/23
945AM

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

On March 23, 2023, Special Agent (S/A) Alex Gray with the South Carolina Law Enforcement Division (SLED) Vehicle Crimes Unit was asked by Chief Watkins of the Gaston Police Department to conduct an investigation into a possible chop shop located at 217 Boy Scout Rd. operated by Michael Anthony Dolan. Chief Watkins had received numerous anonymous tips that Dolan was operating a chop shop on his property. During surveillance of the location, Chief Watkins observed both operable and inoperable motorcycles on the property, as well as an abundance of motorcycle parts to include frames, engines, and transmissions. On March 22, 2023, Chief Watkins seized a Harley Davidson motorcycle with a fraudulent vehicle identification number (VIN) 4C9PD0857KC516921 from Cody Lee Sitton. Chief Watkins advised that Sitton had ties to the aforementioned address and was given a ride back to that residence following the seizure of his motorcycle. S/A Gray conducted a vehicle inspection on the motorcycle and observed that the public VIN was actually a metal plate affixed to the fork with rivets rather than stamped into the metal like it was supposed to be. Further, the VIN itself was fraudulent and did not conform to any known standards for any manufacturer of motorcycle, especially Harley Davidson. S/A Gray was able to positively identify the motorcycle as a 2014 Harley Davidson reported stolen to the Kershaw County Sheriff's Office. Further investigation into the motorcycle found that it had been registered on April 26, 2022, to Sitton utilizing a fraudulent Manufacturer Certificate of Origin (MCO).

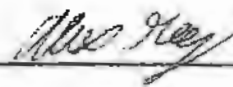
During the subsequent investigation into Michael Dolan, it was discovered that he had a motorcycle registered in his name that had been registered utilizing a fraudulent MCO. That MCO was almost identical to the one that Sitton used, and the VIN on the MCO (4C9PB0558HC516011) was also fraudulent and was similar to the fraudulent VIN that was found on the motorcycle seized from Sitton. Further investigation revealed twenty-four additional motorcycles registered in South Carolina utilizing fraudulent MCOs and fraudulent VINs. All twenty-four of the MCOs were almost identical to the ones used by Sitton and Dolan, and all of them had a variation of "Chop Boyz Custom" as the manufacturer. Four of the MCOs had the name "Michael Dolan" on them, with his registered address of 217 Boy Scout Rd. Based on this SLED investigation and this agent's training and experience investigating motor vehicle thefts/chop shops at SLED, and previously at North Charleston Police Department, it is believed that a search of the aforementioned address will lead to the recovery of stolen and/or re-vinned vehicles and further evidence of a chop shop operation.

Sworn to and Subscribed before me
this 1 day of Sept, 2023 at

9:45 AM o'clock

Signature of Judge

(L.S.)



Affiant

Address: 4400 Broad River Rd
Columbia, SC 29210
Phone: 803-603-8594



SLED

South Carolina Law Enforcement Division Vehicle Crimes Report

Case # 56-23-0138

Agent S/A Alex Gray

Violation Chop Shop

County Lexington

Suspect Name Michael Anthony Dolan

SCDL # 7693839

Address 217 Boy Scout Rd. Gaston SC 29053

SSN (last 4 digits) 7893

Supporting Documents

SCDMV Documents

NCIC Report

Vehicle Inspection Reports

Warrant Copies

SCDMV Driving Record

Completed Search Warrant

BWC Video

NO COLLABORATION

Investigative Summary

SURVEILLANCE, HC, CRT

On March 22, 2023, the South Carolina Law Enforcement Division (SLED) Vehicle Crimes Unit (VCU) received a request from Chief Stephen Watkins with the Gaston Police Department (GPD) to investigate a possible chop shop at 217 Boy Scout Rd. in Gaston, SC. SLED Captain (Capt.) C. C. Harrelson assigned the case to Special Agent (S/A) Alex Gray for further investigation.

