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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Jessica Salvini, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTHONY OVERMAN,

APPELLANT

APPELLATE CASE NO 2024-000525

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED DECEMBER 4-5, 2024.....	1
PRE-TRIAL MOTION TO DISMISS AND SUPPRESS DRUGS.....	6
COURT’S RULING	11
MOTION TO SUPPRESS JAIL CALL	12
COURT’S RULING	13
<u>JACKSON V. DENNO</u> HEARING.....	15
TESTIMONY	
BRAYDEN LEOPOLD	
Direct Examination by Solicitor	15
Cross-Examination by Defense Counsel	20
Re-Direct Examination by Solicitor.....	22
PIERRE FRAZILE	
Direct Examination by Solicitor	23
ARGUMENT BY COUNSELS.....	26
COURT’S RULING	27
MOTION TO SUPPRESS REVISITED	28
COURT’S RULING	34
JURY VOIR DIRE	36
JURY SELECTION.....	45
OPENING REMARKS BY THE COURT.....	52
MOTION TO SEQUESTER.....	60
COURT’S RULING	60

OPENING STATEMENT BY SOLICITOR.....	62
OPENING STATEMENT BY DEFENSE COUNSEL.....	63
TRIAL TESTIMONY	
CHARLES MOORE	
Direct Examination by Solicitor	66
STEVEN EPPS	
Direct Examination by Solicitor	69
OBJECTION REGARDING JAIL CALL.....	86
COURT’S RULING	88
TRIAL TESTIMONY	
CHARLES MOORE (CONT’D)	
Direct Examination by Solicitor	88
Cross-Examination by Defense Counsel	89
Re-Direct Examination by Solicitor.....	103
HARRY MCCONNELL	
Direct Examination by Solicitor	107
Cross-Examination by Defense Counsel	120
PIERRE FRAZILE	
Direct Examination by Solicitor	124
Cross-Examination by Defense Counsel	133
KATHY LANCE	
Direct Examination by Solicitor	139
KRISTEN MCCALL	
Direct Examination by Solicitor	149
STATE RESTS	157
DIRECTED VERDICT MOTIONS	158
COURT’S RULING	160
COLLOQUY REGARDING BOND.....	160
ADVICE OF RIGHTS	168

CHARGE CONFERENCE.....	170
RENEWAL OF MOTIONS.....	171
COURT’S RULING	171
CLOSING ARGUMENT BY SOLICITOR	172
CLOSING ARGUMENT BY DEFENSE COUNSEL	180
JURY CHARGE ON THE LAW	185
JURY NOTE.....	196
RE-CHARGE ON THE LAW	197
JURY NOTE.....	198
VERDICT	199
SENTENCING	204
INDICTMENTS AND SENTENCE SHEETS.....	206
CERTIFICATE OF COUNSEL	218

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBIT NO. 3 (JAIL CALL - CD),
STATE’S EXHIBIT NO. 4 (EPPS BODY CAM - CD),
STATE’S EXHIBIT NO. 5 (MCCONNEL BODY CAM – THUMB DRIVE),
STATE’S EXHIBIT NO. 7 (FRAZILE BODY CAM – THUMB DRIVE)**

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2024-GS-23-02558
COUNTY OF GREENVILLE	)	2024-GS-23-02559
	)	2024-GS-23-02560
	)	
	)	
	)	

STATE OF SOUTH CAROLINA,
PLAINTIFF,

vs.

ANTHONY RAY OVERMAN,
DEFENDANT.

) VOLUME I
) TRANSCRIPT OF RECORD
)
)
)

December 4, 2024
Greenville, South Carolina

B E F O R E:

THE HONORABLE JESSICA ANN SALVINI, JUDGE

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

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CHERYL A. SMITH
Circuit Court Reporter

INDEX

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

	<u>PAGE</u>
<u>Wednesday, December 4, 2024</u>	
Pretrial Motions	5
<u>Jackson v. Denno Hearing:</u>	
<u>(IC) BRAYDEN LEOPOLD:</u>	
Direct Examination by Ms. Case	15
Cross-Examination by Ms. Heath	20
Redirect Examination by Ms. Case	22
<u>(IC) PIERRE FRAZILE:</u>	
Direct Examination by Ms. Case	23
Jury Voir Dire	36
Jury Selection	45
Jury Instructions	52
Motion	60
Opening Statement by Ms. Farmer	62
Opening Statement by Ms. Heath	63
<u>(SW) CHARLES MOORE:</u>	
Direct Examination by Ms. Case	66
<u>(SW) STEVEN EPPS:</u>	
Direct Examination by Ms. Case	69
Cross-Examination by Ms. Heath	89
Redirect Examination by Ms. Case	103
<u>(SW) HARRY McCONNELL:</u>	
Direct Examination by Ms. Case	107
Cross-Examination by Ms. Heath	120
<u>(SW) PIERRE FRAZILE:</u>	
Direct Examination by Ms. Farmer	125
Cross-Examination by Ms. Heath	133
<u>(SW) KATHY LANCE:</u>	
Direct Examination by Ms. Farmer	139

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX (Continued)

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

PAGE

(SW) KRISTEN MCCALL:

Direct Examination by Ms. Farmer	149
State Rests	157
Motion	158
Certificate of Reporter	165

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
	(State's Exhibits)		
1	Leopold Body Cam - CD	5	*19
2	Frazile Body Cam - CD	5	*25
3	Jail Call - CD	5	68
4	Epps Body Cam - CD	5	81
5	McConnell Body Cam - Thumb Drive	5	115
6	Drugs	84	156
7	Frazile Body Cam - Thumb Drive	106	131
8	Chain of Custody	143	143
9	P&E Sheet	146	147
10	Drug Analysis Report	153	N/A
	(Court's Exhibits)		
1	Jury Note		106

*Exhibits admitted for pretrial purposes only.

P R O C E E D I N G S

Wednesday, December 4, 2024

(WHEREUPON, State's Exhibit Numbers 1 through 5 were
marked for identification; proceedings convened at
9:28 AM.)

THE COURT: Let's go ahead and go on the record and
let's talk about where we're at.

MS. CASE: We're here for the State vs. Anthony
Overman. I think we're here for pretrials. The State
has a Jackson v. Denno, but otherwise, that's the only
motion we have.

THE COURT: All right.

MS. HEATH: Good morning, Judge. The defense has
several motions. They're not going to take long. If the
State doesn't mind, we'll go ahead and get started with
ours and then we'll go into the Jackson v. Denno.

THE COURT: That's fine with me. I don't have a
copy of any motions. Y'all didn't give me anything. You
should give it to me beforehand so I can take a look at
it. It makes it go faster. But I'm holding you to your
one hour. You told me one hour pretrial.

MS. HEATH: That's correct, Judge.

THE COURT: The jury's going to be here at 10:30.
We are striking this jury at 10:30.

MS. HEATH: That's correct, Judge.

1 THE COURT: All right. So what have you got for me?

2 MS. HEATH: So the first motion I have, Your Honor,
3 is a motion to dismiss the trafficking and the possession
4 charges. I think it's important to give a little context
5 before I go into my motion.

6 THE COURT: Okay.

7 MS. HEATH: To start, Mr. Overman was allegedly seen
8 driving a gold Honda pretty old in age, in the 2000's.
9 At some point, he stops at a gas station, Stop-A-Minit,
10 and he pulls into that gas station with the intent to
11 pump gas. He goes inside the store. Law enforcement
12 allegedly is following Mr. Overman and they see that the
13 tag plate does not match the actual vehicle.

14 In their incident report, they state they wait about
15 ten minutes for Mr. Overman to come out of the store.
16 Mr. Overman is still in the store purchasing items,
17 purchasing gas. The arresting officer, Officer Epps,
18 walks into the store, asks Mr. Overman to come out. At
19 that point, Arresting Officer Epps begins to ask
20 Mr. Overman does he have a driver's license, things of
21 that sort. At some point, Mr. Overman admits that he
22 does not have his driver's license on him.

23 Law enforcement -- or Officer Epps goes to his
24 vehicle and begins to conduct his little investigation
25 determining whether he has a driver's license, determine

1 whether it's suspended, also following up making sure the
2 vehicle isn't stolen.

3 During that time Officer Epps is in his vehicle,
4 there are other officers on scene, and they begin to
5 speak with Mr. Overman. The conversation, the dialogue
6 between Mr. Overman and the other officers on scene lasts
7 for about ten minutes. During this time, Arresting
8 Officer Epps is trying to determine if and what he's
9 going to charge him with, if it's going to be a ticket,
10 is it going to be an arrest. I think it's very clear at
11 that point that at some point, Mr. Overman is at least
12 going to be charged with a DUS and a driving without a
13 license.

14 At some point during this ten-minute exchange, one
15 of the officers asked Mr. Overman consent to search the
16 vehicle. Mr. Overman says no.

17 Again, there's still talk between the officers on
18 how they're going to go about getting into the vehicle,
19 essentially. Is it going to be an inventory search, just
20 essentially we want to get into the vehicle. We want to
21 see what's in there. Is there drugs in there.

22 They question Mr. Overman, again, during this
23 exchange on when was the last time he used drugs.
24 Admittedly, he admits within the past week that he has
25 used cocaine or crack. But, again, he does not consent

1 to a search.

2 At this point, no arrest has been made, no tickets
3 have been written. Law enforcement go ahead and starts
4 what they're calling an inventory search. Within seconds
5 of doing this inventory search, drugs are found. And
6 that's where my motion comes in at.

7 There's no tickets that's been written, there are no
8 arrests that's been made. And so they're alleging that
9 this is an inventory search, but how is it an inventory
10 search if there are no arrests or tickets that's been
11 made? It's up in the air on, you know, what he's going
12 to be charged with, if it's going to be a ticket, is it
13 going to be an arrest. There's conversation back and
14 forth between law enforcement on if we're going to write
15 this ticket and tow it and that way do the inventory
16 search or if we're going to arrest him and tow it and do
17 the inventory search. But the fact of the matter is,
18 there are no arrests, there are no tickets that have been
19 written when law enforcement enters the vehicle. And so
20 if this is not an inventory search, then there has to be
21 probable cause.

22 There's speculation initially that the vehicle was
23 stolen. Law enforcement, prior to entering the vehicle,
24 confirms that the vehicle was in fact not stolen.
25 There's no PC to enter into the vehicle. Again,

1 Mr. Overman did not consent.

2 There are no -- when we look at the Greenville
3 County sheriff's department's policy as far as inventory
4 searches -- and, Your Honor, I'm more than happy to send
5 the policy over to you. But the policy specifically
6 states that a deputy must have lawful custody of the
7 vehicle in order to conduct an inventory search. The
8 vehicle hasn't been seized. Mr. Overman is merely
9 detained at this point when the vehicle search begins.
10 There was an opportunity to bring K-9 out to do a free
11 air sniff. There's an opportunity to get a warrant.
12 None of this is done.

13 Now, I understand that the State is going to argue
14 inevitable discovery, but how do we get to inevitable
15 discovery if Mr. Overman, at the point of the search, is
16 not under arrest, there's no ticket that's been written?
17 How do you get into the vehicle? You can't allege
18 inventory search because, again, there's no arrest.
19 There's no ticket. There's no PC. There is no evidence
20 that Mr. Overman has committed a crime and objects of
21 that crime is within that vehicle.

22 And so, Your Honor, on those bases, I'm going to ask
23 or argue that the trafficking charge and the possession
24 of crack charge be dismissed.

25 THE COURT: Yes, ma'am.

1 MS. CASE: Your Honor, there is discussion right
2 when they pull up whether or not he's driving under
3 suspension. He gives the officers his driver's -- or his
4 ID. It's not a driver's license. During that time,
5 they're looking up whether or not he does have a driver's
6 license or not. They find out he's driving under
7 suspension. They then arrest him and then search the
8 car.

9 I'm not sure what Ms. Heath is saying that he wasn't
10 under arrest. He was told he's being given a ticket for
11 driving under suspension. He wasn't given an actual hard
12 copy yet, but he was placed under arrest.

13 THE COURT: What about that? He was under arrest,
14 then they would have lawful possession of the vehicle.
15 They could do an inventory search.

16 MS. HEATH: Judge, I respectfully disagree.
17 Mr. Overman was not under arrest. In fact, there's
18 body-cam footage of Officer Frazile, if I'm not mistaken,
19 where he abruptly asks, hey, are we going to arrest him
20 or are we going to write a ticket in order to do this
21 inventory search? Mr. Overman is not placed under arrest
22 until one of the officers, Officer McConnell, finds the
23 meth. That's when he walks up to Mr. Overman, turn
24 around, you're under arrest. Prior to that, there's no
25 conversation between Mr. Overman and any of the officers

1 that you're getting a ticket. There's no conversation
2 between Mr. Overman and the officers that you're under
3 arrest prior to getting into that vehicle. There's
4 footage proving this, Your Honor.

5 MS. CASE: He's not placed in handcuffs until they
6 find the drugs in the vehicle while they're doing the
7 inventory search, but it's after they had found out he's
8 driving under suspension. And they did inform him of
9 that.

10 MS. HEATH: Respectfully, I disagree, Your Honor.

11 THE COURT: Okay. Well, all right. So let's just
12 talk about in the future. In the future, you're going to
13 make this motion, you've got to give me some heads-up
14 because, technically, on this type of motion, I need to
15 hear from an officer, basically, that her assertion that
16 that's not the chain of events, that's not how this
17 occurred, and I've got your assertion that this is how it
18 occurred. And I've got nothing before me other than two
19 lawyers arguing about the chain of events.

20 MS. CASE: I asked if the defense had any motions on
21 Monday. She told me no. I had no idea that this was
22 coming. I would have provided the Court a copy of the
23 video.

24 THE COURT: All right. Do you have the video with
25 y'all today?

1 MS. CASE: I do, Your Honor.

2 THE COURT: All right. I'm going to take it under
3 advisement. Let's hear your next motion. I'm going to
4 watch the video while I'm getting my jury up here.
5 What's your next motion? But in the future ---

6 MS. HEATH: Absolutely, Judge.

7 THE COURT: In the future -- y'all, let's just talk
8 about how I like to do things. And I'm new, right? I'm
9 a super prepared judge. I hate not to be prepared. The
10 thing I hate worse than that is making my jury wait. But
11 I want to make sure you both have a fair shake at this.
12 So I've got to be able to go back to my office, watch a
13 video. I may want to do some research and take a look at
14 the case law to decide whether or not, you know, she's
15 entitled to me basically dismissing it for her allegation
16 they didn't have probable cause, he wasn't under arrest,
17 they didn't have lawful possession, they were trying to
18 come up with some theory as to how they were going to get
19 into this gar because he said no as opposed to just
20 driving under suspension. But in the future, I want
21 heads-up, especially when I'm the trial judge.

22 All right. Yes, ma'am. What's your next motion?

23 MS. HEATH: The next motion, Your Honor, pertains to
24 the jail call that I suspect that the State is going to
25 try to play.

1 THE COURT: Okay.

2 MS. HEATH: I'm going to make a motion for that call
3 not to be able to admit it into evidence under 403. I'd
4 argue that it's more -- the probative value is outweighed
5 by the prejudicial effect. There is some conversation
6 between Mr. Overman and someone on the outside having
7 some conversation. That conversation leads into
8 Mr. Overman saying that someone set him up or something
9 to that extent. This phone call is six or seven days
10 after the arrest, and so I'd also argue that it's
11 irrelevant at this point, Your Honor.

12 THE COURT: Okay. Let me hear a little bit about
13 this call. Does the State, number one, intend to
14 introduce it?

15 MS. CASE: Yes, Your Honor.

16 THE COURT: All right. What's the relevance?

17 MS. CASE: The relevance shows that he knew that the
18 drugs were in the car. He was in possession of them.
19 Knowledge is an element to possession and it shows that
20 he knew they were there. All evidence is prejudicial,
21 but this is extremely probative because it goes directly
22 to an element of the crime.

23 THE COURT: Okay. Your motion at this point is
24 denied, but renew it before she plays the call. I need
25 to hear some of the evidence before I can make a

1 decision.

2 MS. HEATH: Absolutely, Your Honor.

3 THE COURT: Okay. Next motion.

4 MS. HEATH: The only other motion I have is it's my
5 understanding that the State has some redacted videos. I
6 have not been able to download that.

7 In some of the original videos, there's talk
8 between the officers and Mr. Overman regarding how long
9 he's been to prison, what was he in prison for. There's
10 also some conversation about him being on an ankle
11 monitor, about him maybe potentially having worked with
12 law enforcement in the past. I'm just asking that those
13 -- I don't know if they've been redacted or not, but I
14 just ask that there's no conversation or no footage
15 pertaining to those conversations between Mr. Overman and
16 the officers.

17 THE COURT: That's fair.

18 MS. CASE: All information about his prior history,
19 him being on GPS, working with law enforcement, all of
20 it's been redacted.

21 THE COURT: All right. I just -- let's just say her
22 motion is granted. If for some reason even a snippet
23 gets played to the jury and she makes a motion for a
24 mistrial, I'm going to grant it.

25 MS. CASE: Yes, Your Honor.

1 THE COURT: So let's just double check. I can't
2 unring the bell.

3 MS. CASE: Okay.

4 THE COURT: All right. So that resolves that.

5 MS. HEATH: Yes, Your Honor.

6 THE COURT: Any other motions?

7 MS. HEATH: No other motions, Your Honor.

8 THE COURT: All right. Are we prepared to get
9 started with our Jackson v. Denno?

10 MS. CASE: Yes, Your Honor. The State calls Deputy
11 Leopold to the stand.

12 THE CLERK: Please place your left hand on the Bible
13 and raise your right hand.

14 WHEREUPON,

15 BRAYDEN LEOPOLD

16 After having been duly sworn, testified as follows:

17 THE CLERK: Please take a seat and state your name
18 for the record.

19 THE WITNESS: Deputy Brayden Leopold.

20 DIRECT EXAMINATION

21 BY MS. CASE:

22 Q Deputy Leopold, where do you work?

23 A I work at the Greenville County Sheriff's Office.

24 Q How long have you been working there?

25 A Next month will be seven years.

1 Q So you were working there June 23, 2023?

2 A Yes, ma'am.

3 Q What were your duties then?

4 A At that time, I was assigned to the Directed Patrol
5 Unit as a Deputy II.

6 Q Can you just explain a little bit about the Directed
7 Patrol Unit?

8 A Yeah. We are -- we range from either ten to 15 guys
9 and women. We target street-level crime such as
10 narcotics, gambling, prostitution, gang investigations,
11 high-risk search warrants, stuff of that nature.

12 Q And were you involved with the arrest of the
13 defendant, Anthony Overman?

14 A Yes, ma'am.

15 Q Did you advise the defendant of his rights?

16 A Yes, ma'am, I did.

17 Q Did you speak with him?

18 A Briefly, I did.

19 Q After you read him his rights, did he say he
20 understood those rights?

21 A Yes, ma'am.

22 Q Did he say he wished to speak with you?

23 A He did.

24 Q Did he ask you any questions about the rights you
25 read to him?

1 A He did not.

2 Q Did you threaten him in any way?

3 A I did not.

4 Q Did you coerce him in any way?

5 A No, ma'am, I did not.

6 Q Did you promise him anything?

7 A I did not.

8 Q Did he make any incriminating statements to you?

9 A He briefly mentioned -- I asked him -- after reading
10 his rights, he stated to me that he understood his
11 rights. I asked him if there was something in the car
12 that the other deputies had located which would have led
13 to him being in handcuffs. He stated after several times
14 of saying there was nothing he could think of. I told
15 him if he was honest with me, we could help him out and
16 work with him if he was honest with us, at which point he
17 stated there might be some cocaine in the vehicle.

18 Q Was he honest with you, to your knowledge?

19 A I don't believe there was any cocaine found, so no,
20 I would not put him in the category of being honest with
21 me.

22 Q Did he appear to be under the influence of any
23 alcohol or drugs?

24 A Narcotics.

25 Q To the extent that he wouldn't understand what was

1 going on?

2 A Not to -- not to that extent. He was very coherent
3 and understood what we were saying.

4 Q Did he appear to have any physical or mental
5 disabilities to make it appear that he didn't know what
6 was going on?

7 A No, ma'am.

8 Q Did you have a body camera on during this
9 interaction?

10 A I did.

11 Q Was it recording?

12 A It was.

13 Q I'm going to hand you what has been premarked as
14 State's Exhibit 1. Do you recognize that?

15 A I do by my initials.

16 Q Okay. And what is it?

17 A It's a CD of my body-worn camera.

18 Q Has it been altered in any way from the video
19 recording of that day?

20 A No.

21 MS. CASE: Okay. At this point, the State moves to
22 admit State's Exhibit 1.

23 THE COURT: Any objection?

24 MS. HEATH: No objection, Your Honor.

25 THE COURT: All right. So admitted.

1 (WHEREUPON, State's Exhibit Number 1 was admitted into
2 evidence for pretrial purposes only.)

3 MS. CASE: Your Honor, we're going to jump to the
4 relevant portion where Miranda is read.

5 THE COURT: All right. Thank you. I'm just waiting
6 for the system to boot up. You tell me when y'all are
7 ready.

8 MS. CASE: We're ready, Your Honor. There should be
9 audio. Sorry. That's on our end.

10 THE COURT: Okay. That's okay.

11 (WHEREUPON, a portion of State's Exhibit Number 1, a
12 video recording, was played.)

13 BY MS. CASE:

14 Q Deputy Leopold, what did you mean by we can work
15 with you?

16 A Yeah. So one of the many things the Directed Patrol
17 Unit does is we work a lot with CIs or confidential
18 informants, both ranging from people just wanting to do
19 it out of the goodness of their heart or someone working
20 off the charge. So for something like this, if there was
21 narcotics found in the vehicle, which I was assuming
22 would have been located, depending on the weight of it,
23 depending on how forthcoming and honest they are, we
24 necessarily would not take them to jail immediately. We
25 would either attempt to do a controlled buy at that point

1 or exchange contact information and do it at a later date
2 and then work off the charge on the back end.

3 Q Did you promise him anything in relation to the
4 charges?

5 A I did not.

6 MS. CASE: Okay. No further questions.

7 CROSS EXAMINATION

8 BY MS. HEATH:

9 Q Pronounce your last name for me. I want to make
10 sure I don't butcher it.

11 A It's Leopold.

12 Q Leopold.

13 A Yes, ma'am.

14 Q I thought you said Leepold. Sorry.

15 A That's close enough. It works for me.

16 Q You asked Mr. Overman several times what was found
17 in the vehicle, right?

18 A Uh-huh.

19 Q Don't play dumb.

20 A Right.

21 Q You said it several times.

22 A I did.

23 Q You eventually got to the point where you
24 specifically said, "I'll ask you one more time, and if
25 you bullshitted me, we're just going to take you to jail,"

1 right?

2 A Uh-huh. Yes, ma'am.

3 Q You wouldn't consider that maybe a threat?

4 A No.

5 Q If you bullshit me, if you don't give me what I'm
6 asking for, I'm going to take you to jail.

7 A I wouldn't consider it a threat. I was putting the
8 ball in his court. If he wanted to be honest with law
9 enforcement, we'd be willing to be helpful with him in
10 regards to his honesty.

11 Q But, again, several times you asked him what was
12 found in the vehicle, and he, in the negative, said any
13 -- said "nothing," right?

14 A Yeah. More or less nothing.

15 Q And at that point, you clearly were becoming
16 agitated. Is that -- that's not fair?

17 A No. Not -- I've done hundreds if not thousands of
18 traffic stops, and by watching that, I would not consider
19 myself agitated one bit.

20 Q But you go from "quit playing dumb" to "if you
21 bullshut me, you're going to jail." That's not --
22 there's no agitation there?

23 A Not agitation. I was just telling him what was
24 going to happen.

25 Q Okay. So at some point, Mr. Overman says, "I reckon

25 | *///*

1 WHEREUPON,

2 PIERRE FRAZILE

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. Please take a seat and state
5 your name for the record.

6 THE WITNESS: Pierre K. Frazile.

7 DIRECT EXAMINATION

8 BY MS. CASE:

9 Q Deputy, where do you work?

10 A Greenville County Sheriff's Office.

11 Q How long have you worked there?

12 A 12 years going on 13.

13 Q What unit are you in?

14 A I'm with the Directed Patrol Unit.

15 Q Were you in that unit on June 23, 2023?

16 A Yes, ma'am.

17 Q Were you involved in the arrest of this defendant?

18 A Yes, ma'am.

19 Q Did you read him Miranda?

20 A I did not.

21 Q Were you aware if he was read Miranda?

22 A Yes, ma'am.

23 Q Did you speak with him?

24 A I did.

25 Q Did you ask him those questions after he was read

1 Miranda?

2 A I did.

3 Q Did he make any incriminating statements to you?

4 A Yes, ma'am. We talked a little bit about where he
5 got it. He said he got the dope from Anderson.

6 Q To the best of your knowledge, were the defendant's
7 statements freely and voluntarily given?

8 A Yes, ma'am.

9 Q Did he appear to be under the influence of drugs or
10 alcohol to the extent that it would make it seem he
11 didn't know what was going on?

12 A No, ma'am.

13 Q Did he appear to have any physical or mental
14 disabilities to the extent that it appeared he didn't
15 know what was going on?

16 A I did not see that, ma'am.

17 Q Did you have your body camera on during this
18 interaction?

19 A I did.

20 Q Was it recording?

21 A Yes, ma'am.

22 Q I'm going to show you what's been premarked as
23 Court's [sic] Exhibit 2. Do you recognize that?

24 A Yes, ma'am.

25 Q What is it?

1 A It's a CD that has a recording of my body camera,
2 and I initialed and dated it.

3 Q And have you watched that prior to being here today?

4 A I have.

5 Q Has it been altered in any way?

6 A No, ma'am.

7 MS. CASE: Your Honor, at this point, the State
8 moves to admit Court's Exhibit Number 2 into evidence.

9 MS. HEATH: No objection, Your Honor.

10 THE COURT: It will be so admitted.

11 (WHEREUPON, State's Exhibit Number 2 was admitted into
12 evidence for pretrial purposes only.)

13 MS. CASE: And, again, we're going to skip to the
14 relevant portion of the statement.

15 (WHEREUPON, a portion of State's Exhibit Number 2, a
16 video recording, was played.)

17 BY MS. CASE:

18 Q Did you coerce him in any way?

19 A No, ma'am.

20 Q Did you threaten him in any way?

21 A No, ma'am.

22 Q Did you make any promises to him?

23 A No, ma'am.

24 MS. CASE: No further questions.

25 THE COURT: Yes, ma'am?

1 MS. HEATH: No questions from this witness, Your
2 Honor.

3 THE COURT: All right. Thank you, sir. You can
4 step down.

5 THE WITNESS: Thank you, Judge.

6 MS. CASE: Your Honor, the State's position is that
7 this statement was knowingly and voluntarily given. The
8 defendant was read Miranda. He understood his rights.
9 He wished to waive those rights and he did so by talking
10 to the officers when they asked him these questions. The
11 standard is by a preponderance of the evidence, and I
12 think the video shows that he understood his rights and
13 he waived them voluntarily and he gave these statements
14 voluntarily.

15 THE COURT: Yes, ma'am?

16 MS. HEATH: Your Honor, I argue that this statement
17 wasn't voluntary. We go from don't play dumb with
18 Officer Leopold, don't play dumb. Numerous times I asked
19 him what was found in the vehicle. I don't know. I
20 don't know. There's nothing found in there. Don't play
21 dumb to don't bullshhit me. You bullshhit me, you're
22 going to jail. Arguably, Mr. Overman is -- he's scared.
23 There's a threat. You're going to jail if you continue
24 to bullshhit me. At this point, Mr. Overman feels that he
25 has to say something. He has to say something to please

1 this officer.

