

Exhibit A-11

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JUL 02 2026

10/16/17

S.C. SUPREME COURT

Desiree Allen
Court Reporter Manager

Hello, how are you? I'm writing to you to obtain a transcript/or name of Court Reporter that may have been appointed to record a "State Grand Jury" proceeding that may have occurred on the dates of April 12-13, in Richland County.

(State Grand Jury Of South Carolina Vs. Emory W. Roberts Jr.)
(Case No. 2016-GS-47-02/2016-GS-47-03)

I would like the name of the Court Reporter so that I may purchase a transcript if one for those dates are available, thanking you kindly for your time concerning this matter, looking forward to your reply A.S.A.P., thanks again, enjoy your day.

I Ask that you may provide the Court Reporters Name And Address so that I may request transcript And Obtain the cost that I may make the funds available, thank you.

Sincerely
Emory W. Roberts Jr.

RECEIVED

MAR 01 2024

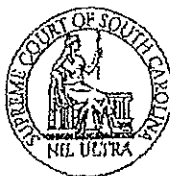
S.C. SUPREME COURT

RECEIVED

MAY 23 2019

SC Court of Appeals

Exhibit B-12



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

TONNYA K. KOHN
INTERIM DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

October 23, 2017

Emory W. Roberts #2016003071
Kirkland Reception and Evaluation Center
4344 Broad River Rd.
Columbia, SC 29210-4098

Dear Mr. Roberts:

I am writing in response to your letter dated October 16, 2017, requesting a copy of a transcript from a State Grand Jury proceeding that "may have occurred on the dates of April 12-13, in Richland County." In order for me to assist you in obtaining the transcript of record from your proceedings, please provide the following information:

- 1) **presiding judge;**
- 2) **exact date (with year) of hearing.**

This information is required in order for us to assist you. When this information is received we will forward the request to the court reporter, who will then contact you to make arrangements for payment and delivery of the transcript. Please be advised that court reporters have 60 days to prepare a transcript after satisfactory payment arrangements have been made. Please contact this office at your earliest convenience with this required information.

Sincerely,

Desiree Allen
Court Reporter Manager

Exhibit C-13

Desiree Allen
Court Reporter Manager

10/31/17

I am writing to you in response to your letter dated October 23, 2017, requesting a copy of a transcript from a "State Grand Jury" proceeding that "may have occurred on the dates of April 12-13, 2016 in Richland County.

Presiding Judge: Newman, C - Of State Grand Jury
Date: April 12-13, 2016

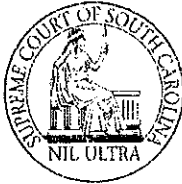
Warrant Numbers: 2016-GS-47-02
2016-GS-47-03 > Were These Warrant # submitted
To A State Grand Jury for Indictment

If, indeed there was a transcript for those dates, and my request has been forwarded to the Court Reporter, as a courtesy will you make me aware of the existence of the transcript, and as you have done with my previous correspondence make a copy of my request and send back to me? This way I can be in anticipation of receiving/or knowing if the transcript will be available within the next sixty days, and I'll have a copy of my dated request, thanking you in advance, please enjoy your day.

Thanks Again!

Sincerely
Emory W. Roberts Jr.

Exhibit D-14



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

TONNYA K. KOHN
INTERIM DIRECTOR

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

November 6, 2017

Emory W. Roberts, Jr. #373393
Kirkland Reception and Evaluation Center
4344 Broad River Rd.
Columbia, SC 29210-4098

Dear Mr. Roberts:

Your inquiry has been received by this office. The convening of the State Grand Jury is not dependent upon a term of General Sessions court and often does not meet at the same time as General Sessions terms. You are requesting a transcript from State Grand Jury proceedings. This is to advise that there is no court reporter assigned to record Grand Jury proceedings, and therefore, there is no transcript available.

I am sorry that we are unable to assist you further.

Sincerely,


Desiree Allen
Court Reporter Manager

1 CI and the way state law works, your lawyer goes and looks
2 at those. But at trial, you will have the opportunity to
3 look at them. And if you would like to look at them, I will
4 give Mr. Griffith the opportunity to do that as well.

5 THE DEFENDANT: I would also like the State Grand
6 Jury minutes.

7 THE COURT: You don't get those, sir. In South
8 Carolina, all Grand Jury proceedings are secret. Nobody
9 gets those.

10 THE DEFENDANT: Well, I have a document from Judge
11 Newman that's to be made public record.

12 THE COURT: Is that correct?

13 THE DEFENDANT: Yes. Oh, you are talking --

14 MR. UNDERWOOD: Your Honor, the transcript from the
15 State Grand Jury do not become a public record. The
16 defendant is able to read them. However, we do not give
17 them a copy. They would have to get them from the court
18 reporter who takes those transcripts.

19 THE COURT: Sir, you would have to order it from
20 the court reporter and pay for it.

21 THE DEFENDANT: I tried that.

22 THE COURT: You have to pay her in advance. She's
23 not going to provide it to you without paying.

24 THE DEFENDANT: I understand, but they say they do
25 not have that. They have none of that.

1 There's no reason for it. The clerk of court will read you
2 the charges and ask you do you want to be tried by God and
3 your country, and you say yes. That's all a formal
4 arraignment involves.

5 THE DEFENDANT: All right, Judge. But the Sixth
6 Amendment says I have a right to be --

7 THE COURT: Sir, my office sent you your
8 indictment. So you know what your indictments include. And
9 your lawyer has gone over the discovery with you. So I
10 don't find it plausible that you don't know what you are
11 charged with.

12 THE DEFENDANT: What does discovery consist of?

13 THE COURT: Evidence against you.

14 THE DEFENDANT: I didn't get that. All I got was
15 an indictment.

16 THE COURT: Mr. Griffith, you said you went over
17 the discovery with him; is that right?

18 MR. GRIFFITH: I did provide him with all of the
19 discovery that was sent to us, Your Honor.

20 THE COURT: I will have him go over it with you
21 again at lunch so that you --

22 THE DEFENDANT: I appreciate it. As well, pursuant
23 to Rule 5, continuing disclosure, I haven't seen any audios,
24 any tapes or --

25 THE COURT: Because of the confidentiality of the

1 Department.

2 THE DEFENDANT: All right. I have that too, but
3 they access South Carolina Code and Annex 30/4 --

4 THE COURT: Let's just say for argument's sake that
5 all that happened. I sent you copies of your indictments.
6 They exist.

7 THE DEFENDANT: All right.

8 THE COURT: I guess I'm trying to figure out what
9 is it that you think you would be able to use from the State
10 Grand Jury record?

11 THE DEFENDANT: Well, I'm actually going to show
12 that no State Grand Jury even occurred.

13 THE COURT: Oh, it happened because I have the
14 indictments.

15 THE DEFENDANT: I have the papers, but that doesn't
16 say it happened.

17 THE COURT: It happened. I have the indictments
18 that are certified. That's why I sent them to you. And you
19 said you didn't have them. I wanted to make sure you had
20 them.

21 THE DEFENDANT: Also said that it wasn't certified.
22 On July 19th, you said they didn't have to be. All they had
23 to be was filed. So are they certified now?

24 THE COURT: They were filed -- once something is in
25 a court order, sir, it's already certified. You only

1 you to get that court reporter's name?

2 You would have to have gotten that from the State
3 Grand Jury clerk. Because those reporters that do that are
4 freelance reporters. They are not under court
5 administration.

6 THE DEFENDANT: I have a letter to that effect to,
7 and she told me to contact my attorney. I also have a
8 letter from the State Grand Jury which is no record is
9 charged.