On March 22, 2023, Chief Watkins seized a Harley Davidson Motorcycle from Cody Lee Sitton during a traffic stop. The public vehicle identification number (VIN) [REDACTED] was on a metal plate affixed to the frame using rivets. Knowing this to be incorrect, Chief Watkins examined it further and observed grind marks behind the plate indicative of the VIN having been ground off. Sitton was then picked up by someone wearing a Warlock patch and taken back to 217 Boy Scout Rd. *Agent's note: Motorcycle VINs are hard stamped into the neck of the motorcycle on the right-hand side and plates or stickers are never used.

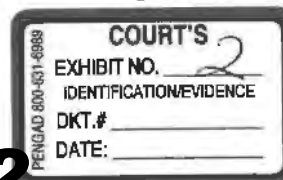
On March 23, 2023, S/A Gray met with Chief Watkins to inspect the motorcycle and discuss a possible chop shop at 217 Boy Scout Rd. S/A Gray inspected the motorcycle and was able to positively identify the true VIN as [REDACTED], which returned to a 2014 Harley Davidson Super Glide. That motorcycle was listed as an active theft through the Kershaw County Sheriff's Office.

Approved
Supervisor
Signature Craig C.
Harrelson

Digitally signed by Craig
C. Harrelson
Date: 2023.12.07
20:00:40 -05'00'

Agent
Signature Alex Gray

Digitally signed by Alex
Gray
Date: 2023.12.07
20:14:27 -05'00'



AUTO-0002-2022
(Org.05/2022-BFC)

Investigative Summary Continued

Following the inspection of the motorcycle, Chief Watkins provided the following information regarding his suspicions as to why he believed there was a chop shop operating out of 217 Boy Scout Rd.: In June of 2022, members of the Lexington County Sheriff's Office told Chief Watkins that they had reason to believe that there was a chop shop at 217 Boy Scout Rd., home to Michael Anthony Dolan. Dolan was a validated member of the Warlock Outlaw Motorcycle Gang. Chief Watkins began surveillance of the property and observed numerous motorcycles entering and exiting, as well as motorcycles and motorcycle parts on the property. The chief received anonymous tips that there was limited activity at the property during the day, but around 2:00 a.m., activity picked up with numerous vehicles coming and going.

S/A Gray checked the fraudulent VIN on Sitton's motorcycle [REDACTED] through the South Carolina Department of Motor Vehicles (SCDMV) and found that the motorcycle was registered to him on April 26, 2022. Sitton submitted a Manufacturers Certificate of Origin (MCO) on his title application. The MCO identified the motorcycle as a 2019 "Chopper Glide Touring" or a custom-made motorcycle, manufactured by "Chop Boyz Custom." According to the application, the motorcycle was purchased on January 14, 2021, for \$7,995, from "Chop Boyz Custom Cyclez." *Agent's note: An MCO is the original ownership document for a vehicle/motorcycle etc. issued directly from the manufacturer and used to register a vehicle for the first time.

Additional SLED research showed that Michael Dolan, the resident of 217 Boy Scout Rd., also purchased a "Chop Boyz 2017 Chopper Glide Touring." The motorcycle was registered by Dolan on February 28, 2022, using a "Chop Boyz Custom" MCO similar to the one used by Sitton. According to the paperwork, Dolan purchased the motorcycle from "Chop Boyz Custom" on December 19, 2017, for \$4,800. Dolan signed as the buyer and dated it February 28, 2022, and there was no name listed as the seller. The date printed on the MCO was December 17, 2017, with the buyer's information listed as "Mike Dolan" and his current address of 217 Boy Scout Rd.; however, in 2017, Dolan did not reside at 217 Boy Scout Rd indicating that the information printed on the MCO was fraudulent.

An search of SCDMV historical records showed approximately two dozen motorcycles registered in SC using "Chop Boyz" MCOs. In reviewing the MCOs submitted, there was no consistency in the font or layout of the documents to point to them being produced by a legitimate business. Most of the MCOs were submitted with bills of sale from "Chop Boyz", and a majority of those were identical. The mileage for each motorcycle sold was listed as having 20 miles. The listed sales price was the same no matter what year/model of motorcycle was being sold (\$7,995). In addition, the dates of sale were not close to the dates that the vehicles had been registered. In some cases, there were several years between the alleged sale and the registration date. *Agent's note: Providing paperwork with different dates, especially dates prior to the date of registration, is a known practice done to create a more legitimate background for a vehicle.