2 And so, Your Honor, we're arguing that the statement
3 was not voluntary specifically with Officer Leopold.

4 THE COURT: The standard is a preponderance of the
5 evidence. Nevertheless, what I have here is he was read
6 his Miranda rights. It is clear from watching the video
7 he understood those rights. He didn't ask to speak to an
8 attorney. He didn't tell him he didn't want to talk with
9 them. I don't find that there was a threat. I don't
10 find that there was a promise. There may have been a
11 little coercion, but when I balance -- I'm doing a
12 balancing test. You know, there was this kind of
13 holdout, like maybe if you work with us, we'll work with
14 you. But it was kind of a maybe. And Mr. Overman said,
15 "I know I'm going to jail regardless." So based on that,
16 he knew that he's probably going to jail anyway, and I
17 don't find that the officer threatened him or made him an
18 exact promise. I think Mr. Overman was hopeful that it
19 might have turned out a little bit different for him, but
20 nevertheless, based on watching the video, I find that he
21 made the statements freely and voluntarily, especially to
22 the second officer.

23 MS. HEATH: Yes, Your Honor.

24 THE COURT: So that's going to be my ruling.

25 MS. CASE: Thank you, Your Honor.

THE COURT: All right. Can we pull up the video that she referenced in her first motion? Unless y'all want to be heard further on that.

MS. CASE: Your Honor, if it's okay, I can play the court's exhibit that was just in, Frazile's body cam. That's what the defense is wishing to be played.

THE COURT: That's what I'd like to watch. And my laptop is not going to let me, so if we can do that and we have time, I'd like to go ahead and watch it now.

(WHEREUPON, State's Exhibit Number 2, a video recording,
was played.)

MS. CASE: Your Honor, I think that shows the relevant portion of why they searched the car.

MS. HEATH: Writing a ticket versus having given him the ticket is -- my position is completely separate. It's writing a ticket does not mean that it's been effectuated. That's not a finalization of a ticket is being -- a ticket has been written and given to the defendant.

THE COURT: How is this in good faith? I'm looking at State vs. Miller that talks about inventory searches being conducted in accordance with the police standard practices, and specifically, our Supreme Court is looking at whether or not the inventory search for this exception to apply. So they don't have probable cause. He's very

1 cooperative with them, actually. He admits when he last
2 used drugs. He's not in custody. He's talking about
3 where he's been, whose vehicle it is. But this case
4 specifically talks about it being -- this inventory
5 search needing to be in good faith, and these officers,
6 not unlike what she's saying, are talking about how
7 they're going to search his car because they don't have
8 probable cause.

9 MS. CASE: As to that, Deputy Frazile walks away.
10 They're explaining everything to him about the inventory
11 search. He's driving under suspension. They cannot let
12 him get back in that car and drive it on the road.

13 Also, this video doesn't show everything leading up.
14 If we need to do a motion to suppress, I can call the
15 officer, he's here, who got behind him, ran his tag on
16 the roadway, pulled over into the gas station. And he
17 can testify to all of that and everything leading up
18 which gives him reasonable suspicion to eventually call
19 the dog if they need to. But they don't because they do
20 find he's driving under suspension, they have to tow it
21 and they have to inventory it to see what's in the car so
22 they're not taking it with something of high value where
23 someone later can say that it was stolen or that -- also,
24 if there's anything illegal in the car, they needed to
25 know about that before taking it and letting the tow

1 truck driver drive it away.

2 THE COURT: What about that? They were going to
3 inventory it. She's not arguing the inevitable
4 discovery. She's basically saying, you know, they were
5 going to place him under arrest, they had the right to
6 arrest him, we're not going to let him drive that
7 vehicle. They were going to tow that vehicle which would
8 result in their policy which is every police officer's
9 policy is that they're going to inventory it. He said it
10 wasn't his vehicle.

11 MS. HEATH: Your Honor, when we talk about good
12 faith, in their policy there is also discretion to allow
13 the actual owner to come and pick the vehicle up. The
14 specific policy is that Greenville County Sheriff's
15 Department 223, the policy specifically states for
16 someone that's being arrested for a DUI. Clearly, we're
17 talking about a DUS here, but it's very similar. They
18 could have called. We're talking about good faith, Your
19 Honor. They could have -- and he even provided the name
20 of the owner of the vehicle. They could have called the
21 owner of the vehicle, come and get your vehicle. But
22 it's this fishing expedition. We're getting into that
23 vehicle. That's not good faith, Your Honor.

24 THE COURT: What about that? I mean, that happens
25 all the time. This is a driving under suspension. It's

1 a blue ticket. They could have said you can't drive your
2 vehicle. He could have said, well, I'm just going to
3 park it here at the gas station. I'll call the owner, my
4 friend that I've known for eight years to come get it.

5 MS. CASE: Your Honor, I can put the deputy on the
6 stand and have him testify as to why he did what he did
7 in this case.

8 His record, this is not a driving under suspension
9 first. He has several on his record which goes into
10 whether or not they're going to tow it or put him under
11 arrest for it.

12 MS. HEATH: Your Honor, this is a DUS first.

13 THE COURT: It doesn't matter if it's a DUS first or
14 it's a DUS second or a DUS third. Your officers are
15 talking about the fact that they are going to do one of
16 two ways to get into this vehicle. They're going to call
17 the K-9, or they're just going to arrest him and do an
18 inventory search incident to towing the vehicle away.

19 MS. CASE: What's going on is their computer is
20 taking a long time to figure out whether or not his
21 registration is coming back. When they're putting in his
22 VIN, it's not loading and so it's taking a little bit of
23 time to figure out whether or not the vehicle is actually
24 registered, which it comes back it's not. It hasn't been
25 registered since 2020. They then are looking to see

1 whether he is driving under suspension. They're still
2 investigating the stop. That's why the other ones are
3 walking around. And I feel like I'm talking for them,
4 but ---

5 THE COURT: It's okay. I saw the video so I see
6 what they're saying.

7 MS. CASE: But this video doesn't show all the stuff
8 leading up to the arrest. So they're walking around
9 talking about how, okay, we don't know if he's driving
10 under suspension yet. We're still looking into that.
11 But all the stuff leading up gives them reasonable
12 suspicion to call the dog. So that's why they're --
13 that's why they're giving all these other options,
14 because they're waiting to see whether or not the driving
15 under suspension comes back.

16 MS. HEATH: Your Honor, again, we're talking about
17 good faith. By the time this inventory search occurs,
18 they have all of their information. The system is fine.
19 They know that he's driving under suspension. That's not
20 enough PC to get into the vehicle. They know that the
21 vehicle doesn't belong to him. They know that the
22 vehicle isn't stolen. They have all of this information.
23 It's still not enough to get into the vehicle. There's
24 other body-worn camera that shows we're getting into this
25 vehicle. It's not a matter of a good-faith inventory

1 search. We're getting into this vehicle.

2 And she's right. A K-9 could have been called. It
3 wasn't. That would have been PC. A search warrant could
4 have been obtained. It wasn't impractical to get a
5 search warrant. They failed to do so.

6 MS. CASE: At the point that they searched the car,
7 they did have probable cause. They had -- they knew that
8 he was driving under suspension. They could arrest him
9 for that. They had to tow the car. They didn't have to
10 call somebody else to come get it. He was the one
11 driving it. He was the only one driving it. He was the
12 only one in the gas station. And so they had to tow it
13 and they had to inventory it and that's how the search
14 occurred.

15 MS. HEATH: Per their policy, they did not have to
16 tow the car, Your Honor. There was no PC. DUS does not
17 give them probable cause. There is no proof of any
18 evidence being in a vehicle, any crime being committed
19 within a vehicle based off of a DUS. That's not probable
20 cause, Your Honor.

21 MS. CASE: The crime is that he's driving on a
22 public roadway while his license is suspended. That is a
23 crime. And the officer could testify that he saw him
24 driving before he got behind him and ran his -- when he
25 walked up and got his license, that's when he found out

1 he was driving under suspension.

2 MS. HEATH: That still doesn't lead to probable
3 cause to enter the vehicle, Your Honor. They had
4 Mr. Overman detained. Theoretically speaking, he's the
5 crime. We're talking about driving under suspension.
6 They have Mr. Overman. At that point, there's no need to
7 enter the vehicle and search it for anything.

8 THE COURT: All right. Give me a few minutes. I'm
9 going to take that under advisement and do a little
10 research and I'll be back with y'all.

11 We'll be at recess.

12 (WHEREUPON, a recess is taken at 10:12 AM.)

13 THE COURT: All right. Y'all, we're back on the
14 record.

15 I just wanted to take the opportunity to be able to
16 do my own independent research and just take a look at
17 the case law. One thing that is very clear to me is that
18 the Court of Appeals and the Supreme Court is very
19 concerned about warrantless searches and those being done
20 in good faith, whether or not a search was done without
21 probable cause. But nevertheless, based on the facts and
22 circumstances, although I have concerns, those officers
23 were going to search that vehicle no matter what.

24 What I have before me is this. It was a consensual
25 encounter, and Mr. Overman was actually very cooperative

1 with officers. The officers determined that the tag on
2 the vehicle had an issue, and that was a problem. I
3 believe what I heard on the video and I wrote down that
4 the tag wasn't matching the vehicle. And they had
5 confirmed that Mr. Overman was driving under suspension,
6 and as a result, the officers had the right to arrest
7 him.

8 Every case that I looked at, when it came to
9 inventory searches based on a traffic stop, whether that
10 was for an open container or driving under suspension or
11 some other lawful basis, the officers were entitled to
12 arrest him or they were entitled to issue a blue ticket.
13 They could make the decision. I think in this instance,
14 and I'm not going to guess, but I still want to say that
15 what I believe would have happened is if they searched
16 the vehicle pursuant to a lawful inventory search and
17 there was nothing in it, he probably would have gotten a
18 blue ticket and he could have walked away. But once they
19 found something in the vehicle, he was then going to be
20 under arrest for driving under suspension and for
21 whatever they found.

22 All right. An inventory search of a vehicle is
23 lawful for the circumstances, reasonably justified
24 seizure or impoundment, and two, law enforcement conducts
25 an inventory search pursuant to routine and standard

1 procedures. And it goes on to talk about what that is.
2 But in this instance, the circumstances were that they
3 made the decision to arrest, they had the right to arrest
4 him. Whether he had the handcuffs on at that point in
5 time, at least from my perspective, is immaterial. So
6 the motion is denied for that basis.

7 MS. HEATH: Thank you, Your Honor.

8 THE COURT: All right. We're going to get ready to
9 pick this jury. I'm going to bring them up. That means
10 I've got to clear my courtroom at least so that people of
11 the jury could be there. But I would like to see counsel
12 just briefly in the hallway while they're getting them.

13 (WHEREUPON, a bench conference was held off the record;
14 the jury panel entered the courtroom at 10:51 AM.)

15 JURY VOIR DIRE

16 THE COURT: All right. Good morning, ladies and
17 gentlemen. We are getting ready to select our jury in
18 the matter of State of South Carolina vs. Anthony Ray
19 Overman, also known as Anthony Overman.

20 As we get started, I need to ask y'all some
21 additional questions to those that I asked y'all when we
22 were downstairs doing jury qualification just to ensure
23 that those members that may be likely to serve on this
24 jury for this particular case are fair and impartial and
25 have no conflicts. And so we're going to go through just

1 a general series of questions to ensure that you don't
2 know anybody in this case. And likewise, if there's any
3 issue with you serving as a juror on this case, we'll
4 address that as well.

5 So I'm going to begin by asking the State to
6 introduce themselves and those at counsel table because
7 I'm going to ask y'all whether or not you're familiar or
8 if you know any of these individuals.

9 Yes, ma'am.

10 MS. CASE: My name is Sydney Case. I'm a prosecutor
11 here in Greenville County. This is Kristen Farmer, and
12 this is our investigator, Sandy Nason.

13 THE COURT: All right. Do any of our potential
14 jurors know any of these nice ladies sitting at counsel
15 table here? If so, please stand.

16 (No response.)

17 THE COURT: I'm going to find none of our jurors
18 know anyone sitting here at counsel table for the State.

19 And yes, ma'am. Happy for you to introduce yourself
20 and Mr. Overman.

21 MS. HEATH: Good morning. My name is Attorney
22 Nekedia Heath, defense counsel for Mr. Overman. I
23 predominantly practice here in Greenville County. This
24 is Anthony Overman. He's the defendant in this case.

25 THE COURT: Are any of our potential jurors

1 acquainted with Mr. Overman or defense counsel? If so,
2 please stand.

3 (No response.)

4 THE COURT: I'm going to find none of our potential
5 jurors are.

6 I'm now going to read the potential witness list.
7 This doesn't mean that every one of these witnesses are
8 going to be called, but more likely than not they will be
9 called to testify. And I'm going to ask you whether or
10 not you know any of these individuals after I read this
11 list. And if you do, please stand. Steven Epps of the
12 Greenville County Sheriff's Office; Pierre Frazile from
13 the Greenville County Sheriff's Office; Harry McConnell
14 from the Greenville County Sheriff's Office; Brayden
15 Leopold from the Greenville County Sheriff's Office;
16 Michael Fischer from the Greenville County Sheriff's
17 Office; Kara Bennick from the Greenville County
18 Department of Public Safety; Kathy Lance from Greenville
19 County Department of Public Safety; Kristen McCall from
20 the Greenville County drug lab; and Charles Moore from
21 the Greenville County Detention Center. Any of our
22 potential jurors know any of these individuals, please
23 stand.

24 Yes, sir. Please tell me who you know and how and
25 your juror number.

1 JUROR NUMBER 105: My juror number's 105. And I
2 know Steven Epps with the Greenville County Sheriff's
3 Department.

4 THE COURT: How do you know Mr. Epps?

5 JUROR NUMBER 105: He's a friend of our family's.
6 We go to church with him.

7 THE COURT: All right. I am inclined to -- tell me
8 your juror number again?

9 JUROR NUMBER 105: 105.

10 THE COURT: To excuse Juror 105 based on that
11 relationship. Does the State have a position?

12 MS. CASE: Your Honor, we have no objection.

13 MS. HEATH: No objection, Your Honor.

14 THE COURT: 105, you're going to be excused from the
15 trial of this case. But if you'll just wait till we're
16 finished, then you'll go back downstairs when we're done.
17 All right. Thank you.

18 I do ask some additional questions that are just
19 Judge Gravely's questions that I'm going to ask now and
20 then I'll ask counsel if they have any additional
21 questions.

22 So is any member of our jury panel related by blood
23 or marriage to anyone who is employed by the Greenville
24 County Sheriff's Office? If so, please stand.

25 (No response.)

1 THE COURT: I'm going to find none of our panel that
2 that is applicable to.

3 Is any member of the jury panel related by blood or
4 marriage to anyone who is employed by the solicitor's
5 office here in Greenville County or in Pickens County?
6 If so, please stand.

7 (No response.)

8 THE COURT: I'm going to find that that does not
9 apply to any of our potential jurors.

10 All right. The nature of this case, and I'm going
11 to tell you all about the indictments and then I'm going
12 to give you some preliminary instructions after we select
13 our jury, but Mr. Overman is charged with possession of
14 cocaine base commonly referred to as crack cocaine,
15 driving under suspension and trafficking
16 methamphetamines. Is there any member of our jury panel
17 that is aware of any prejudice or bias based on the
18 nature of those charges that we need to discuss? If so,
19 please stand.

20 (No response.)

21 THE COURT: I'm going to find that that does not
22 apply to any of our potential jurors.

23 And then finally, is any member of our jury panel
24 aware of any bias or prejudice towards either the State
25 or the defense in this case? If so, please stand.

1 (No response.)

2 THE COURT: I'm going to find that that does not
3 apply.

4 It's generally what I ask when there's not
5 additional questions, but any additional questions for
6 the State?

7 MS. CASE: No further questions from the State.

8 THE COURT: From the defense?

9 MS. HEATH: Your Honor, I'd ask that you ask the
10 pool whether themselves or relatives or friends have ever
11 been affected by anyone due to drugs, some type of abuse
12 or, you know, whether someone has died or something as a
13 result of having any interaction with illegal substance.

14 THE COURT: All right. Well, let me ask it like
15 this. Does any member of our jury panel have a family
16 member who is addicted to drugs or alcohol? If so,
17 please stand. I've got two potentials. Do you feel
18 comfortable enough sharing it with the group or would you
19 like to come up and just discuss it privately?

20 JUROR NUMBER 121: No. I'm comfortable.

21 THE COURT: Okay. Tell us your juror number.

22 JUROR NUMBER 121: 121.

23 THE COURT: Okay.

24 JUROR NUMBER 121: My ex-husband is an alcoholic.

25 THE COURT: Okay. All right. The fact that he's an

1 alcoholic, your ex-husband ---

2 JUROR NUMBER 121: Ex-husband. And then I've raised
3 my children as a result.

4 THE COURT: All right. Does that affect your
5 ability to be fair and impartial in the case that's
6 dealing with an allegation of possession of drugs or with
7 trafficking drugs?

8 JUROR NUMBER 121: It might.

9 THE COURT: Tell me how.

10 JUROR NUMBER 121: It just impacted my life and it
11 would be hard to be objective to any kind of substance
12 abuse for me, honestly.

13 THE COURT: Well. That's fair. Tell me your juror
14 number again?

15 JUROR NUMBER 121: 121.

16 THE COURT: I'm going to excuse her from this case
17 for cause.

18 Yes, ma'am?

19 JUROR NUMBER 171: Juror Number 171.

20 THE COURT: Okay.

21 JUROR NUMBER 171: My niece has been addicted to
22 meth, and as a result, I had taken care and custody of
23 her kids.

24 THE COURT: The fact that this case involves an
25 allegation of trafficking methamphetamines meaning

1 selling them, would that affect your ability to be fair
2 and impartial?

3 JUROR NUMBER 171: I would like to think I could be
4 fair.

5 THE COURT: Well, that's up to you. It just depends
6 on the facts and circumstances. And as I told y'all down
7 during jury qualification, your life experiences are
8 important when you serve as a juror because you do call
9 on those. But if you believe you can't, now would be the
10 time to tell me. But if you feel like you could be fair
11 and impartial and listen to all the evidence, then I'll
12 have you stay.

13 JUROR NUMBER 171: Okay.

14 THE COURT: Do you think you can be fair?

15 JUROR NUMBER 171: Yeah.

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

17 Yes, sir. Tell me your juror number.

18 JUROR NUMBER 74: 74.

19 THE COURT: All right. Yes, sir.

20 JUROR NUMBER 74: I'm a small business owner, and
21 the church I go to is -- several groups and organizations
22 that help people like Overcomers as a group and different
23 things, and I see what that does to people. And me being
24 a small business owner, I try to occasionally help some
25 of those that I think that have potential that are able

1 to have help and give them an opportunity as an employee.
2 During that, I say a lot -- or hear a lot of things that
3 they have to deal with and have seen how it's affected
4 other people's lives, so I see that struggle a lot. So
5 I'm a little partial to having not a lot of tolerance for
6 drugs and things of that nature, how it affects people's
7 lives and how it affects some of my family, too.

8 THE COURT: All right. You don't believe that you
9 can be fair and impartial where there's a case that
10 alleges possession or use or selling of drugs?

11 JUROR NUMBER 74: Not knowing all the details, I
12 can't answer that honestly, ma'am. I mean, every
13 situation is different.

14 THE COURT: I understand. But that's why I'm asking
15 whether or not you can keep an open mind and actually
16 give Mr. Overman a fair trial and the State a fair trial
17 in terms of making a decision.

18 JUROR NUMBER 74: As my Christian beliefs, ma'am,
19 probably not.

20 THE COURT: All right. I'm going to excuse him for
21 cause.

22 Yes, sir?

23 JUROR NUMBER 94: Yeah. Juror 94.

24 I've got a son-in-law that has been involved with
25 drugs and alcoholic and had to spend some time for that.

1 THE COURT: The fact that you have that individual
2 in your family, would that render you unable to be fair
3 and impartial in this case?

4 JUROR NUMBER 94: Yes.

5 THE COURT: All right. I'm going to excuse him for
6 cause.

7 MS. CASE: Your Honor, was that 94?

8 THE COURT: Yes.

9 Sir, would you tell me, your juror number was 94,
10 correct?

11 JUROR NUMBER 94: Yes.

12 THE COURT: All right. Any additional questions on
13 behalf of the defense?

14 MS. HEATH: None, Your Honor.

15 THE COURT: All right. Let's go ahead and select
16 our jury.

17 JURY SELECTION

18 THE CLERK: When I call your number and name, please
19 stand.

20 Juror Number 50, Parker Elmore.

21 What says the State?

22 MS. CASE: Please present this juror.

23 THE CLERK: What says the defendant?

24 MS. HEATH: Please present this juror.

25 THE CLERK: Ma'am, you may take your things to the

1 jury box.

2 Juror Number 198, Jessica Tanumidjaja.

3 What says the State?

4 MS. CASE: Please present this juror.

5 THE CLERK: What says the defendant?

6 MS. HEATH: Please present this juror.

7 THE CLERK: Ma'am, you may take your things to the
8 jury box.

9 Juror Number 210, Jacqueline Vance.

10 What says the State?

11 MS. CASE: Please present this juror.

12 THE CLERK: What says the defendant?

13 MS. HEATH: Please excuse the juror.

14 THE CLERK: Ma'am, you may take a seat.

15 Juror Number 86, Laura Hoekstra.

16 What says the State?

17 MS. CASE: Please excuse this juror.

18 THE CLERK: Ma'am, you may take a seat.

19 Juror Number 169, Marshell Roper.

20 What says the State?

21 MS. CASE: Please excuse this juror.

22 THE CLERK: Ma'am, you may take a seat.

23 Juror Number 48, Kyle Edelman.

24 What says the State?

25 MS. CASE: Please present this juror.

1 THE CLERK: What says the defendant?

2 MS. HEATH: Please present this juror.

3 THE CLERK: Sir, you may take a seat in the jury
4 box.

5 Juror Number 84, Jainyah Anderson.

6 What says the State?

7 MS. CASE: Please present this juror.

8 THE CLERK: What says the defendant?

9 MS. HEATH: Please seat this juror.

10 THE CLERK: Ma'am, you may take a seat in the jury
11 box.

12 Juror Number 163, Braden Riddley.

13 What says the State?

14 MS. CASE: Please excuse this juror.

15 THE CLERK: Sir, you may take a seat.

16 Juror Number 229, Karennia Wofford.

17 What says the State?

18 MS. CASE: Please present this juror.

19 THE CLERK: What says the defendant?

20 MS. HEATH: Please present this juror.

21 THE CLERK: Ma'am, you may take a seat in the jury
22 box.

23 Juror Number 137, Tony Moua.

24 What says the State?

25 MS. CASE: Please present this juror.

1 THE CLERK: What says the defendant?

2 MS. HEATH: Please present this juror.

3 THE CLERK: Sir, you may take a seat in the jury
4 box.

5 Juror Number 101, Cynthia Kenney-McIntyre.

6 What says the State?

7 MS. CASE: Please present this juror.

8 THE CLERK: What says the defendant?

9 MS. HEATH: Please excuse this juror.

10 THE CLERK: Ma'am, you may take a seat.

11 Juror Number 236, Paula Youngblood.

12 What says the State?

13 MS. CASE: Please present this juror.

14 THE CLERK: What says the defendant?

15 MS. HEATH: Please present this juror.

16 THE CLERK: Ma'am, you may take your things to the
17 jury box.

18 Juror Number 21, Adam Boden.

19 What says the State?

20 MS. CASE: Please present this juror.

21 THE CLERK: What says the defendant?

22 MS. HEATH: Please excuse this juror.

23 THE CLERK: Sir, you may take a seat.

24 Juror Number 171, Christina Rowgo.

25 What says the State?

1 MS. CASE: Please present this juror.

2 THE CLERK: What says the defendant?

3 MS. HEATH: Please excuse this juror.

4 THE CLERK: Ma'am, you may take your seat.

5 Juror Number 133, Jennifer Moorefield.

6 What says the State?

7 MS. CASE: Please present this juror.

8 THE CLERK: What says the defendant?

9 MS. HEATH: Please excuse this juror.

10 THE CLERK: Ma'am, you may take a seat.

11 Juror Number 145, Nicole Nickerson.

12 What says the State?

13 MS. CASE: Please present this juror.

14 THE CLERK: What says the defendant?

15 MS. HEATH: Please present this juror.

16 THE CLERK: Ma'am, you may take a seat in the jury

17 box.

18 Juror Number 20, Martha Bladine.

19 What says the State?

20 MS. CASE: Please present this juror.

21 THE CLERK: What says the defendant?

22 MS. HEATH: Please present this juror.

23 THE CLERK: Ma'am, you may take your things to the

24 jury box.

25 Juror Number 60, Desiree Ford.

1 What says the State?

2 MS. CASE: Please present this juror.

3 THE CLERK: What says the defendant?

4 MS. HEATH: Please present this juror.

5 THE CLERK: Ma'am, you may take your things to the
6 jury box.

7 Juror Number 72, Amie Gill.

8 What says the State?

9 MS. CASE: Please present this juror.

10 THE CLERK: What says the defendant?

11 MS. HEATH: Please present this juror.

12 THE CLERK: Ma'am, you may take your things to the
13 jury box.

14 Juror Number 176, Ann Shaleuly.

15 What says the State?

16 MS. CASE: Please present this juror.

17 THE CLERK: What says the defendant?

18 MS. HEATH: Please present this juror.

19 THE CLERK: Ma'am, you may take your things to the
20 jury box.

21 Juror Number 197, Lily Suttles.

22 What says the State?

23 MS. CASE: Please present this juror.

24 THE CLERK: What says the defendant?

25 MS. HEATH: Please present this juror.

1 THE CLERK: Ma'am, you may take your things to the
2 jury box.

3 Juror Number 122, Hollis Mayher.

4 What says the State?

5 MS. CASE: Please present this juror.

6 THE CLERK: What says the defendant?

7 MS. HEATH: Please present this juror.

8 THE CLERK: Ma'am, you may take your things to the
9 jury box.

10 THE COURT: All right. Ladies and gentlemen, this
11 will be our jury for this matter, so the remaining jury
12 panel can go back downstairs and have a discussion with
13 nice Ms. Janine. So I'll excuse you now from the
14 courtroom.

15 (WHEREUPON, the remaining jury panel exits the courtroom
16 at 11:10 AM.)

17 THE COURT: While they're leaving the courtroom let
18 me just ask the State, any objections or exceptions to
19 the jury selection process?

20 MS. CASE: No objections.

21 THE COURT: On behalf of the defense?

22 MS. HEATH: No objections, Your Honor.

23 THE COURT: All right. Let's go ahead and swear our
24 jury in.

25 THE CLERK: Please stand and raise your right hand.

1 The correct response will be "I will."

2 (WHEREUPON, the jury is duly sworn.)

3 JURY INSTRUCTIONS

4 THE COURT: All right. Ladies and gentlemen, first,
5 I want to just thank you all for being here this entire
6 week. And I want to make -- or reassure you that what I
7 said downstairs during jury qualification I mean. It is
8 my greatest hope and I will strive to make sure that this
9 trial moves along efficiently and that you all are not
10 just sitting back there waiting to find out what we're
11 doing for hours while we discuss legal matters. If for
12 some reason there's a legal matter I have to take up
13 outside your presence and it's going to take a long time,
14 we will break for a long recess so that y'all can go get
15 some lunch or be able to run errands or whatever it is
16 that you need to do.

17 So before we begin this trial, I first just want to
18 give you some preliminary instructions and then we'll
19 determine whether or not y'all would like a brief break
20 before we actually get started with the opening arguments
21 of our attorneys.

22 So for those of you that have never served on a jury
23 before, some people believe that a trial looks just like
24 it does on TV when you sit in a court case. But quite
25 honestly, it doesn't. It is a very slow, deliberate

1 process to ensure both sides receive a fair and impartial
2 trial. And so for that reason, there may be times that I
3 do have to take a break to address any issues. But as I
4 said, my hope would be is that we would move along as
5 efficiently as possible.

6 I do believe that this trial, based on having some
7 preliminary discussions with the attorneys, is going to
8 take about a day, maybe a day and a half so we will
9 probably creep into tomorrow morning. But that will end
10 your jury service. You will not be required after this
11 trial is over to call in to see if you need to come in
12 for Friday. Okay. So hopefully, that reassures you just
13 a little bit.