10 THE COURT: No. You have a letter from the
11 Department of Public Safety that says that.

12 THE DEFENDANT: No, I have a letter from the State
13 Grand Jury.

14 THE COURT: That says what?

15 THE DEFENDANT: There's no record of said charge.

16 THE COURT: Of what said charge?

17 THE DEFENDANT: Any charges, these charges.

18 THE COURT: Who did you write to?

19 THE DEFENDANT: I wrote to State Grand Jury in
20 Columbia.

21 THE COURT: Where do you have a letter that says
22 that?

23 You have a letter from the Department of Public
24 Safety which you sent to my office that says they have no
25 record of any charges against you. That's the Highway

1 County, do you plan to call any of those witnesses?

2 MR. UNDERWOOD: Yes, Your Honor.

3 THE COURT: Miss Johns, are you ready to proceed
4 with jury selection?

5 MS. JOHNS: I am, Your Honor.

6 THE COURT: Mr. Griffith, are you ready to proceed
7 with jury selection?

8 MR. GRIFFITH: Your Honor, Mr. Roberts is prepared
9 to go forward.

10 THE COURT: I am not going to relieve you, I don't
11 think, at this late stage or juncture. He can assist you,
12 but I don't think it's prudent to relieve you as counsel.

13 MR. GRIFFITH: As the Court sees fit, Your Honor.

14 THE COURT: Yeah. I need somebody to really
15 advocate for his best interest.

16 THE DEFENDANT: Your Honor --

17 THE COURT: While he's allowed, constitutionally,
18 to represent himself, I do not perceive he has sufficient
19 grasps of the rules such that he would be able to protect
20 his own interests. And I am not going to relieve you as
21 counsel.

22 THE DEFENDANT: Your Honor, doing that is going to
23 incapacitate --

24 THE COURT: No, it's not. You can tell him
25 everything you want to say. And he will put it in the

1 context of the rules so that your interests will be
2 protected.

3 THE DEFENDANT: And he will be destroying my
4 questions to mean something else.

5 THE COURT: No. You tell him what the questions
6 are. Most of the questions you probably want to ask you
7 won't be able to ask because they won't be in the format
8 they need to be.

9 THE DEFENDANT: I took very care to make sure --

10 THE COURT: You need to tell him exactly what you
11 want asked. And if he misses anything, I will take a break
12 and you can ask him what you need asked.

13 THE DEFENDANT: I don't consent.

14 THE COURT: That's fine. It doesn't require your
15 consent. I've noted your objection for the record.

16 Bring in the jury.

17 THE DEFENDANT: Can I preserve that?

18 THE COURT: It's already preserved. That's why
19 we've got a court reporter. She takes down everything we
20 say.

21 THE DEFENDANT: Thank you.

22 (Whereupon, the Venire returns.)

23 THE DEFENDANT: Excuse me, Your Honor. I'm
24 alleging constitutional --

25 THE COURT: Sir, I need you to be quiet for me

1 Conway, originated in Columbia. Doesn't have to
2 originate --

3 THE DEFENDANT: My personal value was taken to
4 Columbia. Article 1, Section 11, states that no person
5 should be held against any crime in a jurisdiction over
6 which is not a part of the --

7 THE COURT: Sir, we have special legislation that's
8 been passed that deals with the State Grand Jury.
9 Everything they did to you was permissible.

10 THE DEFENDANT: To return indictments, though, Your
11 Honor.

12 THE COURT: To do anything, sir.

13 THE DEFENDANT: I would like to see that.

14 THE COURT: You need to ask Mr. Griffith to provide
15 you with that.

16 THE DEFENDANT: I would like to see that.

17 THE COURT: That's a foregone conclusion. I need
18 to deal with things germane to this trial. Anything else
19 you need to share with me before I let the jury go to lunch
20 and we start? Do you need to go over all the discovery with
21 him again?

22 THE DEFENDANT: All I have is the indictment
23 paper.

24 THE COURT: I don't believe that. I believe he
25 gave you everything.

1 THE DEFENDANT: If he's presiding judge, he's a
2 part of that investigation.

3 THE COURT: No, he's not. He's performing a
4 ceremonial function.

5 THE DEFENDANT: So he's --

6 THE COURT: We don't go out in the field and
7 investigate, sir. We rely on what people tell us. They are
8 under oath. And if we believe their testimony and their
9 affidavit, we issue what we feel is appropriate.

10 THE DEFENDANT: So Judge Newman, being presiding
11 judge of the State Grand Jury would be considered impartial?

12 THE COURT: Yes, absolutely. Judges don't care one
13 way or another whether an arrest takes place.

14 THE DEFENDANT: I am not questioning that part.
15 What I'm questioning is this is the 9th District. He's in
16 the 5th District.

17 THE COURT: The Grand Jury is state-wide, sir.
18 It's a state-wide mechanism. We can do it anywhere. He
19 just happens to be the person that sits as a central figure
20 that does that. And that rotates depending on who is in
21 that circuit to do that. And once everything is indicted,
22 then the Supreme Court, chief justice decides who each case
23 is going to be assigned to. In this instance, it was
24 assigned to me. I've had other cases assigned to me that
25 originated in lots of other place, that originated in

1 But, Mr. Griffith, do you need time to go over all
2 this stuff with him?

3 MR. GRIFFITH: If it please the Court.

4 THE COURT: How long is it going to take the State
5 to present their case?

6 MR. UNDERWOOD: As to that, Your Honor, I had a
7 brief conversation with both opposing counsel prior to
8 selecting the jury. It's my understanding that they were
9 both willing to stipulate that the chain of custody for all
10 the evidence has been established. And they are not going
11 to challenge it, which would greatly truncate the list of
12 witnesses.

13 THE COURT: I would imagine it would.

14 MR. UNDERWOOD: I just would like to confirm that
15 is, in fact, the case.

16 THE COURT: Is that correct, Ms. Johns?

17 MS. JOHNS: Your Honor, from what I've reviewed --

18 THE COURT: You really don't have a good faith
19 challenge to the chain, correct?

20 MS. JOHNS: Mr. Underwood provided me with
21 everything. Internally, it looks like to me like the chain
22 of custody has been met. So I would not be challenging
23 that. And I think that will ferret down that long witness
24 list.

25 THE COURT: Mr. Griffith?

1 Conway, originated in Columbia. Doesn't have to
2 originate --

3 THE DEFENDANT: My personal value was taken to
4 Columbia. Article 1, Section 11, states that no person
5 should be held against any crime in a jurisdiction over
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19 you need to share with me before I let the jury go to lunch
20 and we start? Do you need to go over all the discovery with
21 him again?

22 THE DEFENDANT: All I have is the indictment
23 paper.

24 THE COURT: I don't believe that. I believe he
25 gave you everything.

1 MR. GRIFFITH: Your Honor, having reviewed the same
2 document provided by Mr. Underwood --

3 THE COURT: There's no really good faith basis to
4 challenge the chain.

5 MR. GRIFFITH: -- I would not be challenging.

6 THE COURT: So how long is it going to take the
7 State to present their case?

8 MR. UNDERWOOD: Your Honor, I believe that we may
9 be able to finish by the end of Wednesday. I would note to
10 the Court, as far as scheduling for this afternoon, I do
11 have one witness who is a federal agent from out of state
12 who was granted special leave from his superiors to be here
13 today. If there's any way possible --

14 THE COURT: I will try to do opening instruction,
15 opening argument and that witness. But I do, out of
16 abundance of caution, I need Mr. Griffith to give him time
17 to go over everything with Mr. Roberts. So that if
18 Mr. Roberts has additional questions he wants Mr. Griffith
19 to ask or otherwise, that he has more than abundant time to
20 do that. So I anticipate breaking short of five o'clock to
21 give him that opportunity. Because after the day, you are
22 just weary. and I need him to be able to understand what's
23 going on with him.