Investigative Summary Continued

On August 17, 2023, S/A Gray spoke with S/A Joshua Everett with the Virginia Department of Motor Vehicles (VADMV) and requested that he attempt to contact the founder of "Chop Boyz", Edward Wallop, at the listed address in Chesapeake VA. On August 18, 2023, S/A Everett advised that he had no contact with Wallop, nor was there any sign he was currently residing in Virginia. S/A Everett further advised that the registered address for "Chop Boyz" was just a single-family residence with no evidence of any manufacturing capabilities nor anything to indicate there ever was.

On September 1, 2023, S/A Gray obtained a search warrant for Michael Dolan's property, 217 Boy Scout Rd. to search for evidence related to the operation of a chop shop and possession of stolen vehicles, possession of Chop Boyz titles, and other evidence of fraudulent MCO manufacturing. The search warrant was executed on September 5, 2023, by SLED, the Lexington County Sheriff's Office (LCSO) Narcotics Unit, and GPD. During the search, the following was discovered:

- The "Chop Boyz" motorcycle registered to Dolan was inspected and found to be a Harley Davidson motorcycle with the public VIN ground off and the fraudulent VIN 4C9PB0558HC516011 crudely affixed to it;
- A motorcycle missing its public VIN reported stolen by the Horry County Police Department;
- A motorcycle reported stolen with the Lexington County Sheriff's Office that had a public VIN that was intact but heavily painted over; *Agent's note: This motorcycle was seized at the time of the search warrant as unidentifiable, but was identified on September 25, 2023, once the paint covering the VIN was able to be removed.
- A stolen 2003 Mazda 6 reported stolen through the Richland County Sheriff's Office (RCSO); *Agent's note: Upon further investigation, it was determined RCSO entered that vehicle in error and it was returned to Dolan.
- The frame for a Ford F350 reported stolen through the West Columbia Police Department;
- Two additional motorcycles missing public VINs and a bike frame with the public VIN cut out of it;
- Two "Chop Boyz" MCOs for vehicles not yet registered in SC.

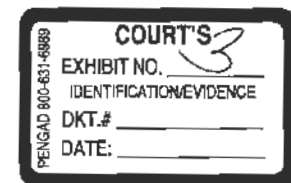
During the search, illegal narcotics were also discovered. At that point, a second search warrant was obtained by LCSO since the scope of the original warrant was not for narcotics.

Following the discovery of the aforementioned items, Dolan was provided with his Miranda Warnings and arrested. He declined to make a statement and was transported to the Lexington County Detention Center for further disposition and served arrest warrants for operation of a chop shop, possession of stolen property, and forging/altering a title (three counts).

This case will be forwarded to the 11th Circuit Solicitor's office for prosecution, and since the case is ongoing, further information will be forwarded as a supplemental report if needed.

AUTO-0002-2022

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
1. 35A - POSSESSION OF METHAMPHETAMINE, SPMJ		☒ YES ☐ NO	☐ YES ☐ NO	13		☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☒ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
2. NRP - DUS 1ST, OPERATING UNINSURED, POSS OF SUSPENDED SCDL, POSS OF		☒ YES ☐ NO	☐ YES ☐ NO	13			
3. NRP - POSS OF DRUG PARA		☒ YES ☐ NO	☐ YES ☐ NO	13			
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE		
5200 BLK OF HWY 321 (ROADWAY), GASTON SC				29053			
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK		LOCATION NO.
03/22/2023	1700		03/22/2023	1812	DISP. DATE	DISP. TIME	DEPART. TIME
					03/22/2023	1700	1800
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
MARZOL, R		ST		080U	W	M	00
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
186 N CARLISLE ST		GASTON		SC	29053		
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
SOCIETY PUBLIC				J80U			
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.			
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN -							
VICTIM (NO. 1) USING: ALCOHOL: ☐ YES ☒ NO ☐ UNK. DRUGS: ☐ YES ☒ NO ☐ UNK.							
☐ TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED J - This Jurisdiction S - State O - Out of State U - Unknown							
SUBJECT		SUBJECT NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH.
☒ SUSPECT		SITTON, CODY LEE		W	M	27	N
☐ RUNAWAY		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
☐ WANTED							
☐ WARRANT		ADDRESS					
☐ ARREST		CITY					
☐ JAIL		STATE					
☐ SUMMONS		ZIP CODE					
		LOCATION NO.					
		SUBJECT (NO. 1) USING: ALCOHOL: ☐ YES ☒ NO ☐ UNK. ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO					
		DATE/TIME OF OFFENSE					
		DATE/TIME OF ARREST					
		DRUGS: ☐ YES ☒ NO ☐ UNK. TYPE: TOTAL # ARRESTED 1					
		03/22/2023 1700 08/26/2023 1120					
Offenses: POSSESSION OF METHAMPHETAMINE, SPMJ DUS 1ST, OPERATING UNINSURED, POSS OF SUSPENDED TAG POSS OF DRUG PARA ASSITING OTHER AGENCY (KERSHAW COUNTY) POSS OF STOLEN PROPERTY / MOTOR CYCLE SEE INVESTIGATIVE NOTES							