14 All right. So I hate reading instructions, but I am
15 going to read some of them because I want to make sure
16 that I don't forget anything. But I will do my best to
17 just give you some general remarks so that you know the
18 trial process and procedure because I believe it will
19 help you follow along.

20 So what we're going to do this morning is begin this
21 trial, and at the conclusion of the trial, I will tell
22 you and instruct you on the law that is applicable to
23 apply to this case. So first thing that I want to tell
24 you is the indictments that Madam Clerk read are simply
25 the charge by which the case is brought into court. It

1 is not in any sense evidence of any of the allegations it
2 contains. The defendant has pled not guilty to these
3 indictments, and the State therefore has the burden of
4 proving each of the elements of the indictments beyond a
5 reasonable doubt, and it will be your duty to decide
6 whether the State has met their burden at the conclusion
7 of this trial.

8 Your purpose as jurors is to find and determine the
9 facts. You are the sole judges of the facts in this
10 case. So if, at any time, I make any comments regarding
11 the facts, which I never do, but in the off chance that I
12 might, I'm going to instruct you now that you must
13 disregard it. You determine the facts from the testimony
14 and the evidence that you hear in this courtroom and you
15 receive and I admit into evidence. It is up to you to
16 determine the inferences which you feel may properly be
17 drawn from the evidence. It is especially important that
18 you perform your duty of determining the facts diligently
19 and conscientiously because ordinarily, there's no way to
20 correct an erroneous determination of the facts by a
21 jury.

22 On the other hand and with equal emphasis, the same
23 law that makes you the judges of the facts makes me the
24 judge of the law. The law as given by the Court is the
25 only law that you may consider. You must accept and

1 follow it even though you may disagree with it. I cannot
2 tell you what the facts are and you cannot disagree with
3 me about what the law is or should be. Your job is to
4 take the law as I give it to you and apply it to the
5 facts as you find them from the testimony of the
6 witnesses and any other evidence that is introduced here
7 in court. After doing that, you will render your verdict
8 and a true and just verdict under the solemn oath that
9 you just took as jurors.

10 Until I advise you to begin your deliberations, you
11 must not discuss this case with anyone including your
12 fellow jurors, friends, family members. When you go home
13 this evening, if we haven't concluded, maybe there is a
14 possibility we conclude, but until I tell you to begin
15 your deliberations, when I excuse you for a break to go
16 back to the jury room, you're not to discuss the evidence
17 or the facts of the case until the entire trial is
18 concluded. And then this evening you are not to discuss
19 it with friends, family or anyone other than just to say
20 that you were selected as a juror.

21 You may not do any independent research. So since I
22 know this case may go into tomorrow, tonight you cannot
23 Google or do any research about anything that you hear in
24 this courtroom. You are to make your decision based
25 solely on the evidence that you receive in the court by

1 way of the testimony from the witness stand or any
2 exhibits that I introduce.

3 All right. It is also important that you keep an
4 open mind and not decide any issue in the case until all
5 the evidence has been presented, the parties have made
6 their closing arguments and I have instructed you on the
7 law in this case. It is your solemn responsibility to
8 determine the guilt or innocence of the defendant and
9 your verdict must be solely on the evidence as it is
10 presented to you in this trial and on the law as I
11 instruct you during the close of the trial.

12 All right. In just a moment the solicitor is going
13 to make what is called an opening statement in which she
14 will explain to you the issues in this case or at least
15 what she thinks the issues are in this case. Then the
16 attorney for Mr. Overman may also make an opening
17 statement although she is not required to do so.

18 What the attorneys tell you during their opening
19 statements is not evidence in this case. It is only
20 their contention as to what the issues are and what they
21 believe the evidence is going to show you. Again, the
22 evidence in this case will be presented to you by the
23 testimony of the sworn witnesses from the witness stand
24 or by the exhibits that are introduced during the course
25 of this trial.

1 From time to time during the trial you may hear one
2 of the attorneys say something like "objection," or "Your
3 Honor, we need to take up a matter of law," or "can we
4 approach the bench?" And I might find it necessary to
5 excuse you. I will try very hard just to do that here at
6 the bench. The reason for this is because you are the
7 judges of the facts in this case, and sometimes when I am
8 discussing matters of law with the attorneys, it may be
9 necessary to make some comments about the facts in
10 connection with ruling on whatever the objection may be.
11 I'm not supposed to tell you what I think about the
12 facts, so I'll excuse you from the courtroom if I believe
13 we're going to get into some facts. But, again, I'll
14 give you enough break and I will still make sure our
15 trial moves along on time. I do believe that we will be
16 able to do that.

17 In determining what the true facts are in this case,
18 you must decide whether or not the testimony of the
19 witnesses is believable. It will be my responsibility to
20 rule as a matter of law whether certain testimony is
21 inadmissible or not. But once the testimony is admitted,
22 whether or not you believe it is solely for your
23 determination.

24 In deciding whether to believe a witness, you have
25 the right to consider the interest of any witness, the

1 bias of any witness, the prejudice of any witness, the
2 opportunity for the witness to have seen the matters and
3 things about which the witness may testify and the way
4 the witness acts on the witness stand. You have the
5 right to consider anything that is in the record that
6 will help you evaluate the testimony of the witnesses.
7 That means that it is your duty to pay close attention to
8 these witnesses, to observe the witnesses, to listen to
9 them and pay close attention to the attorneys and to the
10 Court. Don't let your thoughts wander, but give strict
11 attention to the testimony in this case so that at the
12 end of all this testimony and after the arguments of
13 counsel and the charge I give you on the law, you will
14 then be in a position to determine what the true facts
15 are and apply those facts and thereby rendering a true
16 and just verdict.

17 All right. Those are my usual opening preliminary
18 instructions. Any objections or exceptions from the
19 State?

20 MS. CASE: No objections.

21 THE COURT: From the defense?

22 MS. HEATH: No objections, Your Honor.

23 THE COURT: All right. Ladies and gentlemen, we're
24 getting ready to start this trial with opening arguments
25 of counsel. Do you need a brief recess to use the

1 restroom or to get a drink of water or are you ready to
2 just proceed forward? You all get to decide. It looks
3 like I'm getting a thumbs-up from everybody. All right.
4 So we are going to get started unless y'all need a break.

5 MS. CASE: Judge, we're ready.

6 MS. HEATH: Your Honor, I think the defendant may
7 need to use the restroom.

8 THE COURT: He needs the restroom? Okay. So then
9 this is what we're going to do. We're going to do a
10 quick -- this is a quick five minutes. When you all go
11 back to the jury room, what I'm going to ask you to do is
12 to select your jury foreperson. That is simply the
13 person who's going to be sort of your leader in terms of
14 communicating with the Court. That person will let Ron
15 know if there's any problems or will tell me -- raise
16 their hand to give me a break. And likewise, if you all
17 have an issue, that person will be the person that would
18 -- any communication has to be in writing, would write
19 your question or write your issue on a piece of paper,
20 give it to Ron who will then give it to me so that I can
21 address it.

22 The jury foreperson does not have more of a vote
23 than anybody else on the jury. They're just the person
24 that helps the Court communicate with the jury. So
25 because we're taking this break, I'm going to ask you all

1 to at least select your foreperson, let Ron know who that
2 is so that I know who it is and then at least I will know
3 exactly who is going to be communicating with the Court
4 if needed.

5 All right. I'm going to ask them to retire, Ron,
6 back to the jury room and then we'll get started.

7 (WHEREUPON, the jury exited the courtroom at 11:21 AM.)

8 MS. CASE: Your Honor, may we approach briefly?

9 THE COURT: Yes, ma'am. I'm not going anywhere.

10 (WHEREUPON, a bench conference was held off the record
11 and a recess was taken at 11:21 AM.)

12 THE COURT: We're getting ready to bring our jury
13 back in. I understand defense has a motion.

14 MS. HEATH: Yes, Your Honor. I just want to make a
15 motion to sequester. Only the arresting officer, Officer
16 Epps, we request that only he be allowed in for the
17 testimony. After -- clearly after the officer gives
18 their testimony, then they can be allowed in.

19 THE COURT: All right. That motion is granted.

20 So one of the jurors just asked our bailiff whether
21 or not they would be permitted to take notes. I'm
22 usually not a judge that permits notetaking, but I could
23 be persuaded if either one of you has a position.

24 MS. CASE: I have no position, and I'll leave it in
25 the Court's discretion.

1 MS. HEATH: Your Honor, I prefer no notetaking.

2 THE COURT: That's kind of been my position is no
3 notetaking. Rather than pay attention, and my concern
4 would be, not that they would do this, but that it just
5 turns into doodling and making a Christmas list. I could
6 be wrong about that. I was a defense attorney and I
7 hated notetaking.

8 So do you want me to bring them in and tell them
9 that on the record right when they come in?

10 MS. HEATH: Yes, Your Honor.

11 THE COURT: Okay. All right. So I'll address it,
12 Ron, right when they come in.

13 (WHEREUPON, the jury entered the courtroom at 11:32 AM.)

14 THE COURT: All right. Our jury is back in the
15 courtroom. And Kyle Edelman, thank you for serving as
16 our jury foreperson.

17 All right. I understand the first question from the
18 jury was not in writing. It was just a general question
19 about whether or not they could take notes. And, y'all,
20 you're not permitted to take notes. I'm just going to
21 ask you to listen carefully. But then remember, if you
22 have a question at the conclusion of the trial, you can
23 always tell your jury foreperson, he'll write it down,
24 I'll bring you back in and be able to hopefully answer
25 that question for you.

1 All right. So we're going to begin with opening
2 statements.

3 OPENING STATEMENTS

4 MS. FARMER: May it please the Court. Ladies and
5 gentlemen, my name is Kristen Farmer, and this is Sydney
6 Case. And we are both prosecutors here in the thirteenth
7 circuit. I'm going to briefly just go over what this
8 case is about and what the State is required to prove to
9 you today.

10 The defendant in this case, Anthony Overman, is
11 charged with three separate offenses: driving under
12 suspension, possession of cocaine base otherwise known as
13 crack cocaine, and trafficking methamphetamine. On
14 June 23rd of 2023, Mr. Overman -- after finding out that
15 Mr. Overman was driving with a suspended license, law
16 enforcement discovered .24 grams of cocaine base and over
17 50 grams of methamphetamine in his vehicle. The State
18 bears the burden of proving each of the elements of each
19 of those three offenses to you beyond a reasonable doubt
20 meaning that you must be firmly convinced of the
21 defendant's guilt at the end of trial.

22 The first offense, driving under suspension,
23 requires that the defendant was driving a motor vehicle
24 here in South Carolina while his license was suspended.
25 The second offense, possession of cocaine base, requires

1 that the defendant was in knowing possession of less than
2 1 gram of cocaine base. The third offense, trafficking
3 methamphetamine, requires that the defendant was in
4 knowing possession of more than 28 grams of
5 methamphetamine.

6 The State is going to present evidence today
7 throughout the trial. This evidence will be in the form
8 of witnesses, videos, everything that is going to give
9 you an idea of exactly what occurred on June 23, 2023.
10 Some of these witnesses will include officers that were
11 on scene, and also you'll hear from some individuals who
12 were responsible for storing and testing the evidence in
13 this case.

14 I'm going to ask you to pay very close attention to
15 each piece of evidence that is presented to you today.
16 At the end of the trial, the State will come back up here
17 and ask you to return a verdict of guilty on all three
18 offenses.

19 Thank you.

20 THE COURT: Yes, ma'am.

21 MS. HEATH: Solicitors, Judge, ladies and gentlemen
22 of the jury, have you ever driven or rode in a vehicle
23 that wasn't yours? Maybe a relative's vehicle, friend's,
24 just got in the vehicle, no thought as to whether there's
25 something illegal in that vehicle. I don't know about

1 you guys, but I know I have. I can't tell you that I've
2 ever gotten into a vehicle that wasn't mine and
3 automatically thought let me just shuffle some things
4 around, make sure there's nothing illegal in here. The
5 reason why we don't do that is because it's not our
6 vehicle. It's not our car.

7 We all have test driven vehicles before, right? In
8 considering buying a vehicle, we're going to get in it.
9 Typically, what do we do? We give our driver's license
10 to the salesman that we're working with, they run it,
11 make sure it's good to go, and we get in it, and we drive
12 it. We take it for a test drive. Again, at no point are
13 we getting in this vehicle and inventorying it, taking a
14 list of everything that's in that vehicle. Why? Because
15 it's not our vehicle.

16 On this day early June of 2023, that's exactly what
17 Mr. Overman was doing. He was test driving a vehicle,
18 considering buying a vehicle from a friend of his that
19 he's known for eight years. He's considering buying it
20 for \$3,000.

21 On this day, Mr. Overman pulls into a convenience
22 store with the intent to buy some gas. At some point
23 during this interaction, law enforcement arrives and they
24 begin speaking with Mr. Overman. Eventually, law
25 enforcement gets around to asking Mr. Overman can I

1 search your vehicle. Mr. Overman makes it very clear.
2 No. Why? I think you guys are going to know the answer.
3 It's not his vehicle. It's not my car.

4 I need you guys to understand that as Mr. Overman
5 sits over there today at the defense table, he has a
6 presumption of innocence. There's an actual shield of
7 innocence over Mr. Overman. And the State, these two
8 ladies here, they have the burden of proving to you today
9 beyond a reasonable doubt every element of every offense
10 that he is charged with. I submit to you that that is
11 not an easy task, but it's their burden to prove.
12 Mr. Overman has no obligation today to prove anything to
13 you, okay? I ask that you pay close attention to the
14 witnesses that take the stand and testify. It's
15 important to understand that Mr. Overman is facing a
16 significant charge that carries significant time, and so
17 your awareness and your attention to what is being
18 presented today is going to be very important. Your role
19 as a jury is very important.

20 I submit to you that the State is not going to be
21 able to prove their case beyond a reasonable doubt. And
22 ultimately, we're going to ask you to find Mr. Overman
23 not guilty on every offense that he's charged with.

24 Thank you.

25 THE COURT: All right. Yes, ma'am. Ready to call

1 your first witness?

2 MS. CASE: Thank you, Your Honor. The State calls
3 Officer Charles Moore to the stand.

4 THE CLERK: Please place your left hand on the Bible
5 and raise your right hand.

6 WHEREUPON,

7 CHARLES MOORE

8 After having been duly sworn, testified as follows:

9 THE CLERK: Thank you. Please take a seat and state
10 your name for the record.

11 THE WITNESS: Charles Moore.

12 DIRECT EXAMINATION

13 BY MS. CASE:

14 Q Officer Moore, where do you work?

15 A Greenville County Detention Center.

16 Q And what is your role there?

17 A I am the custodian of records of jail calls at the
18 detention center.

19 Q Can you explain what that means?

20 A I am the administrator who manages accounts in the
21 Securus phone system that we use. The system that we use
22 is called Secure Call Platform which is through Securus
23 Technologies. And it manages the recordings of jail
24 calls that the inmates make.

25 Q And how does an inmate make a call from the jail?

1 A At booking, they have to enroll their voice which
2 means they have to repeat prompts into the phone system
3 where it records their voice as an identity marker, and
4 also they're issued a six-digit PAC number which accesses
5 their account number for the system. And once they
6 receive those, they have to put the six digit PAC number
7 and a four digit PIN that they make themselves into
8 placing calls for each call.

9 Q And what are those procedures in place for?

10 A They're for -- mainly for security of the detention
11 center as in preventing any crimes in the jail or
12 preventing contraband from entering through the jail.

13 Q And when they're making that call, do they use the
14 PIN every time to make the call?

15 A Yes. Uh-huh.

16 Q Do they have to say their name?

17 A Usually it's either their first and last name ---

18 MS. HEATH: Objection, Your Honor. She's leading
19 the witness.

20 THE COURT: She is, but I'm going to allow it just
21 to get us through the basics.

22 MS. HEATH: Yes, Your Honor.

23 THE COURT: All right. So it's overruled.

24 THE WITNESS: So they use their first and last name
25 or they use "United States."

1 BY MS. CASE:

2 Q Can you explain what the jail call -- what the
3 defendant knows when they're making a jail call?

4 A They know they're recorded through the prompts on
5 the call itself for each call, and we have signs posted
6 throughout the facility that calls are subject to
7 recording.

8 Q Are you familiar with any jail call in this case?

9 A Yes.

10 Q I'm going to show you what's been premarked as
11 State's Exhibit 3. Do you know what this is?

12 A Yes.

13 Q And how do you know what that is?

14 A That is the call that I initialed on the 27th of
15 this month.

16 Q And is this a jail call of Mr. Overman's?

17 A Yes.

18 MS. CASE: At this point, the State moves to admit
19 State's Exhibit 3 into evidence.

20 THE COURT: Any objection?

21 MS. HEATH: No objection, Your Honor.

22 THE COURT: It will be so admitted.

23 (WHEREUPON, State's Exhibit Number 3 was admitted into
24 evidence.)

25 MS. CASE: Permission to publish.

1 THE COURT: Yes, ma'am. That's granted. You tell
2 me when you're ready, and then she'll cut the system on.

3 MS. CASE: I'm sorry, Your Honor. I'm not
4 publishing this right now.

5 I have no further questions for this witness.

6 THE COURT: Okay.

7 MS. HEATH: No questions for this witness, Your
8 Honor.

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

10 Is this officer free to go?

11 MS. CASE: Yes, Your Honor.

12 THE COURT: All right. Thank you. You're excused
13 from your subpoena.

14 MS. CASE: The State calls Deputy Epps to the stand.

15 THE CLERK: Please place your left hand on the Bible
16 and raise your right hand.

17 WHEREUPON,

18 STEVEN EPPS

19 After having been duly sworn, testified as follows:

20 THE CLERK: Thank you. Please take a seat and state
21 your name for the record.

22 THE WITNESS: Deputy Steven Epps.

23 DIRECT EXAMINATION

24 BY MS. CASE:

25 Q Deputy Epps, where do you work?

1 A Greenville County Sheriff's Office.

2 Q And how long have you worked there?

3 A Seven years.

4 Q What is your position with the sheriff's office?

5 A I'm a Deputy II in the Directed Patrol Unit.

6 Q Can you explain what the Directed Patrol Unit is?

7 A Yeah. The Directed Patrol Unit focuses on
8 street-level crimes, more so street-level narcotic
9 dealers, gang members, prostitution and gambling and a
10 lot of high-risk search warrants.

11 Q Were you working in that capacity on June 23, 2023?

12 A I was.

13 Q Did you come into contact with the defendant,
14 Anthony Overman, that day?

15 A I did.

16 Q Do you see him anywhere in the courtroom?

17 A I do. Yes, ma'am. He's sitting at the defense
18 table (indicating) with the white shirt and gray jacket.

19 Q Did you make contact with the defendant that day?

20 A I did.

21 Q Can you explain how that contact occurred?

22 A Yes, ma'am. I think it was the early afternoon or
23 late afternoon I was set up on South Piedmont Highway
24 watching cars as they passed me coming into Piedmont from
25 Anderson. And I saw a gold Honda. The reaction the

1 driver gave me caught my attention more so than the
2 general motoring public.

3 Q I don't want to interrupt you, but I'm going to stop
4 you a little bit. Were you sitting in Greenville County?

5 A I was.

6 Q Okay. Can you explain a little bit about his
7 reaction when you saw him?

8 A Yes, ma'am. Most people on the roadway, they'll
9 notice a cop especially in a marked patrol car sitting on
10 the side of the road. You know, people will look at it,
11 you know. They'll make sure their seatbelt's on, things
12 of that nature. But, you know, just glancing.

13 We find if criminal activity is afoot, that a lot of
14 times the driver has a very dramatic reaction. In this
15 case, as Mr. Overman is kind of on a hill the way he
16 comes, as he's cresting the hill, he's looking at me,
17 he's leaned up in his seat to make sure that it's a cop.
18 As he passed me, he sits up and he's staring at me. And
19 then as he realizes that I am in fact a cop, he leans
20 back in his seat, like grips his steering wheel and just
21 keeps driving. Like I said, it's just an unusual
22 reaction.

23 Q Okay. And what did you do after you observed this?

24 A When I saw that, I pulled out behind the gold Honda
25 that he was driving. I ran the tag through our CAD

1 system, which our computer system, it will give me the
2 read-back, tell me who the car belongs to, what car it
3 should be on, et cetera. Due to that part of Piedmont,
4 the read back was a little bit slow. So before I got the
5 read-back, Mr. Overman pulled into -- took a right turn
6 into the Stop-A-Minit at 1 South Piedmont Highway.

7 Q Okay. And is it normal for you to run tags?

8 A Yes, ma'am. We do that all day long. We run any
9 tag we'd like.

10 Q What did you discover when you ran his tag?

11 A As Mr. Overman pulled into the Stop-A-Minit, I came
12 to the stoplight and I got the read-back. The read-back
13 said that tag belonged to a 2022 Honda Accord out of
14 Belton, South Carolina. That Honda, just due to the body
15 style, guessed it was a three to '07.

16 So with that being said, I kind of circled back
17 around and I sat in the parking lot to see -- once he
18 parked, he got out of the vehicle. So I sat in the
19 parking lot to see if he'd come back to the car.

20 I could see Mr. Overman paying for items at the cash
21 register, and he turned to walk out the door. When he
22 walked towards the door, he saw my patrol car sitting
23 there and he turned around and went further into the
24 store.

25 So at that point, I got behind the vehicle and I

1 wouldn't say block it, but we were going -- I got behind
2 the vehicle. Master Deputy Frazile put his vehicle in
3 front of the vehicle and I went inside to make contact
4 with Mr. Overman.

5 Q And why did y'all do this? Why did y'all pull your
6 cars to his?

7 A To prevent him from running away. It didn't appear
8 that anyone else was in the vehicle, but we never know.
9 So we don't want anyone to run away in a car and end up
10 hurting innocent people.

11 Q At this point, did you make contact with him?

12 A I did, yes, ma'am.

13 Q What did you do when you made contact with him?

14 A I walked inside and he -- Mr. Overman looked at me
15 and I looked at him. He was paying for something at the
16 register. I asked -- I asked for his ID. He asked if he
17 could finish his transaction. I stated that he could.

18 Once he finished his transaction, me and him walked
19 outside. That way, people aren't in his business.

20 I asked him about the car, if it was his. He stated
21 that it wasn't his. At first he was like it wasn't mine,
22 and as the conversation progressed, he's like I'm in the
23 process of buying it or I might buy it from my buddy.
24 He's just telling me this while he gives me his ID.

25 Eventually -- go ahead.

1 Q Once you got his license or his ID, what did you do
2 with it?

3 A Once I got his ID, I could see it was an
4 identification card, which I asked him, I said, "Do you
5 have a license or is your license not good?" something
6 long those lines. And he shook his head.

7 So I took his ---

8 Q Could you explain what an identification card is?

9 A Yeah. So if you all know what your driver's license
10 looks like, if your license is ever to get suspended or
11 you're not allowed to possess one, the State will issue
12 one that looks almost identical to a driver's license.
13 Just in the top right-hand corner it will say

14 "identification only" which just lets people know that
15 you do not have the privilege to drive in South Carolina.

16 Q Okay. And so then what did you do with his license
17 -- or his ID?

18 A Yeah. I took the ID back to my patrol car. And
19 Deputy Leopold is on scene, grabbed the VIN number off
20 the vehicle because the tag clearly didn't match. So we
21 spent a good amount of time trying to identify the
22 vehicle. But like I said earlier, the service down there
23 is awful.

24 So we finally realized that the vehicle was not
25 stolen. That was our main concern. And then I ran

1 Mr. Overman's license on DMV, and it came back that his
2 license was suspended.

3 Q And how did you know that his license was suspended?

4 A When I run someone's name, your name and date of
5 birth, if you have a license in this State, it will pop
6 up your name, it will tell your address, your birthday,
7 and then on the bottom it will say "status." And his
8 said "suspended" by the status.

9 Q And you said something about a VIN. Can you explain
10 what a VIN is?

11 A Yes, ma'am. Every vehicle manufactured in the
12 United States gets a VIN number put on it from the
13 manufacturer. No two VIN numbers will ever be the same.
14 And it just lets you know that that VIN number belongs to
15 that car. So if your car gets stolen, you don't know the
16 tag, we can look it up by the VIN, and the VIN would say
17 this is your Honda Civic or Honda Accord.

18 Q Did you discover anything when you ran the VIN?

19 A No. I discovered that the vehicle last registered
20 in 2020, and it came out of somewhere on the west side of
21 Greenville. But it was not currently registered in the
22 State of South Carolina.

23 Q So you said last registered in 2020. What was the
24 date of this, if you remember?

25 A I don't recall the last registration. I just know

1 that it expired in 2020 and the date that this occurred
2 was June 23, 2023. So we're going on three years of a
3 vehicle not being registered.

4 Q Okay. And when somebody's license is suspended and
5 a car's not registered, what does that mean?

6 A They don't have the right to drive the -- well, the
7 car, if you want to start the car itself, it's not
8 registered and up to date, then that car cannot legally
9 be on the road in South Carolina. 99 percent of the
10 cases, if you have a car that's not registered for three
11 years, what's the likelihood that someone's paying
12 insurance on that car when they're not paying the
13 registration? And then if you have your license is
14 suspended personally, you are not allowed to drive in the
15 State of South Carolina.

16 Q Okay. So what's y'all's next step when somebody's
17 license is suspended?

18 A If their license is suspended, we will give them a
19 -- it can be a blue ticket which is an arrestable blue
20 ticket, but we're also going to tow that vehicle. He
21 doesn't have the right to drive the vehicle. The
22 vehicle's not legally registered to be on the road at
23 that time, so we're going to tow the vehicle in that
24 time.

25 Q Can you explain the process of when you have a car

1 towed?

2 A Sure. Yeah. We put the VIN number, figure out what
3 car it belongs to, we load it up in the computer, we'll
4 tell dispatch, hey, can I get the next tow truck in
5 rotation for this vehicle? We'll add it to the call.
6 They'll send the tow truck out. Usually, we like to have
7 the vehicle inventoried before the tow truck gets there
8 so we're not wasting that man or woman's time driving the
9 truck.

10 Inventorying the vehicle is we do a search of the
11 vehicle, make sure there's nothing valuable, nothing
12 illegal, nothing stolen, no dead bodies in the trunk,
13 et cetera, things like that. That way people can't come
14 back on the back end and say, oh, you know, I had a
15 PlayStation 5 in there and it's missing so the sheriff's
16 office owes me \$500. So we do -- we fill out a tow sheet
17 and write down what is in the vehicle.

18 Q And did you help with the inventory of this car?

19 A I did not.

20 Q Okay. Do you know if anything was found during the
21 inventory of the car?

22 A Yes, ma'am. During the inventory, Deputy McConnell
23 located a little over 50 grams of methamphetamine, and
24 Master Deputy Frazile located a little bit of crack
25 cocaine.

1 Q Did you do anything with these substances on scene?

2 A Yes, ma'am. Once the ticket was done and I had it
3 printed out, I obtained the test kits and walked over to
4 Deputy McConnell, and we field-tested the narcotics to
5 show that they were, in fact, what they appeared to be.

6 Q And what is a field test?

7 A A field test is a -- it's like a little plastic
8 thing. Well, for cocaine it's a wipe that's pink, and
9 when you wipe it over anything that's cocaine base, the
10 wipe turns blue. And then for methamphetamine or any
11 other is a little clear pouch that has three vials of
12 liquid in it. And you take a little bit of the
13 substance. You drop it into the bottom. It's got a
14 little seal on top. And then you crack the three vials.
15 I don't know anything about the chemistry of it, but once
16 you shake it up, if it has a -- on the pack itself, if it
17 is for methamphetamine, it will turn blue. So if it
18 doesn't turn blue, it's something else. But in this
19 case, it did turn blue.

20 Q Okay. And what did you do with the things that you
21 collected or other deputies collected on scene? What did
22 you do with that evidence after that?

23 A Ultimately, after Mr. Overman was placed in jail, I
24 placed all those seized items into Property and Evidence.
25 I filled out a Property and Evidence sheet that was --

1 had the date and time on it. And once it was all sealed
2 up and packaged, I put it into the dropbox which is
3 located at Property and Evidence.

4 Q And what is Property and Evidence?

5 A It's just where all seized evidence is stored at the
6 sheriff's office. It's in the basement of the sheriff's
7 office.

8 Q And you mentioned the dropbox. What is that?

9 A Yeah. They have a big steel door that's locked that
10 you can't get into at Property and Evidence. And at the
11 top, if everyone's familiar with the slots you'll see in
12 businesses' doors they put mail in, it has one of those
13 probably at eye level. So you can open it, and you put
14 it in there, and then it drops down in some container at
15 the bottom. So once it's in there, you can't get it back
16 out.

17 Q Does anybody on the outside of Property and Evidence
18 have access to that once you drop it off?

19 A No, ma'am.

20 Q And why do you drop it in the lock box?

21 A So there was no one working at the time. Their
22 hours vary, I think, especially in the summertime. The
23 dropbox for smaller items, these two things would easily
24 fit in there rather than wasting the locker space that's
25 down there.

1 Q And were you wearing a body camera during this
2 interaction with the defendant that day?

3 A Yes, ma'am, I was.

4 Q Was it recording?

5 A It was.

6 Q I'm going to show you what's been premarked as
7 State's Exhibit 4. Do you recognize this?

8 A Yes, ma'am.

9 Q How do you recognize it?

10 A I reviewed this body-cam footage and I initialed it
11 on the bottom.

12 Q And what is it?

13 A It's my body-cam footage.

14 Q From that day?

15 A From that day, yes, ma'am.

16 Q Okay. And you said you reviewed it before coming
17 here?

18 A I did.

19 Q Has it been altered in any way other than to comply
20 with the rules of evidence?

21 A No, ma'am.

22 MS. CASE: Your Honor, at this time, the State moves
23 to admit State's Exhibit 4 into evidence.

24 MS. HEATH: No objection, Your Honor.

25 THE COURT: It will be so admitted.

1 (WHEREUPON, State's Exhibit Number 4 was admitted into
2 evidence.)

3 THE COURT: Are you going to publish it to the jury
4 now?

5 MS. CASE: Yes, Your Honor.

6 BY MS. CASE:

7 Q And, Deputy, we're going to skip around a little
8 bit. I'm going to ask you questions and pause it.

9 A Okay. That's fine.

10 (WHEREUPON, the following testimony occurred while
11 State's Exhibit Number 4, a video recording, was played
12 in open court.)

13 BY MS. CASE:

14 Q Why is it quiet right now?

15 A The body cameras have a thirty-second prerecording,
16 so if you see me hit the button there, it will go back
17 30 seconds but there's no audio until I hit the button to
18 start it.

19 Q Okay. (Pause while video plays.)

20 So at this point, you're already at the gas station.

21 A Right.

22 Q Can you explain why we didn't see the first part?

23 A Yes, ma'am. All that should be -- I haven't got out
24 with him so nothing's recorded. That is when I -- this
25 is probably ten-ish minutes after I saw him pull in, and

1 I pulled into the gas station where you can kind of see
2 the cars parked at the beginning watching the door. And
3 this is right after I saw Mr. Overman come to exit and
4 then turn around and go right back inside.

5 Q Okay. Thank you. (Pause while video plays.)

6 And is that what you were talking about is a VIN?

7 A A VIN number, yes, ma'am. (Pause while video
8 plays.)

9 Q Are y'all having a hard time getting it to come up
10 on the computer?

11 A Yes, ma'am. In that area of Piedmont is kind of
12 like in a hole, I think, so our radios have trouble
13 getting out. And our MDTs run off of cellular reception,
14 so a lot of times it's hard to get things to read back
15 down there.

16 Q We're going to skip ahead. (Pause while video
17 plays.)

18 What's a Code 7-4?

19 A A ticket. (Pause while video plays.)

20 Q All right. So what just happened?

21 A His name did come back being registered to the State
22 of South Carolina. His license was suspended. And then
23 now we're continuing to look for the car that's been
24 giving us trouble the whole time.

25 Q Okay. (Pause while video plays.)

1 All right. And what are you doing on your computer
2 there?

3 A That's ReportBeam. That's where we issue all
4 citations or warnings from. So I pulled up the citation
5 and I'm going to start typing a ticket out for
6 Mr. Overman.

7 Q And what's going on at this point outside of your
8 vehicle?

9 A I believe one deputy is working on the tow sheet
10 since we are going to tow the vehicle now that we have
11 proved that Mr. Overman cannot -- does not have the right
12 to drive. And then someone else is inventorying the
13 vehicle while the tow sheet's being filled out.

14 Q Okay. (Pause while video plays.)

15 And what are you going through right now?

16 A That's our search kit. Patrol has two search kits,
17 and all I'm getting is the test kits. And then I'm
18 getting out some bags to put it in because these same
19 bags will go into Property and Evidence. So we like to
20 kind of expedite things. If I can go ahead and have it
21 bagged and everything on scene, you know, I can get the
22 actual weight down at P&E and heat seal and that's it.

23 Q And do y'all label the items?

24 A We do. Usually, whoever's putting it in uses their
25 initials. So I go by Drew, so DE-1, DE-2, et cetera.

1 And then I sign the bottom of the sheet, basically chain
2 of custody, then I'm putting it in the dropbox.

3 Q Okay. (Pause while video plays.)

4 Do you know what an ounce to grams is?

5 A Yeah. An ounce is 28 grams.

6 Q So two ounces would be?

7 A 56. (Pause while video plays.)

8 Q And is this the field test you represented earlier?

9 A Yes, ma'am.

10 (End of video playback.)

11 BY MS. CASE:

12 Q So what -- I know you already said, but what did you
13 do with those substances after you field tested them?

14 A I transported them down to Property and Evidence,
15 filled out the Property and Evidence sheet. I labeled
16 each of the clear bags they're in. They then got heat
17 sealed, and then all the items got put into the dropbox.

18 (WHEREUPON, State's Exhibit Number 6 was marked for
19 identification.)

20 BY MS. CASE:

21 Q All right. I'm going to show you what's been
22 premarked as State's Exhibit 8 [sic]. If you could just
23 open that and not show the jury.

24 A Not show?

25 Q Don't pull it out. Just look in there. Do you

1 recognize what that is?

2 A It's just kind of packed in there super hard. Can I
3 pull it out down here?

4 Q Yes.

5 A (Reviews exhibit) Yes, ma'am. It appears to be two
6 packages of methamphetamines and the crack rock.

7 Q Okay. And do they have labels on the bags?

8 A Yeah, they do. So it has the case number, it has my
9 initials and then whatever item number this is. Each of
10 them do.

11 Q Do those appear to be the substances that were found
12 at this traffic stop?

13 A Yes, ma'am.

14 Q And how do you know that?

15 A That's my handwriting. And I can recall it from the
16 body-cam footage and from the day we were out there.

17 Q Does it appear to be altered in any way?

18 A No, ma'am.

19 Q Will you put it back in and I'll take it back from
20 you?

21 Are you familiar with any jail calls made in this
22 case?

23 A Yes, ma'am.

24 Q Have you reviewed those prior to coming here?

25 A I have.

1 MS. CASE: Your Honor, permission to publish the
2 jail call.

3 MS. HEATH: Your Honor, I'd object to publishing the
4 jail call or even making any reference to it under 403.
5 I think that any probative value in this jail call is
6 outweighed by the prejudicial effect. Also, there is a
7 significant amount of time that passes from the actual
8 arrest which occurred on the 23rd to this actual phone
9 call, and so I'd also argue that it's irrelevant, the
10 substance of this phone call.

11 THE COURT: Do you want to be heard on that?

12 MS. CASE: Yes, Your Honor. I would make the same
13 argument. The -- all evidence is prejudicial. This is
14 probative because it goes directly to an element of the
15 crime and it's already been authenticated and admitted
16 into evidence.

17 THE COURT: I understand. I told her she could
18 renew her objection during the course of the trial. Let
19 me take it under advisement unless it's absolutely
20 necessary to your case in chief to play it now. And then
21 when we break, I can let the jury go to lunch and we can
22 address it on the record if there's any factual
23 discussions that we need to have. Unless you'd like to
24 play it now, then I'm going to see you all here at the
25 bench and I'll just do it at sidebar.

1 MS. CASE: Okay. If we could approach.

2 THE COURT: All right. Yes, ma'am. I'm going to
3 want this sidebar on the record.

4 (WHEREUPON, the following bench conference was held on
5 the record.)

6 THE COURT: All right. What are you concerned
7 about? You're saying it's a 403 because you're saying
8 it's cumulative and prejudicial. But, you know, give me
9 some offer of proof. I haven't heard the call.

10 MS. CASE: I'm sorry. I didn't hear that last part.

11 THE COURT: It's okay. Give me some type of offer
12 of proof. I haven't heard the call. I don't know what's
13 on there.

14 MS. CASE: Oh, okay. I'm sorry, Judge. So he's
15 talking to some other guy who says ---

16 THE REPORTER: I can't hear.

17 MS. CASE: It says -- so he's talking to some other
18 guy. He says -- the other guy says, "Did you get caught
19 with three ounces?"

20 And he says, "No. Two, two and a half." And then
21 he says -- later he says, you know, "That was somebody
22 who sold on me," which he was -- he was in possession of.
23 And the whole defense's case is that he didn't know that
24 it wasn't him, it wasn't his car. It goes directly to
25 the element of the crime.

1 THE COURT: I tend to agree. Objection overruled.
2 It's not cumulative. And your defense is is he had no
3 idea that that stuff was in the car. So this goes to his
4 knowledge. Okay.

5 (End of bench conference.)

6 THE COURT: All right. Yes, ma'am. Permission is
7 granted. Objection's been overruled.

8 BY MS. CASE:

9 Q Deputy, we're just going to listen to this and I may
10 ask you a couple questions after.

11 A Okay.

12 (WHEREUPON, State's Exhibit Number 3, an audio recording,
13 was played in open court.)

14 BY MS. CASE:

15 Q Deputy, do you know what a humbug is?

16 A I've never heard that reference. No, ma'am.

17 Q Okay. What is -- in your experience, what does he
18 mean by somebody told on me?

19 A My guess -- my best guess would be that he thinks
20 that someone that either he bought the dope from or one
21 of his competitors or somebody he's done wrong has
22 snitched on him.

23 MS. HEATH: Objection, Your Honor.

24 THE COURT: Sustained. I'm going to strike that
25 testimony. It's pure speculation.

1 BY MS. CASE:

2 Q Why did you pull this defendant over?

3 A Based on his reaction he gave me when he passed and
4 then the tag not matching the vehicle.

5 Q And how much did you say was found in the vehicle?

6 A 55.5 grams of meth and I think I had .2 grams of
7 crack.

8 MS. CASE: Okay. Please answer anything from
9 defense.

10 CROSS EXAMINATION

11 BY MS. HEATH:

12 Q Is it officer or deputy?

13 A Deputy.

14 Q Deputy Epps, you're the arresting officer in this
15 case, right?

16 A That's right.

17 Q As the arresting officer, you're lead. You make the
18 decisions on charging the defendant?

19 A Uh-huh.

20 Q I'm sorry?

21 A I was nodding. I didn't know if that was a question
22 or you were continuing talking.

23 Q It's a question.

24 A Yes, ma'am.

25 Q You make the decisions on whether to submit these

1 alleged drugs to an analyst?

2 A Yes, ma'am.

3 Q You make the decisions on basically everything
4 surrounding the investigation of the case, correct?

5 A For the most part, yes, ma'am.

6 Q I'm going to come back to that.

7 You stated previously in your direct testimony with
8 the State that you saw Mr. Overman driving this Honda.

9 A I did.

10 Q And that you waited approximately ten minutes before
11 getting out of your patrol car and entering the store.

12 A That's right.

13 Q Was your dash cam on at this point as far as seeing
14 Mr. Overman drive this vehicle?

15 A It would not have been on yet. No, ma'am.

16 Q Okay. And what about the time that you waited the
17 ten minutes upon arriving to the store and making the
18 first -- any type of interaction with Mr. Overman, was
19 your body camera or dash cam on?

20 A No, ma'am. The first camera you would see is the
21 one they played as I'm pointed behind his vehicle.

22 Q You don't think that would have been important for
23 this case?

24 A No, ma'am. Typically, the in-car camera comes on
25 once the blue lights are activated. Since I never

1 activated the blue lights, therefore, the camera was not
2 on at that time.

3 Q Could you have activated the blue lights once you
4 saw Mr. Overman driving this vehicle?

5 A At that time, no. I was waiting for the read-back
6 of the tag. So he pulled into the gas station before I
7 got the tag read-back.

8 Q Okay.

9 A But yes. Correct. If I'd seen him previously, I
10 could have.

11 Q Okay. So let's get to you making contact with
12 Mr. Overman. You get to the store, you go in and you
13 open the door and see Mr. Overman.

14 A I do.

15 Q You eventually get to a point of asking for his ID
16 or his driver's license.

17 A I do.

18 Q And he admits that he doesn't have a driver's
19 license on him.

20 A Yes, ma'am.

21 Q Okay.

22 A Well, he gives me an ID. He does hand me an ID.

23 Q Right. An ID. But not a driver's license.

24 A And then I ask -- I ask if his license is bad, and
25 he says yeah.

1 Q Okay. So go to your patrol car and you start
2 running things through the system, right?

3 A I do.

4 Q That takes you approximately 15, 20 minutes?

5 A Around about, yes, ma'am.

6 Q System's lagging?

7 A Yes.

8 Q During this time, you don't have any interactions
9 with Mr. Overman.

10 A I do not.

11 Q And you're the lead officer on the case.

12 A Uh-huh. Yes, ma'am.

13 Q During this time, this 15 to 20 minutes that you're
14 running Mr. Overman's information through the system,
15 there is officers that's also on the scene and helping
16 you out. They come up to your patrol vehicle and they're
17 speaking with you, correct?

18 A Yes, ma'am.

19 Q And although the State didn't play it, there's
20 discussion about searching the vehicle that Mr. Overman
21 is currently driving. Is that a yes? The court reporter
22 needs to ---

23 A Oh, yes, ma'am. Yes.

24 Q Okay. This vehicle that Mr. Overman is driving, he
25 made it very clear to you that it's not his vehicle.

1 A Yes, ma'am.

2 Q He told you several times that this is not my
3 vehicle.

4 A Yes, ma'am.

5 Q Okay. So this interaction with your colleagues, the
6 other cops on the scene, there's discussion about
7 searching this vehicle, correct?

8 A Yes, ma'am.

9 Q You guys are trying to figure out some type of way
10 to get into this vehicle that Mr. Overman is driving.

11 A Yes, ma'am.

12 Q This vehicle that Mr. Overman is driving that's not
13 his vehicle.

14 A Yes, ma'am.

15 Q In fact, he told you specifically who the vehicle
16 owners was, correct?

17 A He did not to me. He told me he was in the process
18 of buying the vehicle.

19 Q Right.

20 A Didn't say how far along that process. Didn't say
21 anything about that. He told me he was in the process of
22 buying it.

23 Q Okay. And so back to this interaction with the
24 other officers. You guys are coming up with some type of
25 game plan to get into this vehicle, right?

1 A I wouldn't say that. I say we're looking at all our
2 options.

3 Q You're coming up with a game plan to get into the
4 vehicle.

5 A Yes, ma'am.

6 Q You're considering arresting Mr. Overman, correct?

7 A I am.

8 Q And inventorying the vehicle as a result of
9 arresting.

10 A That would be correct.

11 Q You're considering giving Mr. Overman a ticket ---

12 A Yes.

13 Q --- and towing the vehicle, correct?

14 A Yes, ma'am.

15 Q Inventorying it that way as well.

16 When we talk about inventorying a vehicle, I know
17 that your testimony is that when someone's arrested,
18 that's the proper protocol is to go through the vehicle,
19 make sure there is -- you know, that the individual's
20 property is -- there's not going to be any type of
21 allegations of theft?

22 A That's right. Yes, ma'am.

23 Q Potentially to make sure that there is nothing --
24 nothing of value that could potentially be stolen once at
25 the yard -- tow yards, right?

1 A Yes, ma'am.

2 Q You also stated in your testimony that you're
3 searching it for illegal drugs as well, right?

4 A I don't think that's what I said. I said we're
5 making sure there's nothing illegal in there.

6 Q So when we talk about inventory search, though,
7 that's not a part of or that's not one of the goals of an
8 inventory search is searching for illegal substance.

9 A Yes. You're correct. But if there's something
10 laying in plain view, you know, a scenario where there's
11 something laying in plain view, then obviously, we would
12 take that as well, right?

13 Q But there was nothing that anyone saw in plain view,
14 correct?

15 A No. That's correct. No, ma'am.

16 Q But one of your goals, you just admitted that you
17 said on direct is that you guys were searching -- or
18 someone was searching for illegal substance, correct?

19 A No, ma'am.

20 Q You did not just admit that that's what you said in
21 your direct testimony.

22 A No. I said we inventory to find if there's anything
23 illegal in it, anything of value, any illegal items, and
24 I think I said maybe a dead body in the trunk. Those are
25 the things I said.

1 Q Okay. I'll move on.

2 Under these circumstances, your discretion is that
3 you have wide discretion to determine how this
4 investigation proceeds.

5 A I do.

6 Q You could have arrested him.

7 A Yes, ma'am.

8 Q You could have given him a blue ticket.

9 A Yes, ma'am.

10 Q And giving him a blue ticket, you had discretion on
11 whether you were going to get this vehicle towed?

12 A No. There was no discretion on that. That vehicle
13 was getting towed.

14 Q There were -- okay. You didn't search the vehicle
15 that Mr. Overman was driving, did you?

16 A I did not.

17 Q You didn't find the drugs that were found in his
18 vehicle.

19 A No, ma'am.

20 Q You only helped field test.

21 A That's correct.

22 Q And you're the arresting officer.

23 A Yes, ma'am.

24 Q You're the lead officer.

25 A That's right.

1 Q Okay. You were present when some of the deputies
2 were going through the vehicle after the drugs were
3 found, correct?

4 A Yes, ma'am.

5 Q Would you agree that this vehicle was in a disarray?

6 A It was a messy vehicle, yes, ma'am.

7 Q Multiple items scattered throughout the vehicle.

8 A Yes.

9 Q Mr. Overman, again, admitted that -- well, not
10 necessarily admitted, but said that this was not his
11 vehicle.

12 A Yes, ma'am.

13 Q So multiple items in the vehicle scattered
14 everywhere, correct? Drugs found in the vehicle,
15 correct?

16 A Yes, ma'am.

17 Q Mr. Overman told you who the owner of the vehicle
18 was?

19 A I ---

20 Q Or you were aware.

21 A I was aware, but the name he gave was incorrect. He
22 said it wrong. He said the guy's last name, then first
23 name.

24 Q Well, you ran the VIN, right?

25 A Yeah, I did.

1 Q You were able to assess or determine ownership of
2 the vehicle.

3 A Yes, ma'am.

4 Q So it's possible that, with you being the lead
5 detective, that you could have gotten in contact with the
6 owner?

7 A I wouldn't have done that if it hadn't been
8 registered for the past three years.

9 Q But it's possible that you could have decided to --
10 you could have taken that extra step and spoke with the
11 owner.

12 A I would not ---

13 Q You could have. You could have. It's a yes or no.

14 A Would I have ---

15 Q You could have.

16 A I could have spoke to the owner, yes.

17 Q Yes. That's the question. You could have, right?

18 A Okay.

19 Q But you didn't.

20 A No.

21 Q Mr. Overman made it very clear that this wasn't his
22 vehicle.

23 A Yes, ma'am.

24 Q Could have, but you didn't get in contact with the
25 owner.

1 A Yes, ma'am.

2 Q This would have cleared up a lot for you, right?

3 A What reason would I have had at that point?

4 Q It's not my vehicle, do more investigation, right?

5 A Yes, ma'am.

6 Q So you field test the drugs.

7 A Yes, ma'am.

8 Q And they come back positive.

9 A They do.

10 Q Submit it to -- I think the State asked you on
11 direct about you putting it in a dropbox.

12 A Yes, ma'am.

13 Q And you placing those drugs in the dropbox, you also
14 submitted a DNA -- I'm sorry. Excuse me. Not a DNA, but
15 a request to actually test the substance to actually
16 confirm that it's an illegal substance.

17 A 11 ounces. Yes, ma'am.

18 Q And you as the arresting officer, you're able to do
19 that.

20 A Yes, ma'am.

21 Q Would you agree that you're also able to submit
22 these items, these drugs, the containers that these drugs
23 were found in, you're also able to submit that for DNA.
24 You're able to as the lead -- as the arresting officer.

25 A If you want to do that, you could.

1 Q You're able to, yes?

2 A Yeah.

3 Q You don't think that that would have been helpful in
4 this case?

5 A I didn't see the need at the time. No, ma'am.

6 Q Given that Mr. Overman has made it very clear that
7 this isn't his vehicle.

8 A Yes, ma'am.

9 Q And there's items in that vehicle that's in disarray
10 that belongs to someone else.

11 A Yes, ma'am.

12 Q You didn't think that that was important to submit
13 it for DNA to ---

14 A No, ma'am.

15 Q It wouldn't have made your case a sealed deal, we
16 have him?

17 A It may have, yes, ma'am.

18 Q But it also may have helped Mr. Overman, yes?

19 A Is that a question?

20 Q Yes.

21 A Oh, it may have.

22 Q You charged Mr. Overman with trafficking meth 28 to
23 100 grams.

24 A Yes, ma'am.

25 Q Carries anywhere from 25 -- at minimum, 25 to

1 30 years.

2 A Yes, ma'am.

3 MS. CASE: Your Honor, objection.

4 THE COURT: Sustained. I'm going to strike that.

5 MS. HEATH: Yes, Your Honor.

6 BY MS. HEATH:

7 Q You could have submitted these items for DNA.

8 A Yes.

9 Q You didn't.

10 A Nope.

11 Q You stated in your direct testimony that you
12 observed Mr. Overman driving the Honda.

13 A Yes, ma'am.

14 Q And according to your testimony, Mr. Overman makes
15 this type of gesture realizing that you're law
16 enforcement?

17 A No. I said he leans all the way off his seat like
18 this (demonstrating).

19 Q Okay.

20 A Looking is one thing. But yes, ma'am. He leaned up
21 like this (demonstrating) and was looking at the car
22 sitting kind of on the hill.

23 Q Okay. Aren't the windows tinted in that vehicle?

24 A Very -- very faintly if so. I don't recall that
25 they were tinted, to be honest with you.

1 Q Okay. When you got to the store, Mr. Overman was
2 there paying for gas. Yes?

3 A He was paying for something. I don't know what he
4 was paying for.

5 Q He was paying for something?

6 A Yes.

7 Q Okay. So he had a reason to go to the store.

8 A Yes, ma'am.

9 Q Not to evade law enforcement.

10 A Maybe so.

11 Q Excuse me?

12 A I said he may have. Maybe.

13 Q Mr. Overman was purchasing some items.

14 A He was purchasing items. Yes, ma'am.

15 Q During your investigation, typing things in your
16 laptop, you were able to confirm that the vehicle was in
17 fact not stolen.

18 A That's correct.

19 Q Okay. During this interaction with Mr. Overman,
20 again, you're still sitting in the vehicle, Mr. Overman
21 has not been charged with an offense at this point prior
22 to the search.

23 A No. But prior to this search, I believe my camera
24 says I'm going to start on that Code 7, which would be
25 the ticket, if one of you want to do the tow sheet. So

1 at that point, I am currently in the act of writing that
2 ticket. So he is being charged at the moment.

3 Q But he's not aware that he's being charged with
4 anything at the moment?

5 A The moment I say that, I do not believe he's aware,
6 no, ma'am.

7 Q So start searching the vehicle without Mr. Overman
8 being aware that he's being charged with anything.

9 A Yes, ma'am.

10 MS. HEATH: Okay. No further questions for this
11 witness, Your Honor.

12 THE COURT: Any redirect?

13 MS. CASE: Yes, ma'am. Just briefly.

14 REDIRECT EXAMINATION

15 BY MS. CASE:

16 Q Could anybody drive that vehicle on a public
17 roadway?

18 A No one.

19 Q Why not?

20 A Because it hasn't been registered in three years and
21 we never saw any proof of insurance of that vehicle.

22 Q And so what is your next step when no one can drive
23 the vehicle?

24 A That I'm going to have it towed. In that scenario,
25 the registered owner could be sitting in the passenger's

1 seat and I'm not going to let them drive that vehicle
2 off. It's going to be towed regardless.

3 Q And what do you do when you tow a vehicle?

4 A We inventory it.

5 Q For what purpose?

6 A Any valuables, anything that should not be in the
7 vehicle, things of that nature.

8 MS. CASE: No further questions.

9 THE COURT: All right. May this deputy step down?

10 MS. CASE: No objection from the State.

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

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: All right. We are right at 12:30 and
14 I'm very -- in my zeal to make sure my jury is happy, I
15 don't know if we're at a point of breaking for lunch or
16 if you have a very short witness, but my jury may just be
17 really hungry and would like a break to be able to go get
18 some lunch.

19 MS. CASE: Your Honor, the State would -- this would
20 be a perfect breaking point for lunch for us.

21 THE COURT: Okay. So let's do this. It's 12:30.
22 Let's go ahead and break for lunch. Let me find out from
23 the attorneys when y'all step back what our schedule's
24 going to look like this afternoon and I'll tell you for
25 sure a time that we're going to reconvene. I'll let Ron

1 know. But I'll let y'all step back to the jury room and
2 just give me one moment to find out exactly where they're
3 at.

4 (WHEREUPON, the jury exits the courtroom at 12:29 PM.)

5 THE COURT: All right. The jury's out.

6 Tell me how our afternoon is looking. You know I'm
7 going to do that plea at 2:30 via phone, but I'm probably
8 going to go ahead and get us started depending on ---

9 MS. CASE: We have two more deputies and then P&E
10 and lab which together may be ten, 15 minutes on those
11 two. The deputies are shorter, I would say, than this
12 last one.

13 THE COURT: So if I told them -- if we're back -- if
14 I tell them to be back at two, they're going to make them
15 come back at 1:30. If I say 2:15, I'm right on the edge
16 of the plea provided it's on time. I want to give them
17 enough time.

18 MS. CASE: Your Honor, I do think that if ---

19 THE COURT: And then we've got to break for the
20 memorial at four.

21 MS. CASE: If we come back after the plea ---

22 THE COURT: So tell me -- yeah.

23 MS. CASE: --- I don't know if we can get all of
24 them done in that amount of time, but maybe.

25 THE COURT: I think that we should try to press. I

1 say we come back and we start right at two. We're going
2 to start at two sharp, so that means y'all are going to
3 tell them, what, 1:45?

4 THE BAILIFF: Yes, ma'am.

5 THE COURT: Okay. Let's do that. And then we'll
6 just stop. We'll take a quick break. This plea should
7 not take very long. I'm not -- I don't -- I do a good
8 colloquy, but it's not a lengthy situation for me. So I
9 think let's plan on that.

10 MS. CASE: Okay. Thank you.

11 THE COURT: All right. We'll be at ease then.

12 (WHEREUPON, a recess is taken at 12:30 PM; Court's

13 Exhibit Number 1 was marked for identification;
14 proceedings reconvened at 1:59 PM; State's Exhibit
15 Number 7 was marked for identification.)

16 THE COURT: All right. Are y'all ready for me to
17 bring the jury in?

18 MS. HEATH: Yes, Your Honor.

19 MS. CASE: Yes, Your Honor.

20 THE COURT: All right. We're ready, Ron.

21 (WHEREUPON, the jury entered the courtroom at 2:01 PM.)

22 THE COURT: All right. Welcome back, ladies and
23 gentlemen. Hope y'all had a very good lunch. We are
24 ready to continue on, and so I'm happy for the State to
25 call its next witness.

1 MS. CASE: The State calls Deputy McConnell to the
2 stand.

3 THE CLERK: Please place your left hand on the Bible
4 and raise your right hand.

5 WHEREUPON,

6 HARRY McCONNELL

7 After having been duly sworn, testified as follows:

8 THE CLERK: Thank you. Please take a seat and state
9 your name for the record.

10 THE WITNESS: Deputy Harry McConnell.

11 DIRECT EXAMINATION

12 BY MS. CASE:

13 Q Deputy McConnell, where do you work?

14 A Greenville County Sheriff's Office.

15 Q How long have you worked there?

16 A A little over seven years. Seven and some change.

17 Q What is your position there right now?

18 A Deputy II.

19 Q What unit do you work for?

20 A At the time of this incident, I was with the
21 Directed Patrol Unit, but now I'm an investigator with
22 the Drug Enforcement Unit.

23 Q What does the Drug Enforcement Unit do?

24 A It investigates drugs.

25 Q Just like it sounds?

1 A Yes, ma'am.

2 Q Okay. And what does the Directed Patrol Unit do?

3 A So they're more so of a street -- street-level
4 narcotics unit. We dealt with prostitution, drugs,
5 gambling, high-risk search warrants, high-risk warrants
6 in general, things of that nature.

7 Q And during that time, did you come in contact with
8 the defendant, Anthony Overman, in this case?

9 A I did.

10 Q Can you explain how you got involved with this case?

11 A So yes. I was riding shotgun with Deputy Leopold,
12 and we were assisting Deputy Epps at the time of this
13 incident.

14 Q Why did you -- why did you stop and help out with
15 this?

16 A So he essentially was by himself. We -- the
17 Directed Patrol Unit, we're close knit -- or I say we
18 were a close-knit unit. When one person gets out with
19 somebody on a traffic stop or any type of call, there's
20 typically two or three of us that show up afterwards. So
21 essentially, we were just helping him out at the time.

22 Q When you arrived, what did you discover?

23 A The -- the gold Honda. It was parked at a gas pump.
24 And at the time, I was more so in the back. I believe
25 there were several other people that were already there

1 before me. Master Deputy Frazile, he made contact with
2 Deputy Epps who, at that time, I believe, was making
3 contact with Mr. Overman inside of the store. So I was
4 more so just hanging back and kind of seeing how
5 everything played out at the time.

6 Q And what did you learn during the course of the
7 stop?

8 A So during the course of the stop, I learned -- at
9 the time I did briefly speak with Mr. Overman and to
10 conclude -- came to the conclusion that there was some
11 type of traffic violation that he -- that he did, his
12 license was suspended, there were some issues going on
13 with the car and so on and so forth. That's about the
14 gist of what I knew at the time.

15 Q Okay. Did you talk to Mr. Overman about the car?

16 A I don't believe so. I don't believe I talked to him
17 solely about the car. I think we were just more so just
18 talking about other things other than that.

19 Q So what did you do after that, after you got there
20 and you found out he was under suspension?

21 A So after he -- after I discovered that he was under
22 suspension, deputies on scene, it definitely was not my
23 decision at the time because I wasn't the one running the
24 show, per se, I was informed that we were going to be
25 inventorying the car. Which after that, that's when I

1 got my gloves on and was going to partake in that.

2 Q Why were y'all inventorying the car?

3 A Because he was being arrested at the time.

4 Q Okay. And what's the purpose for inventorying the
5 car?

6 A So there's several -- several reasons why we do this
7 as the sheriff's office. I believe it's already been
8 spoken, but it is, in fact, in our policy whenever we --
9 or whenever we start to inventory a vehicle, we have a
10 tow sheet that comes along with doing so.

11 Whenever we call in, we request a wrecker, a duty
12 wrecker, there's several things. We don't want to be --
13 we as in the sheriff's office, myself and all those that
14 are inventorying this vehicle, we don't want to be held
15 liable for anything that's missing. So for this
16 instance, with Mr. Overman potentially going to jail at
17 this time and the fact that we are calling a duty wrecker
18 to get this vehicle towed, we are held responsible for
19 whatever is inside of the vehicle: any valuables, any
20 money, anything -- anything of that nature.

21 So there's a list of things. And I can't -- I can't
22 speak about every single item that's on that list. I
23 believe there's a clip and some body-camera footage that
24 it potentially shows what -- some items that are listed
25 as far as what we potentially may find: tools,

1 valuables, so on and so forth.

2 So, for instance, we don't want to be held liable
3 for anything that potentially becomes missing, so we want
4 to -- we want to list out everything that we find inside
5 of the car, any valuables small or big. And if there's
6 any damages to the car, we want to notate that beforehand
7 so the sheriff's office, me and whoever else is
8 inventorying the vehicle, we're not held liable for that.
9 So...

10 Q And when somebody's license is suspended, can they
11 drive that car?

12 A No. Technically, they can, but in fact it is
13 illegal, yes.

14 Q Okay. If the car's not registered, can anyone drive
15 the car?

16 MS. HEATH: Objection, Your Honor.

17 THE COURT: What's the objection?

18 MS. HEATH: Leading.

19 THE COURT: Overruled.

20 BY MS. CASE:

21 Q If the car is not registered, can anyone drive the
22 car?

23 A No.

24 Q What has to happen to the car?

25 A Needs to be towed.

1 Q Okay. While y'all were doing this inventory search,
2 did you -- did you help with that?

3 A Did I help with the inventory search?

4 Q Yes.

5 A Yes, ma'am, I did.

6 Q Did you find anything?

7 A I did.

8 Q Where did you find and what did you find?

9 A So I specifically, I started my inventory search of
10 the front passenger of this car, the front passenger door
11 of this car. Immediately when I opened it, I believe I
12 immediately went to a pack of cigarettes. People like to
13 store all sorts of things in cigarette packs: money,
14 illegal narcotics, drug paraphernalia and so on and so
15 forth, even jewelry. So that was the first thing I came
16 in contact with. And I found what's commonly known as a
17 stem. It is a form of drug paraphernalia. Some people
18 use it to consume illegal narcotics such as
19 methamphetamine. Some people like to break it to the
20 point where it's, like I said, referred to as a stem.
21 They'll put braelo [phonetic] inside of it and they'll
22 smoke crack cocaine with it. But at the end of the day,
23 it's just a form of drug paraphernalia.

24 So I located that. I believe there might have been
25 something on the ground, like it looked like a little

1 wrapper that potentially has some jewelry in it. Once I
2 determined that that wasn't anything of any value or
3 anything like that, I believe that the next thing that I
4 went to was a -- I don't know how to describe it. It's a
5 little -- little pack almost like you would put like a
6 PS4 or something like an electronic device. I think it
7 even had a Jurassic Park emblem. Unzipped that, and
8 that's where I located a large amount of clear
9 crystalline substance. Based off of my knowledge, it
10 looked -- it looked the part to be methamphetamine. And
11 I believe that -- I don't think there was a scale in
12 there. I could be wrong on that.

13 But -- and that's the extent of that of what I found
14 at that time.

15 Q Okay. And what did you do with that substance after
16 you found it?

17 A I left it there, obviously, and then I immediately
18 went over to Mr. Overman who was not at the time put in
19 handcuffs yet. So I did that based off of my discovery
20 of the large amount of illegal narcotics that was found.

21 Q And what happened with those substances?

22 A So once I dealt with Mr. Overman, I went back and I
23 grabbed the substances, went to the trunk of that car, of
24 the Honda, and I just kind of divvied up the bags. I
25 believe there were two bags. And if I remember

1 correctly, I grabbed my own scale or someone else's scale
2 that was already there, and I weighed each individual
3 baggy. And I collected the stem, the drug paraphernalia,
4 and put that alongside everything else. And I believe my
5 Master Deputy Frazile found some stuff that we all just
6 kind of put everything together so things weren't kind of
7 lost.

8 Q Were you wearing a body camera during this?

9 A I was, yes, ma'am.

10 Q Was it recording?

11 A It was.

12 Q Have you reviewed it before coming here?

13 A Yes.

14 Q I'm going to show you what has been premarked as
15 State's Exhibit 5. Do you recognize this?

16 A I do.

17 Q And what is it?

18 A It is a little flash drive with my initials and the
19 date of my body-camera footage.

20 Q And how do you know that?

21 A Because I initialed it.

22 MS. CASE: Okay. At this point, the State moves to
23 enter into evidence State's Exhibit 5.

24 THE COURT: Any objection?

25 MS. HEATH: No objection, Your Honor.

1 THE COURT: It will be so admitted.

2 (WHEREUPON, State's Exhibit Number 5 was admitted into
3 evidence.)

4 THE COURT: Y'all tell me when you're ready and I'll
5 click it over.

6 MS. CASE: We're ready, Your Honor.

7 BY MS. CASE:

8 Q Deputy, we're going to jump around you a little bit,
9 and I may pause and ask you questions.

10 A Sounds good.

11 (Pause for technical issues; the following testimony
12 occurred while State's Exhibit Number 5, a video
13 recording, was played in open court.)

14 BY MS. CASE:

15 Q All right. We're going to skip a little bit forward
16 here. (Pause while video plays.)

17 During that time, what are y'all standing around
18 waiting on?

19 A So at that time, we are waiting for Deputy Epps to
20 kind of do his thing. He's searching for God knows what
21 on his computer as far as his license, anything relevant
22 to the car, so on and so forth. I can't speak for Deputy
23 Epps just because I wasn't inside of his patrol car at
24 the time, but to my knowledge, that's what he was doing
25 at the time. (Pause while video plays.)

1 Q So this point, have y'all informed Mr. Overman that
2 he's driving under suspension?

3 A I would say it's safe to say, yes.

4 Q And does he know what's happening next? Did anybody
5 inform him?

6 A Say it again?

7 Q Was he informed of what's about to happen?

8 A Yes. Multiple times.

9 Q Okay. (Pause while video plays.)

10 Is that what you were talking about earlier?

11 A The stem? Yes. Yes, ma'am, it is.

12 Q And where was that found?

13 A In that red and white -- I believe that's Newports.
14 I don't smoke cigarettes. But the cigarette pack.

15 Q Okay. (Pause while video plays.)

16 And what is that you just opened up?

17 A That was the electronic case that I previously
18 mentioned.

19 Q What is that little black thing you just opened?

20 A Oh, I'm sorry. The little black thing, that was the
21 scale that -- I misspoke. I did find the scale inside of
22 that same bag.

23 Q Okay. (Pause while video plays.)

24 Deputy McConnell, based on your training and
25 experience, can you say how much an ounce of meth costs?

1 A Costs?

2 MS. HEATH: Objection, Your Honor.

3 THE COURT: What's the relevance?

4 MS. CASE: It's two ounces of meth found in the car.

5 THE COURT: Sustained.

6 MS. CASE: Okay.

7 THE COURT: Next question.

8 BY MS. CASE:

9 Q How much is an ounce to grams?

10 A An ounce to grams?

11 Q Yeah.

12 A Are we talking just ---

13 Q Conversion.

14 A Conversions?

15 Q How many grams are in an ounce; do you know?

16 A Oh, Lord. It's 28 grams.

17 Q Okay. And how many -- do you know how many grams
18 were found here?

19 A I want to say 50, 59 maybe. Maybe 55. It was
20 definitely in the fifties. I know that.

21 Q Do you know if that substance was field tested?

22 A Later on, yes. It was.

23 Q Okay. And what happens -- how is that labeled?
24 When you find a substance, does it get a number? a label?

25 A As far as like Property and Evidence?

1 Q When y'all are on scene -- or yeah. It's Property
2 and Evidence.

3 A So everything that was found, normally it's just
4 divvied up. We don't put everything all in one bag,
5 obviously, for legal purposes later on down for trial and
6 so on and so forth. If everything was found together,
7 normally, they're going to be bagged together excluding
8 any kind of -- I don't want to say paraphernalia.
9 Paraphernalia can go together with them, but if it's
10 separate paraphernalia, we're typically not going to put
11 the paraphernalia with the narcotics.

12 So in this case, the drugs were separated from the
13 -- or, I'm sorry, the drugs were separated from the
14 paraphernalia in this sense.

15 (End of video playback.)

16 THE COURT: All right. I'm going to stop y'all
17 there for just a moment. I need to take up a legal
18 matter that is unrelated to this case. It will be very
19 short. But I do need to handle it at this moment, so
20 we're going to do a brief recess. It's going to be maybe
21 about five, ten minutes at the most. If y'all want to go
22 get a drink of water, use the restroom, but I need to
23 handle this matter at this point in time.

24 I'm going to remind the jury not to deliberate or
25 discuss the case while y'all are waiting for us.

1 (WHEREUPON, the jury exits the courtroom at 2:25 PM.)

2 THE COURT: You are welcome to remain on the witness
3 stand or step down.

4 THE WITNESS: Staying right here, Judge.

5 THE COURT: Perfect.

6 (WHEREUPON, a recess is taken at 2:25 PM; the jury
7 entered the courtroom at 2:40 PM.)

8 THE COURT: Thank y'all for being so patient while I
9 handled that. If I can try to help out in another case,
10 I always try to do so and I kept us right on time. So
11 I'm happy to go back on the record and have you continue
12 to question the deputy -- or officer. Sorry.

13 BY MS. CASE:

14 Q Deputy, I'm going to show you what's been premarked
15 as State's Exhibit 6. Without showing the jury, can you
16 open that up and look inside?

17 A You want me to ---

18 Q Yeah. Just look at it.

19 A (Reviews exhibit) So you want me to ---

20 Q Can you tell the jury what that is?

21 A So I am looking at one bag containing multiple
22 different bags -- containing multiple different bags
23 of ---

24 Q Let me ask this. Does that appear to be what you
25 found on June 23, 2023?

1 A Yes. Yes, it does.

2 Q Okay. Does it appear to have been altered in any
3 way?

4 A No, it does not.

5 Q Okay. Can you put it back in the bag? And I'm
6 going to take it back from you.

7 A Yes.

8 MS. CASE: Thank you. Please answer anything from
9 defense.

10 CROSS EXAMINATION

11 BY MS. HEATH:

12 Q Deputy -- deputy or officer? Deputy?

13 A Deputy is fine.

14 Q Deputy, at some point during your interaction with
15 Mr. Overman, consent was asked to search the vehicle,
16 right?

17 A Yes. Not by myself.

18 Q Right. But someone asked?

19 A I believe so, yes, ma'am.

20 Q And Mr. Overman said no.

21 A To my knowledge, yes.

22 Q No, because it wasn't his vehicle.

23 A I can't answer that.

24 Q You can't answer that.

25 Okay. So you begin searching the vehicle, right?

1 A Based off the inventory, yes, ma'am.

2 Q On the passenger's side of the vehicle.

3 A Front passenger.

4 Q Front passenger.

5 You get to this game console we're going to call it
6 with the Jurassic Park on it.

7 A Sure.

8 Q You pick it up, open it, see what appears to be
9 drugs?

10 A And a scale.

11 Q Okay. At that point, you go and place Mr. Overman
12 under arrest.

13 A I do not tell him that he's under arrest. I place
14 him in handcuffs.

15 Q You place him in handcuffs.

16 A Yes, ma'am.

17 Q Would you say that Mr. Overman is upset?

18 A At the time, I did not see his face, obviously,
19 because he was turned away from me. But in my opinion, I
20 don't think anybody would be very happy that they were
21 being placed in handcuffs, so it's safe to say that he
22 was somewhat upset. Yes, ma'am.

23 Q Surprised?

24 A I don't know if I would say the word "surprised."

25 Q But upset is fair.

1 A Yes.

2 Q At some point -- I know the State didn't show this
3 part of the video, but at some point, you specifically
4 begin searching for a firearm.

5 A I don't believe -- ask me that one more time.

6 Q At some point after you found the game console case,
7 you specifically begin looking for a firearm.

8 A I don't think there's anything that says that I
9 specifically was looking for a firearm. However, as I
10 mentioned before, during an inventory, those are one of
11 the items that is listed on the bottom of that tow
12 sheet.

13 Q Well, let me ask you this. Did you find a gun in
14 that vehicle?

15 A I did not, no.

16 Q How long have you been an officer? How long have
17 you been in law enforcement?

18 A We are going on seven and some change.

19 Q And how long have you been involved with the drug
20 side of investigations and stops?

21 A I want to say investigation, four out of the seven
22 years. But I would -- I would think to say that once you
23 become a cop, you're kind of always involved with drugs,
24 but I do not want to say solely investigations.

25 Q Is it fair to say, in your experience with law

1 enforcement, you dealt with a lot of different
2 trafficking incidents? Trafficking in drugs, that is.

3 A Yes. It's fair to say that.

4 Q So in your experience, is it fair to say that when
5 someone's charged with trafficking, there is a fair
6 chance that a firearm is going to be along with --
7 generally speaking, in your experience, there is a
8 firearm that's going to be probably found, in your
9 experience?

10 A I would say -- I would say yes.

11 Q No firearm found here.

12 A No, ma'am.

13 Q At some point, someone -- I believe you specifically
14 searched Mr. Overman's person.

15 A I'd have to watch the body camera footage. I
16 can't ---

17 Q At some point, someone counts Mr. Overman's money
18 within his wallet.

19 A Okay.

20 Q Okay. You're ---

21 A No. I can't speak. I don't know if that was me.

22 Q Are you aware of the amount of money that was found
23 on Mr. Overman?

24 A I'm -- I'm not, no.

25 Q Okay. But no gun found on Mr. Overman.

1 A No gun.

2 Q No gun found in this vehicle that wasn't his.

3 A No gun found on him or in the vehicle.

4 Q Okay. And Mr. Overman's upset once you place him
5 into cuffs.

6 A I'm assuming so as I mentioned before.

7 MS. HEATH: No further questions for this witness,
8 Your Honor.

9 THE COURT: Any redirect?

10 MS. CASE: No, Your Honor.

11 THE COURT: All right. May this officer, deputy be
12 excused?

13 MS. CASE: Yes, Your Honor.

14 THE COURT: Thank you. Happy for you to call your
15 next witness.

16 MS. FARMER: The State calls Master Deputy Pierre
17 Frazile.

18 THE CLERK: Please place your left hand on the Bible
19 and raise your right hand.

20 WHEREUPON,

21 PIERRE FRAZILE

22 After having been duly sworn, testified as follows:

23 THE CLERK: Thank you. Please take a seat and state
24 your name for the record.

25 THE WITNESS: Pierre Frazile.

DIRECT EXAMINATION

BY MS. FARMER:

Q Deputy Frazile, how long have you worked at the sheriff's office?

A 12 years.

Q And what is your current role?

A I'm a master deputy over the Directed Patrol Unit, one of the three.

Q Can you tell the jury what the Directed Patrol Unit is?

A It's a proactive unit. We get to tackle anything from any kind of craziness going on in the county. The sheriff can appoint us to -- it can be with drugs, it can be with prostitution. Anything, really.

Q Do you participate in any ongoing trainings?

A Yes, ma'am.

Q What type of training?

A So I'm also on the SWAT team. So DP has their own training, but we also have SWAT team training, vehicle takedowns. Anything SWAT related. Hostage rescues. Anything law enforcement related.

Q I'm going to take you back to June 23, 2023. Were you involved with a traffic stop of the defendant in this case?

A I was.

1 Q Can you explain to me how you came into contact with
2 the defendant initially?

3 A So we were down in Piedmont and we were patrolling,
4 and one of the deputies was talking about a gold sedan
5 that they saw. And I was across the gas station, and I
6 saw it pull in. I saw a white male come out of it, go
7 in. And then when it was time to make contact with it,
8 we went and made contact with the vehicle.

9 Q Okay. And once you came on scene, what was your
10 role with the incident?

11 A It's just assisting overall. Deputy Epps was the
12 one who pretty much saw everything. And there was
13 something wrong with the license plate, so essentially,
14 as he works, I got to talk and figure out what's going
15 on. So it's just assisting him in anything that he
16 needs.

17 Q Okay. And you just touched on it briefly, but what
18 was -- when you came on scene, to the best of your
19 knowledge, what was -- why was the traffic stop ---

20 A So the tag came back to a 2022 Honda, and what we
21 were looking at was definitely not a 2022 Honda. And we
22 knew the driver was inside, so we pretty much got -- we
23 waited to see when he would come out because when that
24 didn't come out, Deputy Epps went to make contact with
25 him. And I was kind of like waiting a little bit and

1 then kind of like estimating when they should be coming
2 out, and they didn't. And then that's when I then opened
3 the door and saw Deputy Epps talking to him. And we got
4 him out.

5 Q And once you found out that these violations had
6 occurred, what happened next?

7 A So Deputy Epps took his ID to go run, and I was
8 talking to the suspect. And there are some issues with
9 his license. Because even when I'm talking to him, I'm
10 asking about a valid licensee. He seems a little unsure
11 about it.

12 Q So once you found out there are these issues, you
13 established the basis of these traffic violations, what
14 happened?

15 A So we have to do an investigation so there's going
16 to be going through investigations. A car that's not
17 registered because that's not a proper plate on it, you
18 don't know if it's stolen, you don't know if it's got
19 insurance so he's got to confirm all that. And if you're
20 driving in South Carolina, you have to have a valid
21 driver's license. So while Deputy Epps deals with that,
22 then me, I can kind of like talk a little bit more, see
23 if there's anything more going on, right? Because what's
24 the purpose of not having your car registered? And see
25 if there's any further crimes, essentially.

1 Q At what point did you find out the results of Deputy
2 Epps's search?

3 A With the license stuff?

4 Q Uh-huh.

5 A Later on. I can't really put a time on it.

6 Q Okay. And what did you find?

7 A His license was, indeed, suspended, that the car was
8 not registered and it did not have any insurance on it.

9 Q Okay. And once you established that, what happened?

10 A So really, I was -- we do so many traffic stops.
11 When you're the back-up officer, you kind of talk to see
12 what's going on. And I was talking to the defendant kind
13 of like, hey, whose car is it? We kind of didn't know
14 because what it's coming back to, it's not him. And I
15 think he said that he bought it from a friend for \$3,000.

16 So I started asking him about the friend. And that
17 -- he didn't seem sure about that either. And so I
18 started talking about the friend's drug history, and he
19 told me he didn't know anything about it. And then I
20 just keep kind of like see where we're at, see if there's
21 anything more.

22 As we kept going with the investigation, we did find
23 out his license was suspended. And with the car not
24 having any insurance on it, it cannot drive off a lot.

25 Q What did you decide to do with the vehicle once you

1 found out ---

2 A We have to tow it.

3 Q Okay. Can you explain a little bit about what that
4 towing process looks like?

5 A So when you're towing a car, it's got to be safe for
6 me, it's got to be safe for you, right? If I stop you,
7 I've got your car and I'm towing and I don't inventory
8 it, you can come back later and say, hey, I had
9 \$3 million in there and I can't say anything. And that
10 doesn't protect me, right? And you want me to be
11 protected because you want me to be like, hey, this is
12 what he had in the car if it's anything of like great
13 value like big tools, jewelry. So you want me to do
14 that. So that's kind of like the process we have to go
15 to to make sure, A, we're being safe and your stuff's
16 being safe.

17 Q What procedures need to take place in order for you
18 to properly tow that vehicle?

19 A What ---

20 Q What procedures?

21 A So you have to look in it, and I have a tow sheet
22 that I have to write what's of value in the car.

23 Q So were you responsible for filling out the tow
24 sheet?

25 A I was. I was.

1 Q Okay. And what exactly do you have to put on that
2 tow sheet?

3 A So if you have a stereo that's worth \$3,000, I'm
4 going to put that on there, but if you have a bunch of
5 junk, I might not put it. If I see jewelry, I see like
6 an iPad, I'm going to put that on there because I know
7 they're of value.

8 Q Did you also take part in inventorying the vehicle?

9 A Yes, ma'am.

10 Q Did you find anything in the vehicle?

11 A Yes, ma'am.

12 Q Can you explain what you found in the vehicle?

13 A So I found I think it's a little M&M box that had a
14 stem. A stem is a pipe, is a -- is a pipe. It's a crack
15 pipe. That's how we know it. It'll have a barrel in it,
16 it will have a burnt tip. And also found a little white
17 bottle that had crack cocaine in it.

18 Q And where did you find these two things?

19 A Driver door. In the panel in the driver door.

20 Q Okay. Like in the ---

21 A Yeah. You know how you open your door? It's pretty
22 much down that little area that's got all the junk in it.

23 Q Were you wearing a body-worn camera during this
24 incident?

25 A I was.

1 Q Was it functioning properly?

2 A Yes, ma'am.

3 Q I'm going to show you what has been premarked as
4 State's Exhibit 7. Do you recognize it?

5 A I do.

6 Q How do you recognize it?

7 A It has my initials and I dated it.

8 Q Okay. And what is it?

9 A It's a thumb drive that has the recording of my body
10 camera.

11 Q Okay. Is it a fair and accurate reflection of what
12 occurred on June 23rd?

13 A Absolutely.

14 Q Okay. Has it been edited or altered in any way?

15 A No.

16 MS. CASE: At this time, the State moves to admit
17 State's Exhibit 7 into evidence.

18 MS. HEATH: No objection.

19 THE COURT: It will be so admitted.

20 (WHEREUPON, State's Exhibit Number 7 was admitted into
21 evidence; the following testimony occurred while State's
22 Exhibit Number 7, a video recording, was played in open
23 court.)

24 BY MS. FARMER:

25 Q And is this the tow sheet you're referring to?

1 A Yes, ma'am. (Pause while video plays.)

2 Q All right. We're just going to move ahead a little
3 bit. And can you explain kind of what's happening in
4 between these two periods of time that we're ---

5 A So it's just -- so Harry had already found drugs in
6 the car, and now we're just trying to see what else is in
7 the car, too, and making sure that I finish the inventory
8 as far as like for the tow part. As you're going to see,
9 he had some tools in there and some trash, so I'm not
10 going to put cigarettes on there.

11 Q And were you aware at this point the defendant had
12 been read Miranda warnings?

13 A Yes, yes, yes.

14 (End of video playback.)

15 BY MS. FARMER:

16 Q Deputy Frazile, to the best of your knowledge, what
17 happened to the evidence in this case after you found it?

18 A Deputy Epps took possession of it, went down to the
19 P&E and put into P&E, Property and Evidence.

20 Q Okay. I'm going to show you what has been premarked
21 as State's Exhibit 6. Without showing the jury, can you
22 look inside and tell me what you see in there?

23 A (Witness complies) So the crank that I found in that
24 little white bottle's in here, and the meth that I saw
25 that Deputy Harry was weighing is also in here.

1 Q Does it appear to be in the same condition as when
2 you last saw it on June 22, 2023?

3 A Yes.

4 MS. FARMER: You can close it back up. I'll take
5 it. Thank you.

6 No further questions. Please answer any questions
7 the defense has.

8 CROSS EXAMINATION

9 BY MS. HEATH:

10 Q Deputy, I'm going to screw up your name and I'm so
11 sorry. Frazuka?

12 A Frazile. Like Brazil but with an S.

13 Q Frazile.

14 A Yes, ma'am.

15 Q You said you've been in law enforcement for
16 12 years?

17 A Yes, ma'am.

18 Q And specifically pertaining to drugs, how long have
19 you been on the team?

20 A Oh, probably five years now. I -- I came as a
21 Deputy II, went out back to Uniform Patrol, and then I
22 came back as a master deputy. So it's probably five
23 years total.

24 Q I'm going to go into the conversation you were
25 having with Mr. Overman prior to the search of the

1 vehicle. You stated on direct that you were asking
2 Mr. Overman about the friend that he's buying the vehicle
3 from.

4 A Yes.

5 Q Yes.

6 A Yes, ma'am.

7 Q Okay. And you were asking him about the friend's
8 drug history.

9 A Yes, ma'am.

10 Q Mr. Overman essentially made you aware that he is
11 not aware of whether this friend had a drug history or
12 not, correct?

13 A Correct.

14 Q At some point, you ask Mr. Overman would he consent
15 to the car being searched.

16 A Yes, ma'am.

17 Q And Mr. Overman said no, correct?

18 A That's his right. Yes, ma'am.

19 Q Because it's not his vehicle is what Mr. Overman
20 told you.

21 A That's what he said.

22 Q So you begin searching the driver's side of the
23 vehicle.

24 A Oh, yes, ma'am.

25 Q Yes.

1 A So when it came time to inventory, Deputy Harry
2 McConnell, I was describing it, and he opened it. Then
3 he found the drugs.

4 Q My question is, you began searching.

5 A Oh, after -- yes. After Deputy McConnell found the
6 drugs in the car, then I was looking on the driver's
7 side, yes.

8 Q And you find the M&M container, right?

9 A With the crack pipe in it, yes.

10 Q Right. You find it.

11 A Yes, ma'am.

12 Q Okay. And this white bottle, you find a white
13 bottle as well.

14 A Yes, ma'am.

15 I'm sorry. The pauses are kind of messing me up.
16 Yes. I -- yes.

17 Q Okay. I'll try not to pause. I apologize for that.

18 A Okay.

19 Q And this white bottle appeared to have a substance
20 in it; isn't that correct?

21 A It had the crack cocaine that I just saw right
22 there.

23 Q And this crack cocaine field tested positive for
24 cocaine, in fact, right?

25 A Yes, ma'am.

1 Q You also began looking -- inventorying the rest of
2 the vehicle.

3 A Yes, ma'am.

4 Q There's a lot of junk in this vehicle, correct?

5 A Yes, ma'am.

6 Q There's a lot of junk in the trunk of the vehicle;
7 correct?

8 A There's a lot, yes, ma'am.

9 Q And Mr. Overman stated that he's buying this vehicle
10 from a friend.

11 A Either he's buying it or he's going to pay \$3,000
12 for it.

13 Q Right.

14 A He's in the process. I don't know what that is. He
15 said he's in the process of buying it.

16 Q Right. But there's junk in the vehicle that the car
17 is currently owned by this friend.

18 A I don't know who it's owned by. He said he's in the
19 process ---

20 Q Oh, this is what Mr. Overman informed you of.

21 A I'm sorry. Say that again?

22 Q Mr. Overman informed you that this is a friend's
23 vehicle.

24 A He said he's in the process of buying it, and I
25 think he said he's paid \$3,000 for it.

1 Q Okay. Let's go to where you asked Mr. Overman did
2 he just come from Anderson. You asked him is this where
3 you got that stuff.

4 A Yes, ma'am.

5 Q Prior to asking him is this where you got that
6 stuff, you were just in the trunk and asking him about a
7 generator; is that correct?

8 A I think that's what the video showed. Yes, ma'am.

9 Q Yes. And you didn't -- when you say "that stuff,"
10 you didn't clarify what you meant by "that stuff."

11 A So you can ---

12 Q Yes or no? That's a question.

13 A So what's the question?

14 Q Did you clarify what you meant by "that stuff"?

15 A To Mr. ---

16 Q Yes. All you said was "is that where you got that
17 stuff?"

18 A That's -- that's what I said.

19 MS. HEATH: No further questions, Your Honor.

20 THE COURT: Any redirect?

21 MS. FARMER: Nothing from the State.

22 THE COURT: All right. Thank you, Officer. You may
23 step down.

24 All right. Yes, ma'am?

25 MS. FARMER: The State calls Kathy Lance.

1 MS. CASE: Your Honor, our next witness is on the
2 way. She's just right down the road. I'm sure she's
3 parking in the parking lot. She was told not long ago to
4 be here.

5 THE COURT: Okay. Does that mean that we should
6 take a break or does that mean that you think she's
7 actually pulling into the parking lot and she's going to
8 be walking up the stairs or riding the elevator in like
9 two minutes?

10 MS. CASE: I can't speak to exactly where she is.
11 My investigator called her when this last witness
12 started, so she should be very close. But ---

13 THE COURT: That's okay. Let's do just a
14 five-minute recess, use the restroom. I could use a
15 comfort break. But five minutes. Let's find out where
16 she is.

17 MS. CASE: Yes, Your Honor.

18 THE COURT: I'm going to go ahead and excuse the
19 jury. They get to be the first ones that leave.

20 I'll remind y'all not to deliberate while you're on
21 our break.

22 (WHEREUPON, the jury exits the courtroom at 3:06 PM.)

23 THE COURT: How many witnesses do you also have?

24 MS. CASE: Two. Two more.

25 THE COURT: Two. And are these two short witnesses?

1 MS. CASE: Yes, Your Honor.

2 THE COURT: Okay. Go see where she is. I'm just
3 trying to time it so that that way everyone can go to the
4 memorial and have enough time to get over there and park.

5 MS. CASE: If I had to guess, I'd say less than
6 20 minutes for both of them.

7 THE COURT: Okay. So that puts us right at 3:30.

8 (WHEREUPON, a recess is taken at 3:06 PM; the jury
9 entered the courtroom at 3:17 PM.)

10 THE COURT: All right. We have all our members of
11 the jury. Happy for you to call your next witness.

12 MS. FARMER: The State calls Kathy Lance.

13 THE CLERK: Please place your left hand on the Bible
14 and raise your right hand.

15 WHEREUPON,

16 KATHY LANCE

17 After having been duly sworn, testified as follows:

18 THE CLERK: Thank you. Please take a seat and state
19 your name for the record.

20 THE WITNESS: My name's Kathy Lance.

21 DIRECT EXAMINATION

22 BY MS. FARMER:

23 Q Ms. Lance, where do you work?

24 A I work for the Department of Public Safety in
25 Property and Evidence.

1 Q Okay. And what role do you have in Property and
2 Evidence?

3 A I'm an office manager for Property and Evidence.

4 Q How long have you been an office manager?

5 A 13 years.

6 Q What roles and responsibilities come with being an
7 office manager?

8 A We're over taking in evidence and releasing evidence
9 either for out to court or for people that are coming to
10 get property returned to them.

11 Q Can you explain how evidence comes in to Property
12 and Evidence's possession?

13 A When we're there, they come to the counter and turn
14 the evidence in. We take the P&E sheet and sign for the
15 evidence, take it back to our desk and then we put it in
16 the proper places that it goes, make sure that it is
17 labeled correctly, sealed correctly, everything like that
18 to match the P&E sheet. If we're not there after hours,
19 we do have somebody on call all the time. But most of
20 the time it goes into a dropbox or it goes into a locked
21 locker. All this is in camera area and they have all the
22 supplies that they need to do that. If they don't, then
23 they call us in to help them out.

24 Q Can you explain the distinction between if it goes
25 into a dropbox versus if it's handed to you directly?

1 A With a dropbox, they have to sign on the P&E sheet
2 where they're dropping it or what number locker they're
3 putting it into. I go in every morning. I work from
4 seven to 3:30. And in that morning, I will go in and
5 count everything that's in the dropbox and everything
6 that's in all the lockers and everything. Then we take
7 them into the office and different ones of us will work
8 to put those where they need to go.

9 Q Once evidence has been given over to Property and
10 Evidence's possession, how is it stored?

11 A Either in the refrigerator if it needs to be. We
12 have locked vaults for drugs, money, jewelry, firearms,
13 things like that. Other things -- other things will go
14 to shelving for like general evidence which would be like
15 drug paraphernalia, something like that that's not --
16 needs to be in a secure location.

17 Q Who has access to this evidence once it's given over
18 to your possession?

19 A We have keys and we have scan cards that anytime we
20 go in and out of the doors or anything like that, we have
21 to put the card in. Or like when I come in in the
22 morning, I do the card and the key to be able to get into
23 the office.

24 Q Who has access to those keys or those key cards?

25 A Anybody in Property and Evidence. Nobody outside of

1 our department.

2 Q How many employees work for Property and Evidence?

3 A We have seven people including our supervisor.

4 Q Does every piece of evidence that comes into your
5 possession have a barcode?

6 A It does.

7 Q And can you explain the procedure for how that
8 barcode works a little bit?

9 A That barcode, when we put it in, usually it's in
10 like the officer's initials, however many items they
11 have. Like if it was mine, it would be KL-1 through
12 however many pieces of evidence. And then depending on
13 where it needs to go, we put that item on shelf ES-
14 whatever or in the vault or in the drug lab -- drug room
15 or firearms room.

16 Q Is a report made for every piece of evidence that
17 comes into your possession?

18 A It is.

19 Q Is this tracked by a chain of custody?

20 A It is tracked by a chain of custody.

21 Q Is this chain of custody part of your regular
22 business activity?

23 A Yes, ma'am.

24 Q And were you involved with handling evidence that
25 related to this case?

24 (WHEREUPON, State's Exhibit Number 8 was admitted into
25 evidence.)

1 BY MS. FARMER:

2 Q I'll give it back to you and ask you a few
3 questions.

4 Ms. Lance, according to the chain of custody, when
5 did this evidence come in to Property and Evidence?

6 A It looks like two pieces of evidence. Both came in
7 on June 26, 2023 at 11:01. I took it in out of it looks
8 like maybe over the counter.

9 Q Okay. And does it show when the evidence was
10 dropped off at Property and Evidence?

11 A That's when we took possession of it. The time, it
12 doesn't say on here what time that they actually put it
13 in a locker or the dropbox.

14 Q Okay. I'm going to also show you ---

15 MS. HEATH: Your Honor, I'd like to take up a matter
16 of law outside the presence of the jury. Or we could ---

17 THE COURT: Why don't you approach and tell me what
18 the issue is and see if he can do it after we conclude
19 her testimony.

20 (WHEREUPON, a bench conference was held off the record.)

21 THE COURT: I'd like to hear some more of the
22 testimony, so we're going to proceed.

23 BY MS. FARMER:

24 Q Ms. Lance, can you tell me a little bit more about
25 that initial process when evidence comes into your

1 possession? What happens when it comes into your
2 possession in the meantime before somebody at Property
3 and Evidence actually takes it for storage?

4 A It is either put into the dropbox which is a slot
5 that's behind locked doors, or it is either in a locked
6 locker that they put it into.

7 Q Once evidence has been put into any of those
8 sources, can anybody touch it from the outside?

9 A No, ma'am. No, ma'am.

10 Q Okay. And until somebody touches it from Property
11 and Evidence, can it go anywhere?

12 A No, it cannot. Nobody can get to that. There's
13 cameras all over the place. There's locked doors
14 everywhere to get into any of that. Only an employee
15 like myself that goes in every morning at 7 o'clock
16 Monday through Friday, I'm the first one to touch that
17 evidence and bring it in.

18 Now, on the P&E sheet it would have a different
19 time. This is just the chain of custody of when it was
20 entered into the computer.

21 Q How long can evidence be sitting in a dropbox or a
22 locker until somebody comes to gets it from Property and
23 Evidence?

24 A If it's a normal weekend, just Saturday and Sunday.
25 After we close at 5 o'clock or 6 o'clock on Friday

1 Q Okay. And is that standard as part of Property and
2 Evidence's business activity?

3 A Yes, ma'am.

4 Q Okay. I'm also going to -- oh, and does that
5 Property and Evidence report, is that an accurate
6 reflection of the evidence that was dropped off in your
7 possession on June 23, 2023?

8 A Yes, ma'am.

9 Q Okay. Does it appear to have been edited or altered
10 in any way?

11 A No, ma'am.

12 MS. FARMER: Okay. State moves to admit Exhibit 9
13 into evidence.

14 MS. HEATH: No objection.

15 THE COURT: It will be so admitted.

16 (WHEREUPON, State's Exhibit Number 9 was admitted into
17 evidence.)

18 BY MS. FARMER:

19 Q Ms. Lance, I'm also going to show you what has been
20 premarked as State's Exhibit 6. Do you recognize that?

21 A Yes, I do.

22 Q How do you recognize it?

23 A That's my handwriting.

24 Q Okay. And what is it?

25 A This is two drug items that was stored in the drug

1 vault. And the case number and everything is listed on
2 here, so the drugs are inside this envelope.

3 Q Ms. Lance, according to the chain of custody, when
4 did this evidence get checked out by the forensic
5 chemist?

6 A Looking at the chain of custody, 11/9/2023 at
7 3:02:16, Kristen McCall from the drug lab checked it out.

8 Q Okay. And other than the period of time this
9 evidence was checked out by the forensic chemist, had
10 this evidence been in Property and Evidence's possession
11 until this trial?

12 A Yes, it has. It was actually took in on 6/26/23 as
13 I said in the beginning, and then you can see where I
14 moved it to SO Hard Drugs which is a staging lab for
15 sheriff's office hard drugs. It stayed there from 6/26
16 till 11/9 when she come and picked it up.

17 MS. FARMER: No further questions. Thank you.

18 MS. HEATH: No questions for this witness, Your
19 Honor.

20 THE COURT: Thank you, ma'am. You may step down.

21 THE WITNESS: Thank you.

22 MS. CASE: Your Honor, may this witness be excused?

23 THE COURT: Yes, ma'am. Thank you.

24 MS. FARMER: The State calls Kristen McCall.

25 THE CLERK: Please place your left hand on the Bible

1 and raise your right hand.

2 WHEREUPON,

3 KRISTEN MCCALL

4 After having been duly sworn, testified as follows:

5 THE CLERK: Thank you. Please take a seat and state
6 your name for the record.

7 THE WITNESS: Yes, ma'am. Kristen Marie McCall.

8 DIRECT EXAMINATION

9 BY MS. FARMER:

10 Q Ms. McCall, where are you employed?

11 A I work for Greenville County Department of Public
12 Safety Forensics Division.

13 Q What position do you currently hold within the
14 Forensics Division?

15 A I am a forensic chemist.

16 Q And how long have you worked for Greenville County?

17 A I'm going on 11 years.

18 Q What is your educational background?

19 A I have a bachelor's in biology, minor in chemistry
20 and a master's in pharmacogenetics from Manchester School
21 of Pharmacy.

22 Q Do you continue to receive any type of ongoing
23 training?

24 A Yes, ma'am.

25 Q What type of ongoing training?

1 A I just attended an eight-hour SLED class on fentanyl
2 and other deadly drugs. I do a lot of online continuing
3 education classes with CLIC which is Colestant [sic]
4 Laboratory Investigating Chemist, and with SWGDRUG, which
5 is also an illicit drug group.

6 Q What tasks do you perform as a forensic chemist?

7 A So in the area, when people think about forensics,
8 they often think about like CSI and stuff like that. But
9 no. There's very different areas in forensics. You have
10 DNA, you have Property and Evidence who just came in, you
11 have firearms. And I work in the area of drug chemistry,
12 forensic drug chemistry. So an example of some of the
13 cases that I might work, homicide cases, drug
14 investigation cases, officers who pull over people and
15 they bring in evidence. I work those kind of cases. I
16 confirm or not confirm what an officer may suspect that a
17 drug is.

18 Q Have you ever testified in court about the results
19 of your analysis?

20 A Yes. If I am qualified today, it will be my 11th
21 time being qualified as an expert witness.

22 Q In what areas have you been qualified as an expert
23 witness?

24 A Drug -- drug chemistry.

25 Q An expert in drug chemistry?

1 A Yes, ma'am.

2 MS. FARMER: Your Honor, at this time, the State
3 moves to admit this witness in the field of drug
4 chemistry.

5 THE COURT: Any objection?

6 MS. HEATH: No objection, Your Honor.

7 THE COURT: She will be so admitted.

8 BY MS. FARMER:

9 Q Ms. McCall, did you analyze a chemical substance in
10 this case?

11 A In the case, yes. In this case, yes.

12 Q How did you obtain the substance that you analyzed
13 or how do you generally obtain a substance that you need
14 to analyze?

15 A So the woman who came to me before, she works in
16 Property and Evidence. So when the officers come in,
17 they submit all their evidence to Property and Evidence.
18 And so they have to fill out a drug lab request to get it
19 analyzed. And I go down to Kathy, and I say, Kathy, can
20 I have some cases? And she gives me like a load of
21 cases. Like there's like 50 or 60 cases. I don't know
22 any of the back story of the cases. I don't know any of
23 the subjects on the cases. I just work it as is because
24 forensics is just a neutral party. We just look at the
25 facts.

1 And so in my area, I bring it into the lab and I do
2 a presumptive test on it which is a chemical test. So it
3 will give me a color so I know what I'm looking at. And
4 then from there, I go to a confirmatory test.

5 So we have two confirmatory tests which is an FTIR,
6 Fourier Transferred [sic] Infarad Spectroscopy and a
7 GS-MS, gas chromatograph mass spectrometry. And so
8 basically, what those two instruments do is they can tell
9 me what I'm looking at. The FTIR is only good for pure
10 substances. But what the problem is is what many times
11 people do is they like to cut their substances to make
12 more money off of it. So if this is your pure substance,
13 many people will put like baby formula I've seen, I've
14 seen an antifungal in there, I've seen drywall. Then I
15 can't see what that main ingredient is and that's where I
16 would take it to the GC-MS where the GC-MS can actually
17 separate that out and I could see what it is.

18 Q Once you bring evidence into testing, you say you
19 bring about 50 pieces at a time. How do you store those
20 pieces once they come into the lab?

21 A Everybody has their own locker to store all the
22 evidence in. So I check to make sure what P&E has put in
23 my custody is in that envelope. Because once that bar
24 code is scanned, that's under my name. So I don't want
25 anything missing or anything tampered with.

1 So then after I analyze my substances come in my
2 possession, I write a report on it and I send it out for
3 peer review. And that's where my other drug chemists
4 look over my work and say, hey, I don't know about this
5 or they agree on it. But I also make sure when I analyze
6 it, I take it out of any packaging because I just want
7 the net weight on that, because especially when the area
8 of drug chemistry, the weight is what's very important
9 with your charge.

10 Q You mentioned your report. Do you make a report on
11 every piece of evidence that you test?

12 A On every piece -- on every case that I test, yes.
13 Uh-huh.

14 Q And are the results -- or are those reports a part
15 of your regular business activity in the lab?

16 A Yes. Once we make a report, it goes up to records.
17 And then whoever wants a copy of it, solicitors or
18 anybody, then we send them out.

19 Q And are these reports peer reviewed?

20 A Yes. By -- uh-huh. Or they don't go out.

21 (WHEREUPON, State's Exhibit Number 10 was marked for
22 identification.)

23 BY MS. FARMER:

24 Q Ms. McCall, I'm going to show you what's been
25 premarked as State's Exhibit 10. Do you recognize it?

1 A Yes, ma'am.

2 Q How do you recognize it?

3 A Because of my signature on the bottom of the report.

4 Q Okay. And what is it?

5 A This looks like a drug analysis report, a finished
6 peer-review report that got sent out.

7 Q Okay. And does it appear to be the report for this
8 case today?

9 A For case ending in 101829.

10 Q Okay. When did you check the substance in this case
11 based off of your report to bring to the lab for testing?

12 A When did I check it out?

13 Q Uh-huh.

14 A Okay. Let me get -- pull --- I have a date received
15 of 11/09, and then I have another date received of 12/12.

16 Q Okay. Once again, show you what's been premarked as
17 State's Exhibit 6. Do you recognize that?

18 A Yes.

19 Q Okay. What is it?

20 A This is one of the -- this is an example of an
21 envelope that I would pull from Property and Evidence.
22 When I say they give me cases, this is what they all look
23 like.

24 Q Okay. And how do you recognize those items?

25 A Am I allowed to pull them out?

1 Q Please look inside.

2 A Okay. I'm going to use this bag because I don't
3 know if I can show the evidence.

4 When we get the evidence in here, it's usually
5 sealed from the officer to make sure that it has not been
6 tampered with when it goes down to Property and Evidence.
7 If that seal was broken, I take it back because that is
8 the integrity of the evidence has been tampered with.

9 So when I make sure the seal was closed, then I will
10 open it with my own and I will pull the substance out.
11 And then after I get finished working with it, I will
12 reseal it with my date and my initials.

13 Q So looking inside that -- looking inside the ---

14 A Can I bring this out?

15 Q Yeah. Without showing the jury.

16 A Okay.

17 Q Can you tell me what's inside?

18 A Okay. Looking inside, it looks like I have two bags
19 containing a crystal substance, and then I have my
20 initials of -- the date and my initials.

21 Q Do you always initial any evidence that you are
22 testing?

23 A Yes.

24 Q Did the items that you are looking at in State's
25 Exhibit 6, do they appear to be in the same condition as

1 containing crystal substance, 28.17 grams methamphetamine
2 found. Then DE-2A was a rock substance, 0.24 grams. And
3 that was cocaine base, commonly known as crack.

4 MS. FARMER: One moment Your Honor.

5 No further questions. Please answer any questions
6 the defense has.

7 THE WITNESS: Okay.

8 MS. HEATH: No questions for this witness, Your
9 Honor.

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

11 THE WITNESS: All right. Thank you, ma'am.

12 MS. FARMER: Your Honor at this time, the State
13 rests.

14 THE COURT: All right. I think that for at least
15 our jurors, I'd like to handle some legal matters. It's
16 almost 4 o'clock I think the best course of action to be
17 is to let y'all go home, beat 5 o'clock traffic. It
18 might take us a little bit of time. I don't want y'all
19 sitting back there. I told you I wasn't going to make
20 you wait. And have you come on back in the morning.

21 I'm going to have you retire to the jury room. I'm
22 going to remind you not to deliberate, and tonight when
23 you're home with your families not to discuss this case
24 or do any independent research, follow my preliminary
25 instructions.

1 But before I have Ron set y'all free, let me talk
2 with the attorneys about what time to start. I'm kind of
3 leaning towards like a 9:30 start time because then I
4 think we'll be out by about midmorning, they'll finish
5 the case, I think, and then y'all could start
6 deliberating. But let me just confirm and make sure we
7 don't need to handle something first thing in the
8 morning, all right? So it will just be a couple minutes.
9 And then I'll have Ron just bring you back to the jury
10 room and he'll go back and tell you what time to start
11 tomorrow morning.

12 (WHEREUPON, the jury exits the courtroom at 3:41 PM.)

13 THE COURT: All right. I'm not going to make them
14 wait too long and I know that you may have a motion to
15 make. How does a 9:30 start time sound?

16 MS. CASE: That works for us.

17 MS. HEATH: That's good, Your Honor.

18 THE COURT: Okay. Will you let Ron know let's do
19 9:30 and then they are free to go.

20 All right. Happy to hear from you.

21 MS. HEATH: Yes, Your Honor. Motion for a directed
22 verdict. Your Honor, when we look at the statute
23 specifically pertaining to the trafficking, we're
24 referring to Section 44-53-375. When we look at this
25 statute, I think that the main word in there that we're

1 looking at is "knowingly" which goes to the intent. Our
2 position is that the State has failed to prove that
3 Mr. Overman knowingly possessed, delivered -- I can go
4 through the entire wording of the statute, Your Honor,
5 but I will keep it very brief. I don't think that the
6 State has proven that Mr. Overman knowingly or intended
7 to possess or et cetera these illegal substances. As a
8 matter of fact, the State has failed to prove, in my
9 opinion, that Mr. Overman was even inside the vehicle.
10 There is no footage that's been provided. There's just
11 officer's testimony. And so proving actual, constructive
12 possession, I don't think that the State has met that
13 burden of proof as well, Your Honor.

14 THE COURT: Yes, ma'am.

15 MS. CASE: Your Honor, officer testimony is evidence
16 in this case. And in all cases, officer testimony is
17 evidence. They testified that he was driving the car.
18 He was the only occupant in the car. For a directed
19 verdict, the Court has to view the light most favorable
20 to the State as the nonmoving party. I think there's
21 plenty of evidence to show that Mr. Overman was in
22 possession of the drugs, he knew they were there based on
23 the jail call that was played, based on the statements he
24 made to Deputy Frazile. And viewing the evidence in the
25 light most favorable to the State, I believe there's

1 enough to get it to a jury.

2 THE COURT: And I agree, respectfully. There's
3 enough here for it to go to the jury based on the facts
4 and circumstances and the evidence we've heard here
5 today.

6 MS. HEATH: Yes, Your Honor.

7 THE COURT: I'm going to let them decide.

8 Okay. All right. So now let's talk about do you
9 need additional time to talk with Mr. Overman about
10 whether or not he's going to testify or present any ---

11 MS. HEATH: We don't need additional time, Your
12 Honor.

13 THE COURT: Do you want me to address him now or do
14 you want me to wait and do it in the morning?

15 MS. HEATH: Whatever you prefer, Your Honor.

16 THE COURT: All right. Well, then let's wait and
17 we'll do it in the morning just to make sure.

18 Here's my next question is, is we didn't finish
19 today and so that means we're going home tonight
20 potentially and I need to address Mr. Overman's bond.
21 Based on the nature of the charge and the amount of time
22 he's looking at, does the State have a position? Tell me
23 how he's been doing out while he's been out on bond.

24 MS. CASE: He has been rearrested since this
25 incident. I will be honest, he's shown up Monday and

1 Tuesday and Wednesday, but we're getting closer to the
2 end of it. And you know what he's facing so I'll leave
3 it in the Court's discretion.

4 THE COURT: Yes, ma'am.

5 MS. HEATH: Your Honor, Mr. Overman's living in a
6 sober living community. He's taken multiple breaks using
7 the restroom. If Mr. Overman was going to flee, he would
8 have done so by now.

9 THE COURT: Where is he staying right now?

10 MR. HEATH: Your Honor, if I may?

11 THE COURT: Yes, sir.

12 MR. HEATH: My name's Greg Heath. I'm here on
13 behalf of Solutions Recovery. We've received Mr. Overman
14 in the program a couple months ago.

15 THE COURT: Is he staying with y'all?

16 MR. HEATH: Yes, ma'am. [REDACTED] Lowndes Hill Road. We
17 have 180 men on property.

18 MS. HEATH: And, Your Honor, he could always be
19 placed on a -- well, he is on an ankle monitor currently,
20 so the State's aware of where he's at at all times.

21 MS. CASE: He has absconded while on home
22 incarceration or while he's been on the ankle monitor.

23 THE COURT: He's what? I'm sorry.

24 MS. CASE: He has absconded while he's been on the
25 GPS. I want the Court to be aware of that.

1 MS. HEATH: Your Honor, I'll stay silent on that,
2 Your Honor. The fact of the matter is, if he was going
3 to flee, he would have done so by now. He's on the ankle
4 monitor. He's at the sober living community. There's
5 over a hundred men watching him. Mr. Overman is not
6 going anywhere. The fact of the matter is, he still has
7 a presumption of innocence. He has not been found
8 guilty.

9 THE COURT: I know.

10 Mr. Overman, I'm going to take a chance on you. If
11 you don't show up tomorrow, I'm not stopping this trial.
12 I'm going to keep going in your absence.

13 DEFENDANT OVERMAN: Ma'am, you have nothing to worry
14 about.

15 THE COURT: All right. I want you here at 9:30.

16 DEFENDANT OVERMAN: Yes, ma'am.

17 THE COURT: We are starting right on time.

18 DEFENDANT OVERMAN: Okay.

19 THE COURT: Otherwise, don't let me down on this
20 one.

21 DEFENDANT OVERMAN: Don't worry, ma'am.

22 THE COURT: Because you'll ruin it for every other
23 person in your position. And if you want to go home
24 tonight and be able to be at the place that's been
25 helping you, get an ankle monitor but not cut it off.

1 He's on GPS. If he wasn't, I'd probably take him into
2 custody. And he's got some people here that stayed all
3 day long to support you. And I'm familiar with this
4 organization. It's a good organization.

5 DEFENDANT OVERMAN: Yes, it is.

6 THE COURT: So I'm going to leave him out on bond.

7 MS. HEATH: Thank you, Your Honor.

8 DEFENDANT OVERMAN: Thank you, ma'am.

9 THE COURT: You're welcome. Don't let me down,
10 Mr. Overman.

11 DEFENDANT OVERMAN: No, ma'am.

12 THE COURT: Okay. All right. So for counsel, I'm
13 going to hand y'all -- it's a rough draft. I need to
14 read through it one more time. I may see some typos.
15 But I at least want to give you something. Take a look
16 at it. And that way, if you have something in addition,
17 you can easily email it to me or -- and if you both agree
18 on, you know, that it's fine, I basically -- listen, I
19 don't mind saying I basically plagiarized Judge Gravely
20 and asked her just to pull out what was relevant and I
21 started doing a skim read of everything. I made a few
22 changes but nothing that was super substantive, just
23 based on what I was anticipating in the trial. Okay?

24 MS. HEATH: Yes, Your Honor.

25 MS. CASE: Sounds fine.

1 THE COURT: Anything else we need to address before
2 we adjourn? So that way y'all can go to the memorial
3 service if you want to go to the memorial service.

4 MS. CASE: I don't think so from the State.

5 MS. HEATH: Nothing further from defense, Your
6 Honor.

7 THE COURT: All right. Then just before y'all
8 leave, just make sure we have all the exhibits and that
9 way we're not trying to track them down. And then y'all
10 are free to go and we'll see you bright and early in the
11 morning.

12 (WHEREUPON, proceedings recessed at 3:48 PM, to be
13 reconvened on December 5, 2024.)

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1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF GREENVILLE)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Greenville County, South Carolina,
14 on the 4th day of December, 2024.

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

17
18 May 19, 2025

19
20
21 Cheryl A. Smith

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

) COURT OF GENERAL SESSIONS
)
) THIRTEENTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA
VS.
ANTHONY RAY OVERMAN

) NO. 2024-GS-23-02558
) 2024-GS-23-02559
)
) TRANSCRIPT OF RECORD
)
) Jury Trial - Day II of II
) Pages 166 - 204

B E F O R E:

THE HONORABLE JESSICA ANN SALVINI, JUDGE, AND A JURY

DATE: December 5, 2024
Greenville, South Carolina

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

SYDNEY L. CASE, ESQUIRE, ASSISTANT SOLICITOR
KRISTEN A. FARMER, ESQUIRE, ASSISTANT SOLICITOR

Attorneys for the State

NEKEDIA A. HEATH, ESQUIRE

Attorney for the Defendant

Reported by: Cathy J. Provost, RMR, Official Court Reporter

INDEXESPAGE:

Defendant sworn in	168
Defendant's Fifth Amendment Rights	168-169
Closing Statements:	
For the State, by Ass't. Solicitor Case	171
For the Defense, by Attorney Heath	179
Jury Charge	185-195
Jury question(s)	195,197
Verdict	198
Statement(s) given during sentencing:	
William Breakey	200-202
Sentence of the Court	203
Certificate(s) of Reporter	204

INDEX TO WITNESSES

(No witnesses called.)

INDEX TO EXHIBITSIDENTIFIED:COURT'S EXHIBITS:

2 - Jury note (constructive possession)	195
3 - Jury note (view State's Exhibit 6)	197

 COURT REPORTER LEGEND:

dash -- intentional/purposeful interruption; change in thought
 ellipses ... trailing off
 [ph] phonetically written
 [sic] written as said
 [indiscernible] unable to be discern

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

2 (Court called to order.)

3 THE COURT: All right, ladies, have you had a chance to take
4 a look at the jury instructions?

5 ASS'T. SOLICITOR CASE: I have, Your Honor. The State has
6 no objection to what you have.

7 ATTORNEY HEATH: No objection, Your Honor.

8 THE COURT: No changes or additions?

9 ASS'T. SOLICITOR CASE: No, Your Honor.

10 ATTORNEY HEATH: No, Your Honor.

11 THE COURT: Yeah, they're pretty standard. I just kind of
12 plagiarized from Judge Gravely so hopefully he got it right, but
13 I proofread it and it looks good. Okay.

14 Verdict form looks good to you allas well?

15 ASS'T. SOLICITOR CASE: Yes, Your Honor.

16 ATTORNEY HEATH: Yes, Your Honor.

17 THE COURT: Okay, wonderful. All right. So let's talk
18 about where we are. Have you had a chance to speak with
19 Mr. Overman about testifying?

20 ATTORNEY HEATH: I have, Your Honor.

21 THE COURT: Has he made a decision?

22 ATTORNEY HEATH: He has, Your Honor.

23 THE COURT: Does he plan to testify?

24 ATTORNEY HEATH: He does not, Your Honor.

25 THE COURT: Mr. Overman, will you stand up for me. I just

1 want to ask you a few questions.

2 DEFENDANT, ANTHONY RAY OVERMAN, SWORN IN

3 THE COURT: You've had enough time to speak with your
4 attorney about making a decision about whether or not you plan to
5 testify here today?

6 THE DEFENDANT: Yes.

7 THE COURT: She answered all of your questions?

8 THE DEFENDANT: Yes.

9 THE COURT: And she's telling me that you made the decision
10 not to testify; is that correct?

11 THE DEFENDANT: Right.

12 THE COURT: Do you have any questions for her or me about
13 that decision?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Do you feel forced, threatened, or coerced not
16 to testify?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: You're doing this freely and voluntarily --

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: -- with enough information?

21 THE DEFENDANT: No.

22 THE COURT: You have enough information to make that
23 decision?

24 THE DEFENDANT: Yes, I have enough. Yeah.

25 THE COURT: Anything additional questions you want to ask

1 him or anything you want to put on the record?

2 ATTORNEY HEATH: No, Your Honor.

3 THE COURT: So I find that he understands exactly what he's
4 doing; that he's made this decision of his own free will; and I
5 accept that. All right.

6 Plan to call any witnesses?

7 ATTORNEY HEATH: No, Your Honor.

8 THE COURT: All right. Are we ready then to bring the jury
9 in and start with close?

10 ASS'T. SOLICITOR CASE: Your Honor, I do have just one
11 housekeeping.

12 THE COURT: Sure. Mr. Overman, you can have a seat for me.
13 Thank you. I just wanted to make sure you understood what you
14 were doing.

15 Yes, ma'am.

16 ASS'T. SOLICITOR CASE: I'd just ask that the Court instruct
17 both sides that there should be no mention of punishment in this
18 case. I know it's come up already, and it's improper for the
19 jury to hear, and I just ask that it not be said in closing.

20 THE COURT: All right. No mention of punishment, sentencing
21 range. You can talk about how serious it is but no punishment
22 whatsoever.

23 ATTORNEY HEATH: Absolutely, Your Honor.

24 THE COURT: All right.

25 ASS'T. SOLICITOR CASE: Your Honor, my officers text me.

1 They said they're pulling in the parking lot probably three
2 minutes ago. Is there any way we can wait for them to get up
3 here before we close the doors?

4 THE COURT: Sure, but you should -- I'll tell you this, you
5 all. I will always be on time. If I'm not on time, then you
6 better tell the bailiffs to come find me somewhere, get in touch
7 with my ladies here, because I will always be in this chair right
8 at 9:30 unless there's an emergency.

9 ASS'T. SOLICITOR CASE: I do apologize.

10 THE COURT: No. It's okay.

11 ASS'T. SOLICITOR CASE: I love timeliness, so --

12 THE COURT: No. It's okay. I just -- think our jurors will
13 be all right to wait three minutes. But I will say if we hit
14 9:35, 9:40, I'm locking the door and they're just going to have
15 to stay outside and not watch closing.

16 ASS'T. SOLICITOR CASE: Okay.

17 ATTORNEY HEATH: Your Honor, I'd like to take this moment
18 just to renew all pretrial motions.

19 THE COURT: And thank you. So that your record's protected.
20 And based on my previous rulings, those will remain intact for
21 the same reasons we previously discussed, but now you protected
22 your record for appeal.

23 ATTORNEY HEATH: Thank you, Your Honor.

24 THE COURT: All right. Do we have everyone here?

25 ASS'T. SOLICITOR CASE: Yes, Your Honor. Thank you.

1 THE COURT: All right, Ron. I'm ready.

2 ASS'T. SOLICITOR CASE: And I'll be using the screen.

3 THE COURT: Okay. Let's make sure that we've got booted up.
4 But I'm not going to start it until you actually let Lauren, my
5 law clerk, know that you're ready, because if I start the screen
6 now it will show whatever's on your laptop.

7 ASS'T. SOLICITOR CASE: Yes, ma'am.

8 (Jury seated in the courtroom at 9:35 a.m.)

9 THE COURT: All right. Good morning, ladies and gentlemen.
10 Welcome back. We are going to proceed forward now with closing
11 arguments from both attorneys as you have now received all of the
12 evidence. Once each attorney has had an opportunity to address
13 you all, then I'm going to charge you on the law, and you'll be
14 able to begin your deliberation. All right.

15 So, yes, ma'am.

16 ASS'T. SOLICITOR CASE: Thank you, Your Honor.

17 THE COURT: You tell me when you're ready.

18 ASS'T. SOLICITOR CASE: I'm ready.

19 THE COURT: Okay.

20 ASS'T. SOLICITOR CASE: Good morning, ladies and gentlemen.
21 First off I want to thank you all for being very attentive this
22 week. You've all been listening, and we, I know the State
23 appreciates it, as well as the defense.

24 You all know now that we're here because the Defendant's
25 been charged with three crimes; driving under suspension,

1 possession of cocaine base, and trafficking methamphetamine.

2 Now, as the State, we have the burden of proof. What that
3 means is we have to prove to you beyond a reasonable doubt the
4 defendant's guilty of all the crimes he's been charged with.
5 Now, proof beyond a reasonable doubt is not proof beyond all
6 doubt. It doesn't mean 100 percent. There are very few things
7 in life that you know with absolute certainty. What it means is
8 that, after all the evidence, if you left firmly convinced of the
9 defendant's guilt, then that's proof beyond a reasonable doubt.
10 So that's what I want you to hold on to, firmly convinced.

11 So I'm going to go over the law with you. The first thing
12 we're going to do is driving under suspension. That's just like
13 what it sounds like. Was the defendant driving on a public
14 roadway while his license was suspended.

15 You heard from Deputy Eppes. He got on the stand. He told
16 you that he saw the defendant driving down some highway in the
17 Piedmont area. The Defendant sees Deputy Eppes and he acts a
18 little suspicious, he leans forward, leans back, keeps driving.
19 Deputy Eppes takes notice of this and gets behind him and runs
20 his tag. It takes a minute to come back.

21 And the defendant pulls into the gas station, and that's
22 when the tag comes back, he finds out that the car is not
23 registered, and gets out, sees that he goes into the gas station,
24 and waits for him to come out. He then sees the defendant come
25 out of the gas station, sees law enforcement there, and go back

1 inside. So they wait a minute, and then they go in. They ask
2 for his ID because he saw him driving on the record, the tag
3 wasn't registered anymore, so he gets his ID and he runs it.
4 Like he said, he went back to his car and he saw that it was --
5 he explained, the ID versus the driver's license -- it wasn't an
6 actual driver's license, which kinds of gives him notice like,
7 Okay, maybe there's something going on; I need to look into this,
8 so he runs his ID, and Mr. Overman's license is suspended. So at
9 this point he can't get back in that car. He's the only one that
10 was driving it. He's in the gas station.

11 So the next step, they all told you that they had to tow the
12 car. It did not matter if the owner that Mr. Overman said, the
13 man he said owned the car, that he was in the process of buying
14 it, you know, he was paying \$3,000 for it. If he was in the
15 passenger's seat he couldn't have driven the car away either. It
16 was not registered. It could not go back on the road.

17 So that's when they do the inventory search, because I know
18 they give you some exaggerated examples if there was a body in
19 the back. Well, that's a bit of an exaggeration. But if there
20 were, they need to know about it, just like they need to know
21 whether or not there's high-value items in the car so they can
22 cover their basis whether or not -- so somebody later can't come
23 back and say, you know, they stole something out of the car. So
24 they're listing the items found. They're making sure nothing is
25 illegal because that car has to be towed, cannot go back on the

1 roadway. All right.

2 So are you firmly convinced he was driving the car on the
3 roadway while his license was suspended.

4 So next we're going to go over possession of cocaine base.
5 Again, this one is just like what it sounds like. Was the
6 defendant in possession of a substance that was cocaine base.

7 You heard from the lab technician the crack, which is also
8 cocaine base, that was found in the car in the little white
9 container in the driver door panel. I don't know what you all
10 keep in there, but I had to stop and get gas this morning, that's
11 where I keep my hand sanitizer. I always get my hand sanitizer
12 after I get gas, right there, in my reach, in my control.

13 So substance, cocaine base, you heard from the lab
14 technician, Crystal McCall, that it was cocaine base. She tested
15 it. It came back as .24 grams of cocaine base.

16 So the second element is possession, whether or not the
17 defendant had possession of that cocaine base. Possession can be
18 actual or constructive. We're not worried about actual here,
19 that's when it's in somebody's pocket. You all know that's not
20 what happened in this case. It wasn't found in his pocket; it
21 was found in the car he was driving, sole occupant of the car.

22 Now, constructive possession is when somebody has dominion
23 or control. What that means is they have the right to control
24 the drugs, they had the ability to pick them up and move and do
25 what they want to with them. Mr. Overman was in the car. The

1 crack was found in the door jam. He had the ability to control
2 it. He knew it was there. I'll get a little bit more into
3 knowledge in a minute. We have to prove that he knew that it was
4 there. So that's really all possession of cocaine base is, he
5 was in possession of cocaine base, and it can be constructive.
6 He knew it was there. He had the ability to control it.

7 Now let's go to trafficking. All right. So the Judge is
8 going to read you a very, very long thing with a lot of words in
9 it about the law on trafficking. I put it on here because I was
10 to focus in on exactly what we're looking at here. She's going
11 to read a lot of things. Trafficking can be the selling,
12 manufacturing, delivering, purchasing, lots of words. A lot of
13 people think of trafficking as speedboats in Miami, cartels.
14 Doesn't have to be -- it can be that, but it doesn't have to be
15 that. In South Carolina trafficking is just the word we use to
16 define this crime.

17 What we are focusing on is what I highlighted and
18 underlined, whether or not the defendant was in knowing, actual
19 constructive possession of more than 28 grams but less than
20 100 grams of meth, so I broke that down for you.

21 It's the exact same thing as the possession of cocaine base
22 with just one more element. The substance that he was in
23 possession of was meth. That possession can be actual or
24 constructive. Again, not actual, it was not in his pocket.
25 Constructive. Did he have dominion and control over it. It was

1 in the passenger's seat in between the center console sticking up
2 in the passenger seat right within his reach. He did have the
3 ability to control it. Now we're just looking at whether or not
4 he knew it was there.

5 The only additional element is the weight, did it weigh
6 between 28 and 100 grams. You heard Crystal McCall talk about
7 the meth. She said that she tested it. It came back as
8 methamphetamine. There were two separate bags. I know you all
9 probably have been waiting to see it, so here it is, two bags of
10 meth. These were both the bags that were found. And while I
11 have that out, I'll go ahead and show you. This is what was
12 found in that little white -- that's crack. So two bags of meth.
13 She tested both of them.

14 DE-1, you know the officer said they label it by their first
15 and last initial, and then each piece of evidence gets a number,
16 so DE-1, 25.20 grams. You heard Crystal McCall. She weighed it,
17 25.20 grams of meth. Second bag, DE-1A and 1B, is what they are.
18 DE-1B, 28.17 grams of meth, so well over 28 grams when you add
19 them both together. A little bit around 55 grams is what it is.

20 All right. So again, it's just possession of a substance
21 between 28 and 100 grams.

22 So now let's talk a little bit about possession and
23 knowledge. So you see where it was found, the meth. It was in
24 between the center console and the passenger's seat. If you look
25 down at the passenger's seat, you see that pack of cigarettes. I

1 don't know if you heard. You all are going to be able to watch
2 all the videos that were played. I know that I skipped around a
3 little bit, but the entirety of those videos are in evidence.
4 You can go back and watch whatever you want.

5 When Deputy Frazile was talking to him about inventorying
6 and what was in the car, he asked Can I have a cigarette, and
7 Frazile says, Hold on, because he's filling out the tow sheet.
8 Mr. Overman smokes cigarettes. This cigarette package was found
9 in the passenger's seat with -- I don't know if you can see it,
10 but beside that white piece of paper is that stem they were
11 talking about. And this is later in the video after he's taken
12 it out of that cigarette pack. That stem was in that cigarette
13 pack. So what is used to smoke crack and meth, you heard Deputy
14 McConnell explain that, was in the cigarette pack that was in the
15 passenger's seat right next to the meth.

16 Also, when you're watching the bodycam -- and it was played,
17 Deputy Frazile's bodycam -- in front of the speedometer she picks
18 up another pack of the exact same brand of cigarettes right in
19 front of the driver's steering wheel.

20 Also, in the little M&M container that he had there was a
21 Newport cigarette pack folded up in that with a stem in that, as
22 well, on the driver's side area. So in the car you have his
23 Newport cigarette packs that we know Mr. Overman smokes. Within
24 two of those packs we have a thing used to smoke the drugs that
25 were found in the vehicle.

1 Let's go back to Deputy Frazile doing an inventory search,
2 when he's filling out this tow sheet. Mr. Overman is standing at
3 the back of the car. Deputy Frazile walks up to him, he's
4 looking in the trunk, and he says, What's this in here, and
5 Mr. Overman says, That's a compressor, and Deputy Frazile says,
6 what kind; what is it, and he says It's a 15-gallon compressor.
7 So he knew exactly what was in the trunk of this car, but the
8 defense wants you to believe that he didn't know what was right
9 beside him in the vehicle.

10 Then you heard Deputy Frazile ask him Where were you coming
11 from. He says Anderson. Then Deputy Frazile says Is that where
12 you got the stuff, and he says Yeah.

13 Ladies and gentlemen, it's common sense. We all know Deputy
14 Frazile wasn't asking about the compressor at that point. He
15 doesn't care about where he got the compressor. We all know the
16 Defendant knew that he was talking about the methamphetamine that
17 they had been weighing and accounting while he was standing
18 there.

19 And if that's not enough to leave you firmly convinced the
20 defendant knew those drugs were there, let's listen to his own
21 words. Sorry. Just bear with us. The computers are not as fast
22 as they should be. And you all heard that. When Charles Moore
23 got on the stand, it tells them it's being recorded. They know.
24 They have a pen.

25 (Video played.)

1 ASS'T. SOLICITOR CASE: Okay. Somebody sold on me.
2 Somebody told on me. I can't tell if he said told or sold but,
3 regardless, somebody told on me. What was there to tell on if
4 you didn't know that you had two ounces, like he said, of meth in
5 the car. He knew it was there, and he just told you. Thank you.

6 THE COURT: All right. Ms. Heath.

7 ATTORNEY HEATH: Ladies and gentlemen of the jury, I'd also
8 like to thank you for your time and your attention this past day.
9 It's very important, also to the State, and to Mr. Overman as
10 well.

11 This is not my car. Mr. Overman repeatedly told law
12 enforcement this. Mr. Overman was calm, respectful, answered
13 every question that was asked of him, but he stood firm on This
14 is not my car. And guess what? It wasn't. He told the truth.
15 It wasn't his car. I wonder what else Mr. Overman was telling
16 the truth about.

17 The State just went into some of the elements of the
18 offenses that Mr. Overman is charged with, but here in a moment
19 the Judge is going to give you your jury charges. These charges
20 are also going to go into detail about the law and what you have
21 to find that the State has proven to you beyond a reasonable
22 doubt in order to find Mr. Overman guilty.

23 I want you to focus on the trafficking because that's the
24 most serious offense that Mr. Overman's charged with today. One
25 of the essential elements in trafficking is knowing. Essentially

1 the State has to prove to you beyond a reasonable doubt that
2 Mr. Overman knew that these drugs were in the car.

3 So let's talk about what the State has proven to you. There
4 were drugs found in the car. No doubt about it. Here's the
5 cocaine base. Here's the meth. But Mr. Overman continuously
6 stated This is not my car. I am not consenting to a search. I
7 am not telling you that anything in the vehicle is mine because
8 it's not, it's not my car. Mr. Overman gave the owner's name of
9 the vehicle. Deputy Eppes was also able to also, in fact, look
10 up the owner's name of the vehicle. Didn't get in contact with
11 him. In fact, on cross-examination I asked Deputy Eppes Wouldn't
12 it have been important to get in contact with this officer to
13 confirm whether or not Mr. Overman is being honest with you? He
14 said he could have, but he also said it wasn't important; it
15 wasn't important.

16 This jail call that the State just played, let's talk about
17 it a little bit. They got me on a humbug. Somebody told on me,
18 or somebody sold on me. Can't make a difference -- can't really
19 hear what he's saying. The State asked Deputy Eppes and
20 McDonnell on direct examination, What is a humbug? He couldn't
21 tell you what a humbug is. I can.

22 When Mr. Overman said They got me on a humbug, what
23 Mr. Overman was saying is they pulled me over for something
24 silly; they pulled me over because somebody told on me, that I
25 was driving without a license; they got me on a humbug; they

1 pulled me over because somebody told that I was driving while
2 under suspension; they got me on a humbug because someone told on
3 me that I'm driving with a tag that's not matching the vehicle;
4 they got me on a humbug; somebody told on me.

5 This call does not prove that Mr. Overman knew that there
6 was drugs in this vehicle. They got me on a humbug; somebody
7 told on me. That does not say Someone told on me; someone told
8 that I had drugs in the vehicle. The State wants you to
9 interpret that call as that, but that is not what the call is
10 saying; it's not what Mr. Overman said.

11 Let's talk for a moment about Deputy Frazile's testimony and
12 his body-worn camera footage. He's going through the vehicle
13 that, again, is not Mr. Overman's vehicle, and he's going through
14 the trunk, going through inventory, and he asks Mr. Overman about
15 some of the items in the trunk. The State just told you that one
16 of the items that was asked of Mr. Overman is the generator, he
17 asked about the gallon size. Mr. Overman was able to confirm
18 it's a 15-gallon. And soon thereafter he asks Mr. Overman Where
19 did you come from? Mr. Overman says Anderson. Deputy Frazile
20 then says Is that where you got the stuff from? When Deputy
21 Frazile asked him this, it is easy, it was easy, for Mr. Overman
22 to say yes because he had literally just asked him about items in
23 the vehicle. Is that where you got this stuff from, the stuff in
24 the vehicle? Is that where you got this stuff from?

25 On cross I asked Deputy Frazile, You could have clarified

1 what you were meaning by the stuff. You could have followed up
2 with Mr. Overman when he said yes. The stuff, is that where you
3 got the drugs from, is the container, the white container that
4 the crack was found in, is that where you got the crack from?
5 The meth, the game console container that the meth was found in,
6 is that where you got that from? He did not clarify that. And
7 he told you that on cross-examination. So when Deputy Frazile
8 asked Mr. Overman Is that where you got the stuff from, it was
9 easy for Mr. Overman to say yes, to interpret that Deputy Frazile
10 is talking about the items in the trunk.

11 Now, the State has told you that they have the burden of
12 proof of proving to you beyond a reasonable doubt that
13 Mr. Overman is guilty of driving under the -- driving with --
14 driving under suspension, possession of crack or cocaine base,
15 and trafficking, traffic methamphetamine, 28 to 100 grams, 28 but
16 less than 100 grams. They have that burden of proof.
17 Mr. Overman does not have to prove anything today. It's their
18 job.

19 Now, when we talk about an investigation, we're talking
20 about covering all basis, right. Deputy Eppes, Officer Eppes,
21 was the lead officer in this case. He told that you on the
22 stand. He told you that he had full authority to take this case
23 wherever it needed to go. He knew the owner of the vehicle. It
24 could have been as simple as giving this owner a call to confirm
25 or deny Mr. Overman's story about test-driving the vehicle, about

1 whether the items in the vehicle were his.

2 One of the officers testified on the stand that the car was
3 full of junk. It could have been a simple phone call, less than
4 five minutes, folks, to call the owner and ask them, Hey, is this
5 your vehicle? The items in this vehicle, is it yours or
6 Mr. Overman's? It would have been less than five minutes right
7 there on the scene. But what did he tell you? It was not
8 important.

9 What was important to Deputy Eppes at the time was
10 confirming whether these drugs were, in fact, illegal. Filled
11 out the form to submit it to the analyst to determine whether it
12 was drugs or not. That was important to him. But it wasn't
13 important to him to confirm Mr. Overman's story and simply
14 complete a form to determine if Mr. Overman' DNA was on these
15 items.

16 It could have been as simple as submitting these items that
17 the drugs were found in, this white container that this crack
18 cocaine, or the cocaine base, was found in, submitting the game
19 console that the meth was found in, submitting that and getting
20 it tested, that would have solidified this case. It would have
21 proven to you today beyond a reasonable doubt that Mr. Overman
22 was, in fact, guilty of trafficking methamphetamine. But you
23 know what he told you? Not important.

24 You know, we're asked constantly to depend on law
25 enforcement to protect us, but what law enforcement is telling us

1 here today is that investigating to the fullest extent is not
2 important, it's simply not important.

3 If you're sitting here right now with questions about
4 whether Mr. Overman knew, if you're not firmly convinced that
5 Mr. Overman knew that these drugs were in a vehicle that he was
6 test-driving from a friend that he thought he knew and he could
7 trust, if you're sitting here still questioning that, the State
8 has not met their burden of proof and we're going to ask you to
9 find Mr. Overman not guilty. Thank you.

10 THE COURT: All right. Thank you, ladies. All right,
11 ladies and gentlemen of the jury, that's going to conclude our
12 trial. I have been asking Ms. Emily to go back and get my
13 charge. And the attorneys are correct, I'm going to be saying a
14 lot of words to you, so I apologize in advance because I do
15 intend to read most of it. A lot of times I like to summarize
16 but I want to make sure that I tell you all exactly what you need
17 to know before you go back during your deliberations.

18 While she's grabbing my instructions, I am going to be
19 sending back all of the evidence with the exception of, I believe
20 it is, Exhibit 7, the drugs. I forget what she said it is. My
21 notes are in my office.

22 CLERK OF COURT: Six.

23 THE COURT: So Exhibit 6, I'm going to leave it here in the
24 courtroom, but if you do want to see it while you're deliberating
25 I'll bring you back into the courtroom and let you all examine it

1 here in the courtroom. So that would be the only exhibit that I
2 would not be sending back.

3 And then, of course, I'm going to ask my jury foreperson, if
4 you have any questions, or need clarification, or want to see
5 that exhibit, that you just write it down, give it to Mr. Ron so
6 that way I know that you all need to have some communication with
7 the Court. All right.

8 So, ladies and gentlemen, as I just told you, that concludes
9 our trial. As I instructed you in my preliminary comments, I do
10 want to remind you that the indictment charges three charges:
11 Trafficking methamphetamine, 28 grams but less than 100 grams;
12 possession of a quantity of cocaine base, commonly referred to as
13 crack cocaine; and driving under suspension, with this all
14 occurring on or about June 23rd of 2023.

15 So I'm going to remind you again that the fact that the
16 defendant was arrested, charged, and indicted in this case is not
17 evidence in this case and cannot be considered by you as evidence
18 of guilt, nor does it create any presumption or inference of
19 guilt.

20 Again, these documents are simply the formal written
21 instrument which contain the charge, and that is the way this
22 makes it into this courtroom.

23 I am going to remind you again that you have certain duties,
24 and I have certain duties to perform. As a trial judge, it is my
25 responsibility to preside over the trial of this case, and I've

1 also had the duty to rule on the admissibility of the evidence
2 offered during this trial. You are to consider only the
3 competent evidence before you that was presented here in this
4 courtroom.

5 If there was any testimony ordered stricken from the record
6 during this trial you must disregard that testimony. You are to
7 consider only the testimony which has been presented from the
8 witness stand, any exhibits which have been made a part of the
9 record in this case, and then any stipulations of counsel.

10 I've had the additional duty to charge you on the law
11 applicable to this case, and I remind you again that it is your
12 duty as jurors to accept and apply the law as I now state it to
13 you. If you already have an idea as to what the law is or what
14 the law ought to be and it does not agree with what I now tell
15 you the law is, you must abandon the idea because you are sworn
16 to accept the law and apply the law exactly as I state it to you
17 in this courtroom.

18 In every case tried in this court before a jury the jury
19 becomes the sole and exclusive judge of the facts in this case
20 and, as I told you before, a trial judge cannot intimate, state,
21 comment on, or make any statement to a trial jury about the facts
22 in this case. Since you, the jury, are the sole judges of the
23 facts you are not to infer from what I have said during the
24 progress of this trial, or if you believe I have an opinion about
25 the facts in this case, I'm going to remind you that I do not.

1 You are the sole judges of the facts.

2 Now, the indictments in this case allege several different
3 offenses against the defendant. Each of these charges are
4 separate and distinct offenses. You must decide each charge
5 separately on the evidence and the law applicable to it,
6 uninfluenced by your decision as to any other charge.

7 The defendant may be convicted or acquitted on any or all of
8 the offenses charged. You will be asked to write a separate
9 verdict of guilty or not guilty on your verdict form for each
10 individual charge.

11 The defendant, as you know, has pled not guilty to this
12 indictment, and that plea puts the burden on the State to prove
13 the defendant guilty. A person charged with committing a
14 criminal offense in South Carolina is never required to prove
15 himself innocent, so I charge you now that it is an important
16 rule of law that the defendant, in a criminal trial, no matter
17 what the seriousness of what the charge may be, will always be
18 presumed to be innocent of the crime for which the indictments
19 were issued unless guilt has been proven by evidence satisfying
20 you of that guilt beyond a reasonable doubt. This presumption of
21 innocence does not end when you begin your deliberations but it
22 accompanies the defendant throughout the trial until you reach a
23 verdict of guilt based on the evidence satisfying you of that
24 guilt beyond a reasonable doubt.

25 The presumption of innocence is not a mere legal theory; it

1 is not just a legal phrase; it is a substantial right to which
2 every defendant is entitled unless you, the jury, are satisfied,
3 from the evidence, the defendant is guilty beyond a reasonable
4 doubt.

5 Now, the State, as I said, has the burden of meeting this
6 burden, or proving this to you. Some of you may have served as
7 jurors in a civil case where you were told that it's only
8 necessary to prove a fact is more likely true than not true such
9 as by the greater weight, or preponderance, of the evidence.

10 In criminal cases the State's proof must be more powerful
11 than that, it must be beyond a reasonable doubt. Reasonable
12 doubt is the kind of doubt that would make a reasonable person
13 hesitate to act. Proof beyond a reasonable doubt is proof that
14 leaves you firmly convinced of the defendant's guilt.

15 There are very few things in this world that we know with
16 absolute certainty, and in criminal cases the law does not
17 require proof that overcomes every possible doubt. If, based on
18 your consideration of the evidence, you are firmly convinced the
19 defendant is guilty of the crimes charged you must find the
20 defendant guilty. If, on the other hand, you think there is a
21 real possibility that the defendant is not guilty you must give
22 the defendant the benefit of the doubt and find him not guilty.

23 Facts and circumstances that merely place upon the defendant
24 a grave's suspicion of the crimes charged or that merely raises
25 speculation or conjecture of the defendant's guilt are not

1 sufficient to authorize a conviction of the defendant.

2 There are two types of evidence which are generally
3 presented during a trial: Direct evidence and circumstantial
4 evidence. Direct evidence directly exudes the existence of a
5 fact and does not require deduction. Circumstantial evidence is
6 proof of a chain of facts and circumstances indicating the
7 existence of a fact.

8 Crimes may be proven by direct or circumstantial evidence.
9 The law makes no distinctions between the weight or value to be
10 given to either direct or circumstantial evidence. However, to
11 the extent the State relies on circumstantial evidence, all of
12 the circumstances must be consistent with each other and, when
13 taken together, point conclusively to the guilt of the defendant
14 beyond a reasonable doubt. If these circumstances merely portray
15 the defendant's behavior as suspicious the proof has failed.

16 The State has the burden of proving the defendant guilty
17 beyond a reasonable doubt, and that burden rests with the State
18 regardless of whether the State relies on direct or
19 circumstantial evidence, or a combination of the two.

20 The following things are not evidence and you must not
21 consider them as evidence in deciding the facts of this case:
22 Statements and arguments of the attorneys; questions and
23 objections of the attorneys; and then testimony that was stricken
24 in this courtroom.

25 While argument of counsel is a beneficial part of every

1 trial, you should remember that the statements made by counsel
2 are not evidence. In presenting arguments counsel often refer to
3 evidence; however, you should base your verdict on the evidence
4 as you remember it. Therefore, if there are any conflicts
5 between the recollection of counsel about the evidence and your
6 own recollection, you should rely on your own understanding of
7 the evidence.

8 You must also determine the credibility of the witnesses who
9 have testified in this case. Credibility simply means
10 believability. It becomes your duty as jurors to analyze and to
11 evaluate the evidence and determine which evidence convinces you
12 of its truth. In determining the believability of witnesses who
13 have testified in this case, you may believe one witness over
14 several witnesses, or several witnesses over one witness; you may
15 believe a part of the testimony of a witness, and reject the
16 remaining part of the testimony of that exact same witness; you
17 may believe the testimony of a witness in its entirety, or reject
18 the testimony of a witness in its entirety; you may consider
19 whether any witness has exhibited to you any interest, bias,
20 prejudice, or other motive in this case; and you may also
21 consider the appearance and manner of the witness while
22 testifying on the witness stand.

23 The rules of evidence ordinarily do not permit witnesses to
24 testify to opinions or conclusions. An exemption to this rule
25 exists for witnesses we call expert witnesses. And you all heard

1 from an expert witness during the course of this trial. A
2 witness who, by education and experience, has become an expert in
3 some art, science, profession, or calling, may state an opinion
4 as to relevant and material matter in which the witness claims to
5 be an expert, and may also state the reasons for that opinion.

6 You should consider any expert opinion received in evidence
7 in this trial like any other evidence. Give it the weight you
8 think it deserves. If you decide that the opinion of an expert
9 witness is not based on sufficient education and experience, or
10 if you conclude that the reasons given in support of the opinion
11 are not sound, or that the opinion is outweighed by other
12 evidence, you may disregard the opinion entirely.

13 An expert witness testimony should be given no greater
14 weight than that of other witnesses simply because the witness is
15 an expert. Further, you are not required to accept an expert's
16 opinion even though it is not contradicted.

17 I also instruct you and emphasize that the fact that the
18 defendant did not testify is not a factor to be considered by you
19 in any way in your deliberation and in your consideration on the
20 question of the guilt or innocence of this defendant. It must
21 not be considered by you in any manner whatsoever. A defendant
22 has the constitutional right to remain silent, and the assertion
23 of this right must not be considered by you in your
24 deliberations. So I repeat, under your oath you are to draw no
25 conclusion whatsoever from the fact the defendant in this case

1 did not testify. The fact that this defendant did not testify
2 should not even be discussed in the jury room during your
3 deliberations.

4 The burden of proof, as I have stated to you, is on the
5 State. The defendant is not required to prove his innocence.
6 The burden of proof remains on the State to prove his guilt
7 beyond a reasonable doubt.

8 Now, in order to establish criminal liability, criminal
9 intent is required so, for example, the mental state required to
10 be proven by the State for a particular crime might be purpose,
11 intent, knowledge, recklessness, or criminal negligence.

12 Criminal intent must be proven by the State beyond a
13 reasonable doubt. Criminal intent is always a matter that must
14 be determined by the jury from the circumstance surrounding the
15 situation. There is no way to prove intent to a mathematical
16 certainty, there is no way medical science can dissect a person's
17 brain and determine what the person had in mind, so the law says
18 that criminal intent may be inferred from the circumstances shown
19 to have existed.

20 This is how you make a determination of whether or not the
21 element requiring intent was present. It is not necessary to
22 establish intent by direct and positive evidence, but intent may
23 be established by inference in the same way as any other fact,
24 taking into consideration the acts of the parties, and all the
25 facts and circumstances you heard during the course of this

1 trial.

2 Criminal intent is a mental state, a conscious wrongdoing.
3 It is up to you to determine what the defendant intended to do
4 based on the circumstances shown to have existed.

5 Criminal intent can arise from actions or failure to acts,
6 it may arise from negligence, recklessness, or indifference to
7 duty, or to consequences that is considered by the law to be the
8 equivalent of criminal intent.

9 Now, in order to prove possession of a drug the State must
10 prove two elements beyond a reasonable doubt: That the defendant
11 had either actual physical custody of the drugs, or the right or
12 power to exercise control over the drugs; and the defendant had
13 knowledge of the presence of the drugs and the intent to control
14 their disposition or use.

15 In order to prove trafficking of methamphetamine the State
16 must prove beyond a reasonable doubt that a person knowingly
17 sold, manufactured, delivered, purchased, or brought into the
18 state, or who provided financial assistance or otherwise aided,
19 abetted, attempted, or conspired to sell, manufacture, deliver,
20 purchase, or bring into the state more than 28 grams but less
21 than 100 grams of methamphetamine, or who was knowingly in actual
22 or constructive possession, or who knowingly attempted to become
23 in actual or constructive possession of 28 grams but less than
24 100 grams of methamphetamine.

25 In order to prove driving under suspension the State must

1 prove beyond a reasonable doubt the defendant drove a motor
2 vehicle on a public highway when his driver's license was, in
3 fact, suspended.

4 In order to prove possession of cocaine base, commonly
5 referred to as crack cocaine, the State must prove beyond a
6 reasonable doubt the defendant willfully and unlawfully possessed
7 and had under his control a quantity of cocaine base, also
8 referred to as crack cocaine. To prove possession the State must
9 prove actual or constructive possession as I previously just
10 defined for you.

11 In determining the guilt or innocence of the defendant you
12 cannot consider any possible penalty for any particular crime.
13 The punishment for the crime is a matter for me to determine and
14 should never be considered by you in any way whatsoever in
15 arriving at an impartial verdict as to the guilt or innocence of
16 this defendant.

17 I hope that each of you are mindful of the importance of
18 your responsibility. You are not often called to serve as
19 jurors, hopefully you have not been often called to serve as
20 jurors, but the proper performance of the duty requires each of
21 you to reach the height of freeing your mind of all improper
22 influences.

23 As a presiding officer of this Court, I am vitally concerned
24 that whatever verdict you find will be the result of your going
25 into the jury room and confining your consideration to the

1 evidence and the law that you've now heard in this courtroom,
2 weighing it fairly and impartially, as I have every confidence
3 you will do.

4 Now I am going to be sending back with you a verdict form,
5 and Mr. Ron will hand that to my jury foreperson. It will list
6 out each one of the charges. Your verdict must be unanimous as
7 to each charge. When you have concluded your deliberations the
8 jury foreperson will mark your decision as to each charge, sign
9 it, and date it, and then you will provide it to Mr. Ron.

10 All right. So now I'm going to ask you to go back to the
11 jury room to begin your deliberations. I'm going to have you not
12 start your deliberations until I'll probably have Ms. Teresa walk
13 the form and the evidence back to that room. All right. Thank
14 you all.

15 (Jury is escorted from the courtroom at 10:13 a.m.)

16 THE COURT: Any objections or exceptions to the charge, or
17 anything we need to take up from the State?

18 ASS'T. SOLICITOR CASE: Nothing from the State.

19 THE COURT: From the defense?

20 ATTORNEY HEATH: Nothing, Your Honor.

21 THE COURT: All right. Then we are going to be at recess.

22 (Court recessed at 10:14 a.m. and reconvened at 10:34 a.m.,
23 without the jury present.)

24 (Court's Exhibit 2 is marked for identification.)

25 THE COURT: Let's go on the record. So the jury sent back a

1 note, and it says Can you provide the definition of constructive
2 possession? So what I'm inclined to do is to read that portion
3 of the charge. And what it would say is -- and I would probably
4 read it in its entirety, I think is most appropriate, which would
5 be the one that I gave you all -- In order to prove possession of
6 a drug, the State must prove two elements beyond a reasonable
7 doubt: That the defendant had either actual physical custody of
8 the drugs, or the right or power to exercise control over the
9 drugs; and the defendant had knowledge of the presence of the
10 drugs and the intent to control their disposition or use, and
11 then send them back. Do you all agree?

12 ASS'T. SOLICITOR CASE: Yes, Your Honor.

13 THE COURT: Do you agree, Ms. Heath?

14 ATTORNEY HEATH: Yes, Your Honor.

15 THE COURT: All right. Let's bring them in. I did mark
16 this as Court's No. 2.

17 (Jury seated in the courtroom at 10:36 a.m.)

18 THE COURT: All right. We have all of our jurors present.
19 And so, ladies and gentlemen, I did receive your note asking me
20 to provide the definition of constructive possession, and so I'll
21 do that here in open court for you all.

22 So in order to prove possession of a drug the State must
23 prove two elements beyond a reasonable doubt: One, that the
24 defendant had either actual physical custody of the drugs, or the
25 right or power to exercise control over the drugs; and the

1 defendant had knowledge of the presence of the drugs and the
2 intent to control their disposition or use.

3 All right. And I'll send you back to your jury room to
4 continue your deliberations. Thank you all.

5 (Jury escorted out of the courtroom at 10:37 a.m.)

6 THE COURT: All right. We'll be at ease and let you all
7 know.

8 (Court recessed at 10:38 a.m. and reconvened at 11:56 a.m.,
9 without the jury present.)

10 THE COURT: Let's go on the record. Note from our jury
11 foreperson: We would like to see Exhibit 6.

12 ASS'T. SOLICITOR CASE: Is that the drugs?

13 THE COURT: That's the drugs, yeah. So what I'm inclined to
14 do, and you all tell me what you want to do, is bringing them in
15 and letting them pass it around until they're done. Give them as
16 long as they would like.

17 ASS'T. SOLICITOR CASE: No objection from the State.

18 ATTORNEY HEATH: No objection from the defense.

19 THE COURT: I love jurors that take their service so
20 seriously. Like they didn't really get to see it; they only got
21 to see it like gently, kind of you guys put it up and down, but
22 they really want to look at it. So let's bring them in.

23 (Court's Exhibit 3 is marked for identification.)

24 (Jury seated in the courtroom at 11:59 a.m.)

25 THE COURT: All right. We have all of our jurors back here

1 in the courtroom. I received your note, and I am happy for you
2 all to take a look at Exhibit No. 6. Ron, I am going to go ahead
3 and have you hand it to the jurors, you all can pass it around,
4 take as long as you would like, and then you can just let us know
5 when you're done.

6 (State's Exhibit 6 shown to jurors.)

7 THE COURT: All right. I'm going to ask you all to step
8 back to the jury room and continue with deliberations.

9 (Jury escorted out of the courtroom at 12:00 p.m.)

10 THE COURT: All right. We'll be at ease. I'll keep you all
11 posted.

12 (Court recessed at 12:00 p.m. and reconvened at 1:01 p.m.,
13 without the jury present.)

14 THE COURT: I understand our jury has a verdict.

15 (Jury seated in the courtroom at 1:03 p.m.)

16 THE COURT: All right. We are back on the record. We have
17 all our jurors present. So, Mr. Foreperson, you all reached a
18 verdict?

19 THE FOREPERSON: We have, Your Honor.

20 THE COURT: All right. If you'll go ahead and hand your
21 verdict form to Ron for me. And I do have the verdict form, and
22 it is signed buy our jury foreperson. I'll hand it to Ms.
23 Teresa. Yes, madam clerk.

24 CLERK OF COURT: Your Honor, in the cases of
25 2004-GS-23-2558, -2559, and -2560, The State versus Anthony

1 Overman, also known as Anthony Ray Overman, as to the charge of
2 possession of cocaine base, we, the jury, unanimously find the
3 defendant guilty.

4 As to the charge of trafficking methamphetamine, 28 grams
5 but less than 100 grams, we, the jury, unanimously find the
6 defendant guilty.

7 As to the charge of driving under suspension, we, the jury,
8 unanimously find the defendant guilty.

9 Ladies and gentlemen, if this is the verdict you reached in
10 your deliberation room, please raise your right hand.

11 (Jurors respond.)

12 CLERK OF COURT: Thank you.

13 THE COURT: All right. Anything further from the State?

14 ASS'T. SOLICITOR CASE: Nothing from the State.

15 THE COURT: Anything further from the Defense?

16 ATTORNEY HEATH: Nothing from the Defense.

17 THE COURT: All right. I'm going to go ahead and excuse our
18 jurors then. I'll have you all go back to the jury room. Thank
19 you again for your service. It would not make this process
20 viable if you all didn't spend time with us. And you all have
21 been just very attentive, and I very-much appreciate it. So I'll
22 ask you to retire to the jury room. Mr. Ron will get you all
23 your work excuses and get you all your belongings. Thank you.

24 (Jury dismissed at 1:05 p.m.)

25 THE COURT: All right. Let's go ahead. If you all are

1 ready, we'll proceed forward with sentencing. I know it's going
2 to a take few moments, so we'll be at ease, and you all let me
3 know when your ready.

4 (Court recessed at 1:05 p.m. and reconvened at 1:14 p.m.)

5 THE COURT: All right. Yes, ma'am. Happy to hear from you
6 all.

7 ASS'T. SOLICITOR CASE: Judge, you're well aware of the
8 facts in this case. As you know, it's a third offense. I have
9 certified convictions if you'd like to see them, but otherwise I
10 have nothing else to add.

11 THE COURT: All right. Yes, ma'am.

12 ATTORNEY HEATH: Thank you, Your Honor. May it please the
13 Court. We respect the jury's verdict in this case. As Your
14 Honor's fully aware, he's facing a minimum 25 years. He's been
15 doing great since his release from jail. This is essentially a
16 life sentence for Mr. Overman, whether it's 25 or 30. We're
17 going to ask the Court for the mandatory minimum of 25. We do
18 have someone that would like to speak to Mr. Overman's behalf if
19 the Court allows, Judge.

20 THE COURT: I'm happy to hear from anybody that you'd like
21 me to.

22 MR. BREAKEY: Thank you, Your Honor. It's been a tough job
23 here done today on everyone's part. I'm here to just give the
24 testimony on the backside.

25 THE COURT: Okay.

1 MR. BREAKEY: Having been able to be a part of Mr. Overman's
2 life which I --

3 THE REPORTER: Sir --

4 MR. BREAKEY: Yes, ma'am.

5 THE COURT: Our court reporter's having a hard time hearing
6 you.

7 THE REPORTER: Could you keep your voice up, please. And I
8 need your name.

9 MR. BREAKEY: William Breakey -- to be able to be a part of
10 his life on this side. I am truly inspired. Oftentimes I get to
11 speak to gentlemen that have had precarious pasts. And having
12 come to a spot where hope and forgiveness and a future is
13 available, and to see that sprout grow, is amazing regardless of
14 circumstances before; but having to talk in private intimately
15 about circumstances and situations, not the case involved or
16 anything, just life in general, and to see a spark again, and to
17 be active in the community.

18 I'm the director of the church, I teach classes at Solutions
19 Recovery Center in the community, I've been doing it for years.
20 I've seen thousands, thousands of individuals, come through, and
21 rarely do I stand on this point. I come with a lot of
22 individuals, but to be able to come forward and to say that I am
23 inspired by what has transpired in his life, from what has been
24 told in conversations in private, and to see where his direction
25 is going now, and I thank the Lord for that and the opportunity

1 to be a part of that, and it speaks volume.

2 Out of respect for him and the privacy in which we honor,
3 and ethics, we have a residency letter, we have drug tests,
4 positive drug screens that he is always willing to take at any
5 given time, and randomly -- I do a 6-week, 12-week, 24-week,
6 36-week, years, so and so on -- he has been attended in all of my
7 classes; he's always attentive in church.

8 I've been able to work with him outside of the program, and
9 he's reached out to individuals in the community toward them, and
10 it's not a labored work, it's a form of ministry, and we can't
11 teach that. We offer all the tools that individuals, at their
12 disposal, if they choose to pick it up, and half of the guys
13 don't pick it up. This young man has picked it up, and for that
14 we're honored.

15 Thank you for your time.

16 THE COURT: Thank you so much. I really appreciate your
17 comments. And, Mr. Overman, that does speak volumes --

18 THE DEFENDANT: Thank you.

19 THE COURT: -- for your character and the life changes that
20 you have made.

21 THE DEFENDANT: Thank you.

22 THE COURT: So I really do appreciate that. And also the
23 fact that knowing what you were facing if the jury came back
24 guilty, and I let you go home last night --

25 THE DEFENDANT: Yes.

1 THE COURT: -- so that you could be with them and have a
2 night at home. And so thank you for coming back today.

3 THE DEFENDANT: No problem, ma'am.

4 THE COURT: Let's talk about credit for days. What's he
5 got?

6 ASS'T. SOLICITOR CASE: Your Honor, he has 150 jail days.

7 THE COURT: What I'm inclined to do is, on the driving under
8 suspension which is a zero to 30 days, issue a sentence of time
9 served. As to the possession of cocaine base, a third offense,
10 which carries zero to 10, I'm inclined to issue a sentence of
11 time served, and take one sentencing sheet with him to the
12 Department of Corrections.

13 And so, Mr. Overman, with respect to the trafficking of
14 methamphetamine, 28 grams but less than 100 grams, a third
15 offense, it would be the sentence of the Court that you would be
16 sentenced to the Department of Corrections for a term of 25
17 years, which is the mandatory minimum, with credit for 150 days.

18 You have 10 days within which to file a notice of appeal,
19 and must do so in writing. I wish you the best of luck.

20 THE DEFENDANT: Thank you, ma'am.

21 (End of Transcript of Record.)
22
23
24
25

CERTIFICATE OF REPORTER

I, Cathy J. Provost, Official Court Reporter for the Fourteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial/proceedings of the captioned case in the Court of General Sessions for Greenville County, South Carolina, on the 5th day of December, 2024.

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

Date: August 8, 2025

\s\ Cathy J. Provost
Cathy J. Provost, RMR
Official Circuit Reporter

Starr A Epps

WITNESSES

Greenville County Sheriff's Office

6/23/2023

ARREST WARRANT NUMBER

20231100392661

ACTION OF GRAND JURY
TRUE BILL



FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

23

DOCKET NO. 2024-GS-23-

SLC

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2024

THE STATE

vs.

ANTHONY OVERMAN

Indictment for

0624

DRIVING UNDER SUSPENSION

VIOLATION § 56-01-0460(1)

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 DRIVING UNDER SUSPENSION

At a Court of General Sessions, convened on

MAY 07 2024

the Grand Jurors of Greenville

County present upon their oath:

That ANTHONY OVERMAN did in Greenville County, on or about the 23rd day of June, 2023, drive a motor vehicle on a public highway of this state when his license to drive was suspended, such not being the first such offense within a period of five years including and immediately preceding the foregoing date. This is in violation of §56-1-460 of the South Carolina Code of Laws (1976) as amended.

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

SOLICITOR

BAR # 105268

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Anthony Overman

AKA:

Race: WHITE Sex: M Age: 50DOB: SS#: Address: City, State, Zip: DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2024 - GS - 23 - 02558A/W#: 20231100392661Date of Offense: 6/23/2023S.C. Code § 56-01-0460(1)CDR Code #: 0624

SENTENCE SHEET

0-30 days*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Dus / Driving Under Suspension, Licensein violation of § 56-01-0460(1) of the S.C. Code of Laws, bearing CDR Code # 0624

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Sydney Carr

105268

Case, Sydney

SC Bar #

Defendant

HEATH, NEKEDIA
Attorney for Defendant

10477

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction, ☒ County Detention Center,for a determinate term of days/months/years (Time Served) ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.☒ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED

JAN 06 2025

SC Court of Appeals

STATE VS. Anthony Overman INDICTMENT/CASE#: 2024 - GS - 23 - 02558

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§56-1-286 (DUI Breath Test)	\$25 \$
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	TBD \$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Brice Bennett
Court Reporter: C. Bennett

Presiding Judge: _____

Judge Code: 2229

Sentence Date: 12-5-24

Stevens A EAB

WITNESSES

Greenville County Sheriff's Office

6/23/2023

ARREST WARRANT NUMBER

2023A2330205378

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-23-

SLC

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2024

THE STATE

vs.

ANTHONY RAY OVERMAN

Indictment for

0349

TRAFFICKING METHAMPHETAMINE

VIOLATION § 44-53-0375(C)(2)

RECEIVED

JAN 06 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
TRAFFICKING METHAMPHETAMINE

At a Court of General Sessions, convened on

MAY 07 2024

the Grand Jurors of Greenville

County present upon their oath:

That ANTHONY RAY OVERMAN did in Greenville County, on or about the 23rd day of June, 2023, knowingly sell, manufacture, deliver or bring into the State of South Carolina or did knowingly provide financial assistance or otherwise aid, abet, attempt or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 28 grams but less than 100 grams of Methamphetamine (Crank). This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

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

SOLICITOR

Sydney Carr

BAR # 105268

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Anthony Ray Overman

AKA:

Race: WHITE Sex: M Age: 50DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2024 - GS - 23 - 02559A/W#: 2023A2330205378Date of Offense: 6/23/2023S.C. Code § 44-53-0375(C)(2)(CDR Code #: 0349

SENTENCE SHEET

25 - 30 years
and \$50,000*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Trafficking in Meth 28-100 grams 3rd Offensein violation of § 44-53-0375(C)(2)(of the S.C. Code of Laws, bearing CDR Code # 0349☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:Sydney Case
Case/Sydney

105268

SC Bar #

Defendant

HEATH, NEKEDIA
Attorney for Defendant

10477

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 25 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 150 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED

JAN 06 2025

SC Court of Appeals

STATE VS. Anthony Ray Overman INDICTMENT/CASE#: 2024 - GS - 23 - 02559

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

	\$	Beginning	\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$		
§14-1-206 (Assessments 107.5 %)			\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100		\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150		\$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114(BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ 8.25
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500		\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$

TOTAL \$ 283.25

Clerk of Court/ Deputy Clerk: Brian Elliott
Court Reporter: C. Proctor

Presiding Judge: [Signature]

Judge Code: 2729

Sentence Date: 12-6-24

Stevie A Eggs

WITNESSES

Greenville County Sheriff's Office

6/23/2023

ARREST WARRANT NUMBER
2023A2330205379

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2024-GS-23-
SLC

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2024

THE STATE

vs.

ANTHONY RAY OVERMAN

Indictment for

3016

POSSESSION OF COCAINE BASE (CRACK
COCAINE)

VIOLATION § 44-53-0375(a)

RECEIVED

JAN 06 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

INDICTMENT FOR
POSSESSION OF COCAINE BASE (CRACK COCAINE)

At a Court of General Sessions, convened on

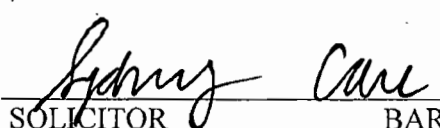
MAY 07 2024

the Grand Jurors of Greenville

County present upon their oath:

That ANTHONY RAY OVERMAN did in Greenville County, on or about the 23rd day of June, 2023, willfully and unlawfully have in his possession and under his control a quantity of Cocaine Base (Crack Cocaine), a controlled substance. This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 105268

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Anthony Ray Overman

AKA:

Race: WHITE Sex: M Age: 50DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2024 - GS - 23 - 02560A/W#: 2023A2330205379Date of Offense: 6/23/2023S.C. Code § 44-53-0375(a)CDR Code #: 3016

SENTENCE SHEET

0-10 years and/or
up to \$12,500*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Possession Cocaine Base 3rd Offensein violation of § 44-53-0375(a) of the S.C. Code of Laws, bearing CDR Code # 3016☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

<u>Sydney Can</u>	105268		10477
Case, Sydney	SC Bar #	Defendant	HEATH, NEKEDIA
			Attorney for Defendant
			SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of days/months/years/Time Served ☐ Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☒ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

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JAN 06 2025

SC Court of Appeals

STATE VS. Anthony Ray Overman INDICTMENT/CASE#: 2024 -GS - 23 - 02560

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E
beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

	\$	Beginning	\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$		
§14-1-206 (Assessments 107.5 %)			\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100		\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150		\$ <u>150.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114(BUI Breath Test Fee)	\$50		\$
§56-5-2942(J). (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ <u>8.25</u>

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL

\$ 283.25

Clerk of Court/ Deputy Clerk:
Court Reporter:

Brian Stewart
C Prevost

Presiding Judge:
Judge Code:
Sentence Date:

2779
12-5-24

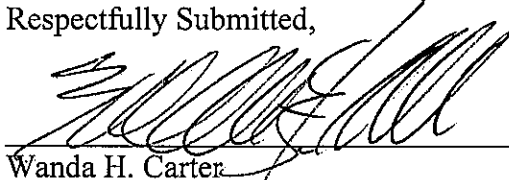
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May 21 2026

CERTIFICATE OF COUNSEL FOR APPELLANT SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter

Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 21st day of May, 2026.