24 Are you going to need equipment to watch the videos
25 or do you have a laptop?

1 MR. GRIFFITH: I have a laptop, Your Honor.

2 THE COURT: And you have the videos?

3 MR. GRIFFITH: I do have the videos in my car.

4 THE COURT: All right. So I'm anticipating
5 maybe -- let's see. We will go to lunch until 2:10. I've
6 got 1:05. That clock is a little fast. It's five minutes
7 fast. Let's see. I'm thinking like 3:15. Does that give
8 you enough time.

9 MR. GRIFFITH: I believe so. I'm organized very
10 well. I believe we should be able to get through the
11 videos.

12 THE COURT: Do we have a place we can put them that
13 they can talk so they can have privacy?

14 All right. Bring in the jury. I'm appointing No.
15 32 as the foreperson. And we also, after lunch, will need
16 notepads for the panel.

17 (Whereupon, the jury returns to open court at 1:06
18 p.m.)

19 THE COURT: Ladies and gentlemen, you've been
20 selected for the case of the State of South Carolina v.
21 Justin Gordon Hunter and Emory Warren Roberts. We are going
22 to break for lunch until 2:15. That gives you about an hour
23 and ten minutes, give or take, for lunch. During this
24 break, please do not discuss the case among yourself or with
25 anyone else. Please don't read, watch or listen to media

1 speedy trial is not to dismiss your charges. Doesn't make
2 them go away. Purpose of speedy trial is to get you in
3 front of a court and get you to trial. Cases don't get away
4 or get dismissed on a speedy trial motion.

5 THE DEFENDANT: I asked to challenge the
6 jurisdiction of the State Grand Jury. Nothing.

7 THE COURT: You have no basis to challenge it.

8 THE DEFENDANT: What about the seizure?

9 THE COURT: We did that. We had a whole hearing on
10 that the other day and I ruled on it.

11 THE DEFENDANT: On the State Grand Jury seizure?

12 THE COURT: No, sufficiency of the search warrants.
13 Grand Jury does not issue search warrants.

14 THE DEFENDANT: So I was talking about the
15 procedure of the State Grand Jury.

16 THE COURT: You would need to tell me some
17 procedure was violated. And a blanket statement like that
18 doesn't rise to the level of --

19 THE DEFENDANT: I tried to bring it to your
20 attention earlier --

21 THE COURT: The remedy is just to re-present your
22 indictments. It's not going to make your case go away.

23 THE DEFENDANT: So various constitutional
24 violations just happen and it just remedies is cured?

25 THE COURT: You've called constitutional

1 amenable to anything. But I think as a courtesy to the
2 Court, they are re-opening the lines of negotiation. And I
3 would strongly suggest you take advantage of it if you are
4 inclined to. If you are not, no harm, no foul. It's your
5 choice.

6 THE DEFENDANT: I was just speaking to the attorney
7 and I was telling him the other issue being the violation of
8 my speedy trial --

9 THE COURT: It's a moot issue now, sir. The only
10 remedy for a speedy trial motion is to set a trial date.
11 And you have one. And I can assure, you under South
12 Carolina law, that hadn't been violated. There have been
13 people sitting in jail a lot longer than you. 18 months is
14 not a long time. I've got over 200 in Charleston sitting
15 over two years waiting on a murder trial.

16 THE DEFENDANT: I'm not on a murder trial.

17 THE COURT: On all kinds of trials. Murder trial
18 is just at the top of my list because I'm just remembering
19 what's there. They got a jail full of people that have been
20 sitting there two plus years waiting on jury trials.

21 THE DEFENDANT: On a demand for a speedy trial?

22 THE COURT: Yes. I deny them all the time because
23 case law just isn't in your favor. But the remedy for a
24 speedy trial is to set a trial date and you have a trial.
25 So it's a moot issue. There's no other remedy. Remedy for

Exhibit E-2



R. Brady Vannoy, *Esquire*
Michael H. Murphy, III, *Esquire*
Grover C. Seaton, III, *Of Counsel*

105 Carolina Avenue
Moncks Corner, SC 29461

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Email of sender: brady@vannoymurphy.com

March 7, 2017

Attorney Client Privilege
Hill Finklea Detention Center
Mr. Emory Roberts
300 California Ave,
Moncks Corner, SC 29461

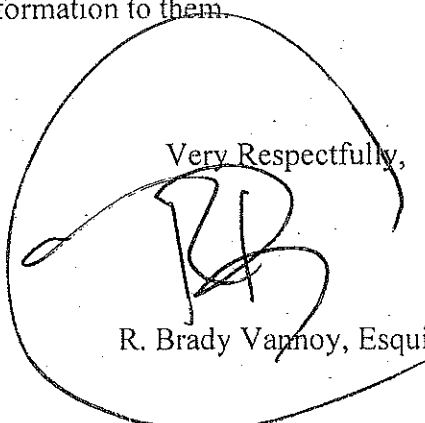
RE: Your Letter

Dear Mr. Warren,

Thank you for writing me. I am enclosing a copy of what the jail says they are holding you on. However, I am likewise unable to find anything in the public index referencing your charge. If you have a family member that can reach out to me, please forward me contact information to them.

I remain

Very Respectfully,


R. Brady Vannoy, Esquire

*Per the Deputy Solicitor, you are being held on
felony charges.* 

RBV / rbv
Enclosures: as stated
CC:

Inmate Lookup | Berkeley ...

berkeleycountysc.gov/drupal/inmate-lookup

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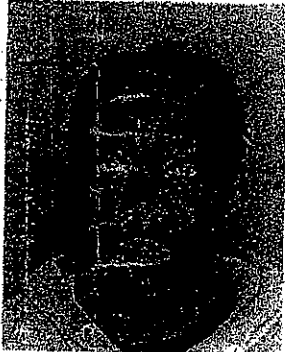
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Additional Information

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Inmate Lookup



ROBERTS, EMORY WARREN

Race: B

Sex: M

Booked In: 2016-06-09 17:18:00

Arresting Agency: Unlisted

CONSPIRACY TO TRAFFIC HEROIN

Bond

Not set

Page: 1

Return to search page ...

1 [REDACTED].

2 Q. How do you know that?

3 A. Because my name is right here. My signature is
4 right here on this BEST pack.

5 Q. And the other exhibit?

6 A. Exhibit -- State's Exhibit 115 is the lab report
7 for these drugs. You can tell that because these two lab
8 numbers match up from the report and on the drugs. The
9 results from this buy are four plastic bags containing
10 powder substance. Heroin was found in the sample tested.
11 All four bags were tested. Total Net weight of 3.38 grams.
12 And the confidence level is 99.7 percent.

13 Q. What else did you do regarding that transaction?

14 A. We obtained a search warrant on that transaction.
15 But to further the investigation, we chose not to serve it
16 at that time.

17 Q. What was the next step in your case that you took?

18 A. We took and -- after taking this, making this buy,
19 Mr. Sekula again was immediately strip-searched. He then
20 was able to sit down with me. We took all the recording
21 equipment off of him. He provided another statement to me
22 about what happened during this buy. He signed that
23 statement and we took him home.

24 Q. What did you do next to further your case?

25 A. We conducted another buy. This time it occurred on

1 January 14th of 2016. We utilized Mr. Sekula. We picked
2 him up again. We strip-searched him. We had him reach out
3 to Mr. Hunter, Justin Hunter. And Hunter directed us to the
4 Walmart in Summerville. Mr. Sekula was strip-searched. We
5 gave him the recording equipment. Placed the wire on her.
6 I gave him documented funds. It was \$300. We were buying
7 3.5 grams of heroin from him.