Print Date: 08/04/2024 07:48:27 PM				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
P	TYPE (GROUP)	10-Drugs/Narcotic	03-Motor Vehicle -				TOTAL VALUE
R	Burned						
O	Count/Forged						
P	Dest./Damaged						
E	Recovered		12000.00				12000.00
R	Seized						
T	Stolen						
Y	Unknown						
A	SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE		ADM. CLOSED
D	☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		ARRESTED UNDER 18
M							ARRESTED 18 AND OVER
I	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINED COOPERATION 5. ☐ JUVENILE - NO CUSTODY						
N	REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE
I	LT. ROBERT MARZOL		03/22/2023	701	LT. ROBERT MARZOL		08/18/2023
S	CHIEF S. WATKINS		03/22/2023	700	FOLLOW-UP INVESTIGATION OFFICER		UNIT NUMBER
T					☐ YES ☐ NO		

AGENCY I.D.
SC0321400

TOWN OF GASTON POLICE DEPARTMENT
PROPERTY LISTING

23 - 000108

INQ. ENTD.

☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE 1
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

5 RECOVERED

MOTOR MOTORCYCLE - AUTOMOBILES -12,000.00
 Make: HD Color: BLUE
 Serial #: 1HD1KBM19EB710442
TOTAL GROUP -12,000.00

6 SEIZED

DRUGS/ 8.9 GM OF CRYSTAL SUBSTANCE BELIEVED TO BE METHAMPHETAMINE AND ONE ROLLED UP MARIJUANA CIGARETTE 0.00
 L Amphetamines/Methamphetamines 8.900 GM
 E Marijuana 0.400 GM
TOTAL GROUP 0.00

TOTAL PROPERTY -12,000.00

A D M I N I S T	SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18	
					☐ UNFOUNDED	☒ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
	REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
	LT. ROBERT MARZOL		03/22/2023	701	LT. ROBERT MARZOL		08/18/2023	701
	CHIEF S. WATKINS		03/22/2023	700	FOLLOW-UP INVESTIGATION OFFICER ☐ YES ☐ NO			

INVESTIGATIVE NOTES

Case Number: 23-000108

Date: 03/23/2023

Officer: 7255 - ROBERT MARZOL

Notes: ON THE ABOVE DATE AND TIME REPORTING OFFICER OBSERVED A BLUE HARLEY DAVIDSON MOTORCYCLE PULL INTO THE 7-11 PARKING LOT OFF THE 5200 BLOCK OF HWY 321. REPORTING OFFICER CHECKED THE MOTORCYCLE'S SC TAG # ZG71131 WHICH CAME BACK SUSPENDED FOR NO INSURANCE AS WELL AS TO A 2019 CHOPPER AND NOT A HARLEY DAVIDSON.

REPORTING OFFICER STOPPED THE DRIVER WHO WAS IDENTIFIED AS THE LISTED SUBJECT AND WAS ALSO CONFIRMED TO HAVE A SUSPENDED SC DRIVER'S LICENSE THROUGH NCIC SC DMV FILES. UPON FURTHER INVESTIGATION IT WAS OBSERVED THAT THE SUBJECT'S MOTORCYCLE HAD AN ALTERED VIN PLATE THAT WAS CLEARLY RIVETED ON THE FRAME WITH A VIN # 4C9PD0857KC516921 WHICH CAME BACK TO REGISTERED TO THE SUBJECT ON A 2019 CHOPPER MOTORCYCLE BEARING THE TAG NUMBER ON THE MOTORCYCLE. REPORTING OFFICER MOVED THE ALTERED VIN PLATE AND COULD CLEARLY SEE WHERE THE TRUE VIN NUMBER HAD BEEN GRINDED AWAY.

REPORTING OFFICER DETAINED THE SUBJECT AND WHILE PATTING THE SUBJECT FOR WEAPONS REPORTING OFFICER FELT A BULGE IN THE SUBJECT'S LEFT CHAPS POCKET WHICH WAS CONSISTENT WITH A POSSIBLE BAGGY OF METHAMPHETAMINE. REPORTING OFFICER ASKED THE SUBJECT IF IT WAS METHAMPHETAMINE IN HIS POCK AND THE SUBJECT STATED YES. REPORTING OFFICER RETRIEVED THE PLASTIC BAGGY WHICH CONTAINED A CLEAR ROCK LIKE SUBSTANCE CONSISTENT WITH METHAMPHETAMINE (8.9 GM) REPORTING OFFICER ALSO LOCATED A BURNT ROLLED UP MARIJUANA CIGARETTE ON THE MOTORCYCLE HANDLE BAR AREA. ITEMS WERE SEIZED FOR EVIDENCE.

REPORTING OFFICER ISSUED THE SUBJECT SEVERAL TRAFFIC CITATIONS TO INCLUDED THE SIMPLE POSSESSION OF MARIJUANA AND POSSESSION OF DRUG PARA FOR A GLASS PIPE THAT THE SUBJECT ALSO HAD IN LEFT PANTS POCKET WHICH IS COMMONLY USED TO SMOKE METHAMPHETAMINE. SUBJECT WAS ADVISED THAT FURTHER INVESTIGATION ON THE MOTORCYCLE TRUE VIN NUMBER WOULD BE FOURTH COMING AND MORE THE LIKELY THE MOTORCYCLE WOULD BE STOLEN. SUBJECT WAS ADVISED THAT WARRANTS FOR POSSESSION OF METHAMPHETAMINE AND POSSESSION OF STOLEN PROPERTY WOULD BE FORTH COMING ONCE THE INVESTIGATION WAS COMPLETE.

SUBJECT WAS RELEASED ON SCENE AND THE LISTED MOTORCYCLE WAS TOWED BY DAY'S TOWING FOR FURTHER INVESTIGATION.

INVESTIGATIVE NOTES

Case Number: 23-000108

Date: 03/23/2023

Officer: 7255 - ROBERT MARZOL

Notes: ON 03/23/2023 1000HRS SLED AGENT ALEX GRAY MET WITH REPORTING OFFICER AND CHIEF WATKINS AT DAYS TOWING AND WAS ABLE TO RETRIEVE THE LISTED MOTORCYCLE'S TRUE VIN #1HD1KBM19EB710442, WHICH WAS CONFIRMED THROUGH NCIC WANTED FILES TO BE STOLEN OUT OF KERSHAW COUNTY. CONTACT WITH KERSHAW COUNTY LT. TAYLOR MILES WAS MADE VIA TELEPHONE AND WAS ADVISED OF THE INCIDENT.