8 We were able to see Mr. Hunter leave his residence
9 at [REDACTED] He left in a gray BMW 7 Series
10 bearing license plate LTQ-710. He was then -- he pulls into
11 the Walmart. Mr. Sekula enters Mr. Hunter's vehicle. They
12 conduct the deal. After conducting the deal, Mr. Sekula
13 exits Mr. Hunter's vehicle. He then comes and gets in the
14 undercover vehicle with the Detective Allen. After getting
15 in the vehicle with Detective Allen, he then immediately
16 gives Detective Allen the heroin, just as all times before.
17 And he and Detective Allen meet us back at the meeting
18 location. Detective Allen gives me the heroin. And
19 Mr. Sekula is immediately strip-searched.

20 I then take that heroin and place it into the SLED
21 BEST bag and submit it to the lab for analysis.

22 Q. And what else did you do to complete that
23 operation?

24 A. We -- Mr. Sekula was then strip-searched. We took
25 the recording equipment off of him. After recording

1 admit State's Exhibit 123 into evidence.

2 THE COURT: Any objection?

3 MS. JOHNS: No, Your Honor.

4 MR. GRIFFITH: No.

5 THE COURT: Marked and admitted. What was that
6 number again?

7 MR. UNDERWOOD: 123, Your Honor.

8 THE COURT: 123 marked and admitted without
9 objection.

10 (State's Exhibit 123, Drug labeled L16-0965, was
11 received in evidence.)

12 BY MR. UNDERWOOD:

13 Q. I'm now handing you State's Exhibit 132. Can you
14 explain how 132 and 123 relate to each other?

15 A. This is the lab results for the drugs that were in
16 this BEST kit we bought from that address. The results are
17 there's a Ziploc bag containing four plastic bags containing
18 powder substance. Heroin found in the sample tested of --
19 they tested one, but when they test one, sometimes the lab
20 states that the maximum attainable statutory threshold has
21 been met for this substance. The total weight is 2.61
22 grams. And the confidence level for that weight is 99.7
23 percent.

24 Q. Can you explain to the jury what that threshold
25 language means?

1 placed the recording equipment and wire on him. We gave him
2 \$300 of documented funds. After that, we were directed by
3 Mr. Roberts to come to the residence of [REDACTED]
4 [REDACTED] Once we got that, Mr. Sekula was driven by Detective
5 Allen to that residence.

6 He exits the vehicle. Enters the trailer. From
7 watching the video, you observe Mr. Brown conduct the
8 transaction with Mr. Sekula. Mr. Sekula then exits the
9 vehicle -- I'm sorry, exits the trailer, and enters the
10 vehicle with Detective Allen, where he immediately hands the
11 heroin to Detective Allen.

12 After handing the heroin to Detective Allen, they
13 meet us back at the meeting location. After meeting us at
14 the meeting location, I secure the heroin from Detective
15 Allen and place it into a SLED BEST kit. Mr. Sekula is
16 immediately strip-searched. And I submit that BEST kit to
17 the lab for analysis.

18 Q. I'm now showing you what's been marked for
19 identification as State's Exhibit 123. Do you recognize
20 that item?

21 A. Yes, sir. That is the BEST kit that I sealed the
22 heroin that we obtained from Mr. Brown on that buy.

23 Q. How do you know it's the same BEST kit?

24 A. Because my signature is on it.

25 MR. UNDERWOOD: Your Honor, at this time, I move to

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

TO: Berkeley County (Hill-Finklea) Detention Center
Corporal Frederick Samuel
300 California Avenue
Moncks Corner, SC 29461
(via email)

FROM: Christina Bass

RE: Request for Prisoners to be accepted

DATE: June 9, 2016

Please accept this memorandum as a request for you to accept the following prisoners this afternoon, June 9, 2016 by SLED Agent Justin Wingo. These prisoners will be housed at your facility until further notice. These prisoners were previously housed in Columbia at Alvin S. Glenn Detention Center.

- 1) Justin Hunter
- 2) Emory Roberts
- 3) Rosemary Quezada
- 4) Lassian Dixon-Johnson

These subjects are being prosecuted by the SC Attorney General's Office.

Thank you for your attention and assistance with this matter. If you have any questions, please do not hesitate to contact me at 803-734-0056 or SLED Agent Justin Wingo at 803-609-7000.

1 explain how they relate to each other?

2 A. State's Exhibit 122 is the BEST kit that I placed
3 the heroin purchased from Mr. Roberts in immediately after
4 that buy. It's also the same BEST kit I submit to the lab
5 for analysis. My signature is right here on the front of
6 it.

7 State's Exhibit 133 is the lab report for this BEST
8 kit. The lab number on this BEST kit itself and the lab
9 number on this report match up.

10 The results are heroin found in sample tested, net
11 weight 3.35 grams. Confidence level for that weight is 99.7
12 percent.

13 Q. What was the next step in your investigation, Agent
14 Wingo?

15 A. Next day, we conducted a controlled buy utilizing
16 Mr. Sekula. This time we were going to purchase some
17 methamphetamine. We texted Mr. Hunter. And he responds to
18 go to Main Street. We picked Mr. Sekula up, or after we
19 picked Mr. Sekula up, we contacted Mr. Hunter about
20 purchasing the methamphetamine. And he responds to go to
21 Main. Mr. Sekula is strip-searched. We place the audio and
22 video recording equipment on him. He then was given money,
23 State-documented funds. He drives with -- he arrives with
24 Detective Allen to the Azalea Square Shopping Center right
25 there. I believe that's PetSmart, a Kohl's and Target all

1 right there in a row.

2 Surveillance personnel are sitting in the parking
3 lot. I'm sitting in the parking lot. And we are able to
4 observe Ms. Quezada leave [REDACTED], walk across
5 the street, because the apartment complex I believe is Vista
6 Sands, which is right there within walking distance of that
7 shopping center. She walks across the street. I'm able to
8 observe her meet with Mr. Sekula. They conduct a
9 transaction. And we are able to observe her walk all the
10 way back to that apartment and go back in [REDACTED]

11 Q. Agent Wingo, the apartment complex and shopping
12 center you mentioned, are they in Berkeley County?

13 A. I believe so.

14 Q. Now, Agent Wingo, where were you positioned during
15 that transaction?

16 A. I was in the front seat of Detective Lundberg's
17 truck in that parking lot, probably safe to say 40 to 60
18 yards away from the actual buy. I didn't have -- it was --
19 parking lot is kind of empty. It was later on in the day.
20 So you had a clear view of Mr. Sekula, as well as when
21 Ms. -- excuse me, Ms. Quezada came up, we could see both on
22 them. They sat down on a bench together and conducted the
23 buy.

24 Q. What was her full name?

25 A. It's Rosemarie Quezada. Tommy referred to her as

Exhibit I-1

ARREST WARRANT

STATE OF SOUTH CAROLINA

County of Dorchester

2015A4700100017

THE STATE

Against

Emory W. Roberts, Jr. (a.k.a. "Q")
(Defendant)

Address: 1009 Margaret Drive
Ladson SC

Phone: _____

SSN: _____

Sex: M Race: BLK Height: 5-10 Weight: _____

DL State: NY DL# R150701815100280379000

DOB: ██████ Agency ORI#: SCLED0001

Prosecuting Agency: SLED

Prosecuting Officer: S/A Justin Wingo

Offense: Trafficking in Heroin 4grams or more but less than 14grams.

Offense Code: 44-53-370 (e)(3)(a)(1)

Code/Ordinance Section: 2361

This warrant is **CERTIFIED FOR SERVICE** in the County of _____

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Emory W. Roberts, Jr. on 2/8/16

[Signature]

STATE OF SOUTH CAROLINA)

County of Dorchester)

AFFIDAVIT

APR 11 2016

JAMES R. PARKS
CLERK, STATE GRAND JURY

Personally appeared before me the affiant Special Agent Justin Wingo who being duly sworn deposes and says that defendant Emory W. Roberts, Jr. (a.k.a. "Q") did within this County and State on September 23, 2015 violate the criminal laws of the State of South Carolina (or ordinance) of the County of Dorchester in the following particulars: **DESCRIPTION OF OFFENSE: Trafficking Heroin more than 4 grams but less than 14 grams SC Code of Laws 44-53-370 (e)(3)(a)(1)**

I, further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On September 23, 2015 the defendant possessed and distributed a quantity of heroin, that was more than 4 grams but less than 14 grams to an informant working at the direction of the SC Law Enforcement Division (SLED) and the Dorchester County Sheriff's Office. This offense occurred at 1009 Margaret Drive in Ladson, South Carolina (Dorchester County). This controlled drug transaction was conducted under the surveillance of law enforcement officers who are prepared to testify to the same.

Sworn to and subscribed before me on)

January 20, 2016)

Signature of Judge (L.S.)

Signature of Judge

STATE OF SOUTH CAROLINA)

County of Dorchester)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MINICIPALITY OR ANY CONSTABLE OF THIS COUNTY: It appearing from the above affidavit that there are reasonable grounds to believe that on September 23, 2015 defendant Emory W. Roberts, Jr. did violate the criminal laws of the State of South Carolina (or ordinance) of the County of Dorchester as set forth below:

DESCRIPTION OF OFFENSE: Trafficking Heroin more than 4 grams but less than 14 grams

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge

Judge Code: _____ Judge's address: 1701 Main Street, Columbia, SC 29210, TEL: (803)576-1746

SGJ 2015-253
00865

1 evidence in the Grand Jury.

2 Q. And what exhibit is that?

3 A. This one is Exhibit 187. And this one is Exhibit
4 Number 186.

5 Q. Okay. Thank you. Agent Vasquez, I'm handing you
6 back State's Exhibit 94 and 145. You previously read those
7 into the record. I want to also read, if you would, read
8 both parts of the SLED analysis.

9 A. The results are 11 plastic bags, each containing a
10 powder substance. Heroin was found in the sample tested.
11 Total weight of those were 4.9 grams. The maximum was
12 attainable --

13 (Whereupon, the court reporter indicates she's have
14 trouble understanding the witness.)

15 MR. FERNANDEZ: Can you please read that slower.

16 A. The maximum attainable statutory threshold has been
17 met for the substance. Gross weight, including the
18 packaging of the remaining substance is 4.22 grams.

19 Q. Thank you. Agent Vasquez, I'm now handing you
20 State's Exhibit No. 182 and 183. Will you please review
21 these for me and let me know if you recognize those
22 photographs.

23 A. Yes, I do.

24 Q. Could you please give a very brief description
25 about the location those photographs were taken?

1 A. These photographs were taken on a couch. The couch
2 was located right as you walk into the door to the
3 right-hand side.

4 Q. Thank you. Is this a true and accurate
5 representation of what you personally viewed in your duties
6 as an evidence custodian at this location?

7 A. Yes.

8 Q. Agent Vasquez, I'm showing you State's Exhibit 182.
9 Please tell the jury what they are viewing?

10 A. Again, that's a couch located by the front door.
11 You can see the window back behind it.

12 Q. And in reference to this location, where would the
13 kitchen be?

14 A. It's a mobile home. It wasn't that wide. So
15 basically was as wide as this couch would be here. Kitchen
16 table would be right where he's standing. And then kitchen,
17 right where you guys are.

18 Q. So a matter of feet?

19 A. Matter of feet, yes.

20 Q. And what is located on the right side of the couch
21 cushion?

22 A. Handgun.

23 Q. Do you know the model and make?

24 A. It's a Ruger P-90 handgun.

25 Q. I'm going to show you State's Exhibit 193. What is

Exhibit J-1

) POSSESSION WITH INTENT TO
) DISTRIBUTE HEROIN
) S.C. Code Ann. § 44-53-370 (b)(1)
) (1 Count)
)
) POSSESSION WITH INTENT TO
) DISTRIBUTE
) METHAMPHETAMINE
) S.C. Code Ann. § 44-53-375(B)
) (1 Count)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on April 12, 2016, the State Grand Jurors present upon their oath:

COUNT ONE
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 28 GRAMS OR MORE)
(CONSPIRACY)
S.C. Code Ann. § 44-53-370 (e)(3)(c)

That JUSTIN GORDON HUNTER (A.K.A. "MO"), EMORY WARREN ROBERTS (A.K.A. "Q"), FNU LNU (A.K.A. "KEITH"), ROSEMARY QUEZADA (A.K.A. "CI CI") (A.K.A. "CHICKA"), LASSIAN DIXON JOHNSON (A.K.A. "G") (A.K.A. "BG"), WILLIAM ORLAND BROWN, IV (A.K.A. "WILL"), and other persons whose names are both known and unknown to the State Grand Jury, did in Berkeley County and Dorchester County, South Carolina, from January 1, 2015 to the present, knowingly and intentionally provide financial assistance or otherwise aid, abet, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State twenty eight (28) grams or more of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT TWO
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 4-14 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

That JUSTIN GORDON HUNTER (A.K.A. "MO") did in Berkeley County, on or about September 30, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of four (4) grams or more but less than fourteen (14) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT THREE
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 14-28 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

TAM 4/12/16

That JUSTIN GORDON HUNTER (A.K.A. "MO") did in Berkeley County, on or about October 28, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of fourteen (14) grams or more but less than twenty eight (28) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Exhibit J-2

Misael Vasquez - Direct by Mr. Fernandez

660

1 Please review State's Exhibit No. 94 and tell me if you
2 recognize what that is.

3 A. I do.

4 Q. And what is it?

5 A. Several baggies containing brown tar-like
6 substance.

7 Q. And where were they located?

8 A. On the kitchen table.

9 Q. And was that, in fact, evidence that you collected
10 and stored in the BEST kit?

11 A. Yes.

12 Q. And how do you know that?

13 A. I collected it and I put it in the BEST kit.

14 Q. Okay. And after returning that to the SLED lab for
15 analysis, do you have the analysis number? Would you please
16 compare the lab numbers to ensure they are the same.

17 A. They are.

18 Q. And if you would, please read that number into the
19 record.

20 A. L16-01822.

21 Q. Thank you. And please publish the results of that
22 analysis to the jury.

23 A. Heroin was found in the sample tested, with total
24 net weight of 4.9 grams.

25 Q. Thank you.

1 and also a little clear substance in here as well.

2 Q. And were you the one who collected those pieces of
3 evidence?

4 A. Yes.

5 Q. How do you know that?

6 A. Because I was the one documenting everything.
7 Holden was the one that found it. And I would have
8 documented it and grabbed it all.

9 Q. Is your name on the BEST kit?

10 A. Yes, it is.

11 Q. Please, if you would, then refer to the next
12 State's Exhibit No. 146. And if you would please compare
13 the SLED lab numbers to ensure that they are the same?

14 A. They are.

15 Q. And if you would, please read that lab number into
16 the record?

17 A. L16-01825.

18 Q. And what was the result of the SLED analysis of
19 that package?

20 A. The results of the SLED analysis was three plastic
21 baggies were containing heroin in the sample tested. And
22 total net weight was 3.09 grams.

23 And the other bags contained methamphetamine. And
24 the net weight for that was 1.65 grams.

25 Q. I'm now handing you State's Exhibit 94 and 145.

Exhibit
K-1



**MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY**

GENERAL SESSIONS COURT

POST OFFICE BOX 219

MONCK'S CORNER, SOUTH CAROLINA 29461-0219

(843) 719-4400

(843) 567-3311

(843) 723-3800

TO: Emory Roberts

RE: _____

The enclosed document is being returned for the following reason(s):

_____ This Order needs to be sent to Berkeley County General Sessions Administrative Judge for Signature.

_____ Requires original signature.

_____ This document is a copy. We must file original.

_____ We do not do criminal records check.

☒ This is not a Berkeley County Case.

_____ Please provide case number.

_____ Attached is the requested information.

_____ Contact Court Administration for transcript at the following address:
1220 Senate Street, Suite 200, Columbia, SC 29201-3739

_____ Information may be obtained from our web-site at www.berkeleycountysc.gov.

☒ Other We can't clock this due to the fact that this is a Richland County case. You will need to send it to them

Please make the necessary corrections and return this document for filing.

Thank you for your assistance.

Staff Initials 1/31/18

Date PKL

FILED
2018 JAN 31 AM 11:22
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

873393

Exhibit J

Other
Side

**LEGAL
MAIL
ONLY**

Division of Appellate Defense (S.C.T.D.)

Susan B. Hackett, Appellate Defender

12/10/17

Hello Ms. Hackett, how are you? In regards to your correspondence dated December 4, 2017 I thank you for the information you have provided. One question or two concerning the enclosure, (South Carolina Judicial Department - Circuit Court Search Results). Would those Circuit Courts and dates be suggestive of the actual convening of a "State Grand Jury" for the entire State for the month of April, 2016?

Ms. Hackett, I'm being Unlawfully imprisoned pursuant to State v. Williams 348 S.C. 424, "Except for certain minor offenses, the circuit court does not have subject matter jurisdiction to convict a defendant unless there has been an indictment of the offense, a waiver of indictment, or unless the charge is a lesser included offense of the crime charged." Also, "One who demands and is refused the right to be tried for crime charged against him only upon indictment presented by a legal grand jury, in instances where such indictment is required, may thereafter justly take the position that he has been deprived of life, liberty or property without due process of law in violation of the State Constitution, Const. Art. 1 § 3." In violation of South Carolina Constitution as well as the United States Constitution, Amend. IV, V, XIV, my rights and due process been violated

Sincerely

Emory W. Roberts Jr. 373393

Please See Enclosure: Desiree Allen,
(Court Reporter Manager) of the
South Carolina Supreme Court,
2 Letters dated 10-23-17/11-6-17

Appellate Court
did not raise summary
Sua Sponte, after
after stripping evidence
evidence not returning
to defendant

RECEIVED

DEC 13 2017

APPELLATE DEFENSE

1 and also a little clear substance in here as well.

2 Q. And were you the one who collected those pieces of
3 evidence?

4 A. Yes.

5 Q. How do you know that?

6 A. Because I was the one documenting everything.
7 Holden was the one that found it. And I would have
8 documented it and grabbed it all.

9 Q. Is your name on the BEST kit?

10 A. Yes, it is.

11 Q. Please, if you would, then refer to the next
12 State's Exhibit No. 146. And if you would please compare
13 the SLED lab numbers to ensure that they are the same?

14 A. They are.

15 Q. And if you would, please read that lab number into
16 the record?

17 A. L16-01825.

18 Q. And what was the result of the SLED analysis of
19 that package?

20 A. The results of the SLED analysis was three plastic
21 baggies were containing heroin in the sample tested. And
22 total net weight was 3.09 grams.

23 And the other bags contained methamphetamine. And
24 the net weight for that was 1.65 grams.

25 Q. I'm now handing you State's Exhibit 94 and 145.

1 Please review State's Exhibit No. 94 and tell me if you
2 recognize what that is.

3 A. I do.

4 Q. And what is it?

5 A. Several baggies containing brown tar-like
6 substance.

7 Q. And where were they located?

8 A. On the kitchen table.

9 Q. And was that, in fact, evidence that you collected
10 and stored in the BEST kit?

11 A. Yes.

12 Q. And how do you know that?

13 A. I collected it and I put it in the BEST kit.

14 Q. Okay. And after returning that to the SLED lab for
15 analysis, do you have the analysis number? Would you please
16 compare the lab numbers to ensure they are the same.

17 A. They are.

18 Q. And if you would, please read that number into the
19 record.

20 A. L16-01822.

21 Q. Thank you. And please publish the results of that
22 analysis to the jury.

23 A. Heroin was found in the sample tested, with total
24 net weight of 4.9 grams.

25 Q. Thank you.

1 it is that you collected at the location.

2 A. In this one, we had a plastic sandwich bag
3 containing 11 individually wrapped baggies containing a
4 brown powder substance found inside an Intex brand air pump
5 that was inside a box in the far right kitchen cabinet. And
6 that was as soon as you come in to the right.

7 Q. Okay. And referring to -- I apologize, State's
8 Exhibit No. 147, do the SLED lab numbers on both exhibits
9 match? And if so, could you read those into the record?

10 A. Yes, the lab number is L16-01823.

11 Q. Okay. And if you would, please publish for the
12 jury what the results of the SLED analysis for that bag was?

13 A. They found marijuana in the sample tested.

14 Q. Did it give a weight?

15 A. Yes, it was 1.03 grams.

16 Q. I'm now handing you what's been marked as State's
17 Exhibit No. 93 and 146. Will you please review, first
18 number 93, and let me know if you recognize that piece of
19 evidence?

20 A. I do.

21 Q. And how do you recognize it?

22 A. It was collected from a kitchen table. It was
23 hidden in the knit cap.

24 Q. And what was in the particular BEST kit there?

25 A. A couple of baggies with a brown substance in them,

1 Any objection to State's Exhibit 92 through 94,
2 Mr. Griffith?

3 MR. GRIFFITH: No objection, Your Honor.

4 THE COURT: Ms. Johns?

5 MS. JOHNS: No, Your Honor.

6 THE COURT: Marked and admitted without objection.

7 (State's Exhs. 92, Drugs Labeled L16-01823, was
8 received in evidence.)

9 (State's Exhs. 93, Drugs Labeled L16-01825, was
10 received in evidence.).

11 (State's Exhs. 94, Drugs Labeled L16-01822, was
12 received in evidence.)

13 BY MR. FERNANDEZ:

14 Q. I'm handing you what's been marked and admitted as
15 State's Exhibit 92 and 147. Will you please review No. 92
16 and tell me if you recognize that particular piece of
17 evidence?

18 A. It's one of the BEST kits I used.

19 Q. How do you know it's one of the BEST kits you used?

20 A. I put my name on it. And when we submit it in the
21 lab, you get a case number. So when you get it back, it
22 matches the case number on the report.

23 Q. What is inside of that BEST kit?

24 A. Inside the BEST kit we had --

25 Q. Before we publish the actual results, tell me what

1 Mr. Roberts to a burn phone. We want to know when 28 grams
2 was sold. None of those bags contained 28 grams.

3 When he talked about Mr. Roberts and sales that may
4 have occurred out of his house, none of them came to any
5 amount like that. There was no reliable detective testimony
6 that they saw him handle any drugs at all. There was not a
7 detective that ever saw Mr. Roberts with drugs in his hand.

8 So how much heroin was being bought or sold? How
9 much really heroin was there? Special Agent Wingo read all
10 of these lab reports to us. And every time at the end he
11 said, well, the weight was so much and the confidence in the
12 weight was 97.7 percent. And when I asked him, well, does
13 that mean that's how much heroin? What is the amount of
14 heroin? He said, well, there was heroin found in the
15 sample, but it doesn't say how much heroin. It says the
16 weight of this whole sample was so much. Could have been
17 sand with four sprinkles of heroin in it. We don't know.
18 They are confident in the weight of the sample, but they did
19 not say the sample contained half heroin, one-quarter
20 heroin, one-eighth heroin, even 10 percent heroin. We don't
21 know.

22 So coming up with a number of 28 grams of heroin, I
23 don't know, you have to think about that. Because how much
24 of it was heroin? They didn't tell us. So they never
25 established how much actual heroin it was.

1 The State also never connected an unknown person,
2 Keith, to any of the others or to my client, Mr. Roberts,
3 other than he may have merely known them. These people may
4 have known each other. There are people in this group that
5 have been talked about that knew each other. That does not
6 mean that there's conspiracy between them. If I go down
7 Main Street and there are stores on both sides of the
8 street, there may be a shoe store on this side of the
9 street, may be a shoe store on down, couple other stores
10 here and there. All those guys know each other. They are
11 all selling stuff. But they don't have a conspiracy to sell
12 stuff. They just know each other and they are all selling
13 stuff. A conspiracy is a good bit more. When they came up
14 with the name The Boys, okay, where did they get that?

15 In a statement made by one of the defendants,
16 Mr. Hunter, he listed people he dealt with. The State told
17 us a list. Mr. Roberts, my client, was not on that list.

18 As to the charge of possession of a weapon during
19 the commission of a violent crime, in none of the videos did
20 we ever see Mr. Roberts with a weapon. Nope, not one. In
21 no testimony where these guys were saying we bought this
22 from these guys, did they say, well, of course, he pointed a
23 weapon. And the State says when they entered -- questioned
24 the detective, when they entered the trailer of Mr. Roberts,
25 they found a gun on the couch. Mr. Willie Brown testified

Exhibit N

1 A. You got a specific lab report you are referencing?

2 Q. You said that on every lab report.

3 A. That's what the lab reports say.

4 Q. Okay. So if I mix a gram of heroin with 27 grams
5 of baby powder, it's going to come up, yep, that sure does
6 weigh 28 grams. But that doesn't mean it's 28 grams of
7 heroin, does it?

8 A. That means there's heroin in there, sir. But,
9 again, I am not a chemist.

10 Q. Okay. Now, did you participate -- you were present
11 when calls were made by Tommy; is that correct?

12 A. Yes, sir. When he was working for me, we directed
13 who Tommy called.

14 Q. But at no time when those calls were made did
15 anyone pick up the phone and say, hi, this is Mr. Hunter?

16 A. In drug trafficking organization, people use a lot
17 of nicknames. Obviously, you are not going to say, it's
18 Timothy Griffith, I've got heroin to sell you. You use a
19 lot of nicknames to avoid detection and get caught.

20 Q. Let me rephrase it. At no time did anyone pick up
21 the phone and say, hi, this is Mo, or, this is G, or, this
22 is Q, or, this is any name?

23 A. Sir, when you call someone you are familiar with,
24 do you see, hey, is this my mom, or do you automatically
25 begin talking? Because the level or relationship that

1 Mr. Sekula had with these individuals was familiar enough
2 that they could recognized each other's voice.

3 Q. But they did not identify -- what I'm saying is --

4 A. I understand what you are saying.

5 Q. They did not identify --

6 A. No, sir. Nobody ever picked up the phone and said,
7 this is Q or Mr. Roberts.

8 Q. Okay. So you don't know who really answered that
9 phone, do you?

10 A. No, sir, I guess I don't know who was on the other
11 end that picked that phone up.

12 Q. Okay. The quantity of heroin that Mr. Hunter in
13 his statement said he bought, 40 grams for \$1,600, is that
14 what you told us?

15 A. Let me refer to my notes for that, but -- I
16 apologize, sir. Yes, sir. It is -- he purchased -- the
17 most heroin he had ever purchased from Fresh was 40 grams
18 for \$1,600. Usually, if you've been dealing with an
19 individual long enough --

20 MS. JOHNS: Objection, Your Honor.

21 THE COURT: Basis? Basis of the objection?

22 MS. JOHNS: Nonresponsive.

23 THE COURT: Overruled. Sir, you may continue your
24 answer.

25 THE WITNESS: Usually when you are dealing with an

1 CROSS-EXAMINATION

2 BY MR. GRIFFITH:

3 Q. Agent Wingo.

4 A. Yes, sir, that's Agent Wingo, Mr. Griffith.

5 Q. Did you ever see with your own eyes Mr. Roberts
6 hand any drugs to anybody?7 A. With my own eyes, no, sir; through other
8 investigative techniques.9 Q. When you talk about the confidence level of 99.7
10 percent, you say the confidence level of the weight, isn't
11 that what we are talking about?

12 A. That's what the lab report said.

13 Q. But the confidence level of the weight, that means
14 that they took something, weighed it, and they are very
15 confident that what they weighed weighs that much?

16 A. Sir, I'm a narcotics agent, not at a chemist.

17 Q. That's not the percentage of heroin in that sample,
18 is it?19 A. Again, sir, I'm a narcotics agent. I am not a
20 chemist. I am not in the lab. And I couldn't tell you how
21 they test that stuff. You would have to reference a
22 chemist.23 Q. What you are saying is, when you repeat that, and
24 when you've read that, you've said the confidence level of
25 the weight was 99.7 percent; isn't that correct?

1 MR. UNDERWOOD: Thank you. Please answer any
2 questions opposing counsel has.

3 THE WITNESS: Yes, sir.

4 MR. GRIFFITH: If it please the Court, can we have
5 a brief break?

6 THE COURT: Sure. ladies and gentlemen, we're
7 going to take a brief recess. During the break, please do
8 not discuss the case and please leave your notepads in your
9 seats. We appreciate your patience.

10 (Whereupon, the jury leaves open court at 2:44
11 p.m.)

12 THE COURT: We will be at ease for about ten
13 minutes.

14 (Whereupon, a recess transpired.)

15 THE COURT: Everybody sufficiently refreshed? The
16 State ready to proceed?

17 MR. UNDERWOOD: Yes, Your Honor.

18 THE COURT: Defense ready to proceed?

19 MR. GRIFFITH: Yes, Your Honor.

20 MS. JOHNS: Yes, Your Honor.

21 THE COURT: Please bring in the jury.

22 (Whereupon, the jury returns to open court at 2:58
23 p.m.)

24 THE COURT: You may proceed.

25 MR. GRIFFITH: May it please the Court, Your Honor.

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July 19, 2017

1 Dorchester and other counties.

2 Q. And was that provided by a confidential informant or
3 a witness or who?

4 A. It was provided by buys conducted with a
5 confidential informant as well as testimony -- I
6 apologize, not testimony, interviews.

7 Q. And they informed you that Mr. Roberts was involved
8 with out-of-state purchase?

9 A. No sir, they didn't inform me that he was involved
10 in out-of-state.

11 Q. Did you have any evidence at all that prior to the
12 issuance of that warrant that drugs were being stored at
13 116 Summer Creek?

14 A. Yes sir, I did. There was a buy that occurred on
15 January 7th of 2016. This search warrant was issued on
16 February 5th.

17 Q. And you said you didn't execute that warrant that is
18 you didn't serve that warrant at that time when it was
19 issued.

20 A. Yes sir, that's correct.

21 Q. Did you at any time later serve that warrant?

22 A. No sir, I got a new one, which was this one right
23 here [indicates].

24 Q. And as to the second warrant did you provide the
25 same affidavit as you did the first warrant?

State v Emory Warren Roberts
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July 19, 2017

1 A. I included -- I redid it to include within the past
2 72 hours the most recent drug transaction that occurred
3 at that residence.

4 Q. And it was from the same judge, Judge Newman?

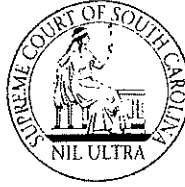
5 A. Yes sir, it was.

6 MR. GRIFFITH: I have no further questions, Your
7 Honor.

8 THE COURT: Any redirect?

9 MR. UNDERWOOD: Briefly, Your Honor.

10 THE COURT: You may proceed.
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South Carolina Court Administration

South Carolina Supreme Court
Columbia, South Carolina

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

September 17, 2018

Justin G. Hunter #377111
Kirkland R&E Center
4344 Broad River Rd.
Columbia, SC 29201

Dear Mr. Hunter:

This is in response to your letter that we received on September 6, 2018, requesting information so that you might contact the Court Reporter who covered the April 12-13, 2016, meeting of the State Grand Jury. Please note that our records do not show that the State Grand Jury met that week, however, Judge Clifton Newman who you mention in your letter was in Richland County that week. His Court Reporter was Keshia Reed. Ms. Reed can be contacted at PO Box 12190, Florence, SC 29504-2190. As you requested, we have enclosed a copy of your letter to us.

Sincerely,

Staff Attorney/sdw

Enclosure as stated

Exhibit Z

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF CLASSIFICATION & INMATE RECORDS
CUSTODY AND PRIVILEGES**

Inmate Name

Emory Roberts

Inmate Number

373393

Assigned Custody

ME

	MINIMUM CUSTODY (LABOR CREW/ WORK PROGRAM)	MINIMUM CUSTODY (MI) (MINIMUM / MEDIUM / CLOSE INSTITUTIONS)	MEDIUM CUSTODY (ME)	CLOSE CUSTODY (CL)	RHU (ST, SP, DD, SD, PC)
ACCESS TO PROGRAMS & ACTIVITIES	Outside the perimeter off institutional property	Inside the perimeter or Outside the perimeter on institutional property	Inside the perimeter	Inside the perimeter	Selected cell activity only
ACCESS TO JOBS	Outside the perimeter off SCDC property	Inside the perimeter or Outside the perimeter on institutional property	All inside the perimeter Under armed supervision outside the perimeter	All inside the perimeter Under armed supervision outside the perimeter	None except job assignments within unit for Statewide Protective Custody
WORK/EDUCATION CREDITS	(EWC/EEC) will be based on major disciplinary convictions within the previous 12 months	(EWC/EEC) will be based on major disciplinary convictions within the previous 12 months	(EWC/EEC) will be based on major disciplinary convictions within the previous 12 months	(EWC/EEC) will be based on major disciplinary convictions within the previous 12 months.	None, except EWC level 7 for Statewide Protective Custody
ACCESS TO CANTEEN	\$150 week limit	\$150 week limit	\$100 week limit	\$50 week limit	Refer to OP-22.16 for Death Row, OP-22.32 for Statewide Protective Custody, OP-22.38 for RHU. Pre- Trial SK inmates are eligible for canteen privileges.
ACCESS TO VISITS	See SCDC Policy/Procedure OP-22.09, Inmate Visitation, Restrictive Housing Unit, OP-22.38, Statewide Protective Custody, OP-22.23 for information on visitation privileges.				
ACCESS TO TELEPHONE	Unlimited	Unlimited	4 calls per day	1 call per day	Up to 1 call per month (depending upon Security Detention level designation). Refer to OP-22.38, Restrictive Housing Unit, for SSR, and OP-22.23 for Statewide Protective Custody.

*This does not affect access to legal telephone calls.

Projected Release Date as of:

7/14/2023

Max-out:

3/24/2038

Parole Eligibility

NONE

Supervised Reentry

NONE

Labor Crew/Work Program Eligibility

NONE

Detainers (Yes or No)

NO

Sentence Start Date

06/09/2016

Sentence Length

25yrs

Annual Transfer Review Month

August (8)

Exhibit Z-2

In arguing the State Grand Jury did not convene to indict him, Applicant relies on a letter addressed to Applicant from Court Administration that stated,

Your inquiry has been received by this office. The convening of the State Grand Jury is not dependent upon a term of General Sessions court and often does not meet at the same time as General Sessions terms. You are requesting a transcript from State Grand Jury proceedings. This is to advise that there is no court reporter assigned to record Grand Jury proceedings, and therefore, there is no transcript available.

However, at the PCR hearing, Underwood explained the State Grand Jury had a contract with Creel Reporting for transcription, which was separate from Court Administration, and the method for obtaining that transcript would be to go directly to the Court Reporter with Creel Reporting to obtain copies. (PCR 122-23). Based on Underwood's foregoing testimony, which this Court finds credible, this Court finds the letter from Court Administration is NOT proof that a transcript of this State Grand Jury proceeding did not exist. Rather, Court Administration did not have the transcript because Court Administration does not handle transcripts of State Grand Jury proceedings. Ultimately, Applicant has NOT provided clear evidence that the State Grand Jury proceeding was irregular and thus has not proven a due process violation. See Evans, 363 S.C. at 514, 611 S.E.2d at 520 ("The regularity of grand jury proceedings is presumed absent clear evidence to the contrary.").

Empanelment documents

Applicant also raises several due process claims related to the purported denial of the State Grand Jury's empanelment documents. In support, he references a portion of the trial transcript

§ 14-7-1630(A)(1) (providing the State Grand Jury has jurisdiction over "a crime involving narcotics, dangerous drugs, or controlled substances, or a crime arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances . . . if the crime is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.").

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

VS.

JUSTIN GORDON HUNTER,
(A.K.A. "MO"),
EMORY WARREN ROBERTS,
(A.K.A. "Q"),
FNU LNU (A.K.A. "KEITH"),
ROSEMARY QUEZADA,
(A.K.A. "CI CI"),
(A.K.A. "CHICKA"),
LASSIAN DIXON JOHNSON,
(A.K.A. "G"),
(A.K.A. "BG"),
WILLIAM ORLANDO BROWN,
(A.K.A. "WILL"),

DEFENDANTS.

INDICTMENT NOS.: 2016-GS-47-02
2016-GS-47-03

PROTECTIVE ORDER

FILED

SEP 15 2016

JAMES R. PARKS
CLERK, STATE GRAND JURY

This matter comes before the Court on motion of the Attorney General of South Carolina (the "Attorney General") requesting authorization to disclose State Grand Jury material to the attorneys for the defendants in the above-captioned case for purposes of providing the pre-trial discovery required in criminal cases. South Carolina Code Ann. § 14-7-1720 generally provides that State Grand Jury material is secret, but allows disclosure for the purpose of "complying with constitutional, statutory, or other legal requirements or to further justice". See S.C. Code Ann. § 14-7-1720(A)(5). Additionally, defendants are entitled to discovery in criminal cases, pursuant to the constitution, statute, and rule. See Brady v. Maryland, 373 U.S. 83 (1963); Evans v. State, 363 S.C. 495, 611 S.E.2d 510 (2005); S.C. Code Ann. § 14-7-1700; Rule 5, SCRCrimP.

However, the State Grand Jury statute also provides that disclosure of State Grand Jury evidence and testimony "must be made in that manner, at that time, and under those conditions

10/5
[Signature]

I, JUSTIN HUNTER, did with the Court Administration, Supreme Court To INQUIRE AS to who was the COURT REPORTER That may Have Been assigned to Record the State Grand Jury PROCEEDINGS in my case, Court Administration Responded in a letter Dated Sept. 17, 2018 stating That " Their Records Do NOT Reflect that The state Grand Jury met that week". Upon my arrival at PERCY Correctional Institution I Came upon my Co-Defendant MR. Emory Roberts who I then Supplied the Letter to FROM Court Administrations, I PROVIDED the Letter Dated Sept, 17, 2018 To MR. Roberts in the Month of JUNE, 2025, I DECLARE under penalty of Perjury That the FACTS STATED HEREIN ARE TRUE and Accurate

Affidavit

SWORN and Subscribed
Before ME on this 30 Day
of December, 2025

Tamara Conwell
Notary Public For South Carolina

My Commission Expires
October 6, 2033

RECEIVED

DEC 30 2025

MAILROOM

[Signature]
Signature of Affiant

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