INVESTIGATIVE NOTES

Case Number: 23-000108

Date: 04/29/2023

Officer: 7255 - ROBERT MARZOL

Notes: 04/29/2023 1813 MARZOL GENERATED ARREST WARRANT FOR POSSESSION OF METH 2ND OFFENSE ON THE LISTED SUBJECT. SUBJECT HAS A PREVIOUS CONVICTION FOR POSSESSION OF METH OUT OF LEXINGTON COUNTY ON 03-17-2023.
WARRANT TO BE SIGNED 05-01-23

INVESTIGATIVE NOTES

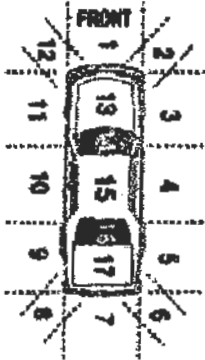
Case Number: 23-000108

Date: 08/25/2023

Officer: 4440 - B. M. WILKE

Notes: R/O WAS NOTIFIED THAT SITTON WAS INCARCERATED AT THE ALVIN S GLEN DETENTION CENTER ON A CHARGE WITH RCSD. R/O THEN TRANSPORTED SITTON TO LCDC AND SERVED WARRANT# 2023A3221200041 AT THE JAIL FOR POSSESSION OF METH 2ND OFFENSE. R/O MARKED THE WARRANT AS SERVED IN LAWTRAK AND SENT A REMOVAL REQUEST FOR NCIC THROUGH DISPATCH.

TOWED VEHICLE REPORT
TOWN OF GASTON POLICE DEPARTMENT

DATE 03/22/2023	TOWED FROM 5200 BLK OF HWY 321	Towing Company: 5 / DAY'S TOWING	CASE NUMBER 23-000108
VEHICLE OPERATOR'S NAME CODY LEE SITTON			ARRESTED? YES ☐ NO ☒
VEHICLE OPERATOR'S ADDRESS / PHONE 680 PORTIA RD		BLYTHEWOOD SC 29016-9415	(803) 977-2319
MAKE HD	MODEL	YEAR	TAG
VIN		STATE	
OWNER'S NAME / ADDRESS UNKNOWN/UNTRACKED PERSON			
LIEN HOLDER INFO			
INVENTORY MISC TRASH			INDICATE DAMAGE 
NOTES DO NOT RELEASE (HOLD) POSSIBLE STOLEN MOTOR CYCLE/ VIN # BEEN GRINDED OFF HAS FAKE VIN PLATE			

THE INVENTORY IS AN ACCURATE ACCOUNTING (TO THE BEST OF MY KNOWLEDGE) OF THE ITEMS LEFT IN THE VEHICLE AND TURNED OVER TO THE TOW TRUCK OPERATOR. ANY OTHER ITEM(S) FOUND WITH OR IN THE VEHICLE WHICH ARE NOT LISTED ON THIS FORM HAVE BEEN TAKEN INTO CUSTODY AS EVIDENCE AND ARE LISTED AS SUCH ON AN EVIDENCE CHAIN OF CUSTODY FORM IN ACCORDANCE WITH POLICE DEPARTMENT PROCEDURES. A LISTING OF THESE ITEMS (IF APPLICABLE) IS AVAILABLE TO THE OWNER UPON REQUEST. ALL SIGNIFICANT DAMAGE HAS BEEN NOTED.

OFFICER'S SIGNATURE / ID NUMBER / DATE	PERSON BEING TOWED SIGNATURE

I AGREE WITH THE INVENTORY OF THE VEHICLE AND THE DAMAGE AS LISTED BY THE OFFICER. I ACCEPT THE VEHICLE WITH THE ITEMS INDICATED AND IN THE CONDITION SPECIFIED ABOVE.

TOW TRUCK OPERATOR'S SIGNATURE / PHONE / DATE	DAY'S TOWING 902 MACK ST. GASTON SC 29053 Phone: (803)796-7847

Control No. B356705

PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED
CERTIFICATION OF PROOF OF CHAIN OF PHYSICAL CUSTODY OR CONTROL

Initial Custody

This is to certify that I Robert Marzol am employed by
Gaston Police Dept (Name)
(Name of Agency or Department)

3-22-2023, 2023, I seized from Cody Lee Sifton
(Date) (Name)

pursuant to Lawful traffic Stop
(State whether Subject to a Warrant, Lawful Arrest or Otherwise)
at or near 5200 Blk of Hwy 321 Gaston, SC
(Place where seized)

The following substance(s) or container(s):
(Describe the substance or container to sufficiently distinguish it.)

baggy containing 8.9 gm of possible meth

Signed: R. Marzol Print Name Robert Marzol Date 3-22-23

Sworn before me this _____ day of _____, _____
My commission expires: _____ County: _____ Notary Public for South Carolina Signature: _____

Subsequent Chain of Custody Following Seizure:

The item(s) listed above were delivered in substantially the same condition as when it was received according to the following chain:

	Signature	Print Name	Company	Date/Time
1.)	Relinquished By:			
	Received By:			
	Sworn before me this _____ day of _____		Notary Public for South Carolina Signature: _____	
	My commission expires: _____	County: _____		
2.)	Relinquished By:			
	Received By:			
	Sworn before me this _____ day of _____		Notary Public for South Carolina Signature: _____	
	My commission expires: _____	County: _____		
3.)	Relinquished By:			
	Received By:			
	Sworn before me this _____ day of _____		Notary Public for South Carolina Signature: _____	
	My commission expires: _____	County: _____		
4.)	Relinquished By:			
	Received By:			
	Sworn before me this _____ day of _____		Notary Public for South Carolina Signature: _____	
	My commission expires: _____	County: _____		

Issuing Authority: Quality Manager

SLED Forensics Form #FRMB/C.2, November 2013
Page 1 of 1

USE BALLPOINT PEN AND PRESS FIRMLY.
PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED.

SLED DRUG ANALYSIS REQUEST

LAB NO. _____ CONTROL NO. B356705
COUNTY Lexington WARRANT NO. 2023A3221200041

INCIDENT

Contributing Agency ORI SCO 324400 Contributing Agency Case No. 23-000108
New Case ☒ Additional Evidence ☐ Case No. _____
Type of Crime Poss of Mph 2nd offense
Incident Date 3-22-2023
Incident Address 5200 Birch US Hwy 321
Canton SC 29053

Report should be mailed to:
Robert Marzol Lt.
Name of Individual Receiving Report Rank
Canton PD 803-836-6003
Department Telephone No.
186 N. Carline St PO Box 429
Street Address or Post Office Number
Canton SC 29053
City State Zip Code

SUBJECTS

S. Hon Cody Leet
LAST FIRST MIDDLE

LAST FIRST MIDDLE

LAST FIRST MIDDLE

Race W Sex M DOB [REDACTED]
DL, SS, or FBI No. [REDACTED]
Race _____ Sex _____ DOB _____
DL, SS, or FBI No. _____
Race _____ Sex _____ DOB _____
DL, SS, or FBI No. _____

The items submitted below will be examined with your assurance that the submitted specimens have not been nor will be submitted to any other laboratory or agency for Technical or Scientific examination.

EVIDENCE

Specimens submitted for examination:

Plastic baggy containing 8.9 gm of Possible
Methamphetamine

Robert Marzol

PRINT Name of Requesting Officer

R. Marzol

SIGNATURE of Requesting Officer

By signing, I acknowledge that I agree to the terms of the SLED Forensic Services Laboratory Customer Agreement located at
<https://www.sled.sc.gov/forms/forensics/Customer%20Agreement.pdf>

Laboratory Analysis Electronic Packing Slip

Case Information

Entered Into Prelog: (4/29/2023 7:06:18PM)



Department Case: 23000108 Prelog Entry #1

Department: Gaston Police Department / User Name: Robert Marzol

Department Case: 23000108

Prelog Entry #: 1

Officer Name: Robert Marzol

Officer Email: marzol@gastonsnc.org

Officer Phone: (803) 796 - 8503

Offense Date: 03/22/2023

Tracking Number: B356705

County: Lexington

Case Type: DRUG EVIDENCE

Case Comments:

Submission Information

Comments: LOCATED ON SUBJECT DURING LAWFUL TRAFFIC STOP

Court Type: Court Date:

Name Type	Name	Sex	Race	Date of Birth
Suspect	CODY LEE SITTON	Male	White/Caucasian	

Item Information

Item #	Package	Item Type	Item Description	Exam Requests
1	BEST Evidence Pouch	BEST Kit Evidence	8.9 GM OF POSSIBLE METH	DC - Drug Analysis

Section Questions

DC

Is this case related to another case?

No

Enter your SLED Lab Number or your Agency Case Number

23000108

Print Name:

Signature: