

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Florence County

Honorable William H. Seals, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CARLTON DEVONTE BROWN,

APPELLANT

APPELLATE CASE NO. 2025-000149

RECORD ON APPEAL

JESSICA M. SAXON
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MARK R. FARTHING
Senior Assistant Deputy Attorney General
PO Box 11549
Columbia, SC 29211-1549
(803) 734-4117

ATTORNEY FOR APPELLANT

E. L. CLEMENTS, III
Solicitor, Twelfth Judicial Circuit
180 N. Irby St.
Florence, SC 29501
(843) 665-3091

ATTORNEYS FOR RESPONDENT

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT NO. 1 (BODYCAM VIDEO ON DISK); STATE'S EXHIBIT NO. 2
(9-1-1 CALL ON DISK); STATE'S EXHIBIT NO. 3 (HOUSING AUTHORITY VIDEO);
STATE'S EXHIBIT NO. 4 (MAJORS BODYCAM ON DISK)]**

State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2021-GS-21-02897
	)	Case No. 2021-GS-21-02898
	)	Case No. 2021-GS-21-02899
	)	Case No. 2021-GS-21-02900
	)	Case No. 2024-GS-21-02106
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
Carlton Brown,	)	
	)	
Defendant.	)	
	)	

January 13-15, 2025
Florence, South Carolina

B E F O R E:

The Honorable William H. Seals, Jr., Judge; and a jury

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

Jeremiah Freeman, Esquire
Attorney for the Plaintiff/State

William "Josh" Edgeworth, Esquire
Attorney for the Defendant

Krystal J. Smith
Official Circuit Court Reporter III

1 JANUARY 13, 2025

2 (WHEREUPON, the proceedings began at 11:18 a.m.)

3 THE COURT: All right. Up to this point in time, we have
4 determined that you are qualified to serve as jurors. Now, I
5 need to ask you another series of questions to see if you're
6 qualified to serve on a particular case. If any of these
7 questions apply to you, I need for you to please stand.

8 The first case that we're going to try --

9 Well, Solicitor, why don't you go ahead and call your
10 case?

11 MR. FREEMAN: Your Honor, the State of South Carolina
12 would call true-billed indictments 2021-GS-21-02897, 2898,
13 2899, 2900, and 2024-GS-21-02106. It's the State of South
14 Carolina versus Carlton Devonte Brown.

15 THE COURT: All right. The State of South Carolina in
16 this particular case alleges that Carlton Devonte Brown did in
17 Florence County -- on or about June 29th, 2021, he was in
18 possession of a handgun by a person convicted of a crime of
19 violence. He's charged with pointing and presenting a
20 firearm, trafficking methamphetamine, possession with intent
21 to distribute marijuana, and another count of possession of a
22 handgun by one convicted of a crime of violence. Mr. Brown
23 has pled not guilty and requested a jury trial.

24 Has any member of the jury panel heard anything about
25 this case, read anything about this case, talked to anybody

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 THE WITNESS: My name is Dedrick Graham.

2 DEDRICK GRAHAM, being first duly
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q: Major Graham, who are you and who are you employed with?

7 A: I'm employed with the Lake City Police Department
8 currently as the major of operations.

9 Q: All right. And how long have you been working there?

10 A: Off and on about 15 years.

11 Q: Were you working on June 29th, 2021?

12 A: I was.

13 Q: And what were you doing on that day?

14 A: I was a patrol sergeant.

15 Q: Okay. On that day, were you notified by the previous
16 shift to be on the lookout for anything?

17 A: We were notified to be on the lookout for a suspect
18 driving a silver or gray-colored Chevy Equinox that were
19 involved in a domestic at Brentwood Circle.

20 Q: That was involved where?

21 A: In a domestic at Brentwood Circle.

22 Q: Okay. And this had occurred before you got on shift?

23 A: It was during day shift.

24 Q: Okay. And did y'all locate -- did you locate the vehicle
25 y'all were looking for?

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 A: Lieutenant Stewart located the vehicle.

2 Q: Okay. Can you tell us about that?

3 A: We --

4 Q: How did he locate it and where were you in connection?

5 A: Well, on patrol, we were told to keep the area under
6 surveillance just in case he came back because he had made
7 threats that he was coming back to shoot the victim. So that
8 night, Stewart was in the area and was turning onto Brentwood
9 Circle and saw the suspect vehicle driving off of Brentwood
10 Circle.

11 Q: Okay. Did he conduct a traffic stop?

12 A: He did.

13 Q: And were you a part of that traffic stop?

14 A: I was.

15 Q: Were you a part of the stop before Stewart got out of the
16 vehicle?

17 A: Yes. I was behind him.

18 Q: Okay. So how close in proximity were you to him when the
19 stop was initiated?

20 A: Maybe five feet behind him.

21 Q: Okay. And so what happened next? Did you conduct a --
22 was a felony traffic stop conducted?

23 A: Yeah, it was a felony traffic stop.

24 Q: Can you tell the Court what that is?

25 Q: Law enforcement do felony traffic stops with reason to

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 believe that the suspect in the vehicle is armed. We approach
2 the vehicle with weapons out, command them to get out of the
3 vehicle.

4 THE COURT REPORTER: Can you slow down?

5 THE WITNESS: Yes, I can.

6 BY MR. FREEMAN:

7 Q: Was the vehicle secured?

8 A: Yes.

9 Q: Was the occupant secured?

10 A: Yes.

11 Q: Do you see the occupant in this courtroom?

12 A: I do.

13 Q: Can you identify him, please?

14 A: That's Mr. Carlton Brown.

15 Q: All right. Was the defendant read his Miranda rights?

16 A: He was.

17 Q: Were they read by you?

18 A: Lieutenant Stewart.

19 Q: Where were you when these Miranda rights were given to
20 the defendant?

21 A: Standing beside Lieutenant Stewart.

22 Q: And can you inform this Court what rights this defendant
23 was informed of?

24 A: He had the right to remain silent. Anything he said
25 could and would be used against him in a court of law. He had

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 a right to an attorney. If he couldn't afford one, one would
2 be provided for him.

3 Q: And these were --

4 A: Lieutenant Stewart's words.

5 Q: -- relayed the defendant?

6 A: Correct.

7 Q: Did he acknowledge that he understood them?

8 A: Yes.

9 Q: Were -- was he threatened or coerced in any manner?

10 A: No, sir.

11 Q: Was he in handcuffs?

12 A: Yes.

13 Q: So he was in custody?

14 A: Yes.

15 Q: Was he promised anything for a statement?

16 A: No, sir.

17 Q: If he had invoked his -- or let me ask this. Did he
18 invoke his right to remain silent?

19 A: No, sir.

20 Q: Did he invoke his right to an attorney?

21 A: No, sir.

22 Q: Had he invoked either of those rights, would the
23 questioning have ceased?

24 A: Yes, sir.

25 Q: Were you wearing a body camera during this incident?

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 A: I was.

2 Q: Was John Stewart wearing a body camera?

3 A: He was.

4 Q: Have you had an opportunity to view both of those?

5 A: Yes.

6 Q: Are they a fair and accurate depiction --

7 A: Yes.

8 Q: -- of the events that you were investigating that night?

9 A: Yes.

10 Q: Was the Miranda rights that were given to the defendant
11 captured on the body camera?

12 A: They were.

13 MR. FREEMAN: Your Honor, at this time, the State would
14 show -- actually, can I get this pre-marked, Your Honor? I
15 apologize. That's State's Exhibit 1.

16 BY MR. FREEMAN:

17 Q: I'm going to hand you what's been marked as State's
18 Exhibit 1. Do you recognize this?

19 A: I do.

20 Q: And how do you recognize it?

21 A: It's the bodycam footage of Lieutenant Stewart.

22 Q: And you've viewed this?

23 A: I have.

24 Q: And you were right there with him?

25 A: I was.

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 MR. FREEMAN: Your Honor, the State at this time would
2 move to introduce State's Exhibit 1 into evidence.

3 THE COURT: Any objections?

4 MR. EDGEWORTH: No objection at this time, Judge.

5 THE COURT: All right.

6 (WHEREUPON, State's Exhibit Number 1, Stewart bodycam
7 footage, was admitted into evidence.)

8 MR. FREEMAN: Your Honor, permission to play --

9 THE COURT: Sure.

10 MR. FREEMAN: -- the beginning portions of this video for
11 you?

12 BY MR. FREEMAN:

13 Q: Well, while we're doing that, let me ask you this, Major
14 Graham. After his Miranda rights were read, then you said
15 that he acknowledged his rights?

16 A: Uh-huh.

17 Q: The questioning would have ceased had he invoked--

18 THE COURT: Is that a yes or a no?

19 THE WITNESS: Oh, yes.

20 THE COURT: Go ahead.

21 MR. FREEMAN: I'm sorry.

22 BY MR. FREEMAN:

23 Q: Questioning would have ceased you said?

24 A: It would have.

25 Q: Okay. Did the defendant acknowledge that he had a

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 firearm in his vehicle after his -- after acknowledging his
2 rights?

3 A: He did.

4 Q: Was a search conducted of his vehicle?

5 A: Yes.

6 Q: Who conducted the search?

7 A: I did.

8 Q: Did you, in fact, find a firearm?

9 A: I did.

10 Q: How many did you find?

11 A: Two.

12 Q: And one being a black Ruger .38 SP revolver?

13 A: Yes.

14 Q: The other being a Smith and Wesson? Did you find any
15 drugs in the vehicle?

16 A: I did.

17 Q: And where were those located?

18 A: They were laying in the back floorboard.

19 MR. FREEMAN: Your Honor, I'm going to play this video at
20 this time.

21 THE COURT: Uh-huh.

22 (WHEREUPON, portions of State's Exhibit Number 1, Stewart
23 bodycam video, were played. Not transcribed herein.)

24 MR. FREEMAN: Your Honor, that is the video that I wanted
25 to present the Court. It highlights John Stewart giving the

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 defendant his Miranda warnings.

2 THE COURT: Uh-huh.

3 MR. FREEMAN: I believe I have no further questions at
4 this time.

5 THE COURT: All right. Mr. Edgeworth?

6 MR. EDGEWORTH: Thank you, Judge.

7 CROSS-EXAMINATION

8 BY MR. EDGEWORTH:

9 Q: You agree that there was conversation between the other
10 officer and my client prior to him being read his rights?

11 A: Uh-huh. Yeah, I do.

12 Q: Okay. And you're standing there when he was telling him
13 about he's not going to tell him why he was stopped until he
14 said that he understood his rights?

15 A: He said we would tell him once he said he understood his
16 rights.

17 Q: Right. And he asked him how many times? Do you recall?

18 A: Four or five times.

19 Q: Uh-huh. And he kept on asking you guys why he was being
20 stopped; correct?

21 A: Uh-huh. Correct.

22 Q: And you wouldn't tell him why he was being stopped?

23 A: He said he had a warrant.

24 Q: And he asked you what that warrant was for; correct?

25 A: Yes, sir.

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 Q: Okay. Did he seem agitated?

2 A: He did.

3 Q: Because you wouldn't tell him why he was stopped?

4 A: That could be the reason.

5 Q: Okay. Did y'all have the guns drawn when you pulled --
6 when you pulled him over?

7 A: Yes.

8 Q: Okay. You heard him tell -- you heard the other officer
9 tell him that he was going to be dead if he made another move;
10 correct?

11 A: I did.

12 Q: One could probably be pretty anxious in that moment;
13 right?

14 A: Correct.

15 Q: Okay. We stopped that video after there was a statement
16 by my client about the gun y'all kept on asking him about;
17 correct?

18 A: Correct.

19 Q: Okay. But you were there the whole time?

20 A: I was.

21 Q: Okay. Do you remember y'all pulling him off to the side
22 and letting him smoke a cigarette?

23 A: I did let him smoke a cigarette.

24 Q: Okay. Do you remember talking to him about how, you
25 know, these things go a little bit easier if he just

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 cooperated?

2 A: I do not.

3 Q: Okay. Is that something that you would normally say when
4 you're talking to somebody on the roadside when they're in
5 handcuffs?

6 A: I was trying to calm him down.

7 Q: Right. Because he was anxious?

8 A: Yes.

9 Q: He was nervous?

10 A: Yes.

11 Q: Upset he had been stopped?

12 A: Yes.

13 Q: Upset and then once he found out the allegations that
14 y'all told him about were false?

15 A: He was upset because he had other things in the car that
16 he didn't want us to see.

17 Q: Really?

18 A: That's what he told me.

19 Q: That's what he told you? When did he tell you that?

20 A: It's in the video.

21 Q: Okay. Well, we stopped it right there. So what I'm
22 talking about is you went into the car later on and started
23 searching it; correct?

24 A: I did.

25 Q: Okay. Prior to that, he was in handcuffs?

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 A: Yes.

2 Q: Okay. He was secure?

3 A: Yes.

4 Q: Okay. Had no access to firearms?

5 A: No.

6 Q: Okay. In fact, at some point in time, he told you there
7 was a firearm in the car?

8 A: He did.

9 Q: Okay. So I guess we all can agree that when he gets to
10 the -- to the side of the road and y'all are talking that he's
11 in custody?

12 A: Yes.

13 Q: Okay. And you guys are chatting him up?

14 A: I was talking to him to keep him calm.

15 Q: Okay. To keep him calm only? Were you talking to him to
16 elicit information from him about the case?

17 A: No.

18 Q: Okay.

19 A: I don't think I was.

20 Q: Okay. Did you tell him that you were asking questions or
21 to elicit information about this case?

22 A: I don't -- can't recall, but I don't think I did.

23 Q: Okay. A lot of times when you're -- when you're doing
24 these types of cases or any types of cases, you just arrest
25 the person and put them in the car and drive them on over to

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 -- to the jail and then bring them into a room to have a
2 conversation just recorded; correct?

3 A: I would take them to the jail and an investigator would
4 come have a conversation.

5 Q: So the investigator would normally have the conversation
6 that they record; correct?

7 A: Yes.

8 Q: Okay. And in that environment, the individual would
9 absolutely know that the things that they are talking about on
10 the side of the road wouldn't just be friendly in nature, but
11 it would be investigative in nature; correct?

12 A: I can say that, yes.

13 Q: Okay. So it's fair to say then that you guys are sitting
14 on the side of the road and just chit chatting and smoking a
15 cigarette, talking, that he would not know that the
16 information that he may provide you would be used against him?

17 A: That's why you would read to him Miranda. Anything he
18 said would be used against him in a court of law.

19 Q: Okay.

20 A: He said he agreed to it.

21 Q: Okay. He said he understood it?

22 A: Uh-huh.

23 Q: Okay.

24 A: Yes.

25 Q: And he said he understood it because you guys told him

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 that you wouldn't tell him why he was being stopped until he
2 said so; correct?

3 MR. FREEMAN: Objection, Your Honor. He's having to
4 speculate as to why the defendant acknowledged his rights.

5 MR. EDGEWORTH: I'm just saying the facts.

6 THE COURT: Go ahead and ask a question. If y'all both
7 want to slow down a little bit, it'd be a little bit easier to
8 understand --

9 THE WITNESS: Can you repeat the question?

10 THE COURT: -- for the court reporter, I'm sure.

11 MR. EDGEWORTH: Yes, sir. Thank you, Judge.

12 THE WITNESS: What was your question?

13 BY MR. EDGEWORTH:

14 Q: Okay. So he's not in an enclosed setting while you're
15 communicating with him on the side of the road; correct?

16 A: Yes.

17 Q: Okay. Although he's in handcuffs, he's not in the
18 traditional method that law enforcement may interrogate an
19 individual; correct?

20 A: Yes.

21 Q: Okay. You're simply on the side of the road having a
22 conversation?

23 A: Yes.

24 Q: Okay. And during that conversation, he's offered a
25 cigarette?

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 A: Yes.

2 Q: Okay. He smokes the cigarette?

3 A: Yes.

4 Q: Okay. You guys continue to talk about facts related to
5 this case; correct?

6 A: Yes.

7 Q: And at this time, you had read Miranda?

8 A: Yes.

9 Q: Okay. Or the other officer had read Miranda?

10 A: Yes. Lieutenant Stewart.

11 Q: And in order for you to gain him acknowledging his
12 rights, you told him that he would not know why he was stopped
13 until he did so; correct?

14 A: No. We told him he was stopped because he had a warrant.

15 Q: Okay. And he asked what the nature of the warrant is?

16 A: And Lieutenant Stewart told him.

17 Q: Okay. And but for him asking why he had those warrants,
18 you would have simply just arrested him and taken him to jail?

19 A: Yes.

20 Q: Okay.

21 MR. EDGEWORTH: No further questions, Judge.

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

23 THE DEFENDANT: I want to speak. I wanted to speak
24 because I don't know what's going on.

25 MR. EDGEWORTH: Hold on, hold on, hold on.

DEDRICK GRAHAM - REDIRECT BY MR. FREEMAN

1 Judge, may we have a brief moment to speak outside the
2 courtroom --

3 THE COURT: Sure.

4 MR. EDGEWORTH: -- or off to the side or wherever?

5 THE COURT: Go ahead and take a break and come back.

6 MR. EDGEWORTH: May we go to the conference room, Judge?

7 THE COURT: Yes.

8 THE DEFENDANT: Thank you, sir. I appreciate it.

9 (WHEREUPON, there was a pause in the proceedings, after
10 which the proceedings resumed as follows after the
11 defendant and counsel returned to the courtroom.)

12 MR. EDGEWORTH: Thank you, Judge.

13 THE COURT: All right. Any more questions from this
14 witness?

15 MR. FREEMAN: Briefly, Your Honor.

16 THE COURT: All right.

17 REDIRECT EXAMINATION

18 BY MR. FREEMAN:

19 Q: Did you and John Stewart have information that this
20 defendant was armed?

21 A: Yes.

22 Q: Is that the immediate concern when conducting a felony
23 traffic stop is the safety of the officers?

24 A: Yes.

25 Q: Was this an exigent circumstance?

1 A: Yes.

2 Q: After reading the rights, because you just watched the
3 video, Stewart actually almost stopped speaking to the
4 defendant when he didn't acknowledge his rights; is that
5 correct?

6 A: Yes.

7 Q: To the best of your knowledge, was the defendant's
8 statement freely and voluntarily given?

9 A: Yes.

10 MR. FREEMAN: No further questions, Your Honor.

11 THE COURT: Anything further?

12 MR. EDGEWORTH: No, Judge.

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

14 Call your next witness.

15 MR. FREEMAN: Your Honor, for purposes of the defendant's
16 motion, I believe that the State has satisfied the burden of
17 showing the defendant made a statement that's freely and
18 voluntarily given. He wasn't coerced, subject to threats or
19 promises.

20 Yes, you know, conversations continued afterwards, but
21 that's not uncommon. The beginning of the, you know, first
22 five minutes of the stop, the defendant acknowledges his
23 rights, and the State's position is that anything following
24 that is free, and so we would just ask the Court to deny the
25 defendant's motion.

1 THE COURT: All right. Anything further from the
2 defense?

3 MR. EDGEWORTH: Yes, Your Honor.

4 And knowing that we haven't watched all the video but
5 certainly listening to some of the testimony about how the
6 conversations that took place, whether or not there's anything
7 that implicates my client, I mean, there's -- obviously, he's
8 communicating. That's going to be -- that's evident on the
9 video.

10 But the point of the testimony, Judge, is, is that he was
11 essentially coerced into recognizing his rights because they
12 would not tell him why he was stopped. They said a warrant,
13 but he's trying to figure out what the heck they're talking
14 about because, as you heard before he was mirandized, I ain't
15 done nothing, and he was compliant and was told that he'd be
16 shot, you know, if he made another move.

17 That officer is not here to testify, I guess, but, you
18 know, based on the circumstances of this particular -- of this
19 particular case, you can't help but indicate that, you know,
20 based on the anxiety of this -- of this man who gets pulled
21 over and not told why in the world that he's being stopped and
22 then force fed the -- the Miranda down his throat before they
23 even let him know why they were pulling him over, other than
24 saying there's a warrant, I think is coercive, especially
25 recognizing that normal protocol or standard protocol would

1 have been to arrest him on the warrant, take him to jail, and
2 then interrogate him after the fact, which, of course, he
3 would have been in a setting where he would recognize that he
4 was in custody, despite the fact that he had handcuffs on.

5 I would ask the Court to in the first instance find that
6 it's not knowingly and voluntarily made due to the coercive
7 acts of law enforcement. Secondly, Your Honor, if the Court's
8 inclined to find that it -- it does meet the standard in that
9 it would be admissible, I'd ask that any statements made prior
10 to the reading of Miranda, whether the Court finds it was
11 coerced or not, would be struck because it was made without --
12 without any advisement of rights, and I think that would serve
13 the purpose.

14 And since we're on this particular motion, I think they
15 elicited testimony that's unrelated to the motion, more
16 related to making a motion to suppress stuff, but I'm only --
17 I'm only speaking as to the *Jackson v. Denno*, Judge.

18 THE COURT: All right. Any response to that?

19 MR. FREEMAN: Your Honor, if you are inclined to allow
20 the statement, I wouldn't necessarily disagree that the
21 defendant was in custody when he made the initial remark about
22 the handgun. However, I would say that this was a felony
23 traffic stop. The officers were on the lookout for an armed
24 suspect. They find who they believe to be that suspect and
25 ask the obvious question, you know, if he's got a gun because

1 that's what was testified to was the immediate concern. But
2 if Your Honor would prefer, we can always redact that first
3 two seconds out.

4 THE COURT: All right. Any objections to that?

5 MR. EDGEWORTH: No. I don't think it's admissible. It
6 was prior to the Miranda.

7 THE COURT: All right. I'm going to deny the motion and
8 find that he was properly mirandized and that his statement
9 was given freely and voluntarily.

10 All right. Your next motion?

11 MR. EDGEWORTH: For clarification, Judge, does that mean
12 statements made after the Miranda is admissible but prior to
13 is not?

14 THE COURT: You know, they had a warrant for his arrest.
15 Allegedly, he was armed, and they were just trying to secure
16 the scene for safety and they just said do you have a gun on
17 your person? He said, no, I got one in the car.

18 That's just the extent of it. I have a hard time finding
19 that would be improper.

20 MR. EDGEWORTH: Okay.

21 THE COURT: Do you have any case law that would -- that
22 would say otherwise?

23 MR. EDGEWORTH: No, Your Honor, not -- not on hand, but I
24 guess prior -- I mean, I'm just trying to make sure that I
25 understand the Court's ruling in this particular regard.

1 THE COURT: That's the way --

2 MR. FREEMAN: Yes, Your Honor.

3 THE COURT: That's the way I see it, and that's exactly
4 what happened in that case that I had in Marion County.

5 MR. EDGEWORTH: Yes, sir. So I'm just making sure the
6 ruling is on the record.

7 THE COURT: It is.

8 MR. EDGEWORTH: So that that motion is denied, Judge?

9 THE COURT: That's right.

10 MR. EDGEWORTH: Okay. Thank you.

11 Then the next motion, Judge, is to suppress the -- the --
12 the drugs that were found in the vehicle, and I don't know if
13 we -- I can make the formal motion, and then we'll put up the
14 testimony, but, Judge, I guess if we would take up the
15 testimony so we can go forward with that.

16 THE COURT: Okay.

17 MR. FREEMAN: We can do that, Your Honor.

18 THE COURT: All right.

19 MR. FREEMAN: Your Honor, at this time, the State would
20 again call Dedrick Graham.

21 THE CLERK: Place your left hand on the Bible and raise
22 your right hand. Do you swear or affirm the testimony you
23 give in this case to be the truth, the whole truth, and
24 nothing but the truth, so help you God?

25 THE WITNESS: Yes.

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 THE CLERK: Please be seated again, and state your full
2 name for the record.

3 THE WITNESS: My name is Dedrick Graham.

4 DEDRICK GRAHAM, being duly sworn,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. FREEMAN:

8 Q: All right. Major Graham, you were in here earlier. You
9 testified as to who you are, who you work with, how long, and
10 a little bit about your involvement in this case; is that
11 correct?

12 A: Correct.

13 Q: All right. Well, let's fast forward to the search of the
14 vehicle. When Mr. Brown was detained on the side of the road,
15 he was speaking with John Stewart?

16 A: Yes.

17 Q: And where -- and where is John?

18 A: Standing beside him in front of the vehicle.

19 Q: Where is John today?

20 A: Oh, he's deceased.

21 Q: Okay. Did you conduct a search of the vehicle at that
22 time?

23 A: I did.

24 Q: Tell this Court what you found and where you found it?

25 A: I found two firearms and a bag of marijuana in the back

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 passenger side floorboard.

2 Q: Was that -- one of those firearms a black Ruger 38 SP, I
3 believe you testified earlier?

4 A: Yes.

5 Q: Yes. And then the other was a Smith and Wesson 9-
6 millimeter?

7 A: Yes.

8 Q: And those drugs you said were in the back seat?

9 A: On the back floorboard.

10 Q: And that was the marijuana?

11 A: Yes.

12 Q: Was there any methamphetamine located?

13 A: I didn't --

14 Q: Did you locate any methamphetamine?

15 A: I didn't locate any methamphetamine.

16 Q: Okay. Did you -- you testified earlier you watched John
17 Stewart's body camera?

18 A: Yes.

19 Q: Are you familiar with -- with any funny-colored pills
20 that were located during the search?

21 A: Yes.

22 Q: Where were those located?

23 A: In the front seat in the glasses holder between the
24 visors.

25 Q: Okay. And this is all captured on video?

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 A: Yes.

2 Q: Okay. What was John's title?

3 A: It was narcotics investigator.

4 Q: He was what?

5 A: Narcotics investigator.

6 Q: He was a narcotics investigator?

7 A: Yes.

8 Q: Okay. And so you weren't involved in the handling of the
9 drugs when taking them to the Sheriff's Office?

10 A: No.

11 Q: Is that correct? What were you doing during this time?

12 A: I was transporting the suspect to the jail.

13 Q: But you had an independent personal knowledge that you
14 found the marijuana?

15 A: Yes.

16 Q: And you found the guns?

17 A: Yes.

18 Q: And you have independent personal knowledge where the
19 pills were found from watching Stewart's video; correct?

20 A: Correct.

21 MR. FREEMAN: No further questions for this witness.

22 THE COURT: All right.

23 CROSS-EXAMINATION

24 BY MR. EDGEWORTH:

25 Q: I'm going to ask you some questions already asked. So

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 bear with me. You were called to aid in a stop of the vehicle
2 in which my client was in; correct?

3 A: Correct.

4 Q: Okay. And the reason why you were called is because you
5 understand that there -- based on -- and correct me if I'm
6 wrong, because I'm going by your past testimony earlier -- is
7 that there was warrants, basically like a BOLO out for that
8 particular car because there were warrants that need to be
9 served; correct?

10 A: Correct.

11 Q: Okay. And you had knowledge at that time that based on
12 part of the complaint that the individual may have a gun?

13 A: Correct.

14 Q: Okay. And we saw part of this video already. In fact,
15 there was a statement made before Miranda where he
16 acknowledges there's a gun in the car; correct?

17 A: True.

18 Q: Okay. So at the time he's pulled over, the two reasons
19 why you're stopping him is to execute and serve a warrant and
20 identify whether he has a firearm?

21 A: Correct.

22 Q: Okay. And you -- and you know within a few seconds that
23 there's a firearm in the car?

24 A: Correct.

25 Q: Okay. You put him in cuffs? Yes?

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 A: Correct.

2 Q: Okay. He's secured?

3 A: Correct.

4 Q: Okay. There's no guns or any type of weapons on his

5 person; correct?

6 A: Correct.

7 Q: Okay. He's moved away from the car?

8 A: Correct.

9 Q: Okay. You are safe?

10 A: Yes.

11 Q: Okay. You don't have any fear for your life at this

12 point in time?

13 A: No.

14 Q: Okay. Now, you go into the vehicle and, in making sure I

15 understand this, you find the gun?

16 A: Yes.

17 Q: Okay. You secure the gun?

18 A: No.

19 Q: You do not secure the gun?

20 A: No.

21 Q: You left it in the car?

22 A: I notified Lieutenant Stewart where the guns and drugs

23 were, and he took over.

24 Q: Okay. Now, when we're talking about the drugs, are we

25 talking simply about --

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

- 1 A: The marijuana.
- 2 Q: -- the marijuana? Okay. You identified that there was
3 marijuana in the floorboard next to the gun?
- 4 A: Yes.
- 5 Q: Okay. And then did you begin to secure -- at that point,
6 did you start securing Mr. Brown?
- 7 A: Yes. We switched locations.
- 8 Q: Okay. And then he went into the vehicle?
- 9 A: Yes.
- 10 Q: Okay. And did he secure the gun?
- 11 A: Not when I was on the scene.
- 12 Q: Okay. The gun was in the -- in the --
- 13 A: It was in the floorboard when -- well, he actually
14 secured the gun on bodycam after I had left.
- 15 Q: Okay. He identified the fact that there was a gun?
- 16 A: Yes.
- 17 Q: But there was no threat to your safety?
- 18 AL No.
- 19 Q: Okay. And that's what you were looking for?
- 20 A: Yes.
- 21 Q: Okay. You didn't get a warrant?
- 22 A: It was in plain view.
- 23 Q: I'm just saying did you get a warrant?
- 24 A: No.
- 25 Q: Okay. Who found the -- what turns out to be or allegedly

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

- 1 is the methamphetamine?
- 2 A: Lieutenant Stewart.
- 3 Q: Okay. And it was where?
- 4 A: In the eyeglass holder in the front seat.
- 5 Q: Did he get a warrant?
- 6 A: No.
- 7 Q: Okay. Was there a gun inside of the eyeglass holder?
- 8 A: No.
- 9 Q: Would you expect for a gun to be inside an eyeglass
- 10 holder?
- 11 A: No.
- 12 Q: Is there any reason whatsoever to believe that a weapon
- 13 would be in a sunglass holder?
- 14 A: No.
- 15 Q: Okay. And he already told you that there was a gun in
- 16 there?
- 17 A: Yes.
- 18 Q: And you found it?
- 19 A: Yes.
- 20 Q: Okay. It was secured?
- 21 A: Yes.
- 22 Q: And you didn't get a warrant?
- 23 A: No.
- 24 Q: Okay. Could you have gotten a warrant?
- 25 A: If we could have, yes.

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

- 1 Q: Could you have put him in the car, take him down to the
2 -- to the jail, secure the vehicle, and impound it?
- 3 A: Yes.
- 4 Q: And then got a warrant?
- 5 A: Yes.
- 6 Q: And then searched it further?
- 7 A: We could have, yes.
- 8 Q: You didn't do that?
- 9 A: No.
- 10 Q: You agree with me that the drugs that were found in the
11 sunglass holder was not in plain view?
- 12 A: I agree.
- 13 Q: You had to open it up?
- 14 A: Yes.
- 15 Q: Looking for a gun?
- 16 A: No. He was looking for drugs then.
- 17 Q: Was -- was there any -- at any point in time during the
18 traffic stop when you're going your way there, is there a call
19 over the radio that said, hey, he's got drugs?
- 20 A: No.
- 21 Q: You were looking for the gun?
- 22 A: Say that again?
- 23 Q: You were -- you were looking for the gun?
- 24 A: Yes.
- 25 Q: Because that's what you were aware of?

DEDRICK GRAHAM - REDIRECT BY MR. FREEMAN

1 A: Yes.

2 MR. EDGEWORTH: No further questions.

3 THE COURT: The State?

4 REDIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q: There were warrants for this defendant?

7 A: Yes.

8 Q: He was arrested?

9 A: Yes.

10 Q: What's the -- what's the standard protocol when a
11 defendant is arrested on the side of the road to their
12 vehicle?

13 A: Say again?

14 Q: I said, what's the standard protocol with the vehicle?
15 When you -- when you arrest the driver, the owner of the
16 vehicle, what do you usually do with the car?

17 A: Search incident to arrest and get it towed after
18 inventory.

19 Q: That's what you did in this case?

20 A: Yes.

21 MR. EDGEWORTH: No further questions.

22 THE COURT: All right. And your motion?

23 MR. EDGEWORTH: Yes, Judge. Thank you. Do we need to
24 let the witness step down?

25 THE COURT: You can step down.

1 MR. EDGEWORTH: Thank you, Your Honor.

2 Your Honor, I, of course, am moving to have the drugs
3 excluded that were found up until this point in time, as the
4 testimony has been revealed.

5 THE COURT: Right. Let's clarify what drugs. Marijuana
6 or the pills or both?

7 MR. EDGEWORTH: Judge, I'm not arguing about marijuana
8 because the testimony is that it was right next to the gun,
9 which was in plain view.

10 THE COURT: Okay.

11 MR. EDGEWORTH: The subsequent drugs that were found that
12 -- that allegedly is -- the methamphetamine that was found
13 inside the case is the -- is what is limited to my motion.

14 THE COURT: Gotcha.

15 MR. EDGEWORTH: In this particular case, Judge, the -- as
16 the Court has heard, the stop was solely intended for the
17 purposes of executing warrants that were out for my client's
18 arrest and with knowledge that he may have a gun.

19 And as the Court is aware, that any search incident to
20 arrest and in particular as it relates to this particular
21 case, is often done in an effort to -- to -- for officer
22 safety. He told them immediately, as on the video, that there
23 was a gun in the vehicle, understanding that they would get --
24 get that. He at no time mentioned that -- you know, admit to
25 any drugs in the vehicle that would give them the probable

1 cause to search for that.

2 Once they go in the vehicle, they identify the gun.
3 Apparently, they switched out and it was secured later. I
4 don't think there was -- there was no rational, reasonable, or
5 probable cause basis to be on the lookout for any other drug
6 that was not in plain view. In fact, if you're looking at --
7 I think it's implausible to suggest that you're looking for a
8 gun inside of a sunglass case.

9 The appropriate course of action, of course, would have
10 been to secure the vehicle, detain my -- my client was already
11 detained, and obtain a search warrant to look for additional
12 drugs if they so -- so thought that there were more drugs.

13 This is similar to a *Rodriguez* stop where, you know,
14 there's no real reason to continue on in searching when the --
15 the -- the individual or the defendant is secure. There's no
16 threat. They admitted that there was no threat. They located
17 the guns. It should have been the end of the search.

18 I would ask the Court to -- to suppress that evidence as
19 it relates to the -- what's alleged to be the methamphetamine
20 based on a multitude of reasons, to include the violation of
21 my client's Fourth Amendment rights to -- to -- to get
22 involved in the search.

23 And as the Court is well aware that in South Carolina,
24 under our Constitution, Article I, Section 10, my client's
25 right to privacy is expanded beyond the scope allowed by the

1 Constitution, and we would -- and we would ask that that
2 privacy includes all of the contents within the vehicle that
3 would not have been related to the reason for the stop, and
4 thus without getting the warrant, there were no other exigent
5 circumstances. It wasn't even an inventory search, as they
6 allege. It was that they were just searching without a
7 warrant, and I would ask the Court to -- to suppress that --
8 that evidence.

9 THE COURT: All right. Any reply?

10 MR. FREEMAN: Yes, Your Honor.

11 I believe the testimony is that the defendant had
12 warrants for his arrest. He was arrested on the side of the
13 road. His vehicle was towed. Major Graham testified that the
14 standard operating procedure is to search incident to arrest,
15 inventory the vehicle.

16 Furthermore, by the defendant's own admission, the
17 marijuana was located directly next to the firearms, which
18 were in plain view. I think logic would dictate that finding
19 the marijuana enhances the scope of -- of what the probable
20 cause of the search is.

21 Ordinarily, a search warrant is required, but search
22 incident to arrest, as well as the automobile exception, you
23 don't need a warrant for those when you satisfy the elements,
24 and that's what we have in this case. The defendant was on a
25 -- on a highway. There was probable cause.

1 And the fact that the marijuana was not only seen or I
2 would say smelled, but there wasn't testimony of that at this
3 point. But the marijuana was observed in plain view right
4 next to the handgun. They were going to tow the car, and this
5 is a standard operating procedure to inventory it, Your Honor.
6 So it's the State's position that there was sufficient
7 probable cause to search that vehicle at that time.

8 Furthermore, there are additional witnesses that the
9 State would want to call too because the methamphetamine,
10 which the defendant is attempting to suppress, I believe we
11 can satisfy the standard in this case, which is to establish
12 the chain as far as practicable, and I believe we can do that.
13 And I would appreciate the opportunity to -- to show your
14 Honor.

15 THE COURT: Okay.

16 MR. FREEMAN: But as it relates to the motion, I believe
17 there's probable -- there's sufficient probable cause and
18 there's an appropriate search. There's no violation of Fourth
19 Amendment. So we respectfully request that you deny the
20 defendant's motion.

21 THE COURT: All right. I'm going to allow the guns and
22 the marijuana, but I'm going to suppress the pills.

23 All right. Any other motions?

24 MR. EDGEWORTH: Judge, let me take a moment. Court's
25 indulgence.

1 (WHEREUPON, there was a pause in the proceedings, after
2 which the proceedings resumed as follows.)

3 MR. EDGEWORTH: Judge, as it relates to this matter, I
4 think one of the issues that's been outstanding throughout
5 this case that I just want to bring to the Court's attention
6 that's been specifically -- specifically requested by my
7 client, because this issue has been around since prior to my
8 handling, is a ruling by Your Honor as to whether it's
9 appropriate for the State to proceed on the pointing and
10 presenting due to the prior disposition in the case.

11 As we discussed earlier, these charges were dismissed
12 early on and -- and -- and then one of the charges that was
13 dismissed was taken up, meaning the domestic violence charge
14 was taken up by Darlington County based on the jurisdictional
15 issue at the time. That case was likewise dismissed.

16 And then three years later, the State proceeds to obtain
17 a direct indictment following the dismissal of the charge and
18 the belief from my client that it was essentially *res judicata*
19 on -- on that particular issue, and I believe that my client
20 would argue that it's prejudicial for him to have to defend
21 himself against a charge that was originally dismissed and
22 then the State utilizing the process of direct indictment to
23 bring it back before the Court three years later.

24 I think he would argue that not only is that prejudicial,
25 but given the scope and -- of the -- of the charges that he is

1 now before the Court, understanding the Court's ruling on the
2 suppression issue, he would ask the Court to make a finding of
3 dismissal on those charges for -- or ask to strike the
4 indictment or quash the indictment on the basis that there was
5 a prior disposition in the -- in the case.

6 THE COURT: All right. From the State?

7 MR. FREEMAN: Your Honor, the *nolle prossing* of the
8 pointing and presenting was originally of my own doing. It
9 had nothing to do with the merits of the case. It was an
10 oversight by my own part. I was a new assistant solicitor at
11 that time. I should have been more diligent in my analysis
12 and assessment of the case. I wasn't.

13 As I indicated earlier, I was under the impression, after
14 contacting or after being in contact with this defendant's
15 original public defender, that there was a jurisdictional
16 issue because he was at that point charged with domestic
17 violence and the pointing and presenting, you know, the
18 pointing -- or the domestic violence, quote/unquote, of a high
19 and aggravated nature. The defendant assaulted the victim
20 with rings on his hand, bruised her face up, and that's what
21 he was originally charged with, but that did occur in
22 Darlington.

23 Oh -- and, Your Honor, I'm sorry. Jeopardy never
24 attached to the pointing and presenting, a claim that's
25 entirely of my own wrongdoing. I don't believe the defendant

1 is prejudiced at all. As I said from my arguments earlier,
2 all of these charges are intertwined together. So it's just a
3 matter of fact of answering for another facet of the facts as
4 they occurred on that day.

5 THE COURT: All right. I'm going to deny the motion.
6 Any other motions?

7 MR. EDGEWORTH: Court's indulgence, Judge. I don't
8 believe so, but for a moment.

9 THE COURT: Okay.

10 MR. EDGEWORTH: Judge, no further motions at this time,
11 Your Honor.

12 THE COURT: All right. Anything further from the State?

13 MR. FREEMAN: Nothing from the State, Your Honor.

14 THE COURT: All right. We'll be back at 2:30 and ready
15 to roll.

16 MR. EDGEWORTH: Thank you, Judge.

17 THE COURT: Thank you.

18 (WHEREUPON, there was a break in the proceedings from
19 1:07 p.m. until 2:34 p.m., after which the proceedings
20 resumed as follows.)

21 THE COURT: All right. Anything from the State before we
22 begin?

23 MR. FREEMAN: Yes, Your Honor.

24 THE COURT: Okay.

25 MR. FREEMAN: Shortly before we broke, I didn't hear it

1 and neither did Mr. Hoefer.

2 THE COURT: Right.

3 MR. FREEMAN: Apparently, Your Honor ruled on the
4 admissibility of the pills.

5 THE COURT: Right.

6 MR. FREEMAN: And the State wishes to ask for a
7 clarification as to the rationale behind it.

8 THE COURT: I'll tell you what. I'm going to reverse
9 course on that. I've done some research over lunch, and the
10 case law says generally a warrantless search is *per se*
11 unreasonable and violates the Fourth Amendment prohibition
12 against unreasonable searches and seizures. However, a
13 warrantless search can be reasonable if it falls under one of
14 the exceptions to the warrant requirement.

15 One of those exceptions is an inventory search conducted
16 according to standard police procedure, and that is *Robinson*
17 *v. State*, 407 S.C. 169, and *State v. Miller*, 814 S.E.2d 166.
18 And it sounds like he was cuffed, he was arrested, and they
19 were getting ready to tow the car, and they did an inventory
20 search, and I think pursuant to the case law, that is proper.

21 MR. FREEMAN: Yes, sir. Thank you, Your Honor.

22 THE COURT: Yes, sir.

23 MR. FREEMAN: That's exactly the points I was going to
24 make.

25 THE COURT: I apologize for that.

1 MR. FREEMAN: And the cites I also was going to use.

2 THE COURT: I think that's right.

3 MR. FREEMAN: I'm sorry?

4 THE COURT: I said, I apologize for that, but I think
5 that's right according to the law.

6 MR. FREEMAN: And, Your Honor, the State would agree with
7 that. We would also point the Court, if you wanted further
8 edification, to *United States v. Albert Ross*, a 1982 United
9 States Supreme Court case which reiterates that same --

10 THE COURT: Okay.

11 MR. FREEMAN: -- exact. It said a search conducted
12 pursuant to an exception to the warrant requirement applicable
13 to searches of vehicles that are supported by probable cause
14 is not unreasonable --

15 THE COURT: Right.

16 MR. FREEMAN: -- based on facts that would justify the
17 issuance of a warrant even though a warrant has not actually
18 been obtained.

19 Furthermore, here in South Carolina, a 1995 Court of
20 Appeal case, *State v. Beltran*, says that probable cause exists
21 to justify a warrantless search of a -- of a lawfully stopped
22 vehicle. It justifies a search of every part of the vehicle
23 and its contents that may conceal objects in search.

24 Furthermore, there was testimony given by Major Graham
25 that the marijuana was located directly next to the handgun.

1 THE COURT: All right.

2 MR. FREEMAN: Your Honor, I just wanted to point those
3 out to the Court.

4 THE COURT: Anything you want to put on the record in
5 that regard before we begin?

6 MR. EDGEWORTH: Yes, sir.

7 Well, first off, there wasn't testimony that it was an
8 inventory search. That's just what the State called it. They
9 were searching the vehicle. The inventory search typically by
10 procedure -- I'm sure that was when the car is taken back.

11 THE court: He was arrested at the time; correct?

12 MR. EDGEWORTH: Yes, sir. He was -- he was -- he was
13 detained --

14 THE COURT: Right.

15 MR. EDGEWORTH: -- and was in custody due to the warrant
16 that they were serving.

17 So I mean, Judge, now -- now, I mean, having had this
18 break in trying to prepare for what I thought was a different
19 trial, you know, I don't know if I need to -- I need to take
20 time to talk to my client, number one.

21 Number two, I may ask for a continuance and start this
22 thing in the morning because it -- you know, I didn't -- we're
23 having this thing where the trial was going to be a little bit
24 different, and then it's reinstated as such. So may I take a
25 few minutes to talk to my client?

1 THE COURT: Sure. Go ahead.

2 MR. EDGEWORTH: Thank you, Judge. We'll step to the
3 conference room.

4 (WHEREUPON, there was a pause in the proceedings, after
5 which the proceedings resumed as follows.)

6 THE COURT: All right. Are you ready to proceed?

7 MR. EDGEWORTH: Well, Judge, yeah. In talking with my
8 client and bringing up some things that we limited ourselves
9 on based on what we thought was the Court's ruling, I would
10 ask the Court to -- to have a pretrial hearing on my motion
11 based on the State's inability to -- to show a proper chain of
12 custody, which is, likewise, a motion to suppress on that
13 basis.

14 I withheld that earlier based on Your Honor's ruling that
15 we thought was going forward, and then if the Court would
16 entertain that motion, then I'd asked for -- depending on the
17 Court's ruling on the motion, I would ask for a continuance
18 until tomorrow to start the trial. Based on my conversations
19 with the State, they feel like they can do it in a day. I
20 don't know that we're wasting the jury's time. I think it's
21 prudent given the circumstances to make sure that that motion
22 is heard.

23 THE COURT: All right.

24 MR. FREEMAN: Your Honor, two things. First and
25 foremost, I believe Mr. Edgeworth was correct when he said

1 that -- excuse me. Strike that from the record, please.

2 As it pertains to Mr. Edgeworth's request, I believe we
3 can get through the opening statements. I can amend mine to
4 not include anything about the meth until we get to the
5 appropriate --

6 THE COURT: What kind of chain of custody issue do you
7 have?

8 MR. EDGEWORTH: Well, Your Honor, in the documents that I
9 have, Judge, related to this case, there are multiple
10 transmitted chains of custody that refer to the same drugs at
11 the same time. So I don't actually know what the chain of
12 custody is. It appears -- and I'm not -- I'm not alleging any
13 fraud, Your Honor, but I'm just saying there's -- there is
14 multiple documents related to the same time period and the
15 same drugs.

16 And so I don't know who had what, when, and where.
17 They're signed by multiple individuals indicating, you know,
18 possession and transmission of -- of the drugs in this case.

19 THE COURT: Why don't we just try the case and you can
20 challenge the chain of custody as it arises?

21 MR. EDGEWORTH: Yes, sir. And so then I take that to
22 mean that my -- at the appropriate time, I can object, and if
23 we need to have --

24 THE COURT: That's right.

25 MR. EDGEWORTH: -- a hearing outside the presence of the

1 jury at that time?

2 THE COURT: That would be the way to do it, I think.

3 MR. EDGEWORTH: Okay. And I'm just making sure.

4 THE COURT: Just object when the time comes.

5 MR. EDGEWORTH: It was a discussion that I had with my
6 client prior to. That's why I didn't bring it up based on
7 Your Honor's ruling that we didn't move forward with the chain
8 of custody issue because it was kind of moot at that point,
9 but given the circumstances, I just want to make sure that's
10 still available.

11 THE COURT: But either way, I wouldn't rule on that ahead
12 of time anyway. We need to hear the testimony to know if
13 there is an issue. So --

14 MR. EDGEWORTH: Yes, sir.

15 THE COURT: Yeah, you're fine.

16 MR. EDGEWORTH: Okay.

17 THE COURT: All right. Are y'all ready to proceed?

18 MR. EDGEWORTH: And so I take it then that -- that it's
19 the Court's ruling likewise that the request for a continuance
20 until the morning is -- we're going to just go ahead and move
21 forward?

22 THE COURT: Why don't we go ahead and do opening
23 statements and maybe one witness?

24 MR. EDGEWORTH: Okay.

25 THE COURT: And maybe we can finish early and give you

1 time to talk.

2 MR. EDGEWORTH: Yes, sir. Thank you very much.

3 THE COURT: Let's do that.

4 MR. FREEMAN: Just on top of that, I believe that we can
5 probably get through two witnesses, the same idea behind that
6 will take all of five minutes for either one.

7 THE COURT: Okay.

8 MR. FREEMAN: If that would be okay.

9 THE COURT: So it would be an early day no matter what.

10 MR. EDGEWORTH: Okay. Thank you, Judge.

11 THE COURT: All right. Let's go ahead and bring in the
12 jury.

13 (WHEREUPON, the jury entered the courtroom at 2:45 p.m.)

14 THE COURT: All right. Ms. Berry, I'm going to make you
15 the forelady of the jury. If you would, come and take this
16 very first seat on the front row. Just switch up with her, if
17 you would.

18 And if you'll go ahead and swear in the jury.

19 THE CLERK: Okay.

20 If all of you will please stand and raise your right
21 hand. You shall well and truly try and a true deliverance
22 make between the State of South Carolina and the defendant at
23 the bar, whom you shall have in your charge, and a true
24 verdict render according to the law and evidence, so help you
25 God. Please be seated.

1 THE COURT: All right. We're getting ready to start this
2 trial, but before we do, I just want to go over a few things
3 with you to give you what I call back-pocket knowledge.

4 The first thing I want to tell you is that the burden of
5 proof is on the State of South Carolina to prove their case
6 beyond a reasonable doubt. I will go over that in great
7 detail at the end of this trial.

8 Furthermore, I want to explain to you what your role is
9 and what my role is and how they differ. You all are the
10 judge of the facts. In turn, I am the judge of the law. You
11 ask yourselves, well, what does that mean? How do they
12 differ?

13 What that means is that you all determine what the facts
14 of this case are, not me, nobody in the audience, not my
15 clerk, just you. You ask yourselves, well, how do we do that?
16 It's very simple. You look at the evidence in the case.

17 Evidence can be made up of two things. One, the
18 witnesses that come over here, they take that witness stand,
19 they're sworn in, and they testify. And it could be made up
20 of any exhibits admitted into the record as evidence. That
21 could be pictures, reports, photographs, things of that
22 nature. That is where you determine what the facts of the
23 case are.

24 At the end of this trial, I'm going to read you the law
25 in great detail that's applicable to this case, and I want you

1 to understand that you have to accept the law as I give it to
2 you. And then only when I tell you to begin your
3 deliberations will you take the facts as you find them, the
4 law as I give it to you, and put the two together and make a
5 decision therefrom. A lot of common sense in that process.

6 Furthermore, I want to tell you that at no point in time
7 do you need to start discussing this case until I tell you to.
8 The reason I tell you that, it's very important that you hear
9 from everything the State has to show you and tell you, and if
10 the defense wants to put up any testimony, you have to hear
11 from the defense. Then you have to hear the law from me, and
12 that'll be at the very end of the trial.

13 Only then will you have everything you need to start
14 making a decision. That is why I tell you don't talk about
15 the case, don't research the case, don't look up the case. If
16 you go home tonight, just put it out of your mind, come back,
17 and only when I tell you to begin your deliberations will you
18 begin at that time. All right?

19 At any point in time if you need a break, if you need a
20 restroom break or you need something to drink or whatever and
21 we're just moving along, if you'll just catch my attention,
22 wave your hand or whatever, I'll make sure you're taken care
23 of.

24 Right now, I want you to sit back, I want you to relax,
25 and I'll recognize the State for your opening statement.

1 MR. FREEMAN: Thank you, Your Honor.

2 Mr. Edgeworth.

3 OPENING STATEMENT ON BEHALF OF THE STATE

4 MR. FREEMAN: Ladies and gentlemen of the jury, June
5 29th, 2021, may not stand out to most of us. It wasn't a
6 holiday. It wasn't a landmark event that occurred. For most
7 of us, it was just another Tuesday.

8 But for Laquonda Green, it was a day she'll never forget.
9 It was a day marked by fear, violence, and betrayal. This is
10 a case about a man who allowed his insecurities and his anger
11 problems to dictate his actions, and it resulted in him taking
12 what was otherwise a good family event and turning it into him
13 getting charged with the offenses that we're here for today.

14 Laquonda Green took her two children to Atlanta, Georgia,
15 for what was supposed to be a fun-filled family vacation with
16 her then-boyfriend, Carlton Brown, and it was all good at
17 first until it wasn't. Carlton allowed his insecurities to
18 take -- to take hold, and he started accusing the victim of
19 being unfaithful, to which she denied any wrongdoings, but
20 this started a series of arguments, and it ruined the
21 vacation.

22 And on June 29th, 2021, a decision was made to come back
23 to Florence County, and that's what they did. Laquonda and
24 her kids got in the car, a silver Equinox that this defendant
25 was driving, and he drove them back. And on the route on the

1 way back to Florence County from Atlanta, you're going to hear
2 that the allegations persisted. They continued, antagonizing,
3 all of it. This defendant attacked, assaulted, and threatened
4 Ms. Green in front of her children.

5 You're going to hear that they came to a truck stop in
6 Darlington County where the defendant gets out of the vehicle.
7 He wants to continue this. He demands her to get out of the
8 car. She's smart enough and she's brave enough to pretend
9 like she's doing so. She opens the door. He gets out. Boom.
10 Hopped back in the car, lock it, jump in the driver seat, and
11 let's get out of here, and that's what she did.

12 She called her sister, Laronnica. What did they do?
13 They took the car back to Carlton's mother's house, and they
14 went back to Lake City. They wanted nothing to do with this
15 situation any longer.

16 Lo and behold, the defendant immediately shows up. You
17 won't believe it. You'll see it. You'll see it on video. We
18 have it. He gets out of the car, points the gun at the car.
19 You're going to leave me on the interstate, huh? I got
20 something for you.

21 Thankfully, Laquonda and Laronnica's mama comes out of
22 the house. Carlton takes off. The police are involved. Lake
23 City Police Department does a great job. They find the
24 defendant that night, same day, coming from the same area
25 located in the same vehicle they were looking for.

1 What they find in the car will leave no doubt that this
2 defendant is guilty of all counts. They find the guns, and
3 they find illegal contraband, and that's what this case is
4 about.

5 Ladies and gentlemen, this case involves a man who took a
6 woman and her children and put them through a traumatic event,
7 and he got caught red-handed. That's what this case is about.
8 As I said, it's from June 29th, 2021. Here we are in 2025. I
9 appreciate your attention during this trial, and at the end of
10 this -- it's not going to be a long trial, but at the end of
11 this trial, I'm going to ask that you hold this man
12 accountable for his actions on the day and find him guilty of
13 every count. Thank you.

14 THE COURT: All right. Mr. Edgeworth?

15 MR. EDGEWORTH: Thank you, Judge. May it please the
16 Court.

17 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

18 MR. EDGEWORTH: Folks, it's pretty standard for us to get
19 up here and, you know, laser focus in on telling you how short
20 and sweet these stories are about, you know, things that the
21 State alleges happened. They use words like victim and
22 contraband and all these terms that, you know, really don't
23 mean a heck of a lot unless you put it in some type of
24 context. And context is stories, and there's a story to all
25 this.

1 They want you to believe that, like, we're here on some
2 simple, simple story, but just like most stories, unless you
3 know exactly what happened on the who, the what, and the when
4 and the where, sometimes those stories change. When those
5 stories change, it leads most of us to believe that it's just
6 not believable.

7 And the State is going to want you to believe what they
8 tell you, but that's not the point of this trial. I promise
9 you this. 2:45 or whatever it is, and it's already been a
10 long day for me. I'm sure it's going to feel like it's going
11 to be a long day for you, but I'm hoping that when you hear
12 the testimony that's presented -- and don't you worry. I'm
13 going to point to your attention when you hear some things
14 that don't jive.

15 But you're going to hear, you know, that a 9-1-1 call
16 was made. No mention of anybody pointing any guns. You're
17 going to hear about this violent situation that they want to
18 make you feel something, maybe feel upset about it. No one
19 wants domestic violence. No one wants that, but he ain't
20 charged with that. He ain't charged with that. In fact, when
21 he was charged with it, it was dismissed. Dismissed. Poof.

22 Also, what we've got here, same charge that he's standing
23 here in front of you all, that was dismissed too, but we're
24 back. The story didn't change. We just decided to come on in
25 here and see if we can get us a conviction.

1 You're going to hear not one, not two, but three
2 different versions of the events from the person who claimed
3 they happened, the person who, by the story the State just
4 told you, had access and control of the vehicle that my client
5 was later driving. They just told you that she left the
6 vehicle for him.

7 So when we get these witnesses up here and they're trying
8 to tell you a story through their testimony, pay close
9 attention because you'll feel it in your gut. But pay close
10 attention. There's a part that just don't sound right, and
11 that's the story of this case.

12 THE COURT: All right. If you'll call your first
13 witness.

14 MR. FREEMAN: Your Honor, at this time, the State would
15 call Ms. Joe, Ms. Jessica Joe.

16 THE CLERK: Ma'am, if you will, walk up to the stand.
17 Place your left hand on the Bible and raise your right hand.

18 Do you swear or affirm the testimony you give in this
19 case to be the truth, the whole truth, and nothing but the
20 truth, so help you God?

21 THE WITNESS: I do.

22 THE CLERK: Please be seated and then state your full
23 name for the record.

24 THE WITNESS: My name is Jessica Joe.

25 JESSICA JOE, being first duly

JESSICA JOE - DIRECT BY MR. FREEMAN

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. FREEMAN:

4 Q: Ms. Joe, can you tell this jury with whom you're employed
5 and in what capacity?

6 A: Yes. I'm the public information officer and public
7 education officer for Florence County Emergency Communications
8 Center and Emergency Management Division.

9 Q: And what is the Emergency Management Division?

10 A: The Emergency Management Division handles anything
11 dealing with disaster, anything dealing with preparedness,
12 anything just preparing within the County, and on the 9-1-1
13 side, we're going to answer all the calls within the County
14 that are made or directed to 9-1-1.

15 Q: Now, part of your duties involve calls to 9-1-1?

16 A: Yes.

17 Q: Okay. And are those 9-1-1 calls recorded?

18 A: Yes.

19 Q: And how is the information obtained?

20 A: Once it comes in through the console, it automatically
21 begins recording, and whatever comes on that recording is what
22 it is. We're not able to tamper with it or do anything else
23 with it. We can just download what date, what console, and
24 the amount of time or the length of time that the call was
25 taking place.

JESSICA JOE - DIRECT BY MR. FREEMAN

1 Q: And was there a call taken in this case in particular on
2 June 29th, 2021?

3 A: Yes.

4 Q: And who was that call made from?

5 A: That was made from Laquonda.

6 Q: Okay. Are these regularly kept in the course of
7 business?

8 A: Yes.

9 Q: And this was made at the time of the call-in?

10 A: Yes.

11 Q: Is it an automatic recording?

12 A: Yes. As the call taker answers the phone -- and in this
13 case I was the call taker -- it will immediately begin
14 recording from the time that the 9-1-1 call is placed, not so
15 far as the time that we pick up the phone. So it's going to
16 be about a 10-second additional recording just of her dialing
17 9-1-1, and it's going to, you know, ring. So from that time
18 once we answer the phone and generate a new call for service,
19 it'll then begin recording on what we call a CAD report. So
20 everything that we take from the phone call and from our
21 officers --

22 (WHEREUPON, the defendant's cell phone rings in the
23 courtroom.)

24 A: -- is then recorded in the call.

25 THE COURT: What don't you go ahead and just take his

JESSICA JOE - DIRECT BY MR. FREEMAN

1 phone, please, sir?

2 BY MR. FREEMAN:

3 Q: You testified that there was a call made in this case.

4 Are you familiar with that call?

5 A: Yes.

6 Q: How are you familiar with that call?

7 A: I was the call taker for the call.

8 Q: And what was the nature of the call?

9 A: It was a domestic violence situation.

10 Q: Okay. And I'm going to show you what's been pre-marked
11 for identification as State's Exhibit 2. Do you recognize
12 this?

13 A: Yes.

14 Q: And what is this?

15 A: This would be a recording of -- well, a download of that
16 phone call.

17 Q: Did you have an opportunity to review this before coming
18 in and testifying today?

19 A: Yes.

20 Q: And is this a fair and accurate depiction of the
21 recording as it was made on June 29th, 2021?

22 A: Yes.

23 MR. FREEMAN: Your Honor, at this time, the State would
24 move to introduce State's Exhibit 2 into evidence.

25 THE COURT: Any objections?

JESSICA JOE - DIRECT BY MR. FREEMAN

1 MR. EDGEWORTH: No objection, Your Honor.

2 THE COURT: State's Exhibit 2 is in evidence without
3 objection.

4 (WHEREUPON, State's Exhibit Number 2, 9-1-1 call
5 recording on disk, was admitted into evidence.)

6 MR. FREEMAN: All right. The State has no further
7 questions for this witness.

8 THE COURT: All right. Defense?

9 MR. EDGEWORTH: Thank you, Judge.

10 CROSS-EXAMINATION

11 BY MR. EDGEWORTH:

12 Q: Ms. Joe? Is that right?

13 A: Yes.

14 Q: Okay. Do you still work for 9-1-1?

15 A: I do.

16 Q: Okay. And -- and y'all take tons of these calls a day;
17 right?

18 A: We do.

19 Q: Okay. And when you take it, y'all have the call logs
20 that go along with them?

21 A: Yes.

22 Q: Okay. And one of the things you do is to ask the -- ask
23 the person on the other line to identify themselves?

24 A: Yes.

25 Q: Okay. And maybe what phone number they're calling from?

JESSICA JOE - CROSS BY MR. EDGEWORTH

1 A: Yes.

2 Q: Okay. Does the system itself log the number? Does it
3 have the ability to -- to determine what phone number is
4 calling in?

5 A: Yes. Once the phone call comes in, we have what's called
6 an innie-outie system. So it's going to bring up an
7 approximate lat and long, and it's also going to have the
8 phone number attached, and we just ask them to verify what we
9 see there in order for us to submit the call.

10 Q: Okay. And -- and so does that matter whether it's a
11 mobile device or a landline?

12 A: No.

13 Q: So it can determine no matter what?

14 A: Yes.

15 Q: Okay. And on this particular case, do you remember the
16 phone number that was called?

17 A: No, I do not.

18 Q: Okay. Do you have any records that could refresh your
19 recollection?

20 A: Yeah. The only thing that I have would be this CAD
21 report here.

22 Q: Okay. And you brought that with you today?

23 A: Yes.

24 Q: You want to take a look at it?

25 A: Yes. I have it here.

JESSICA JOE - CROSS BY MR. EDGEWORTH

1 Q: Okay. Can you tell me from that report what the phone
2 number was that called that number?

3 A: It shows 843-373-██████.

4 Q: Okay. And -- and that -- that is what the system
5 identified as the number that called in?

6 A: Yes. The only other way that it would be changed is if
7 when we ask for the phone number to call, if they say they
8 were calling from someone else's phone and didn't know the
9 phone number or if there was another phone number that they
10 could potentially be called back on.

11 Q: Right. And in this particular case, you -- you
12 corroborated that with the caller?

13 A: Yes.

14 Q: Okay. And just so -- I know that this sounds kind of
15 stupid, but when you take these phone calls, you rely on the
16 person that you're talking to to give you accurate
17 information?

18 A: Yes.

19 Q: Okay. You're trying to get good information?

20 A: Yes.

21 Q: Because you want to help?

22 A: Yes.

23 Q: Okay. And -- and you take them at their word?

24 A: Yes.

25 Q: Okay. And you assume what they're telling you is true?

JESSICA JOE - CROSS BY MR. EDGEWORTH

1 A: Yes.

2 Q: Okay. And -- but you don't make no judgments about
3 those?

4 A: No.

5 Q: You're just trying to get information?

6 A: Yes.

7 Q: Okay. Do you recall this individual? During the time --
8 do you recall this phone call?

9 A: It's been four years ago almost. So it's a little fuzzy,
10 but I did listen to the call. So I am familiar with the call.

11 Q: Okay. And -- and you would agree with me that during
12 that phone call at no time did the caller say that a gun was
13 being pointed at anyone?

14 A: I do believe they mentioned a gun, because I did have
15 notes in here about a gun, but I can't say for sure that she
16 mentioned that it was pointed.

17 Q: Right. Okay. Thank you very much.

18 A: Uh-huh.

19 THE COURT: Redirect?

20 MR. FREEMAN: None, Your Honor.

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

22 You can call your next witness.

23 MR. FREEMAN: Your Honor, the State would call John
24 Fallin to the stand.

25 THE CLERK: Sir, if you will, please place your left hand

JOHN FALLIN - DIRECT BY MR. FREEMAN

1 on the Bible and raise your right hand.

2 Do you swear or affirm the testimony you give in this
3 case to be the truth, the whole truth, and nothing but the
4 truth, so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Please be seated and state your full name for
7 the record.

8 THE WITNESS: John Epps Fallin III.

9 JOHN FALLIN III, being first
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. FREEMAN:

13 Q: Good afternoon, Mr. Fallin. Can you tell this jury with
14 whom you're employed and in what capacity?

15 A: I'm employed with the Lake City Housing Authority. I'm
16 the operations manager.

17 Q: And what does that mean?

18 A: Basically, I work for the Executive Director. I'm second
19 in charge. We handle the day-to-day operation of the Housing
20 Authority, looking over paperwork. I also have duties of
21 working with the safety and security, the camera systems as
22 well.

23 Q: And what exactly is the Housing Authority?

24 A: The Housing Authority is a -- it's a local agency. It's
25 supported by the federal government through funding, and we

JOHN FALLIN - DIRECT BY MR. FREEMAN

1 house people in different programs, housing choice voucher
2 programs or multifamily housing.

3 Q: Are there surveillance cameras stationed along the houses
4 from which the Housing Authority is in charge of?

5 A: Yes. We do have cameras on some of our properties, not
6 all, but most of them.

7 Q: Can you tell this jury a little bit about what your
8 duties and responsibilities are as the operations manager for
9 the Housing Authority?

10 A: Kind of basically what I said. I oversee the paperwork.
11 I make sure the HUD forms or documents are done. I oversee
12 the budget for the Housing Authority. I oversee the camera
13 systems, making sure that if anything -- if any requests come
14 in, I'll do recordings for them and hold them.

15 Q: Now, did you get a request in this case?

16 A: There was.

17 Q: And what was that request?

18 A: To make a video.

19 Q: And what was the video?

20 A: The video was behind our office in Lake City. It's
21 Brentwood Street, and I was requested to make a video of an
22 incident that occurred on that property.

23 Q: And was that incident that you were requested to collect
24 -- was that from June 29th, 2021?

25 A: That is correct.

JOHN FALLIN - DIRECT BY MR. FREEMAN

1 Q: Now, are these -- are these recordings kept and stored in
2 the regular course of business?

3 A: They are. They're -- actually, they write over each
4 other. So if we don't get a request to make a recording, of
5 course, after 30 days, 60 days, some of them are shorter than
6 that, the recording would just overwrite. And if we receive a
7 call for a request, we go ahead and make that and it's saved
8 into a file.

9 Q: Now, are these recordings made at or near the time that
10 they occur?

11 A: It --

12 Q: It might seem like a silly question, but --

13 A: Not always. If we have the recording, let's say an
14 incident happened today and we get the request maybe two days
15 from now or three days from now, if the incident is recorded,
16 then we'll pull out what they're looking for.

17 Q: Okay. So you would still be able to access that, even if
18 it were from the day in question?

19 A: If it was made into a recording, correct.

20 Q: And there was a video in this case that was requested; is
21 that correct?

22 A: Yes, sir.

23 Q: And have you had an opportunity to view that recording?

24 A: I did.

25 Q: And obtaining and maintaining these recordings are in the

JOHN FALLIN - DIRECT BY MR. FREEMAN

1 duties of your job description?

2 A: They are.

3 Q: I'm going to show you what's been pre-marked for
4 identification as State's Exhibit 3. I'm going to ask do you
5 recognize this?

6 A: It states Housing Authority surveillance, Carlton --
7 Carlton Brown.

8 Q: And did you have an opportunity to view the recording
9 that was requested from you in this case?

10 A: I did review a recording that was requested, correct.

11 Q: And what did you view in that recording?

12 A: I received a phone call to see if there was a recording
13 that was made, and I can't tell you who asked me to make the
14 recording, but upon reviewing the recording, I went to the
15 date that was asked for. I asked them to kind of tell me what
16 I would be looking for, and when I pulled this video up by
17 date, it was the incident of a vehicle parked in a driveway on
18 Brentwood Street. There'll be another vehicle that pulls up.
19 An individual gets out, and then that vehicle -- appears to
20 get back in and that vehicle leaves.

21 Q: Did the Solicitor's Office or the Lake City Police
22 Department request this video from your office?

23 A: Correct. I received a call from Officer Majors.

24 MR. FREEMAN: Your Honor, at this time, the State would
25 move to introduce State's Exhibit 3 into evidence.

1 THE COURT: Any objections?

2 MR. EDGEWORTH: No objection, Your Honor.

3 THE COURT: All right. State's 3 is in evidence without
4 objection.

5 (WHEREUPON, State's Exhibit Number 3, Housing Authority
6 surveillance video on disk, was admitted into evidence.)

7 MR. FREEMAN: No further questions for this witness.

8 Thank you.

9 THE COURT: Cross?

10 MR. EDGEWORTH: I have no questions for this witness,
11 Your Honor.

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

13 THE WITNESS: Yes, sir.

14 THE COURT: Thank you.

15 All right. Anything else we need to take up today or do
16 you want to resume in the morning? What does the defense say?

17 MR. EDGEWORTH: I'm sorry?

18 THE COURT: Do you want to keep going or do you want to
19 resume in the morning?

20 MR. EDGEWORTH: I guess it depends on -- Judge, it's my
21 understanding that, based on the next witness, I would request
22 that we recess until tomorrow morning and finish the trial
23 tomorrow.

24 THE COURT: All right. Members of the jury, we're going
25 to break here for the day with you. We're going to send you

1 Just make sure he understands now.

2 MR. EDGEWORTH: Yes, sir.

3 THE COURT: Serious troubles if he --

4 MR. EDGEWORTH: Yes, sir. I'll remind him.

5 THE COURT: -- crosses out.

6 MR. EDGEWORTH: Thank you.

7 THE COURT: All right. Now he can have his phone.

8 MR. EDGEWORTH: Sir?

9 THE COURT: He can have his phone.

10 MR. EDGEWORTH: Oh, yes, sir.

11 THE COURT: When he comes back in the morning, he needs
12 to turn it back over to the deputy.

13 (WHEREUPON, the proceedings adjourned for the day at 3:15
14 p.m.)

15 JANUARY 14, 2025

16 (WHEREUPON, the proceedings resumed at 9:38 a.m.)

17 THE COURT: All right. Is the State ready to proceed?

18 MR. FREEMAN: The State is ready, Your Honor. There is
19 one matter that the State would like to address before --

20 THE COURT: Okay.

21 MR. FREEMAN: -- the jury comes in.

22 THE COURT: All right. Go ahead.

23 MR. FREEMAN: Your Honor, the State and the defense have
24 agreed to a stipulation with regards to the defendant's
25 prerequisite convictions for the two charges of possession of

1 MR. EDGEWORTH: Yes, sir.

2 MR. FREEMAN: Thank you, Your Honor.

3 THE COURT: All right. Good. Is the defense ready?

4 MR. EDGEWORTH: Yes, sir.

5 THE COURT: Okay. All right. Go ahead and bring in the
6 jury.

7 Make sure he -- tell the deputy to make sure his phone is
8 taken.

9 MR. EDGEWORTH: He doesn't have it, Your Honor.

10 THE COURT: Good. Thank you.

11 MR. EDGEWORTH: He didn't bring it in.

12 THE COURT: Good.

13 MR. EDGEWORTH: Yes, sir.

14 (WHEREUPON, the jury entered the courtroom at 9:41 a.m.)

15 THE COURT: All right. If the State will call your next
16 witness.

17 MR. FREEMAN: Yes, Your Honor. In lieu of calling Nicole
18 Bethea with the -- with the Florence County Clerk of Court's
19 Office, Your Honor, the State and the defense have stipulated
20 that the defense has the predicate convictions on his record
21 consistent and necessary for the two gun charges that he is
22 indicted for and being tried. Those are the two crime of
23 violence convictions, Your Honor, and we just ask that you
24 instruct the jury as to such.

25 THE COURT: All right. Any objections to that from the

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 defense?

2 MR. EDGEWORTH: No objection at this time, Your Honor.

3 THE COURT: All right. Good. Go ahead and call your
4 next witness.

5 MR. FREEMAN: Your Honor, at this time, the State would
6 call Laquonda Green.

7 THE CLERK: Ma'am, if you'll please step up to the stand
8 and place your left hand on the Bible and raise your right
9 hand.

10 Do you swear or affirm the testimony you give in this
11 case to be the truth, the whole truth, and nothing but the
12 truth, so help you God?

13 THE WITNESS: Yes.

14 THE CLERK: Please be seated and then state your full
15 name for the record.

16 THE WITNESS: Okay. Laquonda Ann Green.

17 LAQUONDA GREEN, being first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. FREEMAN:

21 Q: Good morning, Ms. Green.

22 A: Good morning.

23 Q: Can you tell this jury how old are you, how many kids you
24 have, and a little bit about who you are?

25 A: I'm 31. I have two kids. I have a five-year-old

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 daughter and a seven-year-old son. I grew up in the small
2 town of Lake City. I have my CNAs. Right now, I'm currently
3 working and trying to go back to school.

4 Q: And what are you trying to go back to school for?

5 A: Nursing.

6 Q: How do you know the defendant?

7 A: His mom stayed beside me, ended up moving beside me in
8 Johnsonville housing. With his mom.

9 Q: Okay. Did you all have a relationship?

10 A: At first, we were just neighbors and, you know, chilled
11 and talked outside on the porch. At the time, I was with my
12 kids' father. So he was just, like, someone that we would
13 talk, me and my sister be outside, neighbors, neighbor-type
14 thing.

15 Q: As time progressed, did the two of you get into a
16 relationship?

17 A: Yes, we did.

18 Q: Okay. And how long did y'all date for?

19 A: For -- from 2019 until 2021.

20 Q: Okay. And you were here yesterday. You know exactly why
21 we're here today, don't you?

22 A: Yes.

23 Q: In June of 2021, did you make plans to go to Atlanta with
24 the defendant?

25 A: Yes, sir.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 Q: Can you tell us about what those plans were?

2 A: Well, we were just going to take a family trip, me and my
3 kids. Me and him talked. Basically, we were just going down
4 there to chill with him. He was staying in Atlanta for a
5 while because he moved from where I was staying to Atlanta.
6 So, basically, he missed -- wanted some time together. So me
7 and the kids took a trip down there to see him.

8 Q: How did y'all get to Atlanta?

9 A: Me and the kids caught a Greyhound bus to Atlanta.

10 Q: So you took public transport?

11 A: Yes, sir.

12 Q: Okay. And what were the plans? What did y'all have
13 scheduled to do in Atlanta?

14 A: We went to the aquarium. We went out to eat. We took
15 the kids to the botanical gardens. Basically, just a little
16 -- different little lot of activities.

17 Q: Anything involving dinosaurs?

18 A: Yes. My kids love -- my son loves dinosaurs. So he had
19 his dinosaur toys, basically wanting to be around animals, see
20 animals. So that was the point of taking him to the aquarium,
21 which the dinosaurs wasn't there, but we told him it would
22 have been.

23 Q: And were things going well?

24 A: Yeah, everything was going well.

25 Q: Let me ask you this. When you got to Atlanta, did the

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 defendant show you anything?

2 A: Well, when we got to his cousin's Terry [ph] house, like
3 a normal day, we chilled. We went to the liquor store. We
4 got drinks, made little mixed drinks. He showed me a can that
5 he had with pills and stuff in it that he was taking. So --
6 yeah.

7 Q: Let's talk about those pills a little bit. Can you
8 describe what you saw and what he showed you?

9 A: They were colorful -- small colorful pills with different
10 designs, animals, cartoon characters on them.

11 Q: Was -- and he had these in Atlanta; is that correct?

12 A: When I got to Atlanta, yeah.

13 Q: Were there a few of them? Were there a few? Were there
14 many? Can you describe the quantity?

15 A: Probably 1,200 to 200.

16 Q: So it was -- there was a lot?

17 A: Yeah.

18 Q: Do you know about how big they were?

19 A: It was about the size of an aspirin or something. It was
20 small pills.

21 Q: I'm going to show you what's been pre-marked for
22 identification as State's Exhibit 8. Do you see the contents
23 of what I've just put in front of you?

24 A: Yes, sir.

25 Q: Did the contents described -- are they consistent with

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 what you just described to the jury?

2 A: Yes. They're small. They're colorful. They look like
3 printed different things on it.

4 Q: Are there a bunch of them?

5 A: Yes, sir.

6 Q: And that's what Carlton -- that's what the defendant
7 showed you when you got to Atlanta?

8 A: Yes, sir.

9 Q: Do you smoke marijuana?

10 A: I do.

11 Q: Was there marijuana involved in this trip?

12 A: We didn't have none at the time, no.

13 Q: Did the defendant?

14 A: I'm sorry?

15 Q: Did the defendant?

16 A: No.

17 Q: Okay. How long was your trip in Atlanta supposed to be
18 for?

19 A: It was only supposed to have been from that Friday to
20 that Sunday.

21 Q: Okay. And on that Sunday -- or excuse me. Was there a
22 decision made for the trip to be continued, to be extended?

23 A: We decided that Sunday morning to extend the trip.

24 Q: Okay. And y'all ended up leaving Tuesday?

25 A: Yes, sir.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 Q: Let's talk about that Monday afternoon. What happened
2 that afternoon, the day before y'all left?

3 A: The day before we left, like always, we was just
4 chilling, a good day. We were sitting in the room. We ate
5 out. Basically, chilling in the room that day.

6 For some reason, Carlton started accusing me of being
7 with someone else, saying he done been in my Facebook account
8 seeing messages. So he was basically accusing me for talking
9 to other males. Later on that night, it went from talking to
10 he was sitting outside on the balcony. The kids was already
11 down for sleep. So he was sitting on the balcony.

12 I went out there to talk to him, and then he just had
13 this look in his face. So I went to ask what was wrong, and
14 then everything just blew it up. Like, we went from arguing
15 to all kind of names until, you know, we started fussing.

16 So I got on -- he left. I got on the phone. I called
17 his mom because he was saying that he was going to leave me
18 and my kids there. So I got on the phone. I called his mom.
19 I talked to Ms. Tab. She, you know, was telling me, oh, we
20 shouldn't have came down there. We was going to start acting
21 crazy and this and that and the third. She was going to call
22 Carlton and have Carlton come back and take us home.

23 So I guess she got on the phone and called Carlton.
24 Probably a few hours later, he ended up coming back to the
25 hotel room. From the hotel room, we started arguing again.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 This was, like, probably 5 or 6 o'clock that morning. We
2 started arguing.

3 Q: Five or 6 o'clock in the morning of the 29th?

4 A: Yeah.

5 Q: Tuesday?

6 A: Yes.

7 Q: The day y'all came back?

8 A: Yes.

9 Q: Okay. Go ahead.

10 A: We started --

11 Q: Please continue.

12 Q: We started arguing in the room once he came back. We
13 packed our stuff. Like I said, we was arguing, fighting
14 basically. Not fighting. We were just arguing at that point.
15 We got in the car. I get in the car. We drove off from the
16 hotel.

17 Q: Let me pause you right there. What car did y'all get
18 into?

19 A: The rental that he rented while we was in Atlanta.

20 Q: And what car was that?

21 A: It was a gray -- I don't know cars like that. I want to
22 say it was, like, a gray minivan type.

23 Q: An Equinox?

24 A: Yeah.

25 Q: Did he rent the vehicle?

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 A: His cousin Terry did.

2 Q: Okay. And where did y'all stay while y'all were in
3 Atlanta?

4 A: Don't get me wrong with the hotel name, but we stayed on
5 a hotel. The first two days, we stayed at Terry's house, and
6 then we left and got a hotel room.

7 Q: So after y'all went to the hotel room, who all had access
8 to the vehicle?

9 A: Only Carlton.

10 Q: Okay. How long was this drive back from Atlanta to
11 Florence?

12 A: About four-and-a-half hours.

13 Q: Okay. I'm sorry for interrupting. Please continue.

14 A: Okay. So we got in the car to leave. As we're leaving,
15 he's asking questions. For one, before he left the hotel, he
16 accused me of someone being in the room, and I didn't see
17 anybody in the room. He started tripping that someone was in
18 the room with us. I never seen anybody in the room.

19 So it went from, oh, I got that nigger in the room to,
20 you know, we're leaving. Get in the car. He's asking
21 questions about the person that he seen in the room. Every
22 time I go to answer a question, he'd reach over and punch me
23 in my face. He had rings on his finger. So it goes from when
24 the blood drop in my face, I hold my eye. My kids started
25 crying.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 Every time he asked a question, whether I didn't give him
2 an answer or I didn't answer the question to the correct --
3 the correct way for him, he hitted me. He hitted me. So it
4 went from the hitting, because my eye was already swollen,
5 So he pulled out the gun, and then he was, you know,
6 saying, oh, we're going to drive this motherfucker into the
7 car rental, and when the car rental end, I got something for
8 your ass. He pulled out the gun, and the whole time he pulled
9 out the gun driving with one hand, but he's waving it, like,
10 at my foot. So I'm in the car and I'm jumping. I'm saying,
11 oh, don't do that. Like, stop, please. My kids are back
12 there. My son is crying.

13 So all the way up to where the car ran on E, which was
14 Exit 137, Florence and Darlington exit, he pulled over where
15 the trucks -- the 18 wheelers ramps that you could pull off
16 over.

17 Q: Let me pause you there. So you all stopped at a truck
18 stop, and this is in Darlington County; right?

19 A: Yes.

20 Q: This isn't in Florence County?

21 A: No.

22 Q: It's in Darlington County. And continue. I just wanted
23 the jury to be aware that this is occurring in Darlington
24 County at this point in time.

25 A: Okay. So we pulled over at the trunk -- the truck ramp.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 He got out of the car. He was trying to get me to get out of
2 the car. He had the gun on him. He got out the car. I'm in
3 the car crying. He told me to get my ass out the car.

4 So I get out the car and stand in the doorway of the car
5 with my arms up, and I'm talking to him as he's coming around.
6 Like, what are you doing? My kids are in here. He's coming
7 around. Something just told me to jump back in the car. I
8 jump in the car, hit the lock button, jump in the driver's
9 seat, and hit the gas. And he had the -- the car is a push
10 start. So he had the keys still on him, and I see him.

11 When I hit the gas, the car started moving slow. He was
12 trying to run up, pulling the car, trying to open the door.
13 When I see him getting the key, I hit the gas again. The car
14 shoot out into traffic.

15 I stopped at a store. I got off on the first exit that I
16 seen because the car was already on E. So I jumped out of the
17 car, went to go pay 20 gas, put in whatever felt -- you know,
18 whatever I could get in at the time in the gas tank, and I
19 took off. I called my sister and my mom and let them see
20 where they was at. My sister said she was at home. I told
21 them I was pulling up.

22 Q: Where was home?

23 A: In Lake City.

24 Q: Is it off Brentwood Circle?

25 A: Yes, sir.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 Q: Okay.

2 A: I called them. They told me they was at my sister's
3 house. I pulled up at my sister's house. I called them to
4 come outside. My sister and them seen my face, and at that
5 time, I'm rushing her to, like, yell get in the car. I need
6 to go drop this car off because if I don't, he's going to be
7 coming right behind me because, you know, at that time he
8 already knew he was -- who he was -- he was going to call
9 someone to come get him.

10 So my cousin -- my sister -- my best friend -- she was
11 over there at my sister's house. We got in the car. We
12 dropped the car off over there to his mom's house, and I
13 called his mom as I'm backing out in my friend's car to let
14 her know that I dropped the car off and what had happened, and
15 I head over back to my sister's house.

16 Q: How long were you at your sister's house before you and
17 your sister went to drop the car off?

18 A: Like, 3 to 5 minutes tops.

19 Q: Why?

20 A: Because I was scared. I was trying to get away, get that
21 car from around me because the car is in his possession. It's
22 --

23 Q: It's the defendant's vehicle?

24 A: Yes.

25 Q: And you wanted to be away from the situation?

1 A: Yes.

2 Q: When y'all were in Atlanta, did you purchase anything?

3 A: Yes.

4 Q: Tell the jury a little bit about that?

5 A: I purchased jewelry. We bought rings. I bought a

6 necklace. I bought my kids a gold ring. We bought

7 pocketbooks, bags that -- wholesale bags that we was going to

8 -- I was going to try to sell some bags.

9 Q: Were there a bunch of these purchases?

10 A: Yes.

11 Q: Where were these purchases?

12 A: They was in a big black bag in the hatchback of the car.

13 Q: Were there a lot of bags?

14 A: Yes.

15 Q: One bag?

16 A: About 20 to 30 bags.

17 Q: Did you have time to get your bags out of the car?

18 A: I wasn't able to get nothing out of there but my kids.

19 Q: Did you put anything in the car?

20 A: No.

21 Q: When the defendant presented a firearm --

22 MR. EDGEWORTH: Objection. Leading.

23 THE COURT: Sustained.

24 MR. FREEMAN: I'm going to play what's -- Your Honor,

25 permission to publish what's already into evidence as State's

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 Exhibit -- I believe 2. It's the Housing -- or 3. It's the
2 Housing Authority video.

3 THE COURT: All right. Any objections?

4 MR. EDGEWORTH: No objection, Judge.

5 THE COURT: All right.

6 MR. FREEMAN: Let me play this for you, Ms. Green.

7 (WHEREUPON, State's Exhibit Number 3, Housing Authority
8 surveillance video, was played and then stopped.)

9 BY MR. FREEMAN:

10 Q: Do you recognize this area?

11 A: Yes, sir.

12 Q: Where is this?

13 A: Brentwood Circle. My sister's house.

14 Q: Now, describe again where are y'all are at in this -- in
15 this video right now? Do you know?

16 A: In this video, it look likes we in my home girl car
17 [sic].

18 Q: And where is that at? Is that the third vehicle?

19 A: That's the third vehicle.

20 Q: The furthest from the -- from the screen?

21 A: Yes, sir.

22 Q: Are you in that vehicle at this time?

23 A: I am.

24 Q: Can you describe -- is this -- how long had y'all been
25 here at this point? Do you -- all right. Let me rephrase the

1 question.

2 MR. FREEMAN: Strike that, Your Honor.

3 BY MR. FREEMAN:

4 Q: How long had y'all been at the house before the defendant
5 showed up?

6 A: Probably about a minute, two minutes.

7 Q: Did you have time to get out of the car?

8 A: No.

9 Q: What did you see occur?

10 A: When we pulled up, we was about to get out the car until
11 I see the -- the car that he was driving hit the corner. When
12 I see the car hit the corner, I jump from sitting up in the
13 middle of the back seat. I jumped down into the seat and
14 begged my best friend to not let him know that I was in that
15 car.

16 Q: And what happened when he got out of the car?

17 A: When he stopped the car, he jumped out with the gun,
18 asked my sister and my best friend where that bitch at, I know
19 that bitch here because y'all just dropped off the car.

20 Q: Can you describe the gun he had on him?

21 A: He had a gray revolver.

22 Q: Do you remember the -- was it gray or black?

23 A: I want to say that the handle was, like, black, and the
24 body part is gray.

25 Q: But it was a revolver?

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 A: Yes, sir.

2 Q: I'm going to show you what's been pre-marked for
3 identification as State's Exhibit 9.

4 A: It's the revolver.

5 Q: Does that look familiar to you?

6 A: Yes, sir.

7 Q: Is that the -- is that consistent with what the defendant
8 pointed at you that day?

9 A: That morning in that car, yes, sir.

10 Q: Is that consistent with what he pointed at you in Lake
11 City on --

12 A: Yes, sir.

13 Q: -- Brentwood Circle?

14 A: Yes, sir.

15 Q: I'm going to play this video now.

16 (WHEREUPON, the video resumed playing and was then
17 stopped.)

18 BY MR. FREEMAN:

19 Q: Is that the silver Equinox right there pulling up?

20 A: Yes, sir.

21 Q: I'm going to back that up just a bit. I'm sorry. What's
22 he got in his hand?

23 A: He has the revolver.

24 Q: Does it looks like he's waving something around you in
25 that vehicle?

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 A: He's waving it at my friend. Yes, sir.

2 Q: Was he waving it around in your face or in your -- in
3 your presence?

4 A: In my presence, yes.

5 Q: Were you in that -- in that vehicle?

6 A: I was in the backseat in the floorboard.

7 Q: You could see him through the window?

8 A: Yes, sir.

9 Q: I'm going to show you what's pre-marked for
10 identification as State's Exhibit 5. What is this?

11 A: Carlton walking up to the car with the gun.

12 Q: Is this a zoomed-in picture of the video we just watched?

13 A: Yes, sir.

14 Q: Is this a fair and accurate depiction of the defendant
15 holding a firearm pointed at the -- at the vehicle that you're
16 in?

17 A: Yes, sir.

18 MR. FREEMAN: Your Honor, at this time, the State would
19 move to introduce State's Exhibit Number 5 into evidence.

20 THE COURT: Any objections?

21 MR. EDGEWORTH: Yes, Your Honor. First and foremost,
22 that is a screenshot that is -- can we just approach, Judge?

23 THE COURT: Yes.

24 (WHEREUPON, a bench conference was held as follows.)

25 MR. EDGEWORTH: It's a screenshot from the video.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 MR. FREEMAN: Right.

2 MR. EDGEWORTH: It's -- I mean, it's not an accurate
3 representation. The video is the best evidence of what they
4 have. This is -- this is a screen grab. It's blurry. I
5 don't think it's admissible for any purpose.

6 MR. FREEMAN: Your Honor, it's the State's position that
7 the video is already in evidence. This is simply a screenshot
8 from the video that is in evidence, and it's a zoomed-in
9 version that further corroborates the witness's testimony.

10 THE COURT: It is right blurry though, I mean.

11 MR. FREEMAN: It is blurry, but I believe her testimony
12 gives context to the --

13 THE COURT: Just go with her testimony.

14 MR. FREEMAN: That's fine.

15 THE COURT: She said it was a gun.

16 MR. FREEMAN: Okay.

17 (WHEREUPON, the bench conference ended, and the
18 proceedings resumed as follows.)

19 (WHEREUPON, the video resumed playing and was then
20 stopped.)

21 BY MR. FREEMAN:

22 Q: Is he pointing a handgun at you right there, Ms. Green?

23 A: I'm sorry. Say that again?

24 Q: Is he pointing a handgun at you right there?

25 A: He's pointing a handgun at the car.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 Q: He's presenting it?

2 A: He's presenting it. Yes, sir.

3 Q: Did you call the -- I'll continue playing this. What
4 happened after this?

5 A: After this video, my homegirl get out of the car. She
6 had words with him, told him that he was walking up to her car
7 like that with that gun, and her kids is in that car. He had
8 words back with her. He turned around and got in the car, and
9 as he was getting in the car, my mom was coming out of my
10 sister's house walking down there to my friend's house.

11 Q: I'm going to continue playing it now.

12 (WHEREUPON, the video resumed.)

13 BY MR. FREEMAN:

14 Q: Is that your mom right there coming out of the first
15 house?

16 A: It is.

17 (WHEREUPON, the video was stopped.)

18 BY MR. FREEMAN:

19 Q: Did you call 9-1-1?

20 A: I did.

21 Q: You got a little emotional when I spoke of your mom. Can
22 you tell the jury why?

23 A: My mom passed in October of this year -- last year.

24 Sorry. It's kind of fresh to see her on that video.

25 Q: Was she supposed to be here with you today?

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 A: She was going to be here in August. We was supposed to
2 go to court in August.

3 Q: Did you call 9-1-1?

4 A: I did.

5 MR. FREEMAN: Your Honor, permission to publish what's
6 already into evidence as State's Exhibit 2.

7 THE COURT: State's Exhibit 2?

8 MR. FREEMAN: 2, Your Honor. Yes, Your Honor.

9 THE COURT: All right. Any objections?

10 MR. EDGEWORTH: No, Your Honor.

11 THE COURT: All right.

12 (WHEREUPON, State's Exhibit Number 2, 9-1-1 call, was
13 played and then stopped. Not transcribed herein.)

14 BY MR. FREEMAN:

15 Q: Are those kids -- were those your kids you can hear in
16 the background?

17 A: Yes.

18 Q: Were those kids that were in the car with you?

19 A: Yes.

20 Q: Do they remember this event?

21 A: Yes, sir.

22 MR. EDGEWORTH: Objection. Calls for speculation.

23 THE COURT: Sustained.

24 BY MR. FREEMAN:

25 A: Yes, they do.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 Q: Do you have any lasting marks?

2 A: I do.

3 Q: What do you have?

4 A: This mark under my nose where the ring cut me in my face.

5 Q: Is that a scar?

6 A: It is.

7 Q: Do you see the man who did this to you and pointed a gun
8 at you over on Brentwood Circle?

9 A: I do.

10 Q: Can you point to him?

11 A: (*Indicated.*)

12 MR. FREEMAN: Your Honor, let the reflect that the victim
13 has pointed at the defendant in this case.

14 THE COURT: It will.

15 MR. FREEMAN: I beg the Court's indulgence.

16 BY MR. FREEMAN:

17 Q: I'm going to show you what I need to mark for
18 identification.

19 MR. EDGEWORTH: Judge, can we approach?

20 THE COURT: Yes.

21 (WHEREUPON, a bench conference was held off the record
22 due to rustling paperwork over microphone, after which
23 the proceedings resumed as follows.)

24 BY MR. FREEMAN:

25 Q: Let me ask you this. Did you know Carlton Brown was

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 going to come to Lake City?

2 A: I did.

3 Q: After the car was dropped off?

4 A: I did.

5 Q: You did?

6 A: I knew he was going to come for me.

7 Q: Did he know where you lived?

8 A: He didn't know where my sister live at the time.

9 Q: And that's where you were?

10 A: Yeah.

11 Q: You didn't call 9-1-1 after you dropped the car off or
12 after the Darlington County stuff, did you?

13 A: No. We was riding.

14 Q: You waited until after -- let me rephrase the question.

15 You waited until after he showed back up and pointed a gun at
16 you before you called the police; is that correct?

17 A: Yes, sir.

18 MR. FREEMAN: Is there an objection?

19 MR. EDGEWORTH: I didn't say anything.

20 MR. FREEMAN: I'm sorry.

21 BY MR. FREEMAN:

22 Q: You didn't have time to get your own items out of the
23 car?

24 A: No. It was only enough to call my sister, let her come
25 get my kids out of my car, and get the car back.

LAQUONDA GREEN - DIRECT BY MR. FREEMAN

1 Q: Did they find the defendant after you called the police
2 at some point that day?

3 MR. EDGEWORTH: Objection. Calls for speculation.

4 THE COURT: What was your question again?

5 MR. FREEMAN: The question was did they find the
6 defendant later that day.

7 THE WITNESS: Yes, they did.

8 THE COURT: Why don't you rephrase your question?

9 MR. FREEMAN: Okay.

10 BY MR. FREEMAN:

11 Q: Was the defendant arrested later that night?

12 A: He was.

13 Q: Did John Stewart inform you of this?

14 A: He did.

15 MR. FREEMAN: All right. No further questions at this
16 time.

17 THE COURT: All right. Cross?

18 MR. EDGEWORTH: Thank you, Judge. May it please the
19 Court.

20 THE COURT: Yes.

21 CROSS-EXAMINATION

22 BY MR. EDGEWORTH:

23 Q: If you'll bear with me. It's Ms. Green; correct?

24 A: It is.

25 Q: Okay. There's a lot to go over here. Let's see. You

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 took a bus with your children to Atlanta; correct?

2 A: I did.

3 Q: And at that time, your intent was to have a family
4 holiday?

5 A: Yes.

6 Q: Go do some fun things in Atlanta with Mr. Brown and your
7 kids?

8 A: Yes, sir.

9 Q: Your testimony was that as part -- part of your trip, the
10 first couple days you stayed at Mr. Terry's house or
11 somebody's house that Mr. Brown knew?

12 A: Yes.

13 Q: Okay. And y'all were doing a little bit of partying?

14 A: Yes.

15 Q: Were the children there with you?

16 A: Yes.

17 Q: And during this party in which y'all were drinking and
18 your children were there, you claim you found some pills?

19 A: Yes.

20 MR. FREEMAN: Objection, Your Honor. That's a -- that's
21 a misclassification of what she testified to.

22 THE COURT: Overruled. You can redirect afterwards.

23 MR. FREEMAN: Okay.

24 BY MR. EDGEWORTH:

25 Q: Okay. Your children were there; right?

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 A: Yes, my kids was there.

2 Q: Okay. Y'all were going to the liquor store earlier;
3 correct?

4 A: We have.

5 Q: Yeah. So y'all were drinking at the party?

6 A: We was drinking inside the house, yes.

7 Q: Okay. You were drinking at the house where the kids
8 were?

9 A: Yeah.

10 Q: Okay. And then you say you found -- randomly found some
11 pills while you were at this party?

12 A: I never said I found any pills.

13 Q: Okay.

14 A: I said Carlton showed me pills.

15 Q: Okay. So your testimony is, is that Mr. Brown showed you
16 some -- randomly showed you some pills while you were partying
17 and drinking with your kids present; is that correct?

18 A: Yes, sir.

19 Q: Okay. And -- but you didn't leave at that time; correct?

20 A: No.

21 Q: You kept on partying?

22 A: Yes.

23 Q: Okay. All right. And you -- this happened in June of
24 2021?

25 A: Yes, sir.

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 Q: Okay. You testified that you recognize them as being
2 some type of colorful pills?

3 A: Yes.

4 Q: Okay. Have you met with the prosecutor prior to this
5 trial to review evidence in this case?

6 A: No, sir.

7 Q: You had never seen those pills or the items that were
8 shown to you earlier before --

9 A: No, sir.

10 Q: -- today?

11 A: No, sir.

12 Q: Okay. And you recognize them as being the same things
13 you saw in January -- or June of 2021?

14 A: Yes, sir.

15 Q: Okay. Now, y'all had -- did y'all have marijuana at the
16 party?

17 A: No, sir.

18 Q: Okay. But you testified that you use marijuana?

19 A: I smoke marijuana now.

20 Q: Okay. So you -- your testimony was that he showed you
21 some pills that you remember, but you don't -- and your
22 children were present and you didn't leave; correct?

23 A: Correct.

24 Q: Okay. And you agree you would've had the ability to
25 leave?

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 A: I could have.

2 Q: Okay. And then later on, y'all moved to the hotel room?

3 A: No. This was Sunday. We was only supposed to be there
4 for the weekend, but when we decided to stay longer, then we
5 got a hotel room.

6 Q: Right. All I'm saying is, is that, for whatever reasons,
7 you continued your -- your trip and then you moved to a hotel
8 room?

9 A: Yes.

10 Q: Okay. And with Mr. Brown?

11 A: Yes.

12 Q: With your kids?

13 A: Yes.

14 Q: Okay. And -- and at some point your testimony was then
15 that y'all began arguing?

16 A: We did.

17 Q: But you didn't leave?

18 A: No.

19 Q: But you could have left?

20 A: I mean, I could have, but we started arguing late that
21 morning. So, no, I really couldn't have left. How was I
22 going to go? The rental was his rental.

23 Q: Okay. Well, you came on a bus. You didn't have -- you
24 didn't have your own transportation regardless; correct?

25 A: I didn't.

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 Q: Okay. But you could've gone back to the bus station just
2 like you came and went back to South Carolina; correct?

3 A: I could have, yeah.

4 Q: Yeah. Well, you could have; right?

5 A: Yeah.

6 Q: Yeah. But you did not do that?

7 A: No.

8 Q: Okay. And as you -- as you're saying, y'all -- it was
9 blowing up; right? The argument was getting worse?

10 A: He did, yes.

11 Q: Okay. And -- and you continued to remain in the hotel
12 room?

13 A: Well, he left the hotel room. So, yeah, I stayed in the
14 room with my kids. It was 3 or 4 o'clock in the morning.

15 Q: Okay. He left?

16 A: He did.

17 Q: Okay. And you could've left at that time as well?

18 A: I could.

19 Q: Okay. Did you know whether or not he was coming back?

20 A: After I called his mom and talked to his mom, she assured
21 me that she would have him come back, pick me and the kids up,
22 and bring us home.

23 Q: Okay. And so at this point in time, you were -- it
24 appears you were fairly comfortable continuing being around
25 him; correct?

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 A: Yeah. Arguing. We -- no hitting or anything had gone
2 on. We just had a heated argument. So, yes, I'm comfortable
3 still being around him.

4 Q: Okay. And as you said, comfortable enough to drive back
5 four-and-a-half hours from Atlanta to South Carolina or at
6 least to Florence County or Darlington County?

7 A: Uh-huh.

8 Q: Okay. And then your testimony -- and, you know, it's
9 funny. I normally don't rehash all this testimony, but at
10 some point in time, the argument, according to you, became to
11 the extent where he -- y'all pulled off the side of the road
12 in Darlington County; right?

13 A: Say that one more time?

14 Q: You pulled off to a rest area in Darlington County?

15 A: Yes.

16 Q: Okay. And that would've been probably what? Hour four
17 of the four-and-a-half-hour trip?

18 A: We pulled over at the end of the trip. This is after the
19 fact that I've been sitting in the car for four-and-a-half
20 hours getting punched in my face with a gun being pointed at
21 my leg, telling me what they're going to do and shoot my kids
22 in the back -- in the backseat crying.

23 Q: And all this stuff, according to your testimony, occurred
24 in the car on the way from Atlanta to South Carolina?

25 A: Yes.

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 Q: Okay. All these things you're talking about?

2 A: Besides what I was talking about us partying and
3 everything in Atlanta, yeah.

4 Q: Yeah, yeah, and then you finally get to Darlington;
5 correct?

6 A: Uh-huh.

7 Q: Okay. When he steps out of the vehicle?

8 A: Uh-huh.

9 Q: That's your testimony?

10 A: When he stepped out of the vehicle, he pulled over at the
11 truck ramp. He's telling me to get out of the car because he
12 was going to kill me, and when he killed me, he was going to
13 figure out what he was going to do with my kids afterwards.

14 Q: Okay. And -- and this -- again, he's outside the
15 vehicle, according to you, doing all this stuff, and you're
16 able to drive away?

17 A: I'm able to -- I was standing outside of the car too when
18 he told me to get out of the car. He was getting out of the
19 car. I get out of the car. He had told me to get out of the
20 car, and I was standing on the side of the door. He was
21 getting out, walking around the car, and I jumped back in the
22 car.

23 Q: Who had the keys?

24 A: He had the keys.

25 Q: Okay. And it was a push start?

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 A: It was a push start, and I never turned the car off.

2 Q: Okay. And that's not -- I'm just saying, like, you drove
3 off and he still had the keys?

4 A: Yeah.

5 Q: Okay. Now, you get to the gas station. Did you call
6 9-1-1?

7 A: No. I was focused in getting gas in the car because the
8 car was on E. I was putting gas in the car and getting to
9 where I was comfortable at, which was with my family.

10 Q: Right. You didn't drive to the police department, did
11 you?

12 A: No. I went straight to my mama's.

13 Q: Okay. Yeah. And according to you, you knew there were
14 drugs and other things in this vehicle?

15 A: Yes.

16 Q: Uh-huh. And you didn't notify anybody about that?

17 A: Meaning?

18 Q: You didn't call 9-1-1 when you got away from him saying
19 there's this man chasing me?

20 A: I called 9-1-1 when I got to where I needed to get to,
21 where I felt comfortable off the road far away from him, and
22 then when I got there, I dropped the car off. I came back,
23 and I made my call. My whole point was timing, trying to beat
24 him from being -- getting close to me.

25 Q: Yeah. Then why return the car?

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 A: Because if I would've kept the car, then he would've
2 ended up in the same space and the same area I was in.

3 Q: Not if you took it to the police department?

4 A: I mean that could have worked too, but I didn't.

5 Q: Okay. All right. So you dropped the car off where?

6 A: At his mom's.

7 Q: Where is that at?

8 A: Johnsonville.

9 Q: Okay. And then you -- you make it back to Lake City;
10 right?

11 A: I did.

12 Q: Okay. And your testimony is that he is there within one
13 minute of you pulling into the driveway at your friend's house
14 near your mother's house; correct?

15 A: Uh-huh.

16 Q: Okay. That's your testimony? After having dropped him
17 off -- leaving him on the side of the road and you dropping
18 the car off, he almost beat you to your friend's house?

19 A: He was --

20 Q: Is that your testimony?

21 A: He was right behind me.

22 Q: Okay. Just making sure. From Johnsonville to Lake City?

23 A: Yes.

24 Q: Okay. Just making sure that's what you were saying.

25 Now, is it possible that one of the reasons why you didn't go

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 to the police department right away was because the bags that
2 you had purchased in Atlanta were counterfeit?

3 A: No. That wasn't even on my mind.

4 Q: But you didn't think about that, but they were
5 counterfeit?

6 A: I mean they could have been, yeah.

7 Q: Okay. All right. So by not going to the police
8 department, you protected yourself from being arrested for a
9 crime as well; right?

10 A: No, I didn't.

11 Q: Okay. All right. And when Mr. Brown, according to your
12 testimony, magically almost beat you to Lake City, having been
13 left on the side of the road and picked up his car in
14 Johnsonville where you say you left it, your testimony is
15 though that you were in the floorboard of the back seat of the
16 car; correct?

17 A: Uh-huh.

18 Q: Okay. Yes?

19 A: Yes, sir.

20 Q: All right. And while you were doing that, you didn't
21 call 9-1-1 while this was happening?

22 A: I was getting back to my mom's.

23 Q: Okay. And from the backseat, you claim that Mr. Brown
24 had a gun; correct?

25 A: Yes.

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 Q: Okay. It was your assumption that he would have access
2 to a gun because you saw one earlier when you dropped him off
3 --

4 A: No.

5 Q: -- in Darlington?

6 A: No, sir. He actually walked up to the car pointing a
7 gun.

8 Q: Okay. What you testified though that he was sitting
9 there telling whoever else was in the car to tell you --

10 A: To get out the car because he knew I was in that car.

11 Q: Okay. And -- but at no time did he come up to the door
12 and bang on it?

13 A: My friend wouldn't let him.

14 Q: And he didn't -- he didn't open the door or attempt to
15 open the door?

16 A: My friend wouldn't let him get that close. In the video,
17 you can see her standing by her car too.

18 Q: In the video, she -- she is where?

19 A: She's by the driver's side in the front by her car.

20 Q: In the car?

21 A: No. By her car. She was sitting in her car. She ended
22 up getting out of her car when he walked up to the car.

23 Q: Okay. And -- and you didn't think to call 9-1-1
24 contemporaneously with what you believed to be him or you
25 claim to be him standing there with a gun?

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

- 1 A: I called 9-1-1 as soon as he pulled off.
- 2 Q: After he left? Okay. But -- but you would've been safe
3 inside the vehicle; correct?
- 4 A: You're asking would I have been safe inside the vehicle?
- 5 Q: You hid in the vehicle, according to your testimony.
- 6 A: Yeah.
- 7 Q: Okay. But you were able to witness everything that
8 happened outside the vehicle?
- 9 A: Yeah.
- 10 Q: That's your testimony?
- 11 A: I'm in the backseat, but I'm looking up and stuff too,
12 looking what's going on, yes. I could hear. I see what's
13 going on also. So yes.
- 14 Q: All right. So you're hiding in the back of the seat, but
15 you can see everything; correct?
- 16 A: Uh-huh.
- 17 Q: All right. Got it. Now, we just listened to the 9-1-1
18 video or audio?
- 19 A: Uh-huh.
- 20 Q: And you would agree that that was you that made that call
21 after he had left the scene; correct?
- 22 A: Yes.
- 23 Q: Okay. And you even give her your phone number because
24 they asked you and you complied?
- 25 A: Uh-huh.

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 Q: Right? And can you tell us that phone number again, if
2 you remember?

3 A: I think it was 854-550-██████ -- no.

4 Q: And it wouldn't have been --

5 A: ██████, something like that.

6 Q: It wouldn't have been an 854 number?

7 A: Was it 843-550-██████? The reason I'm saying that is
8 because I change numbers often. It's something.

9 Q: Understood, and that's why we're here to clear that up.
10 So the phone that you had at the time that you made this phone
11 call from -- you were in the courtroom yesterday when they --
12 when the 9-1-1 person was testifying?

13 A: Yes.

14 Q: And she said -- do you recall her saying that, you know,
15 they -- they can log those phone numbers and everything?

16 A: Yes.

17 Q: Okay. And do you remember -- do you recall a number that
18 you used to have, 843 -- and then it was like 373?

19 A: 373-██████?

20 Q: Yeah. There you go.

21 A: Yeah.

22 Q: Okay. And do you recall that being the number you had at
23 the time?

24 A: Yes.

25 Q: Okay. So that would have been the number from the phone

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 or device that you used to call 9-1-1, not after you got the
2 vehicle from Mr. Brown and not when you stopped to get gas and
3 not when you dropped it off?

4 A: When I got to my safe place, yes.

5 Q: Okay. Well, you say safe place, but it was your
6 testimony that you knew that he would come to you?

7 A: Because I -- well, for one I thought he was going to come
8 there anyways because I had the car, but -- but me think --
9 quick thinking, I took the car to his mom's. So -- yeah.

10 Q: Okay. So back to this 9-1-1 call. You made the call and
11 that's you on the audio we just heard; right?

12 A: Yes.

13 Q: Okay. Do you agree with me that while you're talking to
14 -- to 9-1-1 that you were able to answer all of their
15 questions? You gave them your phone number?

16 A: I was, and --

17 Q: Okay. And you gave -- you told them where you were at?

18 A: Yes.

19 Q: Okay. And you're standing there being able to calmly
20 tell them which direction you see the car going?

21 A: I don't think I was calm because she also said on the
22 phone calm down, Ms. Green.

23 Q: Okay. Well, it didn't sound like you were scared though;
24 right?

25 A: I mean, if -- do you know how I sound when I'm scared?

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 Q: I'm asking you. It didn't sound to me like you were
2 scared.

3 A: I was scared.

4 Q: Okay.

5 A: But this also happened morning time during the daytime.
6 Like, I also had time to try to get myself together, too.

7 Q: Didn't it appear from the information that you were
8 providing to 9-1-1 that you were doing anything you possibly
9 could to get Mr. Brown in trouble?

10 A: I mean, I was trying to get Mr. Brown locked up for
11 pointing and presenting a gun at me saying that he was going
12 to kill me, because normally somebody say they're going to do
13 something, they're going to do it.

14 Q: Okay. And so you knew at that time in June of 2021 that
15 the terminology of pointing and presenting was something that
16 you should call and contact law enforcement or 9-1-1 about?

17 A: And I was -- I called but once. Like I said, everything
18 happened so quick. I was nervous. I had my kids. My only
19 thing was -- my only thing was getting that car away from me.
20 That would have kept him away from me because that was his
21 car. If I would have kept it, he would've come for it. He
22 would've been in my position, my place in my face.

23 Q: Okay. But according to you, you went to a place where he
24 knew you were at. So that didn't do a very good job?

25 A: He would go anyplace I was at. We'd been living together

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 for two years. Anyplace I would have go, he would have known.

2 Q: Then why not take the vehicle that you took from him that
3 you claim all this stuff occurred in and just go straight to
4 the -- to law enforcement, go straight to Lake City PD?

5 A: Because I wasn't thinking, and I was scared and I wanted
6 to get to my mom's.

7 Q: Okay. Well, we'll just move on. Now, as part of this
8 case, we heard that 9-1-1 was going to -- they were sending
9 law enforcement out to your location; correct?

10 A: Yes, sir.

11 Q: And you talked to law enforcement; correct?

12 A: Yes, sir.

13 Q: Okay. Now, do you recall giving them a statement?

14 A: Yes, sir.

15 Q: Okay. Now, let me show you -- let me show you this and
16 ask you if you recognize that?

17 A: Yes, sir, I do.

18 Q: Okay. Is that your handwriting?

19 A: Yes, sir.

20 Q: Okay. Is that your signature?

21 A: Yes, sir.

22 Q: Okay. And you recall writing this?

23 A: Yes, sir.

24 Q: Okay. Take a look at it real quick, and let's make sure
25 that you recall the contents of this statement. Let me know.

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 (WHEREUPON, there was a pause in the proceedings, after
2 which the proceedings resumed as follows.)

3 MR. FREEMAN: Your Honor, is there a question?

4 MR. EDGEWORTH: Yeah. I've asked her to review the
5 document.

6 MR. FREEMAN: She's --

7 THE WITNESS: I reviewed it.

8 MR. EDGEWORTH: I'm sorry. I thought I asked you to let
9 me know when you were done.

10 THE WITNESS: Oh, sorry.

11 MR. EDGEWORTH: Okay.

12 BY MR. EDGEWORTH:

13 Q: So is that a complete and accurate -- or is that what you
14 wrote --

15 A: Uh-huh.

16 Q: -- at that time?

17 A: Yes, sir.

18 Q: Okay. And do you recall making the statement?

19 A: Yes, sir.

20 Q: Okay. And you recall writing the statement?

21 A: Yes, sir.

22 Q: Okay.

23 MR. EDGEWORTH: All right. Let me mark this for
24 identification. I apologize.

25 (WHEREUPON, the statement was marked for identification

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 as Defendant's Exhibit Number 1.)

2 BY MR. EDGEWORTH:

3 Q: Now that you've kind of refreshed your recollection
4 there, you agree that in that document that you wrote that you
5 talked about going to Atlanta?

6 A: Yes.

7 Q: Okay. And you talked about getting the car away from Mr.
8 Brown?

9 A: Yes.

10 Q: You even said that you stopped and got gas?

11 A: Yes.

12 Q: Okay. You talked about how you went to drop the car off
13 at his mother's house?

14 A: Yes.

15 Q: Okay. And when you got to the mother's house, you didn't
16 see Mr. Brown, of course; correct?

17 A: Yes.

18 Q: Okay. And then you went to Brentwood Circle?

19 A: Yes.

20 Q: Okay. And you did not see Mr. Brown at his mother's
21 house when you got there?

22 A: No.

23 Q: And you dropped off the car?

24 A: Yes.

25 Q: Did you talk to her?

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 A: I did.

2 Q: You talked to the mother?

3 A: Yes.

4 Q: What did she say?

5 A: I called her and let her know that I put the car in the
6 drive -- her driveway. The keys was inside.

7 Q: Okay. Did she tell you that Mr. Brown was -- whether or
8 not he was in the house?

9 A: No. She asked me where he was, and I told her I left him
10 on the side of the road.

11 Q: Okay. So he was not there at the time you dropped off
12 the vehicle?

13 A: No.

14 Q: All right. Now, at some point in time, you testified
15 toward the end there, that you became aware that my client,
16 Mr. Brown, was arrested; right?

17 A: Yes.

18 Q: Okay. And do you recall him being charged in Darlington
19 County?

20 A: Yes.

21 Q: Do you recall what happened to that charge?

22 A: Yes.

23 Q: It got dismissed, didn't it?

24 A: Yes.

25 Q: Do you recall writing a statement?

1 A: I did.

2 Q: Okay. I'm going to show you a document and ask you if

3 you recognize it.

4 A: Okay. This only said that he --

5 Q: Hold on. Right now --

6 A: Okay.

7 Q: -- before you testify about it, do you recognize this

8 document?

9 A: Yes.

10 Q: Okay. It's your handwriting?

11 A: Yes.

12 Q: Okay. And in fact, you put your phone number on it and

13 signed it?

14 A: Yes.

15 Q: Okay. Is it a fair and accurate representation of what

16 you wrote at the time?

17 A: Say that again?

18 Q: You wrote this?

19 A: Yes.

20 Q: Does it -- does it say what you said --

21 A: Yes.

22 Q: -- wrote back then? Okay. So it fairly and accurately

23 depicts what you wrote at that time?

24 A: Yes.

25 Q: Okay.

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 MR. EDGEWORTH: Can we mark that?

2 As this has now been marked as Defendant's Exhibit 2, and
3 I would ask this to be entered into evidence, Judge.

4 THE COURT: Any objections?

5 MR. FREEMAN: The only objections that I would have would
6 be on relevance. This is for adjudication in the Darlington
7 County defense. We're here to try the Florence County
8 defense.

9 THE COURT: Y'all come on up here real quick.

10 (WHEREUPON, a bench conference was held as follows.)

11 THE COURT: How is it relevant?

12 MR. EDGEWORTH: Well, it changes her story. So it goes
13 to credibility. It also -- they're the ones who argued the
14 *res gestae* stuff, wanted to bring all this nonsense in here.
15 So I believe --

16 THE COURT: You were trying to put in the pictures from
17 that case as well, and I didn't put them in because I didn't
18 think they were relevant to this action.

19 MR. EDGEWORTH: Well, the -- the pictures -- well, we
20 didn't even --

21 MR. FREEMAN: We didn't even mark that. My opinion is
22 that -- my opinion is that her statement after all this
23 occurred is irrelevant to the actions that occurred on that
24 day.

25 MR. EDGEWORTH: If she -- if she's changing her story, it

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 goes to credibility, whether or not --

2 THE COURT: I'll tell you what I'm going to do. I'll let
3 you ask her what her testimony is, and then you can redirect
4 and she can explain everything that happened in recording of
5 that statement.

6 MR. EDGEWORTH: Okay.

7 MR. FREEMAN: Thank you, Your Honor.

8 (WHEREUPON, the bench conference ended, and the
9 proceedings Resumed as follows.)

10 (WHEREUPON, Defendant's Exhibit Number 2, statement of
11 Laquonda Green, was admitted into evidence.)

12 MR. EDGEWORTH: Court's indulgence.

13 THE COURT: Yes.

14 BY MR. EDGEWORTH:

15 Q: All right. I'm going to show you what's now been entered
16 into evidence as Defendant's Exhibit 2. It's the one you just
17 looked at. Can you publish that for the jury? Can you read
18 that for the jury, please?

19 A: It says: I, Laquonda Green, just left the preliminary
20 hearing for Carlton Brown and witnessed the officers saying
21 things I didn't say. They tried to say Carlton hit me in
22 South Carolina, which I never said he hit me in South
23 Carolina. I said on the ride from Atlanta to Darlington.

24 Q: If you just would read that for us first?

25 A: And I said: He -- he didn't hit me in South Carolina.

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 The physical altercation started in Atlanta, Georgia. The
2 only thing happened in South Carolina was he tried to get me
3 out of the car. I left him on the interstate. The officer
4 didn't say what really happened.

5 I can't see what that say. Didn't read -- and they
6 didn't read my report. They're going -- they wasn't going on
7 my words. Also said I wanted to have his bond denied. I
8 never talked to that officer the day of the hearing and tried
9 to correct what was said that wasn't true, but the judge and
10 the officer told me I couldn't talk. So I had a problem with
11 why my words was being twisted, and I asked them to please
12 contact me with my name and my number.

13 And it says thank you. It says I do not wish to proceed
14 charges, and I never contacted anyone in Darlington to have
15 this case open in Darlington.

16 Q: All right. So based on your statement, law enforcement
17 was making things up at the bond hearing or some type of
18 hearing that you didn't tell them; is that correct?

19 A: So in Darlington when I went to the bond hearing, they
20 were trying to say that all this happened in Darlington. I
21 never said that it happened in Darlington. I said that the
22 abuse, the fighting happened in Atlanta and as we traveled
23 from Atlanta to South Carolina. I stated that he pulled over
24 in Darlington on Exit 137 with a gun to make me try to get out
25 of the car. Those are my words, and I was telling them that

LAQUONDA GREEN - CROSS BY MR. EDGEWORTH

1 they didn't say what I said.

2 Q: Right. Law enforcement was mischaracterizing?

3 A: They was -- yeah, they misunderstood what I was saying.

4 Q: Right. And -- and so as a result, you said you didn't
5 want to pursue those charges; correct?

6 A: Yes.

7 Q: Okay. And they were ultimately dismissed?

8 A: Yes.

9 Q: Okay. Now, you would agree that from the time you left
10 Mr. Brown on the side of the road until, according to your
11 testimony, you dropped the car off at his mother's house that
12 you had sole and exclusive possession of that vehicle;
13 correct? No one else was driving and you didn't have nobody
14 in there with you?

15 A: No.

16 Q: Okay. And no meaning no one was with you?

17 A: No one was with me.

18 Q: Yeah. And you -- but you had control of that vehicle;
19 correct?

20 A: Yes.

21 Q: To include any and all contents that were in that
22 vehicle; correct?

23 A: Yes.

24 Q: Okay. Now --

25 MR. EDGEWORTH: Court's indulgence. I apologize. Give

LAQUONDA GREEN - REDIRECT BY MR. FREEMAN

1 me one more moment.

2 All right. Thank you. That's all the questions I have
3 at this time.

4 THE COURT: All right. Redirect?

5 MR. FREEMAN: Yes, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. FREEMAN:

8 Q: Let's talk a little bit about Defendant's Exhibit 2. You
9 requested that the charge in Darlington be dropped; is that
10 correct?

11 A: Yes, sir.

12 Q: Why did you do that?

13 A: Well, at the time, I still had connections with Carlton,
14 his family, his mom. Where I was staying at is basically
15 where all his people was at. She -- I didn't have a car at
16 the time. I wasn't working. So I was depending on her to get
17 around places. I mean, I'm a single parent. She was helping
18 me with my kids. So it kind of got --

19 Q: Did she ask for you to --

20 A: She have.

21 Q: -- do anything in that case? Did she ask for you to drop
22 the charges?

23 A: I mean, her and Carlton both asked me to had drop the
24 charges against him.

25 Q: And you were dependent on Carlton's mother at that time

1 for rides?

2 A: I was.

3 Q: You didn't have a car?

4 A: I didn't.

5 Q: And you lived right in the same area?

6 A: Right across from her.

7 Q: You saw her regularly?

8 A: Yes.

9 Q: Daily?

10 A: Yes.

11 Q: Certainly, weekly?

12 A: Yeah.

13 Q: Okay. And just because you asked that the charge be

14 dismissed, does that have anything to do with this Florence

15 County stuff?

16 A: It don't.

17 Q: Can you actually see the pointing and presenting on the

18 -- on the video that you saw earlier?

19 A: I didn't.

20 Q: Can you see the pointing and presenting --

21 A: Oh, yes.

22 Q: -- from the video from the Housing Authority?

23 A: Yes, sir.

24 Q: Now, there was some stink made about you not calling

25 9-1-1 immediately. What was your immediate concern at this

1 time?

2 A: Getting my kids out of that car and getting rid of that
3 car and getting back home to my mom. That was my safe haven,
4 my mom and my sister. So, basically, I was just trying to
5 really get away from him.

6 Q: How old were your kids at the time?

7 A: At the time, **sister** [ph] I would say was 3 and **brother**
8 probably 4 or **sister** was 2 and **brother** probably 3.

9 Q: And Mr. Edgeworth pointed out you had control of the
10 vehicle coming from Lake City to Johnsonville; correct?

11 A: Yes, sir.

12 Q: You testified earlier you didn't have time to take out
13 your belongings; is that correct?

14 A: No.

15 Q: Did you have time to take out your children's belongings?

16 A: No.

17 Q: Did your child -- did your child have anything left in
18 the car?

19 A: I mean, they had their bags, their toys. My son is
20 fascinated with dinosaurs. So he left his tyrannosaurus in
21 there that he's done asked about a few times, like.

22 Q: After the incident?

23 A: Yes.

24 Q: There was also some testimony about the timing. About
25 how long do you think it took from -- to get from Darlington,

1 get gas, and get to Lake City?

2 A: Like, 30 minutes. Probably about 30 minutes.

3 Q: So roughly about 30 minutes for you to get to Lake City
4 to pick up your sister?

5 A: Yes.

6 Q: And how long do you think it took to get from Lake City
7 to Johnsonville?

8 A: Like, 15, 20 minutes, 15 minutes depending on if you're
9 driving, 20 minutes max.

10 Q: So roughly about 50 minutes or so for you to get from
11 Darlington to Lake City to Johnsonville? So about an hour?

12 A: About an hour.

13 Q: Okay. How long do you think it takes from Darlington
14 where you were -- are you familiar with the area?

15 A: A little, yes.

16 Q: About how long from Darlington from where the truck stop
17 was to Johnsonville?

18 A: I would say that probably was about 30 minutes, 35, 40
19 minutes.

20 Q: Roughly, but you're not -- you're just guesstimating;
21 right?

22 A: Yes.

23 Q: And it's going to depend on how the person is driving;
24 right?

25 A: Yes.

LAQUONDA GREEN - REDIRECT BY MR. FREEMAN

1 Q: So about half an hour to get from Darlington to
2 Johnsonville from where the house was and then you said how
3 long from Johnsonville to Lake City?

4 A: 15, 20 minutes.

5 Q: So roughly about the same time?

6 A: Yes, sir.

7 Q: Probably about an hour?

8 A: Yes.

9 Q: Do you know how the defendant got picked up from the
10 truck stop?

11 A: I do.

12 Q: How?

13 A: His baby mama.

14 Q: How do you know that?

15 A: Because I talked to her also.

16 Q: And what did she tell you?

17 A: She wanted to know what was going on, why did I -- did I
18 left Carlton on the side of the interstate, and I told her
19 yeah and I explained to her what was going on. And she
20 informed me that she was going to pick him up because he had
21 called for her to come pick him up.

22 Q: So when Carlton showed up in Lake City after you get
23 back, where were you originally in the vehicle?

24 A: When -- say that again?

25 Q: When you get from Johnsonville and you dropped the car

1 off --

2 A: Uh-huh.

3 Q: You come back to Lake City, where are you at in the car?

4 A: I'm in the backseat.

5 Q: And you were on the floorboard of the backseat after
6 Carlton walks up; is that correct?

7 A: Yes, sir.

8 Q: Could you still see out of the window?

9 A: I can.

10 Q: You saw the gun that you testified earlier to?

11 A: Yes, sir.

12 Q: Now, the defense asked you about a statement you made
13 here in Florence County.

14 MR. FREEMAN: Can we mark this for identification? I
15 apologize. I should've done this earlier.

16 BY MR. FREEMAN:

17 Q: I'm going to show you what's been pre-marked for
18 identification as State's Exhibit 11. Do you recognize that?

19 A: Yes, sir.

20 Q: Is that what Mr. Edgeworth just asked you about?

21 A: Yes, sir.

22 Q: Is that the statement you made in relation to this
23 offense?

24 A: Yes, sir.

25 MR. FREEMAN: Your Honor, at this time, I'd --

LAQUONDA GREEN - REDIRECT BY MR. FREEMAN

1 Q: Is this a fair and accurate depiction of the statement
2 you made?

3 A: Yes, sir.

4 MR. FREEMAN: At this time, the State would move to
5 introduce State's Exhibit 11 into evidence.

6 THE COURT: Any objections?

7 MR. EDGEWORTH: No objection, Your Honor.

8 THE COURT: State's 11 is in evidence without objection.

9 (WHEREUPON, State's Exhibit Number 11, victim's Florence
10 County statement, was admitted into evidence.)

11 BY MR. FREEMAN:

12 Q: Ms. Green, can you please read your statement?

13 A: Yes. It says: I, Laquonda Green, would like to state
14 that on the 20th, I think, I, Carlton and brother and sister went
15 to Atlanta, Georgia, for a family vacation with the kids. We
16 attended the park, LTE, the botanical garden, the aquarium.

17 While there, Carlton and I had verbal -- verbally
18 arguments, nothing physical. Our arguments just was about --
19 were about me supposed to be cheating, dealing with other
20 people.

21 We left on the 29th to get back home from Atlanta. The
22 ride was -- the ride was peaceful until about an hour to our
23 destination. He started bringing up, asking me questions
24 about who I'm dealing with, if anyone I'm having sex with.
25 Every time I answered no, he punched me in my face with a

1 closed fist and gold rings on. I received a maximum of four
2 to five punches in the face.

3 Brown also caught a gun on me, telling me to tell him the
4 truth about cheating. I told Brown that I wasn't cheating,
5 and he made a statement and said he was going to fix me from
6 playing with his heart. If I didn't want him, I should have
7 left him alone. The last time he told me since I didn't left,
8 he already had a spot picked to bury me, and he would drop my
9 kids somewhere. He would drop my kids somewhere.

10 When he said that, I started begging and pleading,
11 telling him that whatever problem that we had, we could have
12 worked it out. I didn't -- it didn't take killing me. It
13 didn't take killing me. It didn't -- something to hear. He
14 just kept saying, yeah, he's just going to work it out. He's
15 going to work it out right.

16 Brown pulled the car over at the rest area down from the
17 Exit 137. He told me to step out of the car and walk with him
18 into the woods. He kept -- I kept begging not to do this with
19 my kids in the car. He said fuck you and them kids.

20 I stepped out of the car asking him can we work this out.
21 While he was coming around the car, I jumped back in, locked
22 the door, and drove off, leaving him. He started running
23 beside the car, tapping the window, and with the gun telling
24 me to stop the car or he would shoot.

25 I hit the gas harder and ran into the traffic. I took

LAQUONDA GREEN - REDIRECT BY MR. FREEMAN

1 Exit 137, got gas, and proceeded to my sister's house. Once I
2 got to my sister's house, I asked to leave my kids with her
3 and my mom. Well, I asked to leave my kids with my mom so I
4 could drop the car off at Brown's mother's house.

5 My sister, Laronnica, and my friend, Sabrina, ride behind
6 me to take the car back. I didn't see Brown when I dropped
7 the car off at his mom's. We came back to Lake City, pulled
8 back -- pulled back up at Brentwood Circle. By the time we
9 parked, Brown was pulling up behind the car, telling my
10 sisters to call me because he wanted his shit I took, which I
11 didn't took anything.

12 When he jumped out of the car, he had the gun. Sabrina
13 and Laronnica keep telling him that kids were in the car, to
14 put that gun up and leave. He kept telling them to tell me
15 what he's going to do to me. When he drove off, he hollered
16 out the window down, I'm going to make sure you don't see your
17 kids either.

18 Q: Is that statement consistent with what you told this
19 jury?

20 A: Yes, sir.

21 MR. FREEMAN: No further questions.

22 THE COURT: Anything further?

23 MR. EDGEWORTH: Briefly, Your Honor.

24 RECROSS-EXAMINATION

25 BY MR. EDGEWORTH:

LAQUONDA GREEN - RECROSS BY MR. EDGEWORTH

1 Q: Just so we're good on this, you just read that second --
2 the other statement that you've made in this case; right? To
3 the jury you just read out the entirety of the statement that
4 you made?

5 A: Yes, sir.

6 Q: Okay. And in that statement, you agreed that -- from the
7 context that you wrote, that you are in the vehicle at the
8 Brentwood Circle location; correct?

9 A: I am.

10 Q: Okay. You're not outside of the vehicle?

11 A: I'm not.

12 Q: Okay. And you're in the floorboard of that vehicle;
13 correct?

14 A: Yes.

15 Q: Okay. And you are able -- according to your testimony,
16 you could see everything that's happening outside of the
17 vehicle; right?

18 A: Yes.

19 Q: Okay. Now, you also have noted that -- that -- or do you
20 recall rather in the 9-1-1 audio that you're calling out to
21 someone outside of the car?

22 A: Yes, that's right.

23 Q: Asking for information?

24 A: Yes.

25 Q: Okay. That's because you don't know what's going on

LAQUONDA GREEN - RECROSS BY MR. EDGEWORTH

1 outside of the car; correct? You can't see everything that's
2 going on; is that right?

3 A: No. That's not correct. I asked --

4 Q: Hold on.

5 A: Uh-huh.

6 Q: No is not --

7 MR. FREEMAN: Your Honor, I would ask that she be allowed
8 to answer the question.

9 THE COURT: Yeah. Let her go ahead and finish her
10 answer.

11 MR. EDGEWORTH: Sure. Go ahead. I apologize.

12 BY MR. EDGEWORTH:

13 A: Okay. So I knew what color. The reason why I asked what
14 color his shirt was on the video is because at that time I had
15 a closed eye. Okay? So I can't really see, and in this eye
16 I've been crying. So it was like I'm trying to see but can't
17 see. So that's why I asked what color was his shirt at the
18 time. Now, in the car, when I'm in the car and I'm bending
19 down, I'm seeing -- I can see him, like, with the gun, the
20 same gun that he pulled once he got out of the car, even when
21 he got back in the car and drove off when we jumped out of the
22 car, he's pointing the gun out of the car saying -- you know,
23 talking smack while he's driving off.

24 Q: And you -- you saw the very same video that the jury did,
25 the video of the scene at the --

LAQUONDA GREEN - RECROSS BY MR. EDGEWORTH

1 MR. FREEMAN: Your Honor, I would object.

2 A: Yeah.

3 MR. FREEMAN: This is outside the scope of the redirect.

4 THE COURT: What was your question?

5 MR. EDGEWORTH: It was the answer to the question.

6 THE COURT: What's your question?

7 MR. EDGEWORTH: Yes, sir.

8 BY MR. EDGEWORTH:

9 Q: You, likewise, saw that video that you're just referring
10 to the relates to the set of incidents that you're talking
11 about with y'all at the location; correct?

12 A: Yes, I watched the video.

13 Q: So you agree with me that on that video at no time do you
14 get out of the car?

15 A: In that little short second, yeah. But at that moment I
16 didn't, but I did end up getting out of that car.

17 Q: Right, but in that video too, the vehicle is already gone
18 from the scene of the video and you were not out of the car?

19 A: No. I don't think the video was all the way out of the
20 scene before I get out of the car. I'm out of that car. Once
21 he drive up good enough, I'm out of the car.

22 Q: Okay. My question is simply you would agree with me that
23 on that video it does not show you getting out of the car?

24 A: Okay. Yes, I do.

25 Q: And you agree with me that also on that video that the

LAQUONDA GREEN - RECROSS BY MR. EDGEWORTH

1 vehicle that you're referring to that Mr. Brown was driving is
2 no longer in the scene and you're still not out of the car?

3 A: Okay. Yes.

4 Q: Okay.

5 MR. EDGEWORTH: No further questions.

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

7 Let's take a 15-minute break, and then we'll come back
8 and resume.

9 MR. EDGEWORTH: Thank you.

10 THE COURT: If you would, follow the bailiff.

11 (WHEREUPON, the jury exited the courtroom at 11:01 a.m.)

12 THE COURT: We'll take a short recess.

13 MR. EDGEWORTH: Thank you, Judge.

14 (WHEREUPON, there was a break in the proceedings from
15 11:02 a.m. until 11:22 a.m., after which the proceedings
16 resumed as follows.)

17 (WHEREUPON, the jury entered the courtroom at 11:23 a.m.)

18 THE COURT: All right. If the State will call your next
19 witness.

20 MR. FREEMAN: Your Honor, at this time, the State would
21 call Laronnica Green to the stand.

22 THE CLERK: Ma'am, if you will, please place your left
23 hand on the Bible and raise your right hand. Do you swear or
24 affirm the testimony you give in this case to be the truth,
25 the whole truth, and nothing but the truth, so help you God?

LARONNICA GREEN - DIRECT BY MR. FREEMAN

1 THE WITNESS: Yes.

2 THE CLERK: Please be seated and state your full name for
3 the record.

4 THE WITNESS: Laronnica Green.

5 LARONICCA GREEN, being first
6 duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q: Ms. Green, can you tell this jury what your relation to
10 Laquonda is?

11 A: That's my oldest sister.

12 Q: Okay. Where were you living back in June of 2021?

13 A: [REDACTED] Brentwood Circle.

14 Q: And was your mom living with you as well?

15 A: I was taking care of my mother.

16 Q: Okay. She was staying there?

17 A: Yes.

18 Q: Do you remember the events that transpired on June 29th?

19 A: I woke up to my phone ringing back to back. I finally
20 answered. It was my sister. She called me and asked me was I
21 home, and I told her yes. She told me her and the kids was
22 about to pull up. Never told me what had happened until I
23 went outside and seen her face in the truck.

24 Q: And what did you see?

25 A: Her eye was swollen. Her skin was pushed up, and she had

LARONNICA GREEN - DIRECT BY MR. FREEMAN

1 scratches along her face.

2 Q: Was it the same marks that she testified to earlier?

3 A: She still has the same marks in her face.

4 Q: Excuse me?

5 A: She still has the same marks in her face.

6 Q: The scars?

7 A: Yes.

8 Q: Did she tell you what happened?

9 A: Yes.

10 Q: What did she tell you?

11 A: She told me --

12 MR. EDGEWORTH: Objection. Hearsay.

13 MR. FREEMAN: Your Honor, I believe it's already been
14 testified to.

15 THE COURT: Do you have an exception to hearsay or it's
16 not hearsay?

17 MR. FREEMAN: Excited utterance.

18 THE COURT: Y'all come on up here and let's talk about it
19 real quick.

20 (WHEREUPON, a bench conference was held as follows.)

21 THE COURT: Is this what you're talking about?

22 MR. FREEMAN: Sir?

23 THE COURT: This is when the sister called her up is what
24 you're saying? What did she say when she called her up?

25 MR. FREEMAN: That's what I was trying to -- well, she

LARONNICA GREEN - DIRECT BY MR. FREEMAN

1 testified that she didn't tell her what happened. It's when
2 she pulled up to the house and she saw her face, and then she
3 asked her sister what happened.

4 THE COURT: And then it's to what she said?

5 MR. FREEMAN: And then I asked her what did the sister
6 tell you what happened.

7 THE COURT: Okay.

8 MR. FREEMAN: It's my opinion -- it's my opinion that she
9 would still be under the excitement of the event. That's what
10 she testified to earlier when she called 9-1-1, which would
11 have been before this event.

12 MR. EDGEWORTH: Well, I mean, that's my point. It's
13 already been testified to by the other person. So --

14 THE COURT: Why don't we just get into what -- what
15 happened.

16 MR. FREEMAN: Okay.

17 (WHEREUPON, the bench conference ended, and the
18 proceedings resumed as follows.)

19 BY MR. FREEMAN:

20 Q: Ms. Green, please tell this jury what happened?

21 A: I went outside. I saw my sister's face, and my niece and
22 my nephew was in the backseat crying. She told me that her
23 and Carlton got into an argu -- argument, and the argument
24 went from words to him throwing licks at her.

25 Q: Did the defendant -- or after your sister called you and

LARONNICA GREEN - DIRECT BY MR. FREEMAN

1 she came to Brentwood Circle --

2 A: Uh-huh.

3 Q: -- did you leave Brentwood Circle?

4 A: I immediately ran in the house and got my stuff together.
5 She said she needed to drop the car off because it wasn't
6 hers, and she just wanted to get her and the kids from out the
7 vehicle.

8 Q: And so --

9 A: I agreed. We was going to take my vehicle, but at the
10 time he didn't know where I stayed. He didn't know my car,
11 and I wasn't risking for my family to get put in a situation.
12 So we asked Sabrina to follow her, and she agreed.

13 Q: And did y'all leave Brentwood Circle and drive to
14 Johnsonville?

15 A: We did.

16 Q: What did y'all do in Johnsonville?

17 A: We took the car straight to his mom's. At the time, my
18 sister was staying across the street in the same apartment
19 complex, but across the street from his mom. She dropped the
20 car off. She closed the door, hopped in the car, and we
21 backed up and we left.

22 Q: Did Laquonda get out of the car when she first got to the
23 apartment or when she first got to Brentwood Circle?

24 A: She never got out of the car. How my mom saw her face --

25 Q: Let me make sure you understand exactly when I'm asking.

LARONNICA GREEN - DIRECT BY MR. FREEMAN

1 When she called you on the phone and said I'm about to pull up
2 --
3 A: Uh-huh.
4 Q: -- did she ever get out of the car?
5 A: She never got out of the vehicle. That's what made my
6 mom came to the truck.
7 Q: Okay. So she never went in the house to get anything?
8 A: Out of my house, no.
9 Q: She never got out of the car to get anything?
10 A: No.
11 Q: Okay. So you take the car to Johnsonville. You said you
12 drop it off at mom's house -- at the defendant's mother's
13 house?
14 A: Uh-huh.
15 Q: Is that what you testified to?
16 A: Yes.
17 Q: Then what happened?
18 A: She got out of the truck. She got in the vehicle with me
19 and Sabrina. We pulled off and came back to Lake City. About
20 five minutes of us sitting in Sabrina's yard -- because I
21 stayed -- Sabrina stayed on this side, I stayed two apartment
22 doors down from Sabrina. So we never had time to get out of
23 the vehicle. While we were sitting there about to exit,
24 Laquonda seen the truck. I never saw the truck pulling back
25 up.

LARONNICA GREEN - DIRECT BY MR. FREEMAN

1 Q: Was -- the truck that you saw --

2 A: Uh-huh.

3 Q: -- was the same vehicle?

4 A: We just dropped that truck off, yeah.

5 Q: The silver Equinox?

6 A: Uh-huh.

7 Q: Did the defendant get out of that vehicle?

8 A: He jumped out of the car.

9 Q: And what did he do when he did that?

10 A: He jumped out of the car. He had the gun pointed. He
11 was asking where Laquonda was because he knew she was still in
12 the car. We just had dropped the truck off at his mom's
13 house. We was asking him to back up from the car because it
14 was kids in the car.

15 At this time, Laquonda already was in the floorboard
16 crying, saying please get up from the truck. He's going to
17 kill me. And as some time went on, words was said. He got
18 back in his vehicle. My mom stepped on the porch. She
19 started yelling, and then --

20 Q: Let me ask you real quick --

21 A: -- she started walking down.

22 Q: Before we get to that, you said he got out of the car and
23 he had a firearm or no?

24 A: Uh-huh.

25 Q: Do you remember what that looked like? Can you describe

1 it?

2 A: It was a revolver.

3 Q: I'm going to show you what's been pre-marked for
4 identification as State's Exhibit 9, I believe. It is 9. Is
5 that consistent with what the defendant had in his hand on
6 June --

7 A: Yes.

8 Q: On June 29th, 2021?

9 A: Yes, sir.

10 Q: At Brentwood Circle?

11 A: Yes, sir.

12 Q: And now, is that in Florence County?

13 A: Yes.

14 Q: Okay. Did you see the defendant -- let me rephrase that
15 question. Did the defendant appear to be in possession of a
16 second handgun?

17 MR. EDGEWORTH: Objection.

18 A: From what I could see, yes.

19 THE COURT: Hold on. Go ahead.

20 MR. EDGEWORTH: Leading is one and, alternatively,
21 assuming a fact that's not in evidence.

22 MR. FREEMAN: It's a yes or no question.

23 THE COURT: How is that leading?

24 MR. EDGEWORTH: He's asking --

25 THE COURT: Why don't you rephrase your question? Go

LARONNICA GREEN - DIRECT BY MR. FREEMAN

1 ahead and just rephrase your question.

2 BY MR. FREEMAN:

3 Q: What did you observe about the defendant and what he was
4 carrying?

5 A: Okay. When he got out of the car, I initially seen the
6 handgun. So I'm holding my sister in the back. And at this
7 point, I'm scared. So I -- the only thing I can do is ask him
8 to get from the vehicle. And then I happened to look down. I
9 see a handle in his pocket in his right side, and that's when
10 I told them, like, he got a second gun.

11 Q: So it's your testimony --

12 A: And my sister was yelling and telling us to back the car
13 up to get away, and we're, like, we can't because he had the
14 car -- he was behind the car. So it was no way we could've
15 moved that further. So we just had to sit there until he
16 decided to leave.

17 Q: And he did end up leaving; correct?

18 A: We ended up getting out of the car to go back to my
19 house.

20 Q: My question was the defendant ended up leaving?

21 A: Yes, he did.

22 Q: Okay. And did your mother come up?

23 A: She walked down, and then that's when she got on Laquonda
24 and told her if she didn't call the police that she had
25 nothing else to say to her after that day.

LARONNICA GREEN - DIRECT BY MR. FREEMAN

1 Q: Let's extrapolate on that. What do you mean by that?

2 A: Because Laquonda wasn't going to call the police.

3 Q: Why?

4 A: Because --

5 MR. EDGEWORTH: Objection.

6 A: -- she was scared.

7 MR. FREEMAN: I'll -- I'll take the question back, Your
8 Honor. I move to strike that from the record.

9 BY MR. FREEMAN:

10 Q: So Laquonda was not going to call the police? Is that
11 what you just said?

12 A: No, not at all.

13 Q: It's your testimony that your mother made her?

14 A: My mother made her, and my mother told her that if she
15 didn't call the police and got them involved that Laquonda had
16 nothing else to say to her, and I agreed with my mother and I
17 told Laquonda if she didn't call the police to get a handle
18 that the kids could have stayed with me, but she would have to
19 go back home.

20 Q: And do you have children yourself?

21 A: I do. At the time, I was pregnant and then at that time
22 I had a four-year-old about to be five.

23 Q: And the police were involved? Lake City Police
24 Department was contacted ultimately?

25 A: After a while, yes.

LARONNICA GREEN - DIRECT BY MR. FREEMAN

1 Q: And Carl Major showed up?

2 A: He did. Him and it was another sergeant, but he's no
3 longer here today.

4 Q: Do you see the individual who got out of the car and
5 pointed and presented the handgun at the vehicle Laquonda was
6 in?

7 A: Yes, sir.

8 Q: Can you point out that individual?

9 A: [*Indicating.*]

10 MR. FREEMAN: Your Honor, let the record reflect that the
11 witness has pointed out the defendant in this matter as being
12 the --

13 THE COURT: It will.

14 MR. FREEMAN: -- individual.

15 I have no further questions, Your Honor.

16 THE COURT: All right. Cross?

17 MR. EDGEWORTH: Yes, sir. Briefly, Your Honor. Thank
18 you. May it please the Court.

19 CROSS-EXAMINATION

20 BY MR. EDGEWORTH:

21 Q: You go by Laronnica?

22 A: Laronnica Green is my name. I don't go by it.

23 Q: Oh, okay. Well, what do you go by?

24 A: Laronnica Green. My nickname is Rat.

25 Q: Okay. Well, I'll just call you Ms. Green. Is that okay?

LARONNICA GREEN - CROSS BY MR. EDGEWORTH

1 A: That's fine.

2 Q: Okay. All right. Now, your sister comes to you?

3 A: Yes.

4 Q: And y'all just decide to go take the car back?

5 A: It was her decision. I couldn't help her to decide
6 anything other than calling the cops.

7 Q: Understood. Well, y'all didn't call the cops at that
8 point; correct?

9 A: No.

10 Q: Okay. But I did not mean to imply you jointly made a
11 decision, but y'all went and took the car back to
12 Johnsonville; is that correct?

13 A: We did.

14 Q: And -- and Ms. -- and your sister -- she didn't get out
15 of the car at all during any of this process; correct?

16 A: While she was at my house, no, she didn't get out of the
17 truck.

18 Q: Okay. And -- and you said that -- that y'all decided to
19 go back to your place because my client didn't know where you
20 lived?

21 A: That's not what I said.

22 Q: Okay. Well, what is what you said?

23 A: No. I said that I wasn't going to drive my vehicle
24 because at the time he did not know where I lived. He didn't
25 know the vehicle that I drive. That's why Sabrina took us.

LARONNICA GREEN - CROSS BY MR. EDGEWORTH

1 Q: Right. So he didn't know where you lived?

2 A: No, he didn't.

3 Q: Okay. That's what I was trying to get at. And -- and
4 when you went to drop the car off, you didn't see Mr. Brown
5 there; right?

6 A: I didn't drop the vehicle off. My sister did.

7 Q: Well, you were with her?

8 A: I was behind her in the other car.

9 Q: Okay. Well, I'm not trying to make it be difficult, but
10 you didn't see Mr. Brown when y'all got there either; right?

11 A: No, I didn't.

12 Q: Okay. All right. Now, were you in the courtroom when
13 the video was played from, you know, I guess the -- the
14 Housing Authority?

15 A: I was.

16 Q: Okay. Is it your testimony that you appear in that
17 video?

18 A: I don't appear in any video. I was in the car.

19 Q: Okay.

20 A: The same car my sister was in when he pulled up behind
21 it.

22 Q: Okay. So all of your contact, according to you, was
23 while you're in the vehicle?

24 A: Yes.

25 Q: Okay. You didn't get out of the car?

LARONNICA GREEN - CROSS BY MR. EDGEWORTH

1 A: No. We'd just pulled up. We never had time to get out
2 of the vehicle. That's why I'm not understanding how he know
3 exactly where we was going. He was right behind us. So he
4 had to follow us once we left out the apartment complex in
5 Johnsonville. He had to have been right behind us.

6 Q: But you didn't see him when y'all dropped the car off;
7 right?

8 A: No.

9 Q: Okay. Yeah. Now, so -- and just to confirm, you
10 remained in the car the whole time during the process of the
11 things you just testified to; correct?

12 A: Yes.

13 Q: And we don't see anybody in that -- in that video getting
14 out and chasing the car down or anything like that; correct?

15 A: Who was supposed to be chasing the car down?

16 Q: I'm just saying you saw the video; right?

17 A: I did.

18 Q: Okay. You don't see anybody getting out of the car;
19 correct?

20 A: Out of what vehicle?

21 Q: The car that you say you were in.

22 A: There's two vehicles in that -- in that video.

23 Q: Okay. Which vehicle were you in?

24 A: I saw an Equinox pull up, and I saw Carlton getting out
25 of it. I saw Sabrina's car and I see us in it, and I see her

LARONNICA GREEN - CROSS BY MR. EDGEWORTH

1 outside of it.

2 Q: Yeah. And again, I'm not --

3 A: And I seen my mother walking up.

4 Q: And I'm not trying to be difficult. I'm simply saying --

5 A: Uh-huh.

6 Q: -- do you agree that in that video none of you guys get
7 out of the car in which you are in?

8 A: No, we didn't.

9 MR. EDGEWORTH: Court's indulgence, Judge.

10 No further questions at this time, Judge.

11 THE COURT: All right. Redirect?

12 MR. FREEMAN: Just briefly.

13 REDIRECT EXAMINATION

14 BY MR. FREEMAN:

15 Q: It's your testimony, to reiterate, that Laquonda did not
16 get out of the car when she first arrived to Brentwood Circle?

17 A: She never got out of the vehicle. She didn't want my
18 mama to see her.

19 Q: And when we got to Johnsonville to drop the car off, what
20 did Laquonda do?

21 A: She got out the door. She got out of the truck. She
22 closed the door. She got on her phone as she was walking to
23 the other car. She got in it, and we pulled off.

24 Q: So she never went anywhere -- she never went inside of
25 anywhere?

LARONNICA GREEN - REDIRECT BY MR. FREEMAN

1 A: No. And let me just say this. Her house was right
2 across the street. She ended up staying with me two weeks.
3 She never went to her house to get clothes, nothing. Dropped
4 the car off and we left.

5 MR. FREEMAN: Your Honor, no further questions.

6 THE COURT: All right. Anything further?

7 MR. EDGEWORTH: Nothing further, Judge.

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

9 If you will call your witness.

10 MR. FREEMAN: Your Honor, the State would ask that Ms.
11 Green and her sister be relieved from their subpoenas.

12 THE COURT: Any objections?

13 MR. EDGEWORTH: Are we talking about the complaining
14 witness or just this witness?

15 THE COURT: This one.

16 MR. FREEMAN: I asked for both of them.

17 THE COURT: Both of them.

18 MR. EDGEWORTH: I don't have an issue with the most
19 recent witness, but not the -- not the complaining witness.

20 THE COURT: All right. We'll let her go. Let's keep the
21 other.

22 MR. FREEMAN: All right. Your Honor, at this time, the
23 State would call Carl Majors.

24 THE CLERK: Sir, if you will, please place your left hand
25 on the Bible and raise your right hand. Do you swear or

CARL MAJORS - DIRECT BY MR. FREEMAN

1 affirm the testimony you give in this case to be the truth,
2 the whole truth, and nothing but the truth, so help you God?

3 THE WITNESS: I will.

4 THE CLERK: Please be seated and state your full name for
5 the record.

6 THE WITNESS: Carl Majors.

7 CARL MAJORS, being first
8 duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. FREEMAN:

11 Q: Can you please tell this jury who you are, with whom
12 you're employed, and in what capacity?

13 A: With the Lake City Police Department. I'm a sergeant in
14 investigations.

15 Q: Do you also work with the United States Marshals Service?

16 A: U.S. Marshals Task Force.

17 Q: Okay. How long have you been employed by the Lake City
18 Police Department?

19 A: Since 2020.

20 Q: Can you repeat that? You were backed up.

21 A: 2020.

22 Q: 2020? So going on five years; is that correct?

23 A: Yes.

24 Q: Okay. Were you working on June 29th, 2021?

25 A: I was.

CARL MAJORS - DIRECT BY MR. FREEMAN

1 Q: And did you have an opportunity to respond to an address
2 on Brentwood Circle?

3 A: I did.

4 Q: And that's in Florence County?

5 A: It is.

6 Q: Okay. And what kind of scene were you arriving to?

7 A: I arrived to a scene there with children crying. I was
8 met at the front door by -- it was obvious that it was a
9 victim. Came out, walked towards me. She was walking towards
10 me but didn't come down off the steps, with an obvious injury
11 to the left eye.

12 Q: Okay. And did you begin your investigation by asking
13 preliminary questions?

14 A: I did.

15 Q: What kind of questions did you ask the victim?

16 A: I asked what happened and do you know who the person was
17 that did it to you, and she responded.

18 Q: Did you get answers to those?

19 A: Yes.

20 Q: Is the individual that had done this to her in the
21 courtroom?

22 A: He is.

23 Q: Who did she identify as being the perpetrator?

24 A: She said Carlton Brown.

25 Q: And what else did Ms. Green tell you about Mr. Brown?

CARL MAJORS - DIRECT BY MR. FREEMAN

1 Did she give a description of the vehicle?

2 A: She did give a description of the vehicle. She gave me
3 his height and approximate weight and where he's from.

4 Q: Did she alert you to the presence of anything that may be
5 found in the vehicle?

6 A: Yes. She said there would be some weapons and some
7 narcotics.

8 Q: Did she tell you about the defendant's actions there on
9 Brentwood Circle?

10 A: She did.

11 Q: What did she tell you?

12 A: She told me that he got out of a vehicle and presented a
13 firearm. In between that, looking at her injury, I had to
14 notify dispatch to send an ambulance to my location. I could
15 not continue my interview with her on scene. She had to get
16 to the hospital. I continued my interview with her at the
17 hospital.

18 Q: Were you wearing a body-worn camera during this
19 interaction?

20 A: I was.

21 Q: What is a body-worn camera? Can you just tell the jury?

22 A: A body-worn camera depicts everything that is happening
23 in real time. Then it makes a recording of it.

24 Q: And were you wearing a body-worn camera?

25 A: I was, issued to me by Lake City Police Department.

CARL MAJORS - DIRECT BY MR. FREEMAN

1 Q: And have you had the opportunity to review that in
2 preparation for your testimony today?

3 A: I did.

4 Q: Was it a fair and accurate depiction of the scene that
5 you arrived to?

6 A: It was.

7 MR. FREEMAN: At this time, Your Honor, I would show the
8 witness State's Exhibit 4 or what's been pre-marked for
9 identification as State's Exhibit 4.

10 BY MR. FREEMAN:

11 Q: Do you recognize this?

12 A: I do.

13 Q: What is this?

14 A: This is a recording of my bodycam.

15 Q: All right.

16 A: It has my name on it.

17 MR. FREEMAN: Your Honor, at this time, the State would
18 move to introduce State's Exhibit 4 into evidence.

19 THE COURT: Any objections?

20 MR. EDGEWORTH: Yes, Your Honor. May we approach?

21 THE COURT: Yes.

22 (WHEREUPON, a bench conference was held as follows.)

23 MR. EDGEWORTH: Judge, I'll put it on the record again,
24 but this video is another inflammatory piece of documentary
25 evidence that just mainly shows how beat up her face is that

CARL MAJORS - DIRECT BY MR. FREEMAN

1 he's -- my guy is not on trial for. I mean, he's sitting
2 there looking at her the whole time where her face --

3 THE COURT: I'm going to make it clear that y'all are
4 just -- we're not trying that case. We're trying the stuff in
5 Florence County.

6 MR. EDGEWORTH: Okay.

7 THE COURT: I've limited the pictures. I've not limited
8 the picture from the video, but I felt like we had to have
9 that to get a complete picture of this.

10 MR. FREEMAN: And I'm not going to play the whole video.
11 I'm just going to play a couple of snippets just of her
12 explaining what happened.

13 MR. EDGEWORTH: All right. Well, I'll complete my
14 objection on it.

15 (WHEREUPON, the bench conference ended, and the
16 proceedings resumed as follows.)

17 (WHEREUPON, State's Exhibit Number 4, Majors bodycam
18 video, was admitted into evidence.)

19 MR. FREEMAN: Permission to publish?

20 THE COURT: You can go ahead.

21 MR. EDGEWORTH: Your Honor, just to reiterate my
22 objection --

23 THE COURT: Sure.

24 MR. EDGEWORTH: -- for the record, I'm bringing to the
25 Court's attention that, again for the record, understanding

CARL MAJORS - DIRECT BY MR. FREEMAN

1 that the prior ruling on the *res gestae* issue, I still object
2 to this piece of evidence being admissible. It's not -- not
3 only not is best evidence but irrelevant to the proceeding to
4 the charge that we're here for today.

5 THE court: I understand, and the conversations we had at
6 sidebar, they're on the record as well.

7 MR. EDGEWORTH: Yes, sir. Thank you very much.

8 THE COURT: So you're protected.

9 Overruled. Go ahead and publish it.

10 MR. FREEMAN: Yes, Your Honor. Thank you. I beg the
11 Court's indulgence, Your Honor. I'm having some technical
12 difficulty. If we can just have one minute, I should have it
13 pulled up.

14 BY MR. FREEMAN:

15 Q: Now, before I play this, the call was originally made to
16 [REDACTED] Brentwood Circle; is that correct?

17 A: Yes.

18 Q: And that was the neighbor?

19 A: Yes.

20 Q: That was Sabrina's house?

21 A: Yes.

22 Q: All right. I'm going to press play now, and I'm going to
23 play your initial response with the victim.

24 (WHEREUPON, State's Exhibit Number 4, Majors bodycam
25 video, was played and then stopped.)

CARL MAJORS - DIRECT BY MR. FREEMAN

1 BY MR. FREEMAN:

2 Q: Sergeant Majors, you've been in this courtroom during the
3 majority of this trial?

4 A: Yes.

5 Q: Is what we just relayed in that video consistent with Ms.
6 Green's testimony?

7 MR. EDGEWORTH: Objection.

8 A: Yes.

9 THE COURT: Overruled. Go ahead.

10 MR. FREEMAN: I'm going to play one more snippet from
11 your body camera.

12 (WHEREUPON, the video resumed playing and was then
13 stopped.)

14 BY MR. FREEMAN:

15 Q: Now, again, Sergeant Majors, what you just watched, is
16 that consistent with Ms. Green's testimony?

17 MR. EDGEWORTH: Objection.

18 THE COURT: What grounds?

19 MR. EDGEWORTH: Sir?

20 THE COURT: What grounds?

21 MR. EDGEWORTH: Well, pitting the witness, and he's
22 attempting to corroborate testimony that's already been done.

23 THE COURT: I'll sustain the objection. We'll let the
24 jury decide if it was consistent.

25 BY MR. FREEMAN:

CARL MAJORS - DIRECT BY MR. FREEMAN

1 Q: Ms. Green told you that the defendant pulled a handgun at
2 her?

3 A: Yes.

4 Q: On her on Brentwood Circle?

5 A: Yes.

6 Q: Did you speak with Laronnica Green about this incident?

7 A: I did.

8 Q: Were you able to corroborate her story?

9 A: I did.

10 Q: Was it consistent with her sister's?

11 A: It was.

12 Q: Did you make contact with the Housing Authority in this
13 case?

14 A: Subsequently, yes.

15 Q: Is that with John Fallin?

16 A: Yes.

17 Q: Who testified in this case?

18 A: Yes.

19 Q: And you requested the video from the Housing Authority?

20 A: Yes.

21 Q: Were you on the lookout for that vehicle?

22 A: I was until there was a shift change.

23 Q: All right. Tell us what happened?

24 A: During the shift change, I spoke with -- at that time, it
25 was Sergeant Graham. He's now a major, and it was Lieutenant

CARL MAJORS - DIRECT BY MR. FREEMAN

1 Stewart, who is now deceased. I told Lieutenant Stewart that
2 I really believed there's something going to happen with this
3 young lady, and what we call "keep it hot" means keep
4 patrolling in the area of Brentwood Circle because I was
5 afraid that our suspect was going to come back and do harm to
6 my victim.

7 So as I gave him that briefing, I gave a description of
8 the vehicle, a tag number, out of town plates. And by
9 patrolling in Lake City, I'm very familiar with certain type
10 vehicles that are in Lake City. This particular vehicle was
11 unique to Lake City. I'm not saying there's nobody in Lake
12 City has that type of vehicle, but it's unique, out-of-town
13 plates. I gave that description to Lieutenant John Stewart,
14 and he kept it what we call hot and would basically patrol on
15 Brentwood Circle for a good part of the evening once he came
16 on shift. He relayed to me that --

17 MR. EDGEWORTH: Objection.

18 A: -- he went into --

19 MR. EDGEWORTH: Calling for --

20 THE COURT: Sustained.

21 BY MR. FREEMAN:

22 Q: So you relayed to be on the lookout for a certain vehicle
23 to John and to Dedrick?

24 A: Yes.

25 Q: Did you relay to them that there may be any illicit

1 materials?

2 A: Yes.

3 Q: What was that?

4 A: Weapons and narcotics.

5 Q: Because that's what you were told?

6 A: Yes.

7 Q: Okay. Did they ultimately locate the defendant later
8 that day?

9 A: They did.

10 Q: Do you know how they found him?

11 A: Like I said, during my shift briefing for the oncoming
12 shift, they knew to look for a certain vehicle possibly in a
13 certain location.

14 Q: Do you know where they found that vehicle?

15 A: Yes.

16 Q: And where was that vehicle in proximity to Brentwood
17 Circle?

18 A: The vehicle was first seen coming out of Brentwood
19 Circle.

20 Q: Later that night?

21 A: Yes.

22 Q: Okay. And that's when the traffic stop was conducted?

23 A: My understanding, and I read the reports and I got a
24 phone call directly from Lieutenant Stewart that he saw the
25 vehicle, that he called for backup, which was Major Graham,

CARL MAJORS - DIRECT BY MR. FREEMAN

1 and then conducted a traffic stop.

2 Q: So you were made aware that they found the individual
3 that you were initially called out for?

4 A: Yes.

5 Q: Were you made aware of anything that was found in the
6 vehicle?

7 A: Yes.

8 Q: What did they find in the vehicle?

9 A: Multiple weapons and narcotics.

10 MR. FREEMAN: No further questions for this witness.

11 THE COURT: All right. Cross?

12 MR. EDGEWORTH: Briefly, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. EDGEWORTH:

15 Q: I apologize. What's your title?

16 A: I'm a sergeant.

17 Q: Sergeant?

18 A: Yes.

19 Q: Sergeant Majors? Okay. All right. So a couple of
20 things here. In this initial investigation that you
21 conducted, did you learn or -- did you learn that the
22 allegation of the attack took place not in Florence County?

23 A: I did.

24 Q: Okay. And when you put out the -- the alert for the
25 vehicle that had been described, did the -- the individual --

CARL MAJORS - DIRECT BY MR. FREEMAN

1 the victim didn't tell you that she also had contraband in the
2 vehicle; correct?

3 A: She did not.

4 Q: Okay. But later on when the vehicle was searched, they
5 found contraband in the vehicle, to include counterfeit bags;
6 right?

7 A: I'm not sure.

8 Q: Okay. Well, you testified that you became aware that --
9 that there was guns and other contraband in the vehicle;
10 correct?

11 A: I didn't say guns and other contraband. I said guns and
12 narcotics.

13 Q: Okay. Well, so let's -- let's talk about those two.

14 A: All right.

15 Q: You learned that from whom?

16 A: Lieutenant Stewart.

17 Q: Okay. And you -- did you prepare a report related to
18 this particular case?

19 A: I prepared a report before I left shift. That's the
20 initial report. It was passed on to investigations.

21 Q: So -- but you didn't prepare a report as it relates to
22 the finding of any type of contraband; correct?

23 A: That wasn't my case.

24 Q: Right. And you didn't do any further investigation
25 beyond the initial contact with Ms. Green; correct?

CARL MAJORS - DIRECT BY MR. FREEMAN

1 A: As far as what?

2 Q: Well, did you have subsequent contact with Ms. Green?

3 A: I did.

4 Q: Okay. In what context?

5 A: The context was when she was taken to the hospital.

6 Q: Okay. All right. So you aren't --

7 A: She made a statement at the hospital.

8 Q: You -- sorry. I didn't mean to speak over you. Other
9 than speaking to her in those two instances related to your
10 first part of contact, you didn't have -- you aren't
11 responsible for the follow-up investigation; correct?

12 A: I was not.

13 Q: Okay. Now, you mentioned -- do you -- did you report
14 anywhere in any reports about this -- this briefing that you
15 apparently had that you referred to?

16 A: No, sir.

17 Q: Okay. So that's not in any report?

18 A: No. It's usually done verbally.

19 Q: Okay. Do you recall -- let me say that a different way.
20 Ms. Green, the complainant in this case, she told you that she
21 was in the vehicle at the time the Equinox vehicle approached
22 the Brentwood residence?

23 A: Yes.

24 Q: Okay. And she remained in that vehicle the whole time?

25 A: I don't remember if we determined whether she stayed in

CARL MAJORS - DIRECT BY MR. FREEMAN

1 the vehicle, but what she did tell me that she was in the
2 vehicle in the backseat in the floorboard. Well, actually,
3 what she said was she was hiding.

4 Q: Okay. Yeah. She was hiding in the backseat?

5 A: Yes.

6 Q: Okay.

7 MR. EDGEWORTH: Thank you.

8 THE COURT: All right. Any redirect?

9 MR. FREEMAN: Very briefly.

10 REDIRECT EXAMINATION

11 BY MR. FREEMAN:

12 Q: What was John Stewart's rank?

13 A: Lieutenant, and he was a narcotics investigator.

14 Q: And you did, in fact, brief the coming in shift?

15 A: I did. I didn't notate it, but if you look in John
16 Stewart's report, he notated why he was on the lookout for
17 that vehicle, which was a briefing at the end of my shift. So
18 it's notated on his report but not mine.

19 Q: All right. And I'm going to show you --

20 MR. EDGEWORTH: Judge, may we approach?

21 THE COURT: Uh-huh.

22 (WHEREUPON, a bench conference was held as follows.)

23 THE COURT: What you got?

24 MR. FREEMAN: I have the incident report that has been
25 testified to. I'm just going to ask him because he's already

CARL MAJORS - DIRECT BY MR. FREEMAN

1 testified that he reviewed the reports. It's the -- it's John
2 Stewart's report. He indicates that they were on the lookout,
3 because that's what was testified to in the cross-examination.

4 MR. EDGEWORTH: Judge, he's trying to backdoor a report,
5 information from a report that I can't -- I don't have a
6 witness to.

7 THE COURT: I don't think you have a way to do it.

8 MR. FREEMAN: Okay.

9 THE COURT: I mean --

10 MR. FREEMAN: So far, yes, sir.

11 (WHEREUPON, the bench conference ended, and the
12 proceedings resumed as follows.)

13 BY MR. FREEMAN:

14 Q: You relayed this information to the next shift?

15 A: I did.

16 Q: All right.

17 MR. FREEMAN: No further questions, Your Honor.

18 THE COURT: All right. Anything?

19 MR. EDGEWORTH: Nothing further.

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

21 MR. FREEMAN: Your Honor, it's 12 o'clock. I don't know
22 how you'd like to proceed. We can either call the next
23 witness --

24 THE COURT: Is the jury ready for a lunch break or do you
25 want to go ahead and do one more witness and then take a lunch

1 break? Let the forelady tell me. You want lunch?

2 All right. Let's take a break until 1:30. Do not
3 discuss the case. Do not research the case.

4 (WHEREUPON, the jury exited the courtroom at 12:02 p.m.)

5 THE COURT: All right. We'll be back at 1:30.

6 (WHEREUPON, there was a break in the proceedings from
7 12:02 p.m. until 1:40 p.m., after which the proceedings
8 resumed as follows.)

9 THE COURT: All right. Is the State ready?

10 MR. FREEMAN: The State is prepared, Your Honor.

11 THE COURT: Is the defense ready?

12 MR. EDGEWORTH: Yes, Judge.

13 THE COURT: All right. Go ahead and bring in the jury.

14 (WHEREUPON, the jury entered the courtroom at 1:41 p.m.)

15 THE COURT: All right. If the State will call your next
16 witness.

17 MR. FREEMAN: Thank you, Your Honor. The State would
18 call Dedrick Graham.

19 THE CLERK: Sir, if you will, please place your left hand
20 on the Bible and raise your right hand? Do you swear or
21 affirm the testimony you give in this case to be the truth,
22 the whole truth, and nothing but the truth, so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Please be seated and state your full name for
25 the record.

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 THE WITNESS: Dedrick Tyrell Graham.

2 DEDRICK GRAHAM, being first duly
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q: Major Graham, now that you told the jury who you are, can
7 you tell them with whom you're employed and in what capacity?

8 A: I work with the Lake City Police Department, currently
9 the major of operations.

10 Q: As the what?

11 A: Major of operations.

12 Q: So you're a major?

13 A: Yes, sir.

14 Q: How long have you been working for the Lake City Police
15 Department?

16 A: Approximately 15 years.

17 Q: Okay. So if my math is correct, you were working back in
18 2021?

19 A: Yes.

20 Q: Were you on -- were you working on June 29th, 2021?

21 A: I was.

22 Q: And tell us a little bit about that day. Were you
23 notified of anything from the leaving shift?

24 A: Yes. As you heard from Sergeant Majors, when me and
25 Lieutenant Stewart came on duty that night, we were advised of

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1 an incident they had at Brentwood Circle involving Mr. Carlton
2 Brown and his victim.

3 THE COURT: I'll tell you what. He's going to have to
4 slow it way down for this lady to get it all. We need to hear
5 it.

6 THE WITNESS: Do you need me to start over?

7 THE COURT: There's no rush. Take your time. Slow down.

8 BY MR. FREEMAN:

9 A: We were advised of an incident Major -- Sergeant Majors
10 had at Brentwood Circle involving Mr. Carlton Brown and his
11 victim. He advised us of the suspect's vehicle description,
12 which was a silver-in-color or gray Equinox with out-of-state
13 tags.

14 Q: So you were -- so you were made aware to be on the
15 lookout for this vehicle?

16 A: Yes.

17 Q: A silver Equinox?

18 A: Yes.

19 Q: What events were relayed to you --

20 A: That the --

21 Q: -- as to why you should be on the lookout?

22 A: That there was an incident with Mr. Brown and his victim
23 that he threatened her with a gun and threatened her and her
24 family with a gun on Brentwood Circle.

25 Q: So you were made aware that a firearm was involved?

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1 A: Yes.

2 Q: Is that important to you?

3 A: Yes.

4 Q: Why is that important?

5 A: Because we need to know if the individual we're looking
6 for is armed or not.

7 Q: And why is that?

8 A: How we would approach the person if he was armed or not.

9 Q: Is your safety --

10 A: Yes.

11 Q: -- a concern? What is the ultimate concern when you have
12 defendants involving firearms?

13 A: Say again?

14 Q: When you have a defendant -- or excuse me. When you have
15 a suspect allegedly carrying a firearm, what is the ultimate
16 concern?

17 A: Our safety when we approach them.

18 Q: Okay. So y'all were made to be aware of a lookout on
19 this silver Equinox; is that right?

20 A: Yes.

21 Q: You were informed that there were guns involved?

22 A: Yes.

23 Q: Were you informed that narcotics were involved?

24 A: Yes.

25 Q: Okay. Who else was working with you on the shift that

1 night?

2 A: Just me and Lieutenant Stewart.

3 Q: And where is Lieutenant Stewart?

4 A: He's deceased.

5 Q: Did y'all locate the vehicle you were looking for?

6 A: We did.

7 Q: How? Tell -- tell the jury how -- how and where the
8 vehicle was found?

9 A: That night, me and Lieutenant Stewart stayed in the area
10 for the majority of the night just in case he returned. While
11 on patrol, Lieutenant Stewart was turning into Brentwood
12 Circle. He noticed a vehicle matching that description coming
13 out, and that --

14 Q: You said a vehicle matching the description?

15 A: Yes.

16 Q: That y'all were on the lookout for?

17 A: Yes.

18 Q: It was coming out of Brentwood Circle?

19 A: Yes.

20 Q: Okay.

21 A: At that point, he turned around on the vehicle and caught
22 up to it at U.S. Highway 52 and Main Street. When he caught
23 up to it, he radioed me to see how close I was to him. When I
24 told him I was essentially maybe 10 feet behind him, he
25 conducted a traffic stop, and I pulled in behind him.

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1 Q: So you were right there with him?

2 A: Yes.

3 Q: Okay. And what type of traffic stop did y'all conduct?

4 A: It was a felony traffic stop.

5 Q: And what does that mean? Tell the jury what that means?

6 A: If it's a felony traffic stop, we do that when we have
7 reason to believe that the person inside of the vehicle has a
8 weapon. And when we do the traffic stop, our guns are out and
9 we command the suspect to come to us. It's for our safety.

10 Q: Okay. Were you wearing a body camera during this --

11 A: I was.

12 Q: -- incident?

13 A: I was.

14 Q: Was John Stewart wearing a body camera?

15 A: Yes.

16 Q: Were you -- have you had the opportunity to observe both
17 of those videos?

18 A: I have.

19 Q: And you're actually physically located in John Stewart's
20 body camera?

21 A: Yes.

22 Q: And is that a fair and accurate depiction of the events
23 on that day?

24 A: It is.

25 MR. FREEMAN: Your Honor, at this time, the State would

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 move to introduce State's Exhibit 1 into evidence.

2 THE COURT: Any objections?

3 MR. EDGEWORTH: Judge, may we approach?

4 THE COURT: Yeah.

5 (WHEREUPON, a bench conference was held as follows.)

6 MR. EDGEWORTH: Can -- I mean, obviously, this isn't his
7 bodycam, which I object to it going in because there's not the
8 foundation because it didn't come from him.

9 But also, you're trying to publish this; right?

10 MR. FREEMAN: Uh-huh.

11 MR. EDGEWORTH: Yeah. So following the pretrial ruling
12 on -- on the search, I also considered -- and I'll raise it
13 straightforward, but we -- we have a confrontation issue
14 because it's going to be from his perspective and, of course,
15 the lieutenant is deceased, and there's a lot of --

16 THE COURT: It's by him as it is.

17 MR. FREEMAN: It's John Stewart's body camera, but I have
18 case law that says that the bar for admitting video evidence
19 is extremely low. To authenticate it, you simply have to
20 establish that the evidence is what's it's purported to be.

21 He's in the video. It's the same video we saw yesterday
22 where he's literally standing right next to the defendant. So
23 that's what he's testifying to, and the video corroborates his
24 testimony.

25 THE COURT: I think it's admissible, but you can cross-

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1 examine him in detail.

2 MR. EDGEWORTH: Yes, sir, but I'm going to put that on
3 the record though, unless we're just going to --

4 THE COURT: This should be. You're getting all this,
5 aren't you?

6 THE COURT REPORTER: Yes.

7 THE COURT: Yeah.

8 MR. EDGEWORTH: Okay.

9 THE COURT: We're getting everything up here.

10 MR. EDGEWORTH: All right. Thank you.

11 (WHEREUPON, the bench conference ended, and the
12 proceedings resumed as follows.)

13 MR. FREEMAN: Your Honor, just for the record, I believe
14 that's in over objection?

15 THE COURT: It is. State's Number 1 is in evidence.

16 (WHEREUPON, State's Exhibit Number 1, Stewart bodycam
17 video, was admitted into evidence again.)

18 MR. FREEMAN: I'll just play the video. Your Honor,
19 permission to publish State's Exhibit 1?

20 THE COURT: All right.

21 (WHEREUPON, State's Exhibit Number 1, Stewart bodycam
22 video, was played and then stopped. Not transcribed
23 herein.)

24 BY MR. FREEMAN:

25 Q: Just to confirm, this is John Stewart's body camera;

1 correct?

2 A: Correct.

3 (WHEREUPON, the video resumed playing and was then
4 stopped.)

5 Q: I'm going to pause it right there. Did you hear what the
6 defendant or what the individual in that vehicle addressed
7 himself as, he identified himself as?

8 A: Yes.

9 Q: And what was that name?

10 A: Carlton.

11 Q: Was it Carlton or Robert?

12 MR. EDGEWORTH: Objection. Leading.

13 THE COURT: Sustained.

14 BY MR. FREEMAN:

15 A: I heard Carlton.

16 Q: Okay.

17 (WHEREUPON, the video resumed playing and was then
18 stopped.)

19 Q: Is that you right to the left of the defendant?

20 A: It is.

21 (WHEREUPON, the video resumed playing and was then
22 stopped.)

23 Q: Did the defendant just say he understood his rights?

24 A: Yes.

25 (WHEREUPON, the video resumed playing and was then

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1 stopped.)

2 Q: What are you doing during this time?

3 A: Searching for the firearm.

4 Q: And that's you in the car --

5 A: Correct.

6 Q: -- in the background of the video?

7 A: Correct.

8 (WHEREUPON, the video resumed playing and was then
9 stopped.)

10 Q: What did you just tell John Stewart?

11 A: There was two firearms and some marijuana in the
12 backseat.

13 (WHEREUPON, the video resumed playing and was then
14 stopped.)

15 Q: Major Graham, where are y'all? Where are y'all
16 physically located right now?

17 A: South Ron McNair Boulevard in Lake City on the side of
18 the suspect's vehicle.

19 Q: And that's here in Florence County?

20 A: Yes.

21 Q: And where is this in proximity to Brentwood Circle?

22 A: Well, less than a mile away.

23 (WHEREUPON, the video resumed playing and was then
24 stopped.)

25 Q: Now, what are you doing at this time?

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1 A: Getting ready to transport Mr. Brown to jail.

2 (WHEREUPON, the video resumed playing and was then
3 stopped.)

4 Q: I'll just press pause right there so I can ask you a
5 quick question. Did John Stewart just call for a tow truck?

6 A: Yes.

7 Q: What is the standard operating procedure when a vehicle
8 is being towed?

9 A: We inventory the vehicle for any loose items found in the
10 vehicle, make a written copy of it, turn it in to the tow
11 truck.

12 Q: Can you slow down and say that again?

13 A: We make a written copy of any loose items in the vehicle
14 and turn it in to the tow truck. So if anything turns up
15 missing, you can say that I checked for it, it was in there at
16 the time I gave it to you, so they can't put the blame on the
17 police department for anything that is missing.

18 MR. EDGEWORTH: Your Honor, I think at this time this
19 particular witness is no longer on the scene. So I'm asking
20 that the -- this video be terminated.

21 THE COURT: Yeah.

22 MR. FREEMAN: Your Honor, do you want me to respond?

23 THE COURT: Come on up here and we'll talk about it.

24 (WHEREUPON, a bench conference was held as follows.)

25 THE COURT: So as far as the video is concerned, you want

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1 to cut it off because he's left?

2 MR. EDGEWORTH: That's right.

3 THE COURT: Is that what you're saying?

4 MR. FREEMAN: It's my position that it's a consistent
5 video. It's a singular shot. It's already into evidence.
6 It's already been -- the foundation has been laid. It's a
7 fair and accurate depiction as to what occurred.

8 THE COURT: What's left in the video? Just the --

9 MR. FREEMAN: The rest of the search, which includes
10 where he found the meth, which will tie into my argument later
11 for the chain of custody. It's crucial.

12 THE COURT: You can always cut off the video, and he can
13 still testify as to what was found, can't he?

14 MR. FREEMAN: I think it's -- it's crucial for the jury
15 to see where it was found and the manner it was handled,
16 especially since it's --

17 THE COURT: Is this guy going to do any talking?

18 MR. FREEMAN: No.

19 THE COURT: I'm talking about Stewart.

20 MR. FREEMAN: He talks to the tow truck man, but apart
21 from that, no.

22 MR. EDGEWORTH: Well, Judge, then this is the same
23 problem. He's already changed his testimony from the pretrial
24 hearing.

25 MR. FREEMAN: I don't --

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1 MR. EDGEWORTH: He said --

2 MR. FREEMAN: -- think his testimony has changed at all,
3 but what I do notice is --

4 THE COURT: It just didn't go that far at the pretrial
5 hearing.

6 MR. FREEMAN: That's what I would say.

7 MR. FREEMAN: All we saw was his arrest, didn't we? We
8 knew he was arrested.

9 MR. EDGEWORTH: Right, but in pretrial he did not testify
10 that it was an inventory search. That's what the State called
11 it, and --

12 THE COURT: But we all know that's what it was. I mean,
13 they have to inventory. It's standard procedure before they
14 tow it.

15 MR. FREEMAN: What he called it yesterday was a search
16 incident to arrest was his testimony, which is also a well-
17 recognized exception to the warrant requirement.

18 MR. EDGEWORTH: Well, he's gone away. He's gone. So
19 anyway, I mean, I'm not trying to reargue these. I'll just
20 keep it for the record, but --

21 MR. FREEMAN: Right.

22 MR. EDGEWORTH: -- to me, now we're trying to backdoor
23 evidence. I can't confront this guy.

24 THE COURT: I'd prefer the evidence to cut off the video
25 and just everybody testify as to what was found in the car

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1 pursuant to the inventory.

2 MR. FREEMAN: Is that what Your Honor --

3 THE COURT: We can do that.

4 MR. FREEMAN: Is that what Your Honor feels -- well, it's
5 not just the meth, but it also corroborates Laquonda's
6 testimony because she has all of her bags in the back of the
7 car.

8 THE COURT: He can't cross-examine Stewart.

9 MR. FREEMAN: I have a case that if we need to get the
10 jury out of here, I'd like to have an argument that I could
11 put on the record that --

12 THE COURT: We can do it right now.

13 MR. FREEMAN: Okay.

14 THE COURT: We're on the record.

15 MR. FREEMAN: Well, could I go get the -- the case?

16 THE COURT: Yeah.

17 (WHEREUPON, there was a pause in the bench conference,
18 after which the bench conference resumed as follows.)

19 MR. FREEMAN: All right. This is the *State v. Nolan*.
20 It's a Court of Appeals case.

21 THE COURT: Talk up a little bit.

22 MR. FREEMAN: I said it's *State v. Nolan*. It's a Court
23 of Appeals case from 1995 where the officer who physically
24 handled the drugs became deceased before trial. There's an
25 officer there that had independent information or independent

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1 observations, personal knowledge of the location of the drugs.

2 And this is in 1995. This is before body-worn cameras,
3 which weren't implemented until 2005 in the United Kingdom and
4 2012 in Arizona and in California it was first piloted.

5 And in that case, the Court of Appeals heard the -- the
6 officer that was also there was allowed to testify to what he
7 had personally observed. And my argument is the only
8 difference between this case and that case is where the
9 observing occurred. We have the benefit of the body-worn
10 cameras to show what John Stewart cannot testify to, and I
11 think it ties directly into the argument that's in *Nolan*.

12 I imagine Mr. Edgeworth is going to have an objection
13 about the chain of custody, and I'd probably refrain until
14 that time for the full argument, but it's the State's position
15 that even under maybe Rule 105 that -- 104 or 105. I need to
16 get the rule book, but that it'd be admissible for the purpose
17 of -- of establishing what John would have said.

18 And again, the -- the video is already into evidence at
19 this point in time. It's a continuum. And furthermore, the
20 Court said that we have already ruled that this statement is
21 made by Trooper Coates to Trooper McNair in Nolan's presence.
22 Trooper Coates was the one who passed away.

23 THE COURT: Why don't we take a break, and I'll read the
24 case.

25 MR. FREEMAN: Okay.

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1 (WHEREUPON, the bench conference ended, and the
2 proceedings resumed as follows.)

3 THE COURT: Members of the jury, let's take a short break
4 at this time. We'll be back with you.

5 (WHEREUPON, the jury exited the courtroom at 2:18 p.m.)

6 THE COURT: We'll take a short recess, and we'll all take
7 a look at your case.

8 MR. EDGEWORTH: Thank you, Judge.

9 MR. FREEMAN: Well, Your Honor, before we -- before you
10 leave --

11 THE COURT: Yes.

12 MR. FREEMAN: I anticipate the defense having a motion.
13 This case was one of three that I had included in my
14 preparation for that argument. At this time, I could hand up,
15 Your Honor, those cases just to --

16 THE COURT: Okay.

17 MR. FREEMAN: -- shorten --

18 THE COURT: Do you have them?

19 MR. FREEMAN: -- any time for review that you may need.

20 So I'm going to hand you *State v. Trapp*, *State v. Nolan*, and
21 *State v. Hatcher*. I've already handed you *State v. Nolan*, but
22 I've got *State v. Hatcher* and *State v. Trapp*.

23 THE COURT: All right. Give copies to defense counsel as
24 well.

25 MR. FREEMAN: Yes, Your Honor.

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1 THE COURT: All right. We'll take a break.

2 You can't talk to anybody. Okay?

3 (WHEREUPON, there was a break in the proceedings from
4 2:19 p.m. until 2:31 p.m., after which the proceedings
5 resumed as follows.)

6 THE COURT: All right. Is there anything else the State
7 would like to put on the record?

8 MR. FREEMAN: Your Honor, just to reiterate the argument,
9 the defense's motion -- position that the video should be
10 stopped, I believe is -- first off, the video is already into
11 evidence in its entirety.

12 Second off, the video includes the remainder of the
13 search, which includes corroborating Ms. Laquonda Green's
14 testimony where she said that she was in such a rush that she
15 didn't have enough time to get her own bags out of the
16 backseat of this car, which is a part of the video, Your
17 Honor. You can see it, and I think that's crucial for the
18 jury to see because it ties directly to her credibility, and
19 this is a case about who they believe more, either her or him,
20 because that's what it's going to boil down to.

21 Further, Your Honor, I believe Mr. Edgeworth had said
22 something about the right to confront John Stewart. This is a
23 video. We can press mute for the remainder of it as far as
24 the confrontation clause is concerned because that's really
25 only necessary when statements are made, and we're not --

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1 we're not concerning ourselves with statements so much as what
2 and where.

3 Furthermore, *State v. Nolan* -- I handed that up to Your
4 Honor. That's a case that talks about the location of the
5 drugs, as well as other statements made by the deceased
6 officer. The statements made by the officer were deemed
7 cumulative based off earlier evidence that had been admitted,
8 but as far as the location, *Nolan* was a case from 1995. The
9 Court of Appeals ruled that it was okay for the surviving
10 officer to testify as to the location of the drugs and where
11 they were found based on his own personal observations.

12 Well, Judge, the only difference between then and now is
13 the use of body-worn cameras. In 1995, body-worn cameras were
14 not -- they were not utilized. They weren't implemented. We
15 didn't have the benefit of being able to observe them,
16 especially on mute, if that's what Your Honor would -- would
17 ask for.

18 However, the only difference between Major Graham's
19 testimony about the location of where something was found and
20 what the video shows is his own personal observations, and I
21 think the video speaks for the observation because it's not
22 just a jury that has to take the word of an officer who wasn't
23 there or who was there and observed on his own. Here, they
24 can see it for themselves where this was found, and I believe
25 it ties directly to my chain of custody argument that we'll be

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1 making later on, and it's viable because part of the standard
2 of showing that the chain of custody has been established
3 includes -- if you'll bear with me real quick, Your Honor. I
4 apologize.

5 In *State v. Hatcher*, *State v. Nolan*, and *State v. Trapp*,
6 they talk about the trial judge's exercising discretion must
7 be reviewed in light of the following factors and each of the
8 article's circumstances surrounding the preservation and
9 custody of it and the likelihood of intermeddlers tampering
10 with it.

11 The courts have abandoned inflexible rules regarding the
12 chain of custody and admissibility of evidence in favor of a
13 rule, and I don't want to get too sidetracked in argument
14 here, but essentially, what needs to be proved is that we have
15 established the chain as far as practicable and that the
16 manner in handling the drugs has been reasonably ascertained.
17 And I think that the jury needs to see where they were found.

18 THE COURT: All right.

19 MR. FREEMAN: And that's the State's argument.

20 THE COURT: Any response?

21 MR. EDGEWORTH: Yeah, absolutely.

22 Judge, first and foremost, I think the State is taking
23 the position that somehow technology alleviates the -- or
24 somehow removes all constitutional protections. It's
25 ludicrous, but nevertheless, you know, because my client does

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1 have the right to confront no matter where the evidence comes
2 from.

3 And the reason why it's in evidence is that was over my
4 objection, and we get to this point where this officer has
5 testified and it's shown on the video that he is no longer in
6 the presence of the officer, albeit now deceased, locates
7 drugs supplemental to this, and these two cases that were
8 presented to the Court are the exact opposite.

9 In fact, the reason why they were admitted over objection
10 was because in those instances one of them where the -- the
11 live officer, in this case this officer, was actually present
12 and confiscated the drugs. So that's not the same thing at
13 all.

14 And then in the other case is where the lieutenant or the
15 captain or whatever was present at the house where the
16 decedent officer located the drugs. So in both of those
17 instances, the newly testifying officer or the live testifying
18 officer was present. That's not what we have here.

19 So all we have left is a video and -- where they -- you
20 know, where we would not have the ability to -- to confront
21 that particular witness on where -- where he found it, why he
22 was looking there, what he was doing, over -- you know, over
23 previous objection that was overruled as far as, like, this
24 piece of evidence being before the Court.

25 And then so -- and that's just on this piece of evidence.

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1 So if we're rolling into the -- to the chain of custody issue,
2 that's one issue. I have other issues. I think the Court
3 says that we'll wait until we hear the testimony on that, but
4 again, that's going to be the same issue because we don't --
5 we can't establish, at least not by live testimony, of course,
6 where the chain begins because he wasn't there. He didn't
7 watch him get it. He didn't, you know, see him get it. He
8 didn't see the drugs in advance and say, oh, there it is, you
9 get it. So that particular officer is unavailable,
10 unfortunately.

11 So as far as this is concerned, this particular piece of
12 evidence, I would ask the Court -- I would ask the Court to
13 suspend the viewing of this and, in fact, I would ask the
14 Court to reconsider its prior ruling and terminate it as to
15 here as far as the admissibility of that -- of that piece of
16 evidence in total, and then we can come back to the chain of
17 custody issue when it's ripe.

18 THE COURT: It seems to me in *State v. Nolan*, they're
19 saying the confrontational issue is exactly what was taking
20 place there, and they quoted *State v. Williams*. They said
21 when a declarant is unavailable, testimony as to what the
22 declarant had said is not admissible unless it bears adequate
23 indicia of reliability, either because it falls within a
24 firmly rooted exception to the rule against hearsay or because
25 there's a showing of particularized guarantees of

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1 trustworthiness.

2 Here, we have actually a bodycam video on everything that
3 is said and done, and this particular witness was there 90
4 percent of it, and it's running nonstop. Seems to me is has
5 the guarantees of trustworthiness, and it seems to me those
6 cases are dead on point.

7 But would you like to reply to that?

8 MR. FREEMAN: No, Your Honor. If you're --

9 THE COURT: I added. Do you want to add anything?

10 MR. FREEMAN: If you're inclined to rule in the manner
11 that you just indicated, I have nothing further to add.

12 THE COURT: All right. Anything else you want to put on
13 the record?

14 MR. EDGEWORTH: I mean, as long as we -- if that's the
15 Court ruling, that's the Court's ruling. I just -- like I
16 said, Judge, we're talking about just this piece, and then
17 we'll come back later to the -- the other arguments on other
18 grounds.

19 THE COURT: All right. Let's go ahead and bring in the
20 jury.

21 MR. FREEMAN: Thank you, Your Honor.

22 (WHEREUPON, the jury entered the courtroom at 2:39 p.m.)

23 THE COURT: All right. You may continue.

24 RESUMED DIRECT EXAMINATION

25 BY MR. FREEMAN:

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1 Q: So just to remind the jury, at this point in time, where
2 are you?

3 A: Transporting Mr. Brown to the jail.

4 Q: And the inventory of the vehicle continued?

5 A: Yes.

6 (WHEREUPON, the video resumed playing and was then
7 stopped.)

8 Q: Is that a scale?

9 A: Correct.

10 MR. EDGEWORTH: Objection. The State can't comment and
11 testify as to the video.

12 THE COURT: I didn't hear anything. What happened?

13 MR. FREEMAN: I asked the witness if that was a scale
14 that he could see on the video.

15 THE COURT: You asked this witness?

16 MR. FREEMAN: I asked this witness.

17 THE COURT: Yeah.

18 MR. FREEMAN: I asked this witness who had already
19 searched the back of this car, Your Honor.

20 THE COURT: Come on up here real quick.

21 (WHEREUPON, a bench conference was held as follows.)

22 THE COURT: Since he's not doing it, just play the video
23 out.

24 MR. FREEMAN: That's fine. We can do that if you prefer,
25 sir.

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 (WHEREUPON, the bench conference ended, and the
2 proceedings resumed as follows.)

3 (WHEREUPON, the video resumed playing and was then
4 stopped.)

5 MR. FREEMAN: Your Honor, it appears that my computer has
6 died, even though it was plugged in. Do you think we could
7 take a five-minute break? I'd ask the Court for a five-minute
8 break to repair my computer.

9 THE COURT: All right. Let's take a five-minute break,
10 and we'll be back with you.

11 (WHEREUPON, the jury exited the courtroom at 2:53 p.m.)

12 THE COURT: All right. We'll take a short break.

13 Again, you can't talk to anybody.

14 THE WITNESS: Yes, sir.

15 (WHEREUPON, there was a break in the proceedings from
16 2:53 p.m. until 3:10 p.m., after which the proceedings
17 resumed as follows.)

18 (WHEREUPON, the jury entered the courtroom at 3:11 p.m.)

19 THE COURT: All right. If you'll go ahead and continue.

20 MR. FREEMAN: Thank you, Your Honor.

21 (WHEREUPON, State's Exhibit Number 1, Stewart bodycam
22 video, resumed playing and was then stopped.)

23 BY MR. FREEMAN:

24 Q: You conducted the search initially?

25 A: Yes. Correct.

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 Q: When you went in the backseat, what did you discover?

2 A: There were two firearms, some marijuana, and a grinder
3 laying in the back floorboard. I'm sorry, not a grinder, a
4 weight scale.

5 Q: Was one of the firearms a black Ruger?

6 A: Yes.

7 Q: A .38 special?

8 A: Yes.

9 Q: Is that a revolver?

10 A: Yes.

11 Q: Serial number 542-187610?

12 A: From my notes, yes.

13 Q: And you found a second firearm; correct?

14 A: Yes.

15 Q: And that was a Smith & Wesson 9-millimeter?

16 A: Correct.

17 Q: Serial number NP20413?

18 A: Yes.

19 Q: I'm going to show you what's been pre-marked for
20 identification as State's Exhibit 9.

21 A: It's the Ruger revolver.

22 Q: Do you recognize this?

23 A: Yes.

24 Q: And what is this you just said?

25 A: The Ruger revolver.

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 Q: And where was this located?

2 A: In the back floorboard of the vehicle.

3 Q: Is it in the same -- substantially the same condition it
4 was in on June 29th, 2021?

5 A: Yes.

6 MR. FREEMAN: Your Honor, at this time, the State would
7 move to introduce State's Exhibit 9 into evidence.

8 THE COURT: Any objections?

9 MR. EDGEWORTH: None other than the previous objections,
10 Your Honor.

11 THE COURT: State's 9 is in evidence.

12 (WHEREUPON, State's Exhibit Number 9, Ruger gun, was
13 admitted into evidence.)

14 BY MR. FREEMAN:

15 Q: I'll show you what's been pre-marked for identification
16 as State's Exhibit 10. Do you recognize this?

17 A: I do.

18 Q: And what is this?

19 A: It's a 9-millimeter Smith & Wesson.

20 Q: And where was this located?

21 A: In the back floorboard of the vehicle.

22 Q: Is it the same or substantially the same condition --

23 A: Yes.

24 Q: -- as it was on June 29th, 2021?

25 A: Yes.

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 MR. FREEMAN: Your Honor, at this time, State would move
2 to introduce State's Exhibit 10 into evidence.

3 THE COURT: Any objections?

4 MR. EDGEWORTH: Subject to the same objections, Your
5 Honor.

6 THE COURT: All right. State's 10 is into evidence.

7 (WHEREUPON, State's Exhibit Number 10, Smith & Wesson
8 gun, was admitted into evidence.)

9 BY MR. FREEMAN:

10 Q: Now, you just testified that what else did you find?

11 A: In the back passenger floorboard was one scale.

12 Q: You said it was what?

13 A: One scale and some marijuana.

14 Q: I have what's pre-marked for identification as State's
15 Exhibit 12. I'm going to hand you this. Do you recognize
16 what's in this package?

17 A: I do.

18 Q: And what is in this package?

19 A: It's two scales, a grinder, and some black rubber bands.

20 Q: And are the scales and the grinder in the same or
21 substantially the same condition as they were on June 29th,
22 2021, when you observed them --

23 A: Yes.

24 Q: -- during your search?

25 A: Yes.

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 MR. FREEMAN: Your Honor, at this time, the State would
2 move to introduce State's Exhibit 12 into evidence.

3 THE COURT: Any objections?

4 MR. EDGEWORTH: Can we approach, Judge?

5 (WHEREUPON, a bench conference was held as follows.)

6 MR. EDGEWORTH: I just want to make sure my objections
7 are clear, but this guy -- he didn't -- he observed them, but
8 he wasn't the one who collected them. So --

9 THE COURT: It's my understanding he's the one who found
10 them.

11 MR. FREEMAN: He found them all in the backseat.

12 THE COURT: Okay.

13 MR. FREEMAN: And they're on video. If the jury doesn't
14 want to believe that, you know, that's up to them, but I think
15 you --

16 THE COURT: Speak up, please.

17 MR. FREEMAN: I'm sorry. I said that he's the one that
18 found them in the search in the backseat. They're consistent
19 with what's on the video. I think it's appropriate.

20 MR. EDGEWORTH: All right. Gotcha.

21 (WHEREUPON, the bench conference ended, and the
22 proceedings resumed as follows.)

23 MR. FREEMAN: Your Honor, I believe State's Exhibit 12 is
24 in over objection?

25 THE COURT: Correct.

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 (WHEREUPON, State's Exhibit Number 12, scale, grinder,
2 and rubber bands, was admitted into evidence.)

3 MR. FREEMAN: Okay.

4 BY MR. FREEMAN:

5 Q: Pursuant to your involvement in this case, are you
6 familiar with anything other than the marijuana found in the
7 vehicle? Were there some funny-colored pills?

8 A: Yeah. All through the --

9 MR. EDGEWORTH: Objection.

10 THE COURT: Yes, sir. Come on up.

11 MR. EDGEWORTH: Yeah, sure.

12 (WHEREUPON, a bench conference was held as follows.)

13 MR. EDGEWORTH: Your Honor, he's been -- he was not
14 present to identify, see, and in the video --

15 THE COURT: Yeah, but he can ask him that question and
16 just see what kind of answer he gets, and then you can cross-
17 examine him.

18 MR. EDGEWORTH: Okay.

19 MR. FREEMAN: Thank you, Your Honor.

20 (WHEREUPON, the bench conference ended, and the
21 proceedings resumed as follows.)

22 BY MR. FREEMAN:

23 Q: Through your investigation, apart from the marijuana, are
24 you familiar -- are you aware that any other contraband was
25 located?

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 A: I was later told by Investigator Stewart that he found
2 some pills in the eyeglass holder in the front seat of the
3 vehicle.

4 Q: And that's what you just observed --

5 A: Yes.

6 Q: -- on the bodycam?

7 MR. EDGEWORTH: Objection. Leading the witness.

8 THE COURT: Sustained.

9 BY MR. FREEMAN:

10 Q: Is that what you just observed?

11 A: Yes.

12 Q: Would you -- let me ask you this. How long did you work
13 with John Stewart?

14 A: Two years.

15 Q: And what was y'all's relationship?

16 A: When you say work, you mean as that day or altogether?

17 Q: Sure.

18 A: Altogether, probably around --

19 Q: Altogether, how long have you known John?

20 A: Fourteen years.

21 Q: Okay. And how closely did y'all work together?

22 A: Pretty close.

23 Q: Would you recognize his handwriting and signature?

24 A: I would.

25 Q: Did you have to prepare that -- would you have to review

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 some of his old signatures or some of his old notes in order
2 to do that?

3 A: No.

4 Q: So, Your Honor [sic], at this time, I'd show what's been
5 pre-marked for identification as State's Exhibit 6. Can you
6 identify that?

7 A: I can.

8 Q: And what is this?

9 A: The signature of Lieutenant John Stewart on that note.

10 Q: What is this form?

11 A: Oh, it's a proof of chain of custody for the Lake City
12 PD.

13 Q: And does this include what's purported to be John
14 Stewart's signature?

15 A: Correct.

16 Q: Okay. Now, while the search was conducted, you were
17 standing -- or you participated in your own and then you took
18 Carlton to the Sheriff's Office; is that correct?

19 A: Correct.

20 Q: All right. And the search continued there on the
21 roadside?

22 A: Yes.

23 Q: Did it have to continue there?

24 A: Yes.

25 Q: Why is that?

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 A: You said that -- you asked me if it was standard
2 operating procedure for us to do an inventory when we're about
3 to tow a vehicle; correct? But that's not what he was doing
4 in the video. In the video, Lieutenant Stewart was doing what
5 you call a search incident to arrest, whereas when we arrest
6 someone, we're allowed to search their immediate area for
7 anything contraband or anything like that. And because it is
8 a vehicle, that means the front seat, passenger seat, armrest,
9 glove compartment, backseat, floorboard, et cetera.

10 Because he found marijuana -- because I found the
11 marijuana in the backseat, that search was enhanced because he
12 had probable cause to believe more drugs were in the vehicle.
13 That's why he was searching the trunk and the smaller
14 compartments because with the marijuana. It can be packaged
15 in smaller baggies. So it could be hidden in smaller
16 compartments. That's why you saw him searching the eyeglass
17 container in the truck.

18 Q: Okay.

19 A: That's what he was doing.

20 Q: In addition to a search incident to arrest, what is an
21 inventory stop or inventory search?

22 A: We have a tow sheet, and it has the driver's information,
23 the owner of the vehicle's information down to the bottom. It
24 has a portion where when we're searching a car -- we're not
25 searching the car. Inside of a car, if there's any loose

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 items like shirts, purses, shoes, they're listed, and the tow
2 truck signs it saying that those items are in there when they
3 come for the vehicle. And if a person is reporting anything
4 missing, it doesn't fall back on the police department.

5 Q: So the rationale behind doing the search on the road is
6 to protect --

7 A: The police department from responsibility for anything
8 being missing from outside the vehicle.

9 Q: What was John Stewart's title?

10 A: He was a narcotics investigator.

11 Q: And what was his rank?

12 A: Lieutenant.

13 Q: And as a narcotics investigator, what would he have done
14 with the drugs?

15 A: He would've done a BEST kit and placed it into evidence.

16 Q: What does that mean?

17 A: We log all the drugs into a specialized envelope. They
18 write the correct information on it, seal it, and send it to
19 evidence to be shipped off for testing.

20 Q: Now, you just sat here and watched the bodycam footage;
21 correct?

22 A: Correct.

23 Q: What did John do every time he found an item?

24 A: He would take it back to his vehicle.

25 Q: Is that what he did after he found what was purported to

DEDRICK GRAHAM - DIRECT BY MR. FREEMAN

1 be the pills in the eyeglass holder?

2 A: Well, the video cut off, but I'm pretty sure that's what
3 he did.

4 MR. FREEMAN: No further questions at this time.

5 THE COURT: All right. Direct? I mean, cross?

6 MR. EDGEWORTH: Thank you, Judge.

7 CROSS-EXAMINATION

8 BY MR. EDGEWORTH:

9 Q: Major Graham, I mean, wasn't what we just watched on the
10 video just a good old-fashioned illegal search?

11 A: No, sir.

12 Q: Okay. Because, you know, to me -- do you recall -- I
13 don't know what kind of search it is now, whether it's legal
14 or otherwise, because yesterday we were told that it was an
15 inventory search, and today you're telling us it's not.

16 A: That's why I wanted to clear it up with them.

17 Q: Oh, we need to clear it up?

18 A: Yeah.

19 Q: Okay. And, now, is that because you actually didn't do
20 an inventory so now we need to call it a search incident to
21 arrest?

22 A: I just wanted to clear it up.

23 Q: Okay. But we wouldn't need to clear it up if we knew
24 what it was from the beginning; correct?

25 A: Correct.

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

- 1 Q: Okay. And so when y'all got on scene, you -- after we
2 saw, you know, my client, Mr. Brown, taken out of the car and
3 put in cuffs; correct?
- 4 A: Yes.
- 5 Q: Okay. And in fact, they rearranged -- you rearranged the
6 cuffs or the other individual rearranged the cuffs so it was
7 behind his back; correct?
- 8 A: Correct.
- 9 Q: Okay. Checking him for any weapons on his person?
- 10 A: Yes.
- 11 Q: Okay. Moved him away from the vehicle?
- 12 A: Yes.
- 13 Q: Okay. All at gunpoint; correct?
- 14 A: No.
- 15 Q: At gunpoint at the beginning?
- 16 A: Yes.
- 17 Q: Okay. In fact, we heard the part where you told him
18 you'd kill him dead if he made any other movements?
- 19 A: Yes.
- 20 Q: But he was secured?
- 21 A: Yes.
- 22 Q: On the side of the road?
- 23 A: Yes.
- 24 Q: Talking to you guys?
- 25 A: Yes.

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 Q: Okay. And in fact, at some point in time, he got to
2 smoke a cigarette?

3 A: Yes.

4 Q: And y'all gave it to him?

5 A: Yes.

6 Q: Lit it for him?

7 A: Uh-huh.

8 Q: Good stuff?

9 A: Yes.

10 Q: Okay. So he's secure?

11 A: Yes.

12 Q: Okay. No threat to you at all?

13 A: No threat.

14 Q: Okay. And as soon as he got out of the car, he
15 acknowledged that there was a gun in the vehicle; correct?

16 A: Yes.

17 Q: He told you what he knew?

18 A: Yes.

19 Q: Okay. And you found one, did you not?

20 A: I did.

21 Q: All right. You confirmed what he said; right?

22 A: Correct.

23 Q: Okay. So at that point when we were calling it an
24 inventory search, isn't it accurate to say when you're doing
25 an inventory, you would actually take the item and write it

1 down?

2 A: Yes.

3 Q: Okay. And every time you found something, you take it
4 and write it down and oftentimes you would take a picture of
5 it, too; right?

6 A: Sometimes, yes.

7 Q: Okay. Did you see that happen at any time during that
8 video?

9 A: No.

10 Q: Okay. And yesterday when it was convenient to call it
11 inventory search, that's what we called it; right?

12 A: Yes.

13 Q: Okay. And so safe -- your safety is taken care of, you
14 don't have to worry about that anymore; correct?

15 A: Correct.

16 Q: Okay. And in fact, later on, you got in your car and
17 took my client to jail?

18 A: Yes.

19 Q: Safety is not an issue?

20 A: Uh-huh. Yes.

21 Q: And then the other officer proceeds to perform a search
22 on the side of the road without a warrant; correct?

23 A: Search incident to arrest.

24 Q: Well, he's already arrested and gone?

25 A: Yes.

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 Q: So you could've gotten a warrant?

2 A: Didn't need a warrant.

3 Q: You say that. You could have gotten a warrant?

4 A: We could've gotten a warrant.

5 Q: Okay. And in fact, oftentimes what you do is you tow the
6 car -- right? -- having allegedly done the inventory search,
7 and then get a warrant so you can actually do the real search;
8 correct?

9 A: Not in this type of case.

10 Q: Well, is that your opinion?

11 A: The marijuana found in the vehicle prior to the tow truck
12 coming there, we don't need a warrant.

13 Q: Okay. That's -- that -- is that your policy?

14 A: It's law enforcement. It's what we do.

15 Q: Well, you -- there was previous testimony that there was
16 a policy about doing an inventory search, and it turns out it
17 wasn't an inventory search, according to today's testimony.
18 So now you're saying a search incident to arrest?

19 A: We have a policy --

20 Q: Is there a policy for that?

21 A: We have a policy for inventory, but --

22 Q: And you agree with me that that policy was not followed
23 when we were calling the search an inventory search; correct?

24 A: Because it wasn't inventory. He was doing a search
25 incident to arrest.

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 Q: Well, it was an inventory search yesterday. So --

2 A: That's what it was called yesterday, yes.

3 Q: Okay. Right. And today, we're calling it search
4 incident to arrest?

5 A: I wanted to correct that error.

6 Q: Okay. And so really we don't know what kind of search it
7 was?

8 A: It was a search incident to arrest.

9 Q: Okay.

10 MR. FREEMAN: Your Honor, I would say it's been asked and
11 answered probably 12 times now.

12 MR. EDGEWORTH: I'm just --

13 THE COURT: Go ahead. Keep going.

14 MR. EDGEWORTH: I want to make sure it don't change
15 again.

16 THE COURT: Go ahead.

17 BY MR. EDGEWORTH:

18 Q: Okay. So when -- you left the scene and you drove Mr.
19 Brown to the detention center; correct?

20 A: Correct.

21 Q: Okay. And you're saying that you had subsequent
22 conversations with the other officer on scene; is that
23 correct?

24 A: Say that again?

25 Q: Did you have other conversations with the officer on the

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 scene that night?

2 A: While I was driving him?

3 Q: Sure.

4 A: I don't believe so.

5 Q: Okay. He -- he didn't call and tell you about any type
6 of discoveries that he made; right?

7 A: I can't recall. I mean, if he did, I don't recall.

8 Q: Okay. And he didn't produce any documentation to you
9 showing that he had written down all the things he had taken;
10 correct?

11 A: Not that I can recall.

12 Q: Okay. But if they were, they be in the file; right?

13 A: Yes.

14 Q: Y'all keep a record of that?

15 A: Yes.

16 Q: All right. You just testified that you identified these
17 items that you saw in the back of the car; correct?

18 A: The items I saw in the back of the car was one scale.
19 The other items Lieutenant Stewart found.

20 Q: Okay. So you saw one scale. There's other items in
21 there someone else found?

22 A: Yes.

23 Q: Okay. And before looking at those items today, had you
24 viewed them beforehand?

25 A: No.

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 Q: This is the first time?

2 A: Yes.

3 Q: In your experience -- Major; correct?

4 A: Yes.

5 Q: Okay. In your experience, you pulled -- you pulled my
6 guy over, my client, Mr. Brown?

7 A: Lieutenant Stewart did.

8 Q: You were involved in the stop?

9 A: I was.

10 Q: Okay. And he was compliant; would you agree?

11 A: Yes.

12 Q: Okay. And he got out of the car and did most everything
13 you asked him to do?

14 A: Yes.

15 Q: Made sure you guys were safe?

16 A: Yes.

17 Q: Answered your questions?

18 A: Yes.

19 Q: For the most part?

20 A: Yes, sir.

21 Q: Acknowledged that there were -- the gun was in the
22 vehicle?

23 A: Yes.

24 Q: Okay. When you -- when you were talking to him on the
25 side of the road, was he, you know, compliant with your

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 conversation?

2 A: He was.

3 Q: But he was upset about the call?

4 A: Yes.

5 Q: And he was upset that he didn't know why he was being
6 stopped?

7 A: We told him why he was being stopped.

8 Q: When he asked you why you guys were stopping him or why
9 he -- why there were warrants or what kind warrants they were,
10 you told him that you would tell him once he acknowledged his
11 -- his rights; correct?

12 A: Lieutenant Stewart told him that he was stopped for
13 domestic violence and pointing and presenting a firearm.

14 Q: Okay. And that came in -- that came in from your
15 briefing that you guys referred to in the shift -- on the
16 shift change; correct?

17 A: Say that again?

18 Q: You guys learned of this -- of this particular situation
19 due to the shift change briefing --

20 A: Yes.

21 Q: -- that you guys refer to? Okay. Were you party to that
22 conversation?

23 A: Yes.

24 Q: Okay. Were you part of the brief?

25 A: Yes.

DEDRICK GRAHAM - CROSS BY MR. EDGEWORTH

1 Q: Okay. So you were aware of -- of the, I guess -- what do
2 you call it? Like, the BOLO, the car you were looking out
3 for?

4 A: I was.

5 Q: Okay.

6 MR. EDGEWORTH: Court's indulgence, Your Honor.

7 Judge, I think that's all the questions I have at this
8 time.

9 THE COURT: All right. Redirect?

10 MR. FREEMAN: No redirect, Your Honor.

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

12 Call your next witness.

13 MR. FREEMAN: The State would ask that Major Graham be
14 relieved from his subpoena.

15 THE COURT: Any objections?

16 MR. EDGEWORTH: At this time, Your Honor, if we can hold
17 that in abeyance --

18 THE COURT: All right.

19 MR. EDGEWORTH: -- until we discuss the rest of the case.
20 Thank you.

21 THE COURT: Go ahead and call your next witness.

22 MR. FREEMAN: Your Honor, at this time, the State would
23 call Patrick Miles to the stand.

24 THE CLERK: Sir, if you'll please place your left hand on
25 the Bible and raise your right hand? Do you swear or affirm

PATRICK MILES - DIRECT BY MR. FREEMAN

1 the testimony you give in this case to be the truth, the whole
2 truth, and nothing but the truth, so help you God?

3 THE WITNESS: I do.

4 THE CLERK: Please be seated and state your full name for
5 the record.

6 THE WITNESS: First name is Patrick, last name is Miles.

7 PATRICK MILES, being first duly
8 sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. FREEMAN:

11 Q: Good afternoon. Can you tell this jury a little bit
12 about who you are?

13 A: I am the chief of police for the Lake City Police
14 Department.

15 Q: And so this is your department?

16 A: It is.

17 Q: Are you familiar with the reason why you've been
18 subpoenaed today?

19 A: I am.

20 Q: So go ahead and tell us a little bit about who John
21 Stewart is and what happened to him?

22 A: John Stewart was an officer with the Lake City Police
23 Department. He was with us for approximately 15, nearly 16
24 years. He was killed in the line of duty a couple of weeks
25 after this incident here, and he was -- he was assigned to

PATRICK MILES - DIRECT BY MR. FREEMAN

1 narcotics. He was a lieutenant. So he was a supervisory
2 officer within the narcotics division.

3 Q: So he was a supervisor?

4 A: Yes.

5 Q: He was a narcotics investigator?

6 A: Yes.

7 Q: How long did you work with him?

8 A: In total, probably close to 16, 17 years.

9 Q: And how close were y'all?

10 A: We were partners together in narcotics.

11 Q: Was he a good officer?

12 A: He was.

13 Q: Was he a friend?

14 A: He was.

15 Q: And I'm going to show you what's been pre-marked for
16 identification as State's Exhibit 6. Do you know what that
17 is?

18 A: I do.

19 Q: And are you familiar -- would you recognize John
20 Stewart's handwriting and signature?

21 A: Absolutely.

22 Q: And that's based off the years of time they y'all spent
23 together and known each other personally?

24 A: Yes. I've had to approve many reports that he signed
25 when I was his supervisor in narcotics. So, yeah, I'm

PATRICK MILES - DIRECT BY MR. FREEMAN

1 extremely familiar with his signature.

2 Q: And does that appear to be his signature?

3 A: It is.

4 Q: And what is that?

5 A: At least three times on this one sheet.

6 Q: And what is that sheet?

7 A: This is a -- it's a chain of custody form, and we also --
8 we refer to it as a chain of custody form or a lab request
9 form that also contains a chain of custody.

10 Q: Is it an initial chain of custody?

11 A: It is.

12 Q: Is this a record that is regularly kept in the course of
13 your office?

14 A: It's kept on every -- every case involving narcotics that
15 goes to either SLED or the Florence County Sheriff's Office
16 for testing purposes. This is where the arresting officer,
17 the seizing officer is requesting the lab to conduct an
18 analysis on that evidence.

19 Q: What -- and what is the date on that chain of custody
20 form with the initial?

21 A: 6/29/2021.

22 Q: June 29th, 2021?

23 A: Yes.

24 Q: Now, you said that this form is kept on all drug cases.

25 Was that done in this case with this chain of custody form, in

PATRICK MILES - DIRECT BY MR. FREEMAN

1 fact, kept in the ordinary course of your department?

2 A: Yes, it is.

3 Q: And that's a fair and accurate depiction of the recording
4 of the chain of custody form?

5 A: Yes. This is the handwritten form.

6 MR. FREEMAN: Your Honor, at this time, the State would
7 move to introduce State's Exhibit 6 into evidence.

8 THE COURT: Any objections?

9 MR. EDGEWORTH: I want to see it.

10 Okay. No objection, Judge.

11 THE COURT: All right. State's Number 6 is in evidence
12 without objection.

13 (WHEREUPON, State's Exhibit Number 6, chain of custody,
14 was admitted into evidence.)

15 BY MR. FREEMAN:

16 Q: All right. Let me ask you a little bit about that. What
17 is -- what does it say that John Stewart found? What did John
18 write that he found on that chain of custody form?

19 A: He wrote -- and I'll read it directly from the form here.
20 He wrote that he discovered a clear plastic bag --

21 Q: Can you start from the top, please?

22 A: Oh, from the very top? From the very -- from the very
23 top of the form, it gives a control number, which is B1 -- I'm
24 sorry -- B331335. That number will coincide with the -- the
25 envelope that's also contained in this one packet that we

PATRICK MILES - DIRECT BY MR. FREEMAN

1 refer to as a BEST kit. That number from this control form
2 directly refers to a number that is printed on the other form
3 that will actually contain the evidence.

4 He wrote that -- this is certified. That I, John
5 Stewart, am employed by the Lake City Police Department and
6 that on June 29th, 2021, I seized from Carlton Devonte Brown
7 pursuant to possession with intent to distribute marijuana at
8 or near U.S. Highway 52, Lake City, South Carolina 29560. The
9 following substance or containers are described as follows: a
10 clear plastic bag with -- it looks like 158 grams of green
11 plant-like substance. a black plastic bag with over 90 funny-
12 shaped bills, two trolley caddy bags with 600 milligrams THC,
13 and then he signed it. His signature, John Stewart, and then
14 he printed his name, John Stewart.

15 Q: And let me ask you this. This form is made for the
16 purpose of what?

17 A: For tracking the chain of custody of the evidence, and
18 it's also a description for when the evidence tech or evidence
19 custodian gets it. They have an idea what the bag contains,
20 especially on situations where there's a biohazard or there's
21 -- there's a dangerous narcotic like fentanyl, for example.
22 It could become airborne, and it could cause serious issues.

23 So this allows the evidence custodian, as well as the lab
24 personnel, a chance to see what that bag is supposed to
25 contain, what the officer sees and how that officer described

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1 it in their own words, and it contains the dates and the
2 signatures down the line as it moves through the -- the
3 system.

4 Q: Please tell this jury what would John Stewart -- as the
5 narcotics investigator for over 10 years, what would he have
6 done with the drugs that he found?

7 A: He would've found them, secured them in his vehicle as he
8 found them, and if I may, you watched the body camera. You
9 can hear John was a very animated person. Usually, you'll
10 hear him animate certain things throughout his video. That's
11 what he does. That's how we -- we train ourselves to remember
12 certain things.

13 So he would've noted that he had discovered them on the
14 body camera. If not, he would've taken a photo with his cell
15 phone. He would've then secured them in his vehicle and
16 transported them back to the police department.

17 Q: And what would he have -- what would they have been
18 transported in? What would have have ultimately done with the
19 drugs?

20 A: He would have put them in this BEST kit.

21 Q: And Major Graham testified a little bit earlier about
22 what that is, but how about you tell the jury what is a BEST
23 kit, what's the purpose of it?

24 A: The purpose of a BEST kit is it's to keep all your
25 evidence in one place in one bag, so long as there's not cross

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1 contamination, you can package it without cross-contamination.
2 It keeps it all in one neat area, one neat envelope, and it
3 allows the officer to do simply one chain of custody for
4 everything in that bag that he's listed on here.

5 Q: Well, how about the integrity of the drug?

6 A: The integrity of it -- the BEST kit comes in a manila
7 envelope. That envelope is opened. Inside of that envelope,
8 it contains this form, along with some carbon copies, this
9 form, and it contains a clear envelope about the same size as
10 a sheet of paper, an 8 by 11, and that clear envelope has got
11 a tamperproof seal on it.

12 Investigator Stewart or Lieutenant Stewart would've
13 placed all the drug evidence into that bag, being mindful of
14 cross contamination. He would have placed it all into that
15 bag, and then he would have sealed that tamperproof seal on
16 that bag. Once he sealed that bag, this all would've been
17 filled out, everything would've been completed, and it
18 would've been dropped into our evidence locker at Lake City
19 Police Department.

20 Q: And please tell this jury a little bit about that
21 evidence locker. Who has keys to that, more specifically at
22 this time?

23 Q: At this time, the evidence locker -- the keys -- we had
24 two individuals that was over evidence. We had just retained
25 employment for an individual who was in training to be an

PATRICK MILES - DIRECT BY MR. FREEMAN

1 evidence custodian, and we had an investigator that handled
2 the evidence at that time and was also part of the training of
3 the evidence custodian.

4 So the keys primarily would've been with the investigator
5 and those two. There's not two sets of keys to this. There's
6 one set of keys to this evidence locker. This evidence locker
7 is on video, and it's -- it's locked. Once you drop something
8 in there, you cannot remove it back out. The only person who
9 can remove it would be the evidence custodian or the
10 investigator that had keys that was handling evidence at that
11 time.

12 Q: And are you familiar with who that evidence technician
13 was in relation to this case?

14 A: Yeah. The evidence technician would have been Sergeant
15 Jamie McLane and Kimberly Scott.

16 Q: Now, you said John Stewart was the lieutenant. How does
17 that rank compare to others, so to speak?

18 A: Essentially, he was part of command staff for the Lake
19 City Police Department. Even though his primary assignment
20 was narcotics, he was a supervising officer for the entire
21 department, for the patrol division, for the investigations
22 division. He would've had -- he could've played a supervisory
23 role in any -- any division within the Lake City Police
24 Department.

25 Q: So you're the top dog; correct?

PATRICK MILES - DIRECT BY MR. FREEMAN

1 A: Yes.

2 Q: As chief?

3 A: Yes.

4 Q: What's below chief? Where does lieutenant fall into line
5 with this?

6 A: The -- the way our command staff run at that time, it was
7 -- I was a major at this time. So the way our command staff
8 run then and now is chief of police, major of operations, and
9 then you break it out into your lieutenants. Each division
10 has its own lieutenant.

11 Q: So, essentially, he was third in command?

12 A: Yeah. That's why his radio number is 503. So,
13 essentially, he could have acted -- he could have acted in a
14 supervisory capacity in any of those areas.

15 Q: I'm going to show you potentially now what I've already
16 -- or what's already into evidence as State's Exhibit 6 is the
17 initial chain of custody form; is that correct?

18 A: This?

19 Q: Correct.

20 A: Yes.

21 Q: And is that included in this -- a copy of that is
22 included when the BEST kit is sent off?

23 A: Yes.

24 Q: And you said that this evidence -- let me show you what's
25 been pre-marked for identification as State's Exhibit 8.

1 A: Uh-huh.

2 Q: Do you recognize what this is purported to be?

3 A: Yes. This is the -- this is the actual BEST kit here,
4 this clear bag with the tamperproof seal here.

5 Q: So this is what would be sealed?

6 A: Yes.

7 Q: Okay. And do you recognize the signature inside of that
8 BEST kit?

9 A: Yes, I do.

10 Q: Whose signature is that?

11 A: John Stewart.

12 Q: And is that sealed inside of there? Is this inside of a
13 sealed BEST kit right now, everything in here?

14 A: Yes. This is all sealed.

15 Q: Okay. And -- and is that how it would've been
16 transported? Or excuse me. Is that what John would've done
17 with the drugs? You said he would have put it in that BEST
18 kit that you testified his signature is in?

19 A: Yes.

20 Q: Was the marijuana and the pills in the same BEST kit?

21 A: According to this, the way he has it described here, it
22 should have been in the -- it may have been separated in
23 separate bags but placed inside of the same kit.

24 Q: Okay. Very good.

25 MR. FREEMAN: No further questions.

PATRICK MILES - CROSS BY MR. EDGEWORTH

1 THE COURT: Cross?

2 MR. EDGEWORTH: Thank you, Judge.

3 CROSS-EXAMINATION

4 BY MR. EDGEWORTH:

5 Q: This is State's Exhibit 6 you were just talking about.

6 This is the certification of chain of physical custody? Is
7 that what is titled there?

8 A: Yes, sir.

9 Q: Okay. And this is the document that's used for chain of
10 custody within the Lake City Police Department?

11 A: Yes, sir. That's the handwritten form.

12 Q: Okay. You say handwritten. Is there some other form?

13 A: There's the -- the evidence tech also has a way of
14 digitally logging in that form.

15 Q: Okay. Something that's in the computer system?

16 A: Yes.

17 Q: Okay. And -- and is this the -- the only chain of
18 custody that would've been associated with this case?

19 A: There may have been one that the evidence custodians have
20 done associated with it as well --

21 Q: Uh-huh.

22 A: -- indicating their removal of the -- the evidence from
23 -- like I say, the evidence being initially getting moved to
24 an evidence room or to testing or whatever. They may have
25 kept up with a separate chain of custody.

PATRICK MILES - CROSS BY MR. EDGEWORTH

1 Q: Yeah, but -- and if you did something like that, you
2 would've -- that person would've noted, like, whenever they
3 did something with it; right?

4 A: Yes.

5 Q: Okay. And these things are kept you say in the normal
6 course of business. They're not supposed to be tampered with
7 in any way?

8 A: No.

9 Q: Modified in any way?

10 A: No.

11 Q: Changed or redacted in any way?

12 A: No.

13 Q: And if there was, would there just be duplicate copies
14 and things like that?

15 A: That's -- yeah, there would only copies be made.

16 Q: Okay. And this -- this purports to be a copy or is that
17 an original signature, in your opinion?

18 A: That appears to be a copy.

19 Q: Okay. Okay. And I know you've identified Mr. Stewart's
20 signature here, but I noticed that there's a bunch of notary
21 lines on there --

22 A: Uh-huh.

23 Q: -- for each time you're supposed to sign. You agree with
24 me that none of these signatures are notarized; correct?

25 A: Correct.

PATRICK MILES - CROSS BY MR. EDGEWORTH

1 Q: Okay. In fact, all the way down through this whole
2 listing of signatures, a variety of signatures, none of them
3 are notarized?

4 A: Correct.

5 Q: Okay. Does your department just decide to ignore the
6 notary component of it?

7 A: I wouldn't use the term ignore. Most of the time, a
8 notary is not available when we fill these out. So the
9 officer's signature essentially has to stand on its own if no
10 notary is available.

11 Q: So -- but what -- so if we don't have a notary available
12 and there's no date, we don't really know when this document
13 was filled out; correct?

14 A: I mean, it says it was filled out June 29th.

15 Q: Well, this one does, but there's no -- you agree with me
16 there's no date beside this particular signature; correct?

17 A: It would've been that date there.

18 Q: Well, may have been; right? Because there's no date
19 beside the signature?

20 A: There's no date there in that block.

21 Q: Correct.

22 A: No, sir, but there's a date here.

23 Q: Understood, but you agree with me though there's no date
24 beside the line where it was signed; correct?

25 A: Right there where it says date there, no. There's no --

1 Q: There's no -- yeah.

2 A: There's no date.

3 Q: And it wasn't notarized, so we don't know on what day -
4 well, actually, we don't know that it was a sworn signature;
5 correct?

6 A: I wouldn't say we. I would bet my life on it that June
7 29th, 2021, was the date that John Stewart signed that
8 document.

9 Q: Right, but I mean, it wasn't -- we don't know that for
10 certain because it wasn't notarized; correct?

11 A: I disagree.

12 Q: Okay. Well, do you agree it wasn't notarized?

13 A: I agree it was not notarized.

14 Q: Okay. None of the signatures were notarized actually.
15 At the time, I think you said you were a major. Did you have
16 any involvement in this case other than being here today as
17 the chief of police?

18 A: No, sir. Other than I spoke briefly was Stewart about
19 the case.

20 Q: Spoke briefly with who?

21 A: With Lieutenant Stewart.

22 Q: When?

23 A: After it happened.

24 Q: Okay. I was about to say.

25 A: Not recently.

PATRICK MILES - REDIRECT BY MR. FREEMAN

1 MR. EDGEWORTH: All right, Judge. Thank you.

2 THE COURT: Redirect?

3 MR. FREEMAN: Just one question.

4 REDIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q: Chief Miles, are you familiar with any law or statute
7 that requires that these forms be notarized?

8 A: I am not.

9 MR. FREEMAN: No further questions.

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

11 THE WITNESS: Thank you.

12 THE COURT: All right. If you will call your next
13 witness.

14 MR. FREEMAN: Your Honor, at this time, the State would
15 call Kimberly Scott to the stand.

16 Your Honor, we would ask that Chief Miles be relieved
17 from his subpoena.

18 THE COURT: Any objections?

19 MR. EDGEWORTH: No, sir, not as to Chief Miles.

20 THE COURT: All right. He's excused.

21 THE CLERK: Ma'am, if you will, please place your left
22 hand on the Bible and raise your right hand. Do you swear or
23 affirm the testimony you give in this case to be the truth,
24 the whole truth, and nothing but the truth, so help you God?

25 THE WITNESS: I do.

KIMBERLY SCOTT - DIRECT BY MR. FREEMAN

1 THE CLERK: Please be seated and state your full name for
2 the record.

3 THE WITNESS: Kimberly Scott.

4 KIMBERLY SCOTT, being first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. FREEMAN:

8 Q: Can you tell this jury with whom you're employed and in
9 what capacity and for how long?

10 A: I'm employed with the Lake City Police Department. I
11 have been since July of 2021.

12 Q: Since July of 2021?

13 A: Yes.

14 Q: Have you been sitting here for the majority of this
15 trial?

16 A: I have.

17 Q: So are you -- so your testimony is that you began your
18 employment just a few months before this had occurred in June
19 of the same year?

20 A: Yeah. The same year, yeah, right after.

21 Q: About six months or so?

22 A: Uh-huh.

23 Q: Okay. And what -- and what was your job title?

24 A: I was hired as an evidence custodian.

25 Q: Okay. And did you have an opportunity to retrieve what's

KIMBERLY SCOTT - DIRECT BY MR. FREEMAN

1 been pre-marked for identification as State's Exhibit 8? I'm
2 just going to hand you this.

3 A: Okay. Thank you.

4 Q: State's Exhibit 8. Did you have an opportunity to be
5 involved with the drugs in this case?

6 A: Yes. I retrieved them from the evidence bin.

7 Q: That's part of your duties?

8 A: Yes.

9 Q: As the evidence technician?

10 A: Yes.

11 Q: Tell this jury a little bit about what your duties as
12 evidence technician are?

13 A: As to -- I retrieve all evidence out of the evidence bin
14 that the officers submit. I actually put it into evidence in
15 our evidence tab to keep a record of it in our Law Track
16 system. Then I also place it to be stored. I also take it to
17 be tested as needed as well.

18 Q: Okay. And you said that you retrieved the BEST kit in
19 this case; is that correct?

20 A: I did.

21 Q: When you retrieved it, where did you retrieve it from?

22 A: The evidence bin that we have in a secured room that only
23 officers have access to and myself.

24 Q: Okay. Only the investigator?

25 A: The officers. I have -- that's where --there's a room

KIMBERLY SCOTT - DIRECT BY MR. FREEMAN

1 that you go in with the bin. The bin is secured. The only
2 person that has a key to that bin is myself.

3 Q: Okay.

4 A: And at the time, I was in training. And before I got the
5 keys in September, I think Investigator McLane had them.

6 Q: And was she -- what was her role?

7 A: She was my training officer to handle evidence.

8 Q: Okay. What was the condition of the BEST kit when y'all
9 -- or when you retrieved it from the evidence bin?

10 A: When I removed it from the evidence bin, I noticed that
11 the seal -- the initial seal here was not taped or glued. The
12 actual -- this is the -- this isn't the original envelope it
13 comes in. That stays with the person that's testing it, like
14 Florence County Sheriff's Office who tested that BEST kit kept
15 the original envelope.

16 So I noticed that it was not sealed. It wasn't
17 mandatory, but most of the time we had this part sealed, which
18 is just the BEST kit manila envelope, and inside is this blue
19 envelope that is the plastic BEST kit envelope. It was
20 sealed. This was not, and I notated that as well in my
21 evidence tab.

22 Q: And what -- well, bear with me for one second. You said
23 that the blue -- explain to the jury what the blue kit inside
24 of it is?

25 A: Okay. So this is what it looks like when it comes back

KIMBERLY SCOTT - DIRECT BY MR. FREEMAN

1 from being tested. Okay? Inside of here is the actual BEST
2 kit plastic envelope. There's two parts to a BEST kit.
3 There's the manila folder that looks sort of like this with
4 the directions on the outside that has a place for you to put
5 the control number. So that -- that manila envelope
6 correlates with your BEST -- your plastic BEST kit envelope.
7 Okay?

8 So what they do is they remove that. They put the drugs
9 inside. They seal it. They fill out the front of it. They
10 also fill out a SLED analysis request that is also found
11 inside of this. Then they complete the chain of custody,
12 which is what we were speaking of earlier that looks like
13 this, and it stays inside the actual manila envelope. It does
14 not go inside the plastic envelope.

15 Q: So through your duties as the evidence technician, did
16 you observe the blue BEST kit --

17 A: Yes.

18 Q: -- in the evidence bin?

19 A: Yes. Well, I observed the manila, and then when I opened
20 it just to validate -- because it's usually normally sealed,
21 the manila is usually sealed as well. It was not sealed, but
22 the actual one that had the actual drugs in it was sealed. I
23 just wanted to correlate what the envelope said that was in
24 there.

25 Q: Okay. I'm going to show you what's in evidence as

KIMBERLY SCOTT - DIRECT BY MR. FREEMAN

1 State's Exhibit 6. Looking at State's Exhibit 6, what day
2 were the drugs transported?
3 A: To the Florence County Sheriff's Office?
4 Q: To the Florence County Sheriff's Office, as far as your
5 involvement in this case?
6 A: It was October the 11th of 2021.
7 Q: And who took those?
8 A: Myself, along with my training -- my training officer,
9 Sergeant McLane.
10 Q: Jamie McLane?
11 A: Yes.
12 Q: So you and Jamie McLane took the sealed BEST kit --
13 A: Yes.
14 Q: -- to the Sheriff's Office?
15 A: Yes, for testing.
16 Q: And you gave it to Mitchell Hansen?
17 A: Yes, sir.
18 Q: Okay.
19 MR. FREEMAN: No further questions.
20 THE COURT: Okay. Cross?
21 MR. EDGEWORTH: Thank you, Judge.
22 CROSS-EXAMINATION
23 BY MR. EDGEWORTH:
24 Q: Ms. Scott?
25 A: Yes, sir.

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

1 Q: So I want to back up a second because I got lost when you
2 said you started working there because I thought you said July
3 of 2021. When did you start working there?

4 A: I started working there July of 2021.

5 Q: Okay. So after --

6 A: Yes.

7 Q: -- this case started?

8 A: Yes.

9 Q: Okay. Yeah. Gotcha. All right. Now, so when you --
10 when you take this evidence in as the custodian, you log that
11 stuff; correct?

12 A: Yes, sir. I logged it in in September of 2021 when I
13 received the keys. I didn't -- I'm sorry. I apologize for my
14 voice. In September of 2021 was when I received the actual
15 keys, the evidence keys.

16 Q: Uh-huh.

17 A: And I received that from Chief Miles. That's whenever I
18 could start retrieving evidence out of the actual evidence
19 bin.

20 Q: Okay. And to your knowledge, had the evidence been
21 retrieved prior to that time?

22 A: It had been retrieved before, but it had been a while
23 because I'm not -- I can only say from what I've been told.
24 Sergeant McLane turned those keys back in to Chief Miles so
25 that nothing -- so nothing could be tampered with.

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

1 Q: Okay. Well, I just mean, you know, you log when the
2 stuff goes in and out of the evidence room; correct?

3 A: Yes, sir.

4 Q: Okay. Someone takes it. And that's part of your job?

5 A: Yes, sir.

6 Q: Okay. And -- and when you retrieved the item in October
7 of 2021 --

8 A: Right.

9 Q: -- that would have been logged in?

10 A: No, no, no. I retrieved that item out of the -- out of
11 that bin on September 14th of 2021.

12 Q: Okay?

13 A: I took it out of the bin, articulated it into my system,
14 and then placed it into storage until it was time to be taken
15 to be tested.

16 Q: Okay. And is that noted on this chain of custody
17 document that's before you?

18 A: No, sir. Once it's in evidence and it's stated into
19 evidence, it's into evidence.

20 Q: Right.

21 A: It's not policy or protocol for me to say, okay, well,
22 I'm taking it out of evidence to put it back into evidence.

23 Q: Okay. Well, you said you moved it. So I was just making
24 sure.

25 A: I did move it. I did move it --

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

1 Q: Okay.

2 A: -- back to the evidence bin and then placed it --

3 Q: Okay.

4 A: -- into evidence storage, correct.

5 Q: Okay. So you don't notate that?

6 A: No, sir, not normally.

7 Q: Okay. Not normally? You do it sometimes?

8 A: No.

9 Q: You don't do it ever?

10 A: The only time -- if I -- if I ever take it out of
11 evidence and place it is when it goes somewhere. Say, for
12 instance, for testing or, you know, out to General Sessions
13 Court or so on and so forth.

14 Q: Okay. Well, then why -- why was it important for you to
15 -- to acknowledge that you did something with it in September
16 if it's not noted on the chain of custody?

17 A: Whenever I took it out of the evidence bin is whenever I
18 had to put it into the tab, into the evidence tab.

19 Q: Okay. And you did that in September of 2021?

20 A: Yes, sir.

21 Q: Okay. And that's when you saw that the outer seal had --

22 A: Yes, sir.

23 Q: -- was not open?

24 A: The outer seal --

25 Q: Or was not closed rather?

1 A: Yes, sir.

2 Q: Okay. So it had been sitting somewhere in evidence from
3 June 21st until September 2021 open?

4 A: No. The actual -- this actual plastic BEST kit which
5 contained the drugs that's sealed inside was not open.

6 Q: That wasn't what I asked though.

7 A: You're asking if the manila envelope was open?

8 Q: Uh-huh.

9 A: Yes, sir.

10 Q: So -- and that's what I'm saying. So no one identified
11 the fact that this bag was inside another bag that was open
12 for 3 to 4 months?

13 A: Sitting inside the evidence bin that's secure.

14 Q: Yeah.

15 A: Nobody else couldn't get to it.

16 Q: Well, we don't know because no one was writing it down
17 when they were moving it apparently?

18 A: I get what you're saying.

19 Q: Yeah. Right. I mean, if we're not writing it down, we
20 don't know?

21 A: We do whenever it's logged into evidence. It's -- it's
22 according to the evidence tab. That would be in the evidence
23 tab.

24 Q: Right.

25 A: Of Law Track. Yes, sir.

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

1 Q: But if someone was in the evidence room --

2 A: Yes.

3 Q: Right? And then we're not writing down where you moved
4 it from one place to another --

5 A: Okay.

6 Q: -- we don't know what's happened to it; right?

7 A: Well, I know what happened to it because I know what I
8 did with it.

9 Q: You know what you did with it?

10 A: I'm testifying to it.

11 Q: Yeah. You know what you did with it?

12 A: On September, yes, sir.

13 Q: You don't know what other people did with it. Okay. So
14 do you keep a copy of -- of this chain of custody on your
15 person or in your office, so to speak, so that we can write
16 things down?

17 A: No. A chain of custody always stays with the evidence.
18 The original chain of custody -- as you can see, it's adhered
19 to this.

20 Q: Uh-huh.

21 A: The original chain of custody is here.

22 Q: Okay. And -- right. So I'm not going to touch it, but
23 --

24 A: No, it's okay.

25 Q: So that little manila bag that was open also has an open

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

1 bag to the chain of custody; right?

2 A: Yes.

3 Q: Okay. And that chain of custody has those original
4 signatures on it we were talking about earlier?

5 A: Yes, sir.

6 Q: The ones that aren't notarized?

7 A: Yes, sir.

8 Q: So you can come in there and sign whatever you want
9 without nobody witnessing that signature at any time?

10 A: The only person that signed from it, according to Chief
11 Miles, is Lieutenant Stewart, and then when Sergeant McLane
12 and I took it to Florence County.

13 Q: Uh-huh. Why didn't you sign it?

14 A: Because there's only room for one person to sign it.

15 Q: Uh-huh.

16 A: And she was my training officer at the time. So she's
17 showing me how to do it.

18 Q: Uh-huh. So you're still training in October?

19 A: Yes, I'm still training in October.

20 Q: Okay. When did you go off training?

21 A: I got hurt right after I started in training. I stayed
22 out for a couple of weeks and came back. That's why it sounds
23 like my training was so long.

24 Q: Sure. Now, you --

25 A: I got a back injury.

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

1 Q: I'm sorry. I didn't mean to jump over you.

2 A: You're fine. I apologize.

3 Q: So -- so this is the original chain of custody?

4 A: This is the original chain of custody. Yes, sir.

5 Q: Can you --

6 A: Yeah.

7 Q: -- thumb through there for me?

8 A: Sure.

9 Q: All right. Tell me how many pages there are?

10 A: That's one right there, and then you also have a
11 subsequent extended chain of custody.

12 Q: Uh-huh.

13 A: Whenever this chain of custody ends, we have something
14 called an extended chain of custody here where it continues.

15 Q: It's got a lot more sign-ins, sign-outs, don't it?

16 A: Yes.

17 Q: Okay. So this document that's been put into evidence as
18 the chain of custody, State's Exhibit 6, is not actually the
19 full chain of custody, is it?

20 A: The real chain of custody is here.

21 Q: Uh-huh.

22 A: This is it here.

23 Q: Gotcha. Okay. All right. All right. And you got --
24 you got -- I don't want to keep on blocking the jury over
25 here?

1 A: Okay.

2 Q: Yeah.

3 A: If you'd like to see it?

4 Q: No. Right. Okay. So how many -- how many additional

5 signatures do we have on this document?

6 A: We have -- can I see the comparison, please?

7 Q: Yeah, sure.

8 A: So you have -- here on this one is whenever we actually

9 took it.

10 Q: Uh-huh.

11 A: This one --

12 Q: And that way -- let's make sure the jury hears that. That

13 was in October --

14 A: Yes, sir.

15 Q: -- of 2021? Go ahead.

16 A: Yes, sir. Then we retrieved it back on November the 8th

17 of 2021.

18 Q: Do you know why it would have come back?

19 A: Because he was through testing it.

20 Q: Okay. So you're talking about when -- so that sign-out

21 is to send it to Florence County Sheriff's Office?

22 A: That was the sign-out when we sent it to Florence County.

23 Yes, sir.

24 Q: Gotcha.

25 A: And then that's when we retrieved it --

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

1 Q: Uh-huh.

2 A: -- from Florence County. So it says Sergeant McLane
3 signed for it here. I put it from her back to evidence, from
4 evidence, and then that's when it stops. It stayed until it
5 got time for us to come to General Sessions Court.

6 Q: Okay. So that's why those -- those are the recent
7 signatures?

8 A: Yes. These have been since yesterday.

9 Q: Gotcha. All right. And what's that? That's -

10 A: This one?

11 Q: 11 -- November 8th, 2021?

12 A: This is when -- since Sergeant -- like I said, since
13 Sergeant McLane signed for it from here --

14 Q: Uh-huh.

15 A: -- she gave it back to me and signed it back into
16 evidence.

17 Q: Okay. Then you logged them back in?

18 A: Yes, sir.

19 Q: Okay. What's that next document?

20 A: This one? I'm sorry.

21 Q: It looks like there was a couple more pages back there.

22 A: No. That's just the -- that's just this.

23 Q: Okay. What -- what is this here?

24 A: This is actually the -- the drug analysis report from --

25 Q: Uh-huh.

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

1 A: -- the Florence County Sheriff's Office.

2 Q: Okay.

3 A: This is -- I just kept this with it because I like to
4 keep all my paperwork together.

5 Q: So you got those things all together?

6 A: Yes, sir.

7 Q: All right. Now, I'm going to show you a document and ask
8 if you recognize it. You can keep that. Okay. Take a look
9 at that. Let's identify this.

10 (WHEREUPON, the document was marked as Defendant's
11 Exhibit Number 3 for identification.)

12 MR. EDGEWORTH: Thank you, ma'am.

13 BY MR. EDGEWORTH:

14 Q: Take a look at that and --

15 A: Okay.

16 Q: -- look at it for a minute and see if you recognize that.

17 AL Okay. Okay.

18 Q: Do you recognize it?

19 A: Yes.

20 Q: Okay. It -- it has your name on it, don't it?

21 A: Yes.

22 Q: Okay. Do you know where the document came from?

23 A: It had to have come from Lieutenant Hansen from the
24 Florence County Sheriff's Office.

25 Q: Okay. Lieutenant Hansen would have done this document?

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

- 1 A: Yes.
- 2 Q: Okay. Do you normally see the document like that where
3 it's double-sided like that?
- 4 A: That's -- that's -- that's what he does on his.
- 5 Q: Okay.
- 6 A: That's for his records.
- 7 Q: Okay.
- 8 A: He must've made a copy of the chain of custody and then
9 put this -- printed this on that side.
- 10 Q: And the last --
- 11 A: -- for him for his stuff.
- 12 Q: Sure. And on the last line of that -- turn that over.
- 13 A: I'm sorry.
- 14 Q: No, you're fine. That's that October 11th date we were
15 talking about; right?
- 16 A: Yes, sir.
- 17 Q: Okay.
- 18 A: Yes, sir.
- 19 Q: Hold tight. I'll show you another document. Okay. I'm
20 going to show you another one.
- 21 A: Okay.
- 22 Q: Take a look at that one.
- 23 A: Yes, sir.
- 24 Q: Tell me if you recognize that one?
- 25 A: Yes.

1 Q: You do recognize it?

2 A: Yes.

3 Q: Okay. Let's mark that one.

4 A: Okay.

5 (WHEREUPON, the document was marked as Defendant's

6 Exhibit Number 4 for identification.)

7 Q: Okay. And what is that thing called?

8 A: The same thing as it was before. That's -- that's his
9 stuff. That's inventory stuff. I'm sorry. Lieutenant Hansen
10 would have to explain everything what would be on there.

11 That's his stuff. That's his --

12 Q: Okay.

13 A: -- information.

14 Q: Okay. And so -- but you didn't have any handling of
15 these documents at all?

16 A: No. We went -- me and Lieutenant -- I'm sorry.

17 Q: You don't have to show it. I'm just asking you a
18 question.

19 A: Me and Investigator McLane went together. So if he did
20 doubles -- as you can say, they're the same date.

21 Q: Uh-huh.

22 A: If he did double copies, that's something you'd have to
23 ask Lieutenant Hansen about.

24 Q: Okay. Gotcha. Okay. But you didn't have anything to do
25 with drafting of these documents?

KIMBERLY SCOTT - CROSS BY MR. EDGEWORTH

1 A: No, no, no, I didn't.

2 Q: Okay.

3 A: No.

4 Q: And that's not in your file right here either, is it?

5 A: No, sir.

6 Q: Okay. We don't know where these came from?

7 A: That's --

8 Q: We don't know?

9 A: Talk to Lieutenant Hansen about that.

10 Q: Gotcha. Okay.

11 MR. EDGEWORTH: Thank you, Judge. No further questions.

12 THE COURT: Any redirect?

13 REDIRECT EXAMINATION

14 BY MR. FREEMAN:

15 Q: When you retrieved the BEST kit from the evidence bin --

16 A: Yes, sir.

17 Q: -- was it sealed?

18 A: The -- the --

19 Q: Was the package containing the drugs --

20 A: Yes.

21 Q: -- sealed?

22 A: Yes.

23 Q: Tamper-proofed?

24 A: Yes.

25 Q: Heat-sealed?

KIMBERLY SCOTT - REDIRECT BY MR. FREEMAN

1 A: Yeah. Well, it's not heat sealed. It's got a strip that
2 seals.

3 Q: Okay. But it seals it?

4 A: It seals it.

5 Q: And there's evidence of tampering if that's --

6 A: You will see it if there's evidence of tampering.

7 Q: Did we have that in this case?

8 A: No.

9 Q: On October 11th, is it your testimony that you and Jamie
10 McLane together took these drugs to the Florence County
11 Sheriff's Office?

12 A: Yes, sir.

13 Q: To deliver them to Mitchell Hansen?

14 A: Yes, sir.

15 Q: Sealed?

16 A: Yes.

17 Q: Now, I'm going to show you --

18 MR. FREEMAN: If I can get this marked?

19 Q: -- some of your notes. I'm going to show you what's been
20 pre-marked for identification as State's Exhibit 13.

21 A: Okay.

22 Q: I'm going to ask if you recognize this and, if so, what
23 is it?

24 A: Yes. It's from the evidence tab. It's from our Law
25 Track system whenever you physically put it into the system

1 itself.

2 Q: Is that a fair and average depiction of your notes?

3 A: Yes, sir.

4 Q: In the system?

5 A: Yes.

6 MR. FREEMAN: Your Honor, at this time, the State would
7 move to introduce State's Exhibit --

8 THE COURT: 13.

9 MR. FREEMAN: -- 13 into evidence.

10 THE COURT: Any objections?

11 MR. EDGEWORTH: No objection.

12 THE COURT: State's 13 is in evidence without objection.

13 (WHEREUPON, State's Exhibit Number 13, police department
14 evidence notes, was admitted into evidence.)

15 BY MR. FREEMAN:

16 Q: Do you remember your notes?

17 A: Yes, sir. I received --

18 Q: Starting with the date?

19 A: Oh, I'm sorry. I've got on here 6/29/2021.

20 Q: June 29th of 2021?

21 A: June 29th, 2021.

22 Q: Okay. Please tell this jury what your notes say?

23 A: I retrieved an unsealed BEST kit from the evidence bin
24 containing green leafy substance. The green leafy substance
25 was sealed inside the BEST kit envelope and observed by me,

KIMBERLY SCOTT - REDIRECT BY MR. FREEMAN

1 evidence tech officer Kimberly Scott, long enough to validate
2 what was in the envelope. The BEST kit envelope was then
3 sealed by me, Officer Scott, and then housed in room 1, shelf
4 B -- shelf B -- I'm sorry -- until it could be sent for
5 testing.

6 Q: All right. So this annotates where you put the drugs?

7 A: Yes.

8 Q: And this indicates that they were submitted by John
9 Stewart?

10 A: Yes.

11 Q: On June 29th, 2021?

12 A: Yes.

13 Q: And this is consistent with your testimony?

14 A: Yes.

15 MR. EDGEWORTH: Objection. Pitting the witness.

16 THE COURT: Sustained.

17 BY MR. FREEMAN:

18 Q: All right. Just for one last time, the BEST kit was
19 sealed --

20 A: Yes.

21 Q: -- when you got it out of the evidence bin?

22 A: Yes.

23 Q: And sealed when you delivered it to Mitchell Hansen?

24 A: Yes.

25 Q: With Jamie McLane?

KIMBERLY SCOTT - REDIRECT BY MR. FREEMAN

1 A: Yes.

2 MR. FREEMAN: No further questions for this witness, Your
3 Honor.

4 THE COURT: All right. Recross?

5 MR. EDGEWORTH: Briefly. Thank you, Judge.

6 RECROSS-EXAMINATION

7 BY MR. EDGEWORTH:

8 Q: This is the documentation that you just reviewed, State's
9 Exhibit 13?

10 A: Yes, sir.

11 Q: And these are the notes related to the -- the checkouts,
12 all the notes and everything?

13 A: No. That's just the note saying that it was sealed
14 because you can print it where it's got a chain of custody on
15 there, but because we don't use that chain of custody, we
16 usually use this chain of custody.

17 Q: Right.

18 A: Yes, sir.

19 Q: Well, I guess my question is so there's no notations on
20 here -- correct? -- regarding -- sorry. Let me -- that was a
21 bad question.

22 A: Okay.

23 Q: Strike that. So there -- or do you agree with me that
24 there are no notations in here between June 29th, 2021, and
25 October 11th, 2021, related to this piece of purported

1 evidence?

2 A: I gotcha. Yes, sir.

3 Q: Is that true?

4 A: That's true.

5 Q: Okay. And there's no notation on this document that
6 indicates that when this bag was sent in that it was opened or
7 closed, was it?

8 A: No.

9 Q: Okay. And so we don't know at what point in time that
10 bag got opened; correct?

11 A: Which bag are you talking about? Are you talking about
12 the --

13 Q: We're -- the bag that you said that you saw is open, the
14 outer bag?

15 A: Uh-huh. Yes, sir.

16 Q: We don't know when that happened, do we?

17 A: No.

18 Q: We don't know after it got dropped in there on June 29th,
19 2021, that somebody came behind it and opened that bag and
20 messed with it, do we?

21 A: I --

22 MR. FREEMAN: Objection, Your Honor. She's already
23 testified that only one person would have access to that.

24 THE COURT: Overruled. She can answer it. Go ahead.

25 BY MR. EDGEWORTH:

KIMBERLY SCOTT - RECROSS BY MR. EDGEWORTH

1 A: Yeah. There was only one person that had keys to that.
2 So -- and that would've been Investigator McLane.

3 Q: Okay. Well -- but my question was we don't know who,
4 what, when, and where came in there and opened that bag, do
5 we?

6 A: No.

7 Q: Okay.

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

9 THE WITNESS: Thank you.

10 THE COURT: All right. Call your next witness.

11 MR. FREEMAN: Your Honor, the State would call Jamie
12 McLane to the stand.

13 THE CLERK: Please place your left hand on the Bible and
14 raise your right hand. Do you swear or affirm the testimony
15 you give in this case to be the truth, the whole truth, and
16 nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated and state your full name for
19 the record.

20 THE WITNESS: First name is Jamie, last name is McLane.

21 JAMIE MCLANE, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. FREEMAN:

25 Q: Now, you've been sitting here for the majority of this

1 trial?

2 A: Yes.

3 Q: Can you tell this jury were you a part of the Lake City
4 Police Department June 29th, 2021?

5 A: I was.

6 Q: And then subsequent on October 11th, 2021?

7 A: Yes.

8 Q: What was your role?

9 A: I was the sergeant over investigations, and I was also
10 doing evidence until we hired an evidence tech.

11 Q: And who would that be?

12 A: Kimberly Scott.

13 Q: Is that who just testified?

14 A: That's correct.

15 Q: So what were some of your duties?

16 A: My duties is I was a sergeant over investigations. I
17 handled all criminal sexual conduct and other crimes, and then
18 I also handled some evidence. I just did not have time to
19 handle evidence. That's why we hired an evidence tech.

20 So what we would do is -- like Officer Scott said, we
21 have an evidence bin where our patrol officers can place the
22 evidence once they get it off the street or anything dealing
23 with their cases. They put it in the evidence bin. We then
24 take it from the evidence bin and place it into separate
25 evidence rooms based on -- so we have one room for all drugs,

JAMIE MCLANE - DIRECT BY MR. FREEMAN

1 one for homicides, assaults to keep him separate.

2 So at that time, I would place them in the rooms where
3 they go, and we filled out a form of they needed to be tested.
4 And at that time, we only -- I was only taking them before
5 Officer Scott came if the Solicitor's Office requested it due
6 to trial. So then we would then take it to SLED or either
7 Florence County for Mitch to test.

8 Q: Now, are you familiar with the BEST kit retrieved from
9 the evidence bin in this case?

10 A: Yes.

11 Q: And what was your involvement with that BEST kit?

12 A: I was training Officer Scott with evidence. We took it
13 from the evidence room and took it to Florence County for it
14 to be tested?

15 Q: On October 11th?

16 A: I believe it was.

17 Q: There's a chain of custody form right here, State's
18 Exhibit 6. Does that appear correct to you?

19 A: It's going to be on October 11th.

20 Q: All right. And I'm going to show you what's been pre-
21 marked for identification as State's Exhibit 8. Do you
22 recognize this?

23 A: Yes. That's a BEST kit.

24 Q: And what's the control number on that BEST kit?

25 A: The control number is B, as in bravo, 331335.

JAMIE MCLANE - DIRECT BY MR. FREEMAN

1 Q: Is that consistent with the control number on the chain
2 of custody?

3 A: Yes, it is.

4 Q: When you and Kimberly took this from Lake City to
5 Mitchell Hansen, what condition would this BEST kit have been
6 in? What -- let me rephrase that. What condition was this
7 BEST kit in? Was it sealed?

8 A: Yes. So we have a -- and Mitch actually has the
9 envelope, the yellow envelope. So those are really not sealed
10 because they're, like, a cheap --

11 Q: You're talking about the manila envelope?

12 A: Yes, the vanilla envelope. The BEST kit itself is
13 sealed. These yellow envelopes are not because there's a
14 chain of custody that has to go with it. Beforehand, we did
15 not have these outer seals. So, for instance, this is the
16 BEST kit. It was filled out by the officer getting the
17 evidence. This is the original chain of custody form.

18 Q: And that's State's Exhibit 6?

19 A: Yes, Exhibit 6. So it would go in as follows.
20 Beforehand, we did not have these outer things. The chain of
21 custody stayed in here. And in order to eliminate
22 contamination or altering, this is why the -- these are not
23 sealed, the yellow envelopes. So when we take it out of
24 evidence, we can remove this sheet and say we're taking it out
25 of evidence and taking it to wherever it's being tested, and

JAMIE MCLANE - DIRECT BY MR. FREEMAN

1 then it goes back in.

2 Q: Okay. Simultaneously, the --

3 A: This BEST kit is always sealed by the officer who takes
4 the evidence originally.

5 Q: And was the BEST kit sealed when you delivered it --

6 A: That's correct.

7 Q: -- to Mr. Hansen?

8 A: Yes.

9 MR. FREEMAN: No further questions.

10 THE COURT: All right.

11 CROSS-EXAMINATION

12 BY MR. EDGEWORTH:

13 Q: Okay. It might be more confusing now than it was before
14 you started talking. Okay. So it's your testimony that this
15 tape that was on there was unnecessary the whole time?

16 A: That's correct, because this is what contains the drugs
17 that's sealed and where it cannot be contaminated. This has
18 nothing to do with that envelope.

19 Q: Okay. So y'all at Lake City Police Department -- y'all
20 do things that are unnecessary and then say they're no longer
21 necessary?

22 A: No.

23 Q: No? Okay.

24 A: I don't understand.

25 Q: Because at one point in time was this sealed?

JAMIE MCLANE - CROSS BY MR. EDGEWORTH

1 A: Yes, at one time it was.

2 Q: Oh, okay. So then there was a decision made at some
3 point in time that, you know what, we're just not going to
4 seal it anymore?

5 A: That is --

6 Q: Is that correct?

7 A: That's correct.

8 Q: Okay. And --

9 A: It don't have to be sealed. There's no need for it to be
10 sealed. This is what the evidence was in.

11 Q: Okay. Well, let's talk about that.

12 A: Okay.

13 Q: So when you -- it may be sealed now; right?

14 A: Uh-huh.

15 Q: But it's certainly possible that since this is open, this
16 envelope is open. that you take that out, open that up, mess
17 with it, seal that back up, throw it in here, and then you say
18 nothing's wrong with it?

19 A: No. It has the officer's signature on that where it's
20 sealed.

21 Q: Okay. Well, are you telling me then that this bag has
22 never been opened?

23 A: Yes, it has. It's been tested.

24 Q: Right.

25 A: And if you see here, anytime it's opened, it has the

JAMIE MCLANE - CROSS BY MR. EDGEWORTH

1 signature and the date that it was opened. I'm sure the
2 chemist can explain more on that.

3 Q: Well, okay. No, but I'm asking you right now, I mean.

4 A: I didn't test it, so I don't open them.

5 Q: Okay. You never opened any of these?

6 A: No.

7 Q: Okay. So you don't know then whether or not that thing
8 was opened, closed back, opened again, closed back from here?

9 A: You can see if it's opened or not. You can see if an
10 evidence bag is contaminated.

11 Q: Okay. Well, I'm simply asking you whether it --

12 A: It was not --

13 Q: -- you --

14 A: It was not contaminated when we took it to Florence
15 County, if that's your question.

16 Q: Okay. Based on -- what you're saying is -- really is
17 that based on your identification of the stuff you took at
18 that time in October of 2021, it did not appear to be
19 contaminated, although the outer bag was open; correct?

20 A: I don't know if it was open or not. I didn't take it out
21 of -- I didn't take it out of this.

22 Q: I -- okay. Well --

23 A: What are you asking? I'm sorry.

24 Q: Well, let's rephrase that.

25 A: Okay.

JAMIE MCLANE - CROSS BY MR. EDGEWORTH

1 Q: Because this is very important. All right. So you're
2 saying that this seal is unnecessary?

3 A: That's correct.

4 Q: But you use them anyways. And then you're saying that
5 when you transported the -- this bag that is sealed --

6 A: Uh-huh.

7 Q: -- at the time you transported it --

8 A: Yes.

9 Q: -- this bag was open?

10 A: Yes.

11 MR. FREEMAN: Your Honor, I'm going to object. This is a
12 mischaracterization of the testimony. She already testified
13 that --

14 THE COURT: I'm going to overrule it. She can answer it.

15 MR. EDGEWORTH: Okay. All right.

16 BY MR. EDGEWORTH:

17 Q: And so then when you get it back -- right? At some point
18 you got it back because you have it; is that correct?

19 A: Yes.

20 Q: Okay.

21 A: We got it back from Florence County --

22 Q: Okay.

23 A: -- after testing.

24 Q: And someone would have had to open this bag to test it?

25 A: Yes.

JAMIE MCLANE - CROSS BY MR. EDGEWORTH

1 Q: Okay. And now it's been resealed?

2 A: Yes.

3 Q: Correct? And then it was put back in this bag that is
4 not sealed?

5 A: It -- I mean, apparently, it was sealed. At one time it
6 was sealed.

7 Q: But you were saying -- you testified that it was not
8 sealed at the time you took it in October of 2021; is that
9 correct?

10 A: No. This was -- originally, it was not -- at the very
11 beginning when this evidence was placed into the evidence bin
12 before it was retrieved, it -- this was not sealed.
13 Afterwards, this was. So once it was taken out of the
14 evidence bin and moved, that is when this was sealed. So this
15 was all sealed once it was taken to Mitch.

16 Q: Uh-huh.

17 A: Which is Florence County to be tested.

18 Q: Right. But you would have -- you agree with me that if
19 this thing was placed into evidence by Officer Stewart in June
20 of 2021 --

21 A: Uh-huh.

22 Q: Okay? And you don't know what condition it was in until
23 October of 2021; is that correct?

24 A: Yes, that's correct.

25 Q: Okay. So we don't know We don't know what happened to

1 it in between that time. So --

2 A: Can I elaborate something? The reason why it was not
3 messed with is because -- that's why I give -- I had gave the
4 keys to who is now Chief Miles -- at the time, it was Major
5 Miles -- because I was unable to -- we had a bunch of
6 shootings that was going on at the time. I was unable to take
7 the evidence and put it where it needed to go. So I gave him
8 the keys so they could be locked up.

9 Q: Okay. So multiple people had keys to the evidence?

10 A: No. There's only one set of keys to the evidence.

11 Q: So is there -- all right. Well, so is there a way to
12 track? Do y'all track, like, who and what has the keys at any
13 individual time? Because if you didn't -- you trans -- you
14 gave it to somebody. Did you log that somewhere to say I've
15 now given the evidence keys to someone else?

16 A: No. That's who originally has them.

17 Q: Oh, okay. So we don't keep up with that either then.
18 Let's see. So on the document -- I think we've got it up here
19 for identification. Are you familiar with these documents at
20 all?

21 A: No.

22 Q: Okay. You -- you have no idea about these documents?

23 A: This is from Florence County. It looks -- this is the
24 drug analysis. I didn't do the document, no.

25 Q: You had no -- you didn't do anything with this?

JAMIE MCLANE - CROSS BY MR. EDGEWORTH

1 A: No.

2 Q: Okay.

3 A: That's Florence County.

4 Q: Okay. Do you provide them information to include on
5 these reports that they send back to you?

6 A: No.

7 Q: Okay. And you didn't prepare any of these documents?

8 A: No.

9 Q: And at -- and at no time -- right? -- were -- you were
10 never the investigating officer on this case?

11 A: That's correct.

12 Q: Okay. No time throughout, not even today?

13 A: No.

14 Q: Okay.

15 MR. EDGEWORTH: All right. No further questions, Judge.

16 REDIRECT EXAMINATION

17 BY MR. FREEMAN:

18 Q: There was some questions about -- where's the BEST kit?
19 Let me see. You were asked about the manila envelope that we
20 have in front of you today; is that not true? Is that what
21 you were just being asked about?

22 A: Yes.

23 Q: Is this manila envelope from the Lake City Police
24 Department?

25 A: Yes.

JAMIE MCLANE - REDIRECT BY MR. FREEMAN

1 Q: This isn't from Mitchell Hansen?

2 A: Let me see the number on it. Oh, no. This is from
3 Mitch.

4 Q: So this manila envelope is from Mitchell Hansen?

5 A: Yes.

6 Q: So your office would have no part in putting this BEST
7 kit inside of this manila envelope --

8 A: That's correct.

9 Q: -- that we have today? And when you took the BEST kit on
10 October 11th, 2021, to Mitchell -- Mitch Hansen -- excuse me
11 -- with Kimberly Scott, was the BEST kit sealed?

12 A: Yes.

13 Q: With a tamperproof seal?

14 A: Yes.

15 Q: And there was no evidence of tampering?

16 A: No.

17 MR. FREEMAN: No further questions.

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

19 Why don't we take a break for the day. Be back at 9:30,
20 and we'll finish the case tomorrow. All right?

21 (WHEREUPON, the jury exited the courtroom at 4:30 p.m.)

22 MR. FREEMAN: Judge, the State would request that Ms.
23 McLane and Ms. Scott be relieved from their subpoenas.

24 THE COURT: Any objections?

25 MR. EDGEWORTH: No objection.

1 (WHEREUPON, a bench conference was held off the record,
2 after which the proceedings resumed as follows.)

3 MR. FREEMAN: Thank you, Judge.

4 (WHEREUPON, the proceedings adjourned for the day at 4:33
5 p.m.)

6 JANUARY 15, 2025

7 (WHEREUPON, the proceedings resumed at 9:46 a.m.)

8 THE COURT: All right. Is the State ready to proceed?

9 MR. FREEMAN: The State is prepared, Your Honor.

10 THE COURT: The defense?

11 MR. EDGEWORTH: Yes, sir. We're ready.

12 THE COURT: Okay. Go ahead and bring in the jury.

13 (WHEREUPON, the jury entered the courtroom at 9:47 a.m.)

14 THE COURT: If the State will call your next witness.

15 MR. FREEMAN: Thank you, Your Honor. The State would
16 call Mitchell Hansen.

17 THE CLERK: If you will, please place your left hand on
18 the Bible and raise your right hand. Do you swear or affirm
19 the testimony you give in this case to be the truth, the whole
20 truth, and nothing but the truth, so help you God?

21 THE WITNESS: I do.

22 THE CLERK: Please be seated and then state your full
23 name for the record.

24 THE WITNESS: Mitchell Hansen.

25 MITCHELL HANSEN, being first

MITCHELL HANSEN - DIRECT BY MR. FREEMAN

1 duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. FREEMAN:

4 Q: Good morning, Mr. Hansen. Please tell this jury with
5 whom you're employed and what capacity and what rank, as well
6 as what some of your duties are?

7 A: I'm employed at the Florence County Sheriff's Office. I
8 am the rank as lieutenant. I am a forensic chemist for drug
9 analysis.

10 Q: Okay. And can you tell the jury what exactly -- can you
11 tell -- let's talk about your qualifications. Tell this jury
12 where you went to school, about your education, your skills,
13 your knowledge, experience, education, and your training?

14 A: I have a bachelor's in chemistry. I have an associate's
15 in science, associate's in arts. I have been to forensic drug
16 analysis training at SLED and basic law enforcement training.

17 Q: And what is SLED?

18 A: SLED is the State Law Enforcement.

19 Q: Division?

20 A: Division.

21 Q: Okay. Have you testified in court before?

22 A: Yes, I have.

23 Q: How many times have you testified before?

24 A: Fifty-nine times.

25 Q: So this will be your 60th time?

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1 A: Yes.

2 Q: Have you been tendered as an expert?

3 A: Yes.

4 Q: What were you tendered as an expert in?

5 A: Drug analysis.

6 MR. FREEMAN: Your Honor, at this time, the State would
7 tender Lieutenant Hansen as an expert in drug analysis.

8 THE COURT: Any objections?

9 MR. EDGEWORTH: No objection, Your Honor.

10 THE COURT: All right. Motion is granted.

11 BY MR. FREEMAN:

12 Q: Lieutenant Hansen, can you tell this jury -- well, were
13 you here yesterday for the testimony?

14 A: Yes.

15 Q: And did you hear testimony about this manila envelope?

16 A: Yes.

17 Q: I'm going to show you what's been pre-marked for
18 identification as State's Exhibit 8. I'm going to hand you
19 this. Do you recognize this?

20 A: Yes.

21 Q: Can you tell the jury what this is?

22 A: This is a manila envelope containing the packaging of the
23 BEST kit that was turned in for testing.

24 Q: Now, let's talk about the manila envelope real quick.
25 Can you clarify for the jury the importance or unimportance of

1 the envelope?

2 A: The manila envelope -- well, a BEST kit itself comes in a
3 manila envelope. It's -- what's inside the manila envelope is
4 a tamper-evident evidence bag, which tamper-evident means if
5 somebody tampers with it, cuts it, pulls it, tries to open it,
6 it's evident that it has been tampered with and very visible,
7 and we would be able to spot it right away.

8 Q: And you're talking about the actual BEST kit?

9 A: The actual BEST kit bag. The envelope itself is -- after
10 it's been turned in and retested, it's repurposed for to
11 contain the paperwork for the lab for that case. The -- the
12 BEST kit also contains a request form and chain of custody.

13 Q: Well, there's a lot of huff and puff made about this
14 manila envelope in particular. Was this the original manila
15 envelope?

16 A: No, it was not.

17 Q: Where did this manila envelope come from?

18 A: I -- we actually just place the heat-sealed bag after
19 it's been tested in manila envelopes. It makes it easier for
20 us to keep the cases separated because we normally have more
21 than one case stored in the safe in the lab.

22 Q: Now, I see that you also have a manila envelope. What is
23 that that you brought with you?

24 A: This is the original envelope that would've been in the
25 BEST kit.

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1 Q: And what --

2 A: Or the BEST kit envelope itself that comes on the
3 outside. It's got the BEST kit number and directions.

4 Q: And what is that BEST kit number?

5 A: The BEST kit number is B331335.

6 Q: All right. I'm going to show you the BEST kit that's
7 inside of State's Exhibit 8. Is that consistent with the
8 control number inside of the BEST kit there?

9 A: Yes, it is.

10 Q: And is that control number inside of your sealed BEST
11 kit?

12 A: Yes. The -- actually, my -- my packaging -- once it's
13 tested, it's repackaged, and this is the same bag that is on
14 my report. It's on the paperwork on the chain of custody.

15 Q: Okay. So was this bag -- State's Exhibit 8, was this
16 handed to you or did you in turn give this to the Lake City
17 Police Department after your analysis?

18 A: Yes. It was -- it was given to me for analysis and then
19 returned. When I -- when I repackage them after testing, I
20 initial, date on the inside of the bag and heat-seal over it.
21 So if somebody was to open or to cut through, you would be
22 able to see my seal missing.

23 Q: And is your seal missing in this case?

24 A: No, it's that.

25 Q: Is your seal intact?

1 A: Yes.

2 Q: Has this BEST kit been tampered with?

3 A: To my knowledge, no, it has not. It doesn't look like it
4 has any tears or cuts in it.

5 Q: Okay. Now, the original manila envelope -- you said you
6 have that with you?

7 A: Yes.

8 Q: And that's what was given to you from the Lake City
9 Police Department?

10 A: Yes, it was.

11 Q: And yet you still have it?

12 A: Yes, because we repackage. In training, we always
13 repackage that envelope to keep our -- our lab data in because
14 it contains the BEST kit number, et cetera. We can match it
15 up with everything. If something was to happen with the
16 reports or whatever, we have the actual case number with the
17 barcode that's on the BEST kit with the barcode.

18 Q: Now, does this original manila envelope that you received
19 from Lake City -- does that include directions?

20 A: Yes, it does.

21 Q: What does it include directions for?

22 A: How to fill out a BEST kit.

23 Q: Okay.

24 A: And pretty much what it tells you is how to package it,
25 how to close it, what forms to put inside of the evidence bag,

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1 the BEST kit evidence bag. Also how to put the forms inside
2 the envelope because if you seal all the paperwork inside
3 here, you cannot get to it for -- you know, to be able to log
4 it in to be able to transfer chain of custody over to one
5 person to another. So it's all -- directions are on the front
6 of the evidence on the BEST kit.

7 Q: And let me ask you this. Are those directions numbered?

8 A: Yes, they are.

9 Q: Which number says that you need to seal the BEST kit with
10 the red tape on the outside? On this red tape, which number
11 says that you need to do this?

12 A: There's not one because the evidence -- the BEST kit bag
13 itself is the evidence bag. You don't -- there's no need to
14 seal the outside. If you seal the outside of the envelope,
15 you cannot get to the paperwork.

16 Q: So it -- it doesn't need to be sealed?

17 A: No, it does not.

18 Q: And this is your 60th time testifying; is that correct?

19 A: Correct.

20 Q: And in your expertise as a drug analyst, is there any
21 relevance to the manila envelope?

22 A: No.

23 Q: What is the purpose of the manila envelope? Is it simply
24 for transport?

25 A: Simply for transport so it's not visible for everybody to

1 see what's being transported.

2 Q: All right. I'm going to show you what's in evidence
3 already as State's Exhibit 6. Do you recognize this?

4 A: Yes, I do.

5 Q: And what is this?

6 A: This is the chain of custody that would've been in the
7 BEST kit when it was delivered to me.

8 Q: Okay. Do you see your name?

9 A: Yes, I do.

10 Q: Did you sign for this?

11 A: Yes, I did.

12 Q: What's the control number?

13 A: The control number is B331335.

14 Q: Is there a notary spot next to your name?

15 A: Yes, there is.

16 Q: Did you get your signature notarized?

17 A: No, I did not.

18 Q: Why not?

19 A: Because I'm going to be in court testifying to my
20 signature. Originally, notaries were notarizing -- well, we
21 had B&C forms originally with the BEST kits. There was an
22 idea that if we had all our signatures notarized, it would
23 keep us out of court. We had to come and testify anyway, so
24 it wasn't relevant in the end. I think -- for the most part,
25 I think everybody has taken that off of their chain of

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1 custodies now.

2 Q: So you said the forms used today don't even have notary
3 spots?

4 A: No, they do not.

5 Q: And that's because, as you testified, the reason for the
6 notary was to keep you from having to come and testify?

7 A: Correct.

8 Q: And this is your 60th case that you've testified in?

9 A: Yeah. Well, this right here will be my 60th.

10 Q: Correct. As an expert?

11 A: Correct.

12 Q: Have you ever gotten your signature notarized ever?

13 A: In the -- in the beginning when we had B&C forms, yes,
14 and then that's -- I guess it's been about probably --
15 probably about 13 or 14 years ago we started getting away from
16 that.

17 Q: So you said 13 or 14 years y'all stopped using it?

18 A: Yes, because it was a lot of form. It was hard to find
19 notaries at the time, and it wasn't needed because we were
20 going to be in court to testify to our signature anyways.

21 Q: Okay. And is this BEST kit with State's Exhibit -- been
22 pre-marked for identification as State's Exhibit 8, is that
23 consistent with the chain of custody form as far as the
24 control number is concerned?

25 A: Yes, it is.

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1 Q: And again, that form from the Lake City Police Department
2 is found within the sealed BEST kit; correct?

3 A: On the --

4 Q: This blue bag here?

5 A: This blue bag? This blue bag would've been in the
6 envelope. The chain of custody would've been in the manila
7 envelope along with this bag but not sealed inside of it.

8 Q: Right.

9 A: Because you have to be able to transfer it over.

10 Q: And this blue bag inside of your sealed BEST kit is what
11 you received from Lake City?

12 A: Yes.

13 Q: And it was in a tamperproof seal; correct?

14 A: Tamper-evident seal so you can tell if the bag has been
15 tampered with or tried to open. The seal on top where
16 everything goes through is like a banker seal. It's a glue.
17 You -- once you -- once it's glued, you can't pull it off
18 without tearing up the bag.

19 Q: And so you would be able to tell?

20 A: Yes.

21 Q: Okay. Very good. Let me ask you this. If evidence came
22 to you and you perceived that it had been tampered with, what
23 would you do with it?

24 A: If the evidence had been tampered with or I perceived it
25 had or had questions about it, it would not be tested.

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1 Q: Why not?

2 A: Because it would be tainted. We couldn't write -- we
3 could not write an accurate report on it. We couldn't say
4 that it wasn't tampered with.

5 Q: Is that because the integrity --

6 A: Of the evidence.

7 Q: -- is important?

8 A: Yes.

9 Q: And that's paramount?

10 A: Yes.

11 Q: Let me ask you and show you some of these exhibits the
12 defense showed to Kimberly Scott and Jamie McLane yesterday.
13 Do you recognize these? This is State's -- or excuse me --
14 Defendant's Exhibits 3 and 4.

15 A: Yes.

16 Q: What are these?

17 A: These are -- once they were to bring the BEST kit, we
18 would get all the information, basically log it into a system
19 so we can -- and what this details is all the description of
20 the evidence itself that was turned in, basically a brief
21 description, case numbers, names, dates.

22 Q: Is that a chain of custody form?

23 A: No, it's not.

24 Q: Did you produce that form?

25 A: Yes, I did.

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1 Q: Did you produce two of those forms, one for each officer?

2 A: At the time, yes, because they both come, and she was in
3 training and we were trying to teach her, but Jamie McLane is
4 the one who actually was in possession and signed the evidence
5 over. But they were both together, I guess, when they pulled
6 it, and they both wanted one at that point in time.

7 Q: And that's because Kimberly was in training?

8 A: Yes.

9 Q: Let me again show you State's Exhibit 6. Is this a fair
10 and accurate depiction of the chain of custody form that you
11 signed? Or excuse me. I'm sorry. State's Exhibit 8. You
12 said this was sealed when you received it?

13 A: Yes. It was sealed. In fact, when I do it, I always
14 write on the top where they -- where it's actually sealed the
15 seal was intact, date it, and initial it.

16 Q: All right. And I'm going to show you what's been pre-
17 marked for identification as State's Exhibit 7. Did you
18 prepare a report in this case?

19 A: Yes, I did.

20 Q: Did you do that after analyzing the drugs? Did you do
21 this -- did you prepare your report after analyzing --

22 A: Yes, I did.

23 Q: -- what was provided you?

24 A: Yes, I did.

25 Q: Do you recognize what's in front of you?

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1 A: Yes, I do.

2 Q: And what is that?

3 A: This is a -- would've been a report that I actually wrote
4 for this particular BEST kit.

5 Q: And is there a number associated on your report
6 consistent with the BEST kit here?

7 A: Yes, there is. It's B331335.

8 Q: And that's the control number?

9 A: That is the control number.

10 Q: And that's the same number from the chain of custody
11 form?

12 A: Yes, it is.

13 Q: Through your expertise, were the drugs described in the
14 chain of custody form consistent with the drugs that you
15 tested?

16 A: Yes, they were.

17 MR. FREEMAN: Your Honor, at this time, the State would
18 move to introduce State's Exhibit 8, which is the BEST kit,
19 into evidence.

20 THE COURT: Any objections?

21 MR. EDGEWORTH: No objection.

22 THE COURT: All right. 8 is in evidence without
23 objection.

24 (WHEREUPON, State's Exhibit Number 8, BEST kit, was
25 admitted into evidence.)

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1 BY MR. FREEMAN:

2 Q: Okay. Pursuant to your analysis, can you tell us -- the
3 jury a little bit about how you test the drugs? How does that
4 work exactly?

5 A: Once the -- we go into -- for testing, we check to make
6 sure the seal is intact, go through that first, and then we go
7 open the bag. We inventory the bag to make sure it matches
8 the description of the evidence. If it doesn't, we stop
9 there. From there, whether we'll do -- in this particular
10 case, we did a chemical test, which is a spot test. It kind
11 of gives us an idea what we're looking at. A microscopic test
12 was also done, and then instrumentation where we use GC mass
13 spec to identify the compound.

14 Q: And is this report in front of you a fair and accurate
15 depiction of the report that you made in this case?

16 A: Yes, it is.

17 MR. FREEMAN: Your Honor, at this time, the State would
18 move to introduce State's Exhibit 7 into evidence.

19 THE COURT: Any objections?

20 MR. EDGEWORTH: Can I look at it real quick?

21 THE COURT: Yeah.

22 MR. EDGEWORTH: No objection, Judge.

23 THE COURT: All right. 7 is in evidence without
24 objection.

25 (WHEREUPON, State's Exhibit Number 7, drug analysis

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1 report, was admitted into evidence.)

2 BY MR. FREEMAN

3 Q: All right. I'm going to hand you back State's Exhibit 7.

4 Can you read off --

5 MR. FREEMAN: Actually, can we get the Elmo working? I'm
6 going to put this on the screen for the jury.

7 Permission to publish, Your Honor?

8 THE COURT: Sure.

9 BY MR. FREEMAN:

10 Q: Can you see that well, Lieutenant Hansen?

11 A: Yes, I can.

12 Q: All right. Let's go over your report. Can you tell this
13 jury what you found inside the BEST kit when it was delivered
14 to you?

15 A: Once it was opened, Item Number 1 was a plastic bag
16 containing plant material, Item Number 2 was a trolley
17 cannabis package containing gummies, Item Number 3 was a
18 trolley cannabis package containing gummies, and Item Number 4
19 was a Ziploc bag containing a black plastic bag containing 91
20 multicolored, multi-shaped homemade tablets.

21 Q: And you tested and analyzed those items; correct?

22 A: Correct.

23 Q: And the results of those analyses are below; correct?

24 A: Yes.

25 Q: Let's go over the results, shall we? Item 1, what did

MITCHELL HANSEN - DIRECT BY MR. FREEMAN

1 you find in the plastic bag containing the plant material?

2 A: Marijuana was found, 146 grams, 5.5 ounces.

3 Q: How many grams?

4 A: 146.

5 Q: I'm going to try to put this chain of custody right next
6 to it, if possible. John Stewart, in his chain of custody,
7 said there was a bag with 158 grams of a green plant-like
8 substance. Is your report consistent this material being
9 submitted to you?

10 A: Yes. Once the -- when we test, we remove the items from
11 packaging. So we're only testing the actual suspected drugs,
12 not the packaging itself. When they weighed it, they probably
13 would've had the packaging around it, which would have gave it
14 a little extra weight.

15 Q: All right. And can we go over Item Number 4? What was
16 in the Ziploc bag containing a black plastic bag or what was
17 in the -- what were your results for the Ziploc bag containing
18 a black plastic bag containing 91 multicolored, multi-shaped
19 homemade tablets?

20 A: Methamphetamine was found, 91 tablets with 30.73 grams.

21 Q: And is that above the trafficking level threshold here in
22 South Carolina?

23 A: I think so.

24 Q: And is -- was your findings consistent with the chain of
25 custody as far as the -- the funny-colored pills?

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1 A: Yes. I wouldn't -- I wouldn't have had any question
2 about that.

3 Q: It's all consistent; correct?

4 A: Yes.

5 Q: When you got the BEST kit from Lake City, you received it
6 from Jamie McLane and Kimberly Scott; correct?

7 A: Correct.

8 Q: In a sealed BEST kit?

9 A: Correct.

10 MR. FREEMAN: I beg the Court's indulgence.

11 Thank you, Lieutenant Hansen. No further questions.

12 THE COURT: All right. Cross?

13 MR. EDGEWORTH: Yes, sir. Thank you, Judge.

14 CROSS-EXAMINATION

15 BY MR. EDGEWORTH:

16 Q: Good morning, Mr. Hansen. You gave me a lot more to talk
17 about. First off, so it's your testimony that these bags
18 serve no purpose?

19 A: No. They're just an outer cover for the actual BEST kit
20 bag itself, which would be this bag right here.

21 Q: Right. Then what do you need it for?

22 A: Easy for -- it's just preference for -- like for me for
23 lab in storing evidence. I can look at the -- it's easier to
24 see an envelope than it is to see the bags and try to find
25 them.

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1 Q: Well, you agree with me you ain't even the one who puts
2 it in there to begin with; right?

3 A: I --

4 Q: Law enforcement put it in this bag?

5 A: I actually repackaged in that bag.

6 Q: We'll get to that, but initially this thing came to you
7 in a manila folder; correct?

8 A: It came to me in a manila folder with the BEST kit bag.

9 Q: Uh-huh.

10 A: Which is the evidence bag.

11 Q: Uh-huh.

12 A: Along with a request form and a chain of custody.

13 Q: Yeah. I got all that. So -- but I'm asking you simply
14 when you get -- you got this stuff in this case from the Lake
15 City Police Department, it came in an opened manila bag;
16 correct? The BEST kit came in an opened manila folder?

17 A: Yes. Because you would have to be able to get to it to
18 get to the chain of custody and the request form.

19 Q: Well, you can get to it by opening it, but it was open
20 already; correct?

21 A: Yes.

22 Q: Yes. There we go. All right. Now, so then even more
23 inexplicably, you actually change the manila bags when you
24 gave it back to the Lake City Police Department; right?

25 A: Yes. Because we put our paperwork in the envelope

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1 itself. It has been a practice even SLED has followed for
2 years.

3 Q: Uh-huh. Well, you agree with me that you could put that
4 in there and then seal it back up and give it to Lake City;
5 correct? You could do that?

6 A: The evidence is actually in this evidence bag, not this.
7 This manila envelope does not secure the evidence. The
8 evidence is in this -- this evidence bag right here.

9 Q: Well, that's your testimony. We'll get to why that's not
10 accurate, but you're saying -- I'm asking you that when you
11 took the bag that this came in and when you gave it back to
12 Lake City, it was in a different manila bag; correct?

13 A: I'm not following you.

14 Q: Okay. You testified -- and if I'm wrong, please correct
15 me -- that when you received the manila folder from -- the
16 opened manila folder from Lake City with the BEST bag in it
17 and you pulled the BEST bag out --

18 A: Yes.

19 Q: -- and tested it, then you put the BEST bag in a
20 different manila folder; is that correct?

21 A: Yes, because the original was repurposed at that point in
22 time.

23 Q: Yeah. Again, the honest truth there. So now I'm
24 learning that -- so in your capacity or -- and you're with the
25 Florence County Sheriff's Office; correct?

MITCHELL HANSEN - CROSS BY MR. EDGEWORTH

1 A: Correct.

2 Q: Okay. You have repurposed something that contains
3 potential evidence, and you do that as a practice?

4 A: It doesn't contain -- the evidence is in the BEST kit
5 bag, which is sealed here. This is just a container to hold
6 everything together is all.

7 Q: Okay. Well, you're -- this is -- this is a distinction
8 that doesn't really fly here. I understand this has evidence
9 in it too, but you agree with me that that's evidence; right?

10 A: Yes. It's sealed in the evidence bag.

11 Q: Okay. And that evidence goes in another bag; correct?

12 A: The BEST kit was developed for -- for -- to contain
13 everything, but the evidence bag is what holds the evidence.

14 Q: Okay. When you open this bag, you put your hand into it
15 to bring the BEST bag out?

16 A: Yes. We pull --

17 Q: Or do you don't?

18 A: We pull everything out.

19 Q: Okay. You pull it out. So you're putting your hands in
20 a bag that's supposed to contain evidence, yet we don't seal
21 it back up when we're done with it; is that correct?

22 A: When you're saying it contains -- there's a -- the manila
23 envelope does not contain loose evidence. It contains an
24 evidence bag, along with the chain of custody and evidence
25 forms.

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1 Q: Okay. Well, I feel -- that's still thinking negative
2 thinking, but we'll move on. I think the jury gets the point.
3 So you testified that when you get this BEST bag, having taken
4 it out of the open manila folder, that you open it; correct?

5 A: When I -- I'm not following you. The --

6 Q: Okay. I'll ask again. You testified that you take this
7 BEST bag out of the opened manila folder, pre-opened manila
8 folder, and then you have to open the BEST bag in order to get
9 to the potential evidence; correct?

10 A: Correct.

11 Q: Okay. And then you -- after you're done doing what you
12 do and the computer does its thing and all that, you put the
13 potential evidence back in the BEST bag and seal it up?

14 A: No. The BEST bag is placed in a heat-sealable bag. All
15 the evidence is repackaged, because it's been tested, and
16 placed in and resealed by the -- by the chemist.

17 Q: Yeah. That's what I just said. You put it back in
18 there; right?

19 A: Not back in the original BEST kit bag because it has been
20 opened.

21 Q: Okay. So now we have a different bag?

22 A: Correct. Because it's been -- it's been tested and
23 repackaged.

24 Q: Okay. Well, you tell -- I believe you testified earlier
25 that you put it back in the same bag with the label on it, did

1 you not?

2 A: No. I testified it's repackaged, and I sealed it and my
3 initials are on the inside of the bag where it's sealed and
4 dated and my initials.

5 Q: Okay. And then -- so is this bag with stuff in it
6 different than the one that it came to you in?

7 A: Everything that came to me is in that outer bag right
8 there, that bag that you're holding.

9 Q: My question to you again is, is this bag that has stuff
10 in it the same one that came to you with that stuff in it?

11 A: No. What came to me is this evidence bag right here.

12 Q: Okay. So it's -- everything has now been put in a fourth
13 different bag; correct?

14 A: Fourth?

15 Q: Right. So we got one --

16 MR. FREEMAN: Objection. He's arguing with the witness
17 and mischaracterizing his testimony.

18 THE COURT: I understand.

19 MR. FREEMAN: He's been pretty clear.

20 THE COURT: It's cross-examination.

21 MR. EDGEWORTH: Thank you, Judge.

22 BY MR. EDGEWORTH:

23 Q: Okay. So we have this one -- right? -- that it came in
24 originally; right? One?

25 A: No. It originally came in -- well, it came in this --

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1 this manila envelope was repurposed for paperwork.

2 A: Right. That's what I'm saying. My apologies. You're
3 right. That was the first one. So one, and then y'all reused
4 it for something else, and then it was in this bag and you
5 took it out and put it back in another bag. So that's three,
6 and then -- then it came back to Lake City with that bag that
7 had been changed into this bag that was left open; correct?

8 A: It was -- yes, because this bag is sealed.

9 Q: Gotcha. Okay. So you -- you would then agree with me
10 that we don't really know what happened to all this stuff from
11 that time that it got to the Lake City Police Department and
12 left sitting there four months before it came to you in an
13 open manila bag?

14 A: No. The only thing I can testify to is that it was
15 sealed when I received it.

16 Q: Okay. I gotcha, and we don't really know, you know, what
17 was done and who sealed it at that time before it came to you
18 because it touched several people's hands; correct?

19 A: I have -- I can't testify to what they did.

20 Q: You don't know; correct?

21 A: I can't testify to anything they did. I don't know.

22 Q: Okay. That's what I mean. All right. So -- now, you
23 opened these numerous bags and repurposed them, and you
24 provided a report after the computer did its test, and --
25 because this is a computer doing the test; right? Y'all don't

1 sit there and --

2 A: Well, we program the computer to run the test.

3 Q: Right. You're not sitting there like they see in old
4 school where they're taking a beaker and doing this and
5 dropping stuff in there, and then magically it tells you what
6 stuff is in there; right? It's a computer analysis?

7 A: Well, it's instrumentation.

8 Q: Right. Gotcha. Okay. So this document that's now been
9 submitted into evidence somewhere, State's Exhibit 7, it lists
10 -- you agree with me it lists four items, Item, 1, 2, 3, and
11 4?

12 A: Correct.

13 Q: And then purportedly corresponding results to those
14 items?

15 A: Correct.

16 Q: Okay. And you reviewed this document and this is --
17 you've sworn under oath that this is a document that relates
18 to this case; correct?

19 A: Correct.

20 Q: Okay. Now, attached to your document in the back is this
21 other form, and this is part of your report; correct?

22 A: Correct.

23 Q: Okay. Now, can you tell me on this document who is
24 listed -- and you -- you wrote this document; correct?

25 A: Yes. Everything was being typed in when it was being

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1 logged in at that point in time before it was tested.

2 Q: Before it was tested?

3 A: Before it was tested.

4 Q: Okay. But you identified the items in order to test
5 them; correct?

6 A: Well, we go by what is listed that is on the chain of
7 custody. We can't identify it until we actually open it up
8 and look.

9 Q: Right. Okay. Gotcha. So -- but you put this
10 information on this document; correct?

11 A: Yes.

12 Q: Okay. Who did you list as the investigating officer on
13 this?

14 A: At the time, John Stewart, because his name was on the --
15 first name on the chain of custody.

16 Q: Gotcha. Yeah. Okay. And you list the items. How many
17 items do you list?

18 A: I listed three because it's a generalized description.

19 Q: Okay. So -- so you didn't think it was important to be
20 very specific on the number of items that were presented to
21 you for testing?

22 A: It's hard to be that specific until you open it up and
23 see what's in the BEST kit. At that point in time, we had
24 not.

25 Q: Okay. All right. So you listed Item Number 1 as plant

MITCHELL HANSEN - CROSS BY MR. EDGEWORTH

1 material; correct?

2 A: Correct.

3 Q: Item Number 2 as pills?

4 A: Correct.

5 Q: Okay. And Item number 3 as candy?

6 A: Correct.

7 Q: Okay. And you would agree with me that in your report
8 you actually list four items?

9 A: Correct.

10 Q: Okay. Now, are you -- well, I think we've already gotten
11 this. All right. So I'm going to show you what has been
12 marked as Defendant's Exhibit Number 4 for identification and
13 ask you if -- if you're familiar with that document?

14 A: Yes.

15 Q: Okay. And you would agree with me that that document is
16 the same as the document that's attached to your official
17 report?

18 A: Correct.

19 Q: Okay. And it's a fair and accurate description of what's
20 contained therein?

21 A: Yeah, at that time.

22 Q: Okay. And -- all right.

23 MR. EDGEWORTH: The State -- or the defense moves Exhibit
24 4 into evidence, Judge.

25 THE COURT: Any objections?

MITCHELL HANSEN - CROSS BY MR. EDGEWORTH

1 MR. FREEMAN: No objection, Your Honor.

2 THE COURT: All right. Defense 4 is in evidence without
3 objection.

4 (WHEREUPON, Defendant's Exhibit Number 4, chain of
5 custody, was admitted into evidence.)

6 MR. EDGEWORTH: Okay.

7 BY MR. EDGEWORTH:

8 Q: Now, I'm going to show you what's been marked as
9 Defendant's Exhibit Number 3 for identification and ask you if
10 you recognize that?

11 A: Yes, I do.

12 Q: And is that a document that you produced?

13 A: Yes.

14 Q: Okay. And is -- and when in time would you -- okay.
15 Well, first off, is it a fair and accurate description of the
16 things that you wrote on there at the time that you wrote it?

17 A: Yes.

18 Q: Okay.

19 MR. EDGEWORTH: The defense moves Number -- Defendant's
20 Exhibit 3 into evidence.

21 THE COURT: Any objections?

22 MR. FREEMAN: No objection.

23 THE COURT: Defense 3 is in evidence without objection.

24 (WHEREUPON, Defendant's Exhibit Number 3, chain of
25 custody, was admitted into evidence.)

MITCHELL HANSEN - CROSS BY MR. EDGEWORTH

1 MR. EDGEWORTH: Thank you.

2 BY MR. EDGEWORTH:

3 Q: And I'm going to let you take a look at that. Okay.

4 Now, on this document, you would agree that it is --
5 obviously, you produced it; correct?

6 A: Correct.

7 Q: Okay. And on this document, you list the investigating
8 officer as who?

9 A: Jamie Lane [sic] at the time because we -- I think there
10 was just a little confusion at the time of who to list. I
11 think it was just a typo.

12 Q: Okay. So there was some confusion as to what
13 documentation you should put on this official document?

14 A: Well, she was the one that was -- had brought the --
15 brought it to us, and ...

16 Q: Okay. Well, on -- on your official report, you indicate
17 on this one that -- that it was received from Ms. McLane;
18 correct?

19 A: Correct.

20 Q: Okay. On that document, who do you indicate that you
21 received it?

22 A: Kimberly Scott, who was with Ms. McLane on her training.

23 Q: Okay. And this document was prepared, if you recall,
24 when?

25 A: After -- it would've been about the same time.

MITCHELL HANSEN - CROSS BY MR. EDGEWORTH

1 Q: Okay. So this document was not prepared following your
2 procedures, at the end of you conducting your test?

3 A: No.

4 Q: Okay. Then why do we have two documents?

5 A: Because they both were there, and she was in training at
6 the time and we were trying to teach her.

7 Q: Okay. And if that were true, why is that document not
8 attached to your official report marked as State Exhibit 7?

9 A: Because Jamie Lane was the one who actually submitted it
10 on evidence form to us.

11 Q: Okay. So you didn't feel it appropriate to have all your
12 official documents attached to your official report from the
13 Florence County Sheriff's Office concerning this particular
14 case?

15 A: Well, there's only -- there's only -- it only allows you
16 to put one name.

17 Q: Well, there's two documents there. You didn't add that
18 to this?

19 A: Right. But it was for training purposes --

20 Q: Okay.

21 A: -- at that point in time.

22 Q: So is there a policy that says that you do not attach all
23 the official documents to your official report if someone's a
24 trainee?

25 A: At that point in time, we -- I didn't realize that --

MITCHELL HANSEN - CROSS BY MR. EDGEWORTH

1 that this document was still out there. I thought it was
2 gone.

3 Q: Okay. Well, is it the Florence County Sheriff's Office's
4 policy to discard and destroy evidentiary documents --

5 A: No, we do not.

6 Q: -- if they don't think it matters?

7 A: We do not. In fact, there's a --

8 Q: Well, you just said y'all were going to -- you thought it
9 was gone?

10 A: No, I thought -- I didn't know it was -- when we were
11 doing it, it was just training trying to show her --

12 Q: Okay.

13 A: -- at this point in time because Jamie Lane and Kimberly
14 Scott were together.

15 Q: Okay. Well, then let's go over this document too. So in
16 this particular document, again, you agree that you identify
17 Item Number 1 as plant material?

18 A: Correct.

19 Q: Okay. Number 2 is pills?

20 A: Correct.

21 Q: And Item Number 3 is candy?

22 A: Correct.

23 Q: Okay. Tell me what it says on your official report as to
24 what Item Number 2 is?

25 A: The item -- Item Number 2 is a troll cannabis package

MITCHELL HANSEN - CROSS BY MR. EDGEWORTH

1 containing gummies.

2 Q: And you agree with me that Item Number 2 on the intake
3 says that it's pills?

4 A: We do not follow their exact numbering system when we go
5 to test.

6 Q: So you do not follow --

7 A: We have our -- when we -- we choose -- we choose what
8 items to test at that point in time. We don't follow -- my
9 item numbers do not correspond with -- with Lake City's item
10 numbers because we -- when we open it up, we -- we -- as we
11 test it, we give it item numbers.

12 Q: Okay. So you -- when you receive what's purported to be
13 evidence from law enforcement, you have the freedom to change
14 numbers and item numbers so that you can test it in whatever
15 fashion you deem fit?

16 A: Well, their item numbers is just a description of their
17 items at that point in time. We don't follow theirs because
18 it could break down into further items.

19 Q: Okay. Well -- and, well, show me the document then where
20 you took your information, because you testified that you
21 prepared both of these documents at the beginning. Where is
22 the document, the official document, that shows another one of
23 these at the end where you renumbered the items?

24 A: Well, this is preliminary. This is before testing.
25 After testing, it's the actual report.

MITCHELL HANSEN - CROSS BY MR. EDGEWORTH

1 Q: Okay. Well, if you have the authority to change the
2 numbers from the Lake City Police Department, don't you think
3 it's appropriate to have another document that re-identifies
4 what it is that you're testing?

5 A: Well, the report is going to identify what we're -- what
6 we're testing.

7 Q: Well, we don't know that, sir, because we don't have
8 another document that identifies. We only have what you said
9 it says to go by.

10 All right. You also said another thing that struck me is
11 that -- so for 13 to 14 years, it's been decided to not use
12 notaries because you believe that it was unnecessary because
13 you had to come to court anyways; correct?

14 A: That is the -- that is what -- how it was explained to
15 me.

16 Q: Okay. When did you receive that explanation? Who told
17 you that?

18 A: From other chemists at other labs, from SLED.

19 Q: Did you learn that recently or you've know that for a
20 long time?

21 A: When I came to Florence County, they were not using
22 notaries then.

23 Q: Okay. All right. And how long have you been in Florence
24 County?

25 A: Roughly 14 years.

MITCHELL HANSEN - CROSS BY MR. EDGEWORTH

1 Q: Okay. So 13 to 14 years, the whole time we've been
2 talking about. Okay. So in 13 to 14 years, you have decided
3 that it was unnecessary to use a notary to determine that
4 someone witnessed a signature, but yet in those 13 to 14
5 years, you've decided that it was unnecessary to change what
6 the document looks like?

7 A: Well, I -- because the report is the official report
8 stating everything that was found and the description of it.

9 Q: Sir, I'm talking about this document that what you're
10 calling the chain of physical custody that's listed as part of
11 your official report where you testified that it was
12 unnecessary to have someone notarize signatures along the way
13 for everyone that touched this, that it has not been changed
14 in 13 to 14 years since y'all quit getting notaries?

15 A: That is actually SLED's, and that's an older BEST kit. I
16 think recently they have taken theirs off.

17 Q: Okay. So is it possible then that this BEST kit that
18 we're operating off of is 13 to 14 years old?

19 A: I'm not sure how old. I know departments have older --
20 older BEST kits laying around, and they will use them.

21 Q: Oh, okay.

22 A: We actually use --

23 Q: So they are really old containers out there that we use
24 to put potential evidence in because we don't give a --

25 A: I'm not sure. I'm not Lake City. I cannot --

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1 Q: Okay.

2 A: -- say what they've done.

3 Q: Gotcha. All right. Let me make sure I'm not taking any
4 of the State's -- the Court's evidence. Oh, he's got it. I'
5 was making sure I didn't take it.

6 All right. Lastly then --

7 MR. EDGEWORTH: You know what? I think I have -- thank
8 you, Judge. I have no further questions.

9 THE COURT: All right. Any redirect?

10 MR. FREEMAN: Yes, Your Honor, briefly.

11 REDIRECT EXAMINATION

12 BY MR. FREEMAN:

13 Q: Is there anything you'd like to clear up from the prior
14 testimony regarding the four different bags? Are there four
15 bags?

16 A: No. There is one evidence bag that everything went in.
17 That is the BEST kit bag here.

18 Q: So there's one bag?

19 A: That is the evidence bag itself that contains all the
20 evidence.

21 Q: And all of the drugs are sealed inside of this bag when
22 you received it?

23 A: Correct.

24 Q: And the envelope you received it in, you keep?

25 A: Correct.

MITCHELL HANSEN - REDIRECT BY MR. FREEMAN

1 Q: For your own records?

2 A: Correct.

3 Q: There's no importance to the envelope?

4 A: No, there's not.

5 Q: In fact, that envelope has directions on how to package
6 the BEST kit; correct?

7 A: Correct, for when they initially fill it out.

8 Q: All right. This envelope -- excuse me. The envelope
9 that you submitted your sealed BEST kit in to this manila
10 envelope, State's Exhibit 8, you returned back to Lake City?

11 A: Correct.

12 Q: Correct?

13 A: Correct.

14 Q: Okay. And State's Exhibit 7 is a fair and accurate
15 depiction that's in evidence? It's an official copy of your
16 report?

17 A: Correct.

18 Q: Page 3 is what you were just being questioned on. It
19 says the name of the investigating officer is who?

20 A: John Stewart.

21 Q: And this is your official report?

22 A: Correct.

23 Q: Who is this received from?

24 A: This is received from Jamie McLane.

25 Q: Is that consistent with the chain of custody?

MITCHELL HANSEN - REDIRECT BY MR. FREEMAN

1 A: Yes, it is.

2 Q: Did you have her name in your official report because she
3 is who submitted the drugs to you?

4 A: Correct.

5 Q: I am going to show you --

6 MR. EDGEWORTH: Your Honor, I would ask that since he's
7 got some expansive redirect that we limit the -- the --

8 THE COURT: He's responding to everything you said, and
9 I'll let you come after him.

10 MR. EDGEWORTH: Yes, sir. I'm sorry. I should have just
11 done a -- he's leading. So I'd ask --

12 THE COURT: I gotcha. Sustained on that.

13 MR. FREEMAN: Yes, Your Honor.

14 BY MR. FREEMAN:

15 Q: I'm going to show you Defendant's Exhibit 3 that's into
16 evidence. What was your -- who was the officer received from
17 on this report on this paper?

18 A: On this, it would've been Jamie McLane.

19 Q: I'm sorry. Who is the name at the -- at the bottom?

20 A: Kimberly Scott.

21 Q: Why did you create this document?

22 A: Basically for teaching purposes for Kimberly Scott.

23 Q: Would this be part of your official report?

24 A: No, it would not.

25 Q: Why?

MITCHELL HANSEN - REDIRECT BY MR. FREEMAN

1 A: Because this really was for training purposes, and it was
2 merely a description of the same evidence as this. The actual
3 -- the actual chain is Jamie McLane, and the investigating
4 officer was John Stewart at the time.

5 Q: And this is your 60th time today testifying as an expert?

6 A: Yes, it is.

7 Q: How many -- tell this jury about how many different drugs
8 you think you've tested in your 14 years?

9 A: How many different or how --

10 Q: Well, how many different cases of drugs have you tested
11 would your guesstimate?

12 A: Over 10,000.

13 Q: Do you know this defendant?

14 A: No, I do not.

15 Q: Do you have any reason to do any funny business --

16 A: No, I do not.

17 Q: -- with the drugs associated with his case?

18 A: No, I do not.

19 Q: Have you ever seen him before this trial?

20 A: No, I have not.

21 Q: As the chemical analyst, do you have discretion in how
22 you test the drugs that you are testing?

23 A: Yes, I do.

24 Q: What does a notary indicate?

25 A: A notary indicates that that is the person's signature

1 that is signing the paper.

2 Q: And so in the absence of a notary, what would you need --

3 A: You would have to testify.

4 Q: -- to prove that that's someone's signature?

5 A: You would have to -- that person who signed it would have
6 to testify.

7 Q: And you've been in this trial the whole time?

8 A: Yes, I have.

9 Q: Has everybody on the chain testified apart from John
10 Stewart?

11 A: I believe they have.

12 Q: We didn't need a notary, did we?

13 A: No, we did not.

14 MR. FREEMAN: No further questions.

15 THE COURT: Recross?

16 MR. EDGEWORTH: No, sir.

17 THE COURT: All right. You may step down. Thank you.

18 All right. If you'll call your next witness.

19 MR. FREEMAN: Your Honor, may we approach the bench?

20 THE COURT: Uh-huh.

21 MR. FREEMAN: Your Honor, the State would ask to --

22 THE COURT: Any objections?

23 MR. FREEMAN: -- release --

24 MR. EDGEWORTH: No, sir.

25 THE COURT: He can go.

1 MR. FREEMAN: Thank you, sir.

2 (WHEREUPON, a bench conference was held as follows.)

3 THE COURT: What you got?

4 MR. FREEMAN: I -- I believe Your Honor's ruling was that
5 the State -- I believe Your Honor's ruling earlier in the
6 trial was that the State needed to put the stipulation on the
7 record about the --

8 THE COURT: We did.

9 MR. FREEMAN: Okay.

10 THE COURT: Isn't that right?

11 MR. EDGEWORTH: Yeah, you're right.

12 MR. FREEMAN: Okay. I just wanted to confirm that with
13 you. Okay. Very good. Thank you.

14 (WHEREUPON, the bench conference ended, and the
15 proceedings resumed as follows.)

16 THE COURT: Next witness?

17 MR. FREEMAN: Your Honor, at this time, the State rests.

18 THE COURT: All right. Members of the jury, I have to
19 take up some motions with the lawyers. If you would, step
20 into the jury room, and I'll be back with you in just a
21 moment.

22 (WHEREUPON, the jury exited the courtroom at 10:36 a.m.)

23 THE COURT: All right. Any motions?

24 MR. EDGEWORTH: Yes, sir. Thank you, Judge. May it
25 please the Court.

1 First, Your Honor, I'd like to renew my motion as it
2 relates to the suppression of the drugs in this case. And
3 again, just kind of recapping some of the issues here, of
4 course, my client is afforded the protection under the Fourth
5 Amendment of the U.S. Constitution and Article 1, Section 10,
6 of the South Carolina State Constitution.

7 In this particular case, the facts that bore out in the
8 testimony revealed that -- that my client was stopped due to a
9 -- due to a purported outstanding warrant and a BOLO that was
10 submitted by the Lake City Police Department. He was removed
11 from the vehicle, arrested, and taken to the roadside away
12 from that vehicle, and then the -- this is where we kind of
13 get off kilter here. On one hand, the State indicated that
14 the search that -- that preceded the arrest and the detention
15 of my client was an inventory search, and then testimony
16 subsequently revealed from -- it was one of the officers on
17 the scene, Lieutenant Graham or Major Graham, was that it was
18 a search incident to arrest.

19 Well, Your Honor, first and foremost, there was
20 absolutely no evidence that this was a purported inventory
21 search. There's no inventory in and of itself. There was no
22 identification of anything taken from the vehicle. Testimony
23 from Graham was that those inventories typically involved a
24 list that was produced to the tow company and to -- because
25 the vehicle was going to be towed, for the purposes of

1 protecting law enforcement from claims that items were removed
2 from the vehicle.

3 Well, as the video and evidence showed, items were
4 removed from the vehicle, but they were not inventoried.
5 There were many other items that were touched, moved,
6 presented, some of which were photographed. None of those
7 photographs were entered into evidence or produced as part of
8 this trial. I haven't seen any in discovery, and that was
9 taken with what appeared to be on a cell phone. And so it
10 does not appear that there's any evidence that it was an
11 inventory search.

12 Secondly, the -- what I believed to be a backdoored
13 statement as to the search incident to arrest, well, Your
14 Honor, a search incident to arrest under the Constitution is
15 an arrest made in the first instance to secure property that
16 -- that would or could have been used in the commission of a
17 crime as that's related to the arrest itself.

18 In this particular example, they were pulling this guy
19 over because there was an outstanding warrant of which he was
20 unaware. As the video evidence shows, he pulled over. He
21 didn't abscond. He didn't run. He was communicative to -- to
22 law enforcement. The officer testified that he was compliant.
23 They removed him from the vehicle and set him on the side of
24 the road and commenced -- the other officer commenced a search
25 for the protection of those officers --

1 THE COURT: Uh-huh.

2 MR. EDGEWORTH: -- and they located the guns which they
3 believed that he acknowledged when he was pulled over. So the
4 testimony was also that they were safe and there was no reason
5 to -- to furtherance of anything related to officer safety.

6 So, secondly, then if there is evidence of a crime that
7 is -- that is in the plain sight of the search incident to
8 arrest, there still would have to be evidence that my client
9 would've been able to -- or the individual in the vehicle in
10 general, but in this case, my client would've been able to
11 destroy or discard evidence. Well, he was taken into custody
12 in the side of the road and was nowhere near the vehicle.

13 And so there was no opportunity to destroy and abscond.
14 In fact, as it relates to the gun itself, he told them as soon
15 as he got out of the car. So the, quote/unquote -- if you
16 want to even call it an exigent circumstance, which it was
17 not, they claimed it was a search incident to arrest, there
18 was no -- nothing to do in need and furtherance of that thing.

19 And the officer testified, yes, they could've gotten a
20 warrant, which is standard. You remove the vehicle, tow it to
21 the tow yard, get your warrant, and search your vehicle.

22 Thirdly, Your Honor, as it relates to a search incident
23 to arrest, one of the typical timelines that's identified by
24 case law is is that if the defendant, he himself and/or
25 others, if there were, like, co-defendants that were in the

1 car, well, if they had been removed from the car and removed
2 from the scene, then they obviously cannot destroy evidence.

3 The pills in this case were not found -- allegedly found
4 until after he had been removed and on his way to the
5 detention center. So it is just a blatant illegal search.
6 There was no reason not to just halt the thing. There was
7 nothing for safety. There was nothing that was going to
8 leave. They weren't going to not be able to find it.

9 All they had to do was tow it to the tow yard and get a
10 warrant, like is done in many other cases, and that wasn't
11 done here. It's an illegal search. My client was not on the
12 scene. There's nothing there.

13 And I would ask the Court to suppress the drugs on this
14 constitutional violation. I don't think it's anywhere close
15 to a legal search, and the evidence has borne that out. And
16 plus, we have -- and I understand, you know, we're sitting
17 here talking about two different -- or two different -- I
18 guess it is an allegation alleging the manner in which the
19 search took place, and to me that's obviously evidence that it
20 was a warrantless search, and I would ask the Court to
21 suppress the drugs -- suppress the pills because that's what
22 was found after my client was removed from the scene.

23 THE COURT: All right. Any response?

24 MR. FREEMAN: Thank you, Your Honor.

25 Your Honor, the Fourth Amendment protects citizens from

1 unreasonable searches and seizures, reasonableness being the
2 cornerstone of the Fourth Amendment. And normally, I would
3 agree that a warrant is required except when the search falls
4 -- which the State concedes this was a search incident to
5 arrest as Major Graham testified, and it wasn't a
6 constitutional violation at all because it falls within one of
7 the accepted exceptions to the warrant requirement. That's a
8 search incident to arrest.

9 There's testimony, as well as the video evidence, that
10 when the gun was found in the backseat, there was also an
11 amount of marijuana, Your Honor, in plain view, and that in
12 and of itself extends the scope of what you're searching for
13 because it went from looking for the guns at first to seeing
14 the drugs and knowing that there is -- or excuse me -- seeing
15 the drugs and that extending the scope of the search. It was
16 entirely constitutional.

17 And, Your Honor, I believe you've already ruled on this
18 matter. So I would just ask the Court to rule in the same
19 manner and deny the defendant's motion. It's the State's
20 position that this was a constitutional search and that a
21 continuation of the search after the defendant was out of the
22 car is irrelevant because the marijuana was found in plain
23 view in the backseat. Thank you.

24 THE COURT: All right.

25 MR. EDGEWORTH: Just very briefly, Judge, to point out

1 two distinctions here. First of all, the preliminary ruling
2 was based off of the allegation that it was an inventory
3 search, and then that changed via testimony. So I don't think
4 the Court's prior ruling -- it should at least be considered
5 in that regard outside of that context.

6 Secondly, Judge, as it relates to the argument about the
7 -- the drug that was found in plain view, well, Judge, that
8 kind of makes the point. Right? You do the search incident
9 to arrest to contain -- to make sure that nothing can be
10 destroyed or whatever as it relates to my client being on the
11 scene. I mean, that's what the search incident to arrest is,
12 to secure the officer safety and to make sure that no evidence
13 that's on scene is going to be destroyed or eliminated or
14 otherwise.

15 So when they see the plain sight marijuana, then that, if
16 anything, just simply gives them probable cause to get a
17 search warrant. It doesn't give them probable cause to go
18 rummaging around, not to mention the fact that, you know --
19 and we'll get -- that's, I guess, another argument, but at --
20 at minimum, all it does is give them probable cause to search
21 the remainder the vehicle once it's away, and my client was
22 not there. The search incident to arrest, as stated, the
23 warrantless search to arrest concludes once they -- they clear
24 my client from being able to destroy any evidence, and that --
25 that did not happen. He was gone, and then they found the

1 pills. That's why I'm focusing on the pills, Judge.

2 THE COURT: All right. Go ahead.

3 MR. FREEMAN: Your Honor, if you -- well, I would just
4 put one comment in response to that. I'm going to cite
5 *Coolidge v. New Hampshire*. It's a United State Supreme Court
6 from 1971 that says the Plain View Doctrine permitting the
7 seizure of evidence in plain view of police supplements the
8 prior justification for the presence, whether it be a warrant
9 for another object, hot pursuit, search incident to arrest, or
10 another legitimate reason for being unconnected with the
11 search directed at the accused. The extension of the original
12 justification is legitimate only where it is immediately
13 apparent to the police that they have evidence before them.

14 THE COURT: All right. And your next motion?

15 MR. EDGEWORTH: Okay. Yes, sir. On the next motion,
16 Judge, I'm asking the Court to consider suppressing the drugs
17 on the basis of an inadequate chain of custody.

18 So the Court has heard all this testimony as it relates
19 to the chain. Well, I do not see how we get where we are
20 without some at least significant concerns about where these
21 drugs came from.

22 So first of all, Your Honor, as we're talking about in
23 the prior argument as it relates to suppressing, we have an
24 officer who is rummaging through the vehicle. We do not know,
25 other than what the statement was in a statement, because we

1 weren't able to confront the officer due to his passing, when
2 and where he found it.

3 Now, I think there was testimony that there was some type
4 of giggle or whatever on there that might be consistent from
5 -- from Chief Miles that it was something that he would do
6 whenever he was locating items in a car, but the video does
7 not show the drugs. There's no picture of the drugs. There's
8 simply a notation that some documentation was submitted into
9 evidence and apparently sat for 3 to 4 months before anyone
10 looked at it, which in and of itself raises a concern because
11 the items as testified to were in an open bag. There -- and
12 it wasn't transmitted to the Florence County Sheriff's Office
13 until November, I believe, of 2021, approximately, you know, 4
14 or 5 months later.

15 The testimony was that there are -- and I believe -- I
16 don't know if you call it disingenuous, but there are multiple
17 documents in the record, Judge, that indicate individuals who
18 purportedly removed and transmitted or transferred these
19 items, but there are also other documents that are in the
20 record now that shows -- that shows other individuals
21 transmitting or touching these items that are not part of the
22 official report.

23 There's also the chain -- the purported chain of custody
24 from -- that's part of the official Florence County Sheriff's
25 Office drug analysis. It doesn't even demonstrate that the

1 items were returned to -- to the police department. So we
2 don't know when that took place.

3 I would also -- let's see. And by the way, Judge,
4 according to testimony, it was returned in a totally different
5 external bag, for lack of a description, because they
6 repurposed the prior packaging, which I find odd.

7 So, you know, they were talking about being able to
8 reasonably put together a chain of custody in the absence of
9 these individuals, but from the very beginning, we have
10 questions as to when these items were presented and how they
11 were presented because there's no other evidence of them
12 actually being confiscated. There's no picture that it was
13 confiscated. There was no -- there was no video evidence that
14 it was confiscated. It's not on that video. We see him
15 taking the bags out of the back of the car and putting them in
16 the back of his truck that had the counterfeit bags in them.

17 And, you know, I would ask the Court to consider my
18 motion that these drugs be suppressed on the basis of a very,
19 very faulty chain of custody.

20 THE COURT: All right. Any reply to that?

21 MR. FREEMAN: Your Honor, at this point in time, the
22 chain of custody is into evidence. The BEST kit is into
23 evidence, I believe over -- without objection. I believe
24 there's sufficient evidence in the record to convict.

25 The standard is if there's any evidence that leads

1 towards the elements of these crimes. Your Honor, there's
2 substantial evidence and video evidence. There's testimony
3 from the victim, as well as her sister, that this defendant
4 came to Brentwood Circle in Florence County and presented a
5 revolver.

6 They called the police. The police were notified and
7 were made to be on the lookout for this individual. They
8 ended up finding him, not to mention the police are informed
9 that he has drugs and guns in the car.

10 Furthermore, they find the defendant inside the vehicle.
11 They find two handguns that he's prohibited from carrying.
12 The State has -- or the State and the defense have stipulated
13 to the defendant's predicate criminal history. I believe
14 there is sufficient evidence establishing he was in possession
15 of the handguns, the marijuana that was tested and confirmed
16 to be marijuana by Mitchell Hansen that was found in the
17 backseat.

18 And, Your Honor, it's the same argument with the
19 methamphetamine. That was tested to be methamphetamine,
20 trafficking quantity. There was testimony from Ms. Green that
21 the defendant had shown her these pills in Atlanta. Your
22 Honor, it's the State's position that we have put enough
23 evidence and substantial evidence in the record for a jury to
24 convict.

25 THE COURT: All right. Any other motions?

1 MR. EDGEWORTH: Yes, Your Honor. For the record, I would
2 ask the Court to consider a directed verdict on the pointing
3 and presenting. The -- the video evidence that was produced
4 doesn't show any individual -- it shows an individual, but it
5 doesn't show an individual with a gun. It's not on the video
6 evidence.

7 And it certainly doesn't -- based on the testimony of the
8 -- of the witnesses, they allege that a gun was present. They
9 don't allege that the gun was pointed. In fact, the alleged
10 victim in this case testified that she was in the bottom of --
11 or in -- down inside the well of the backseat of the vehicle
12 hiding.

13 So, you know, while the Court may consider that to be
14 evidence for the jury to decide, I don't think it even
15 approaches anything related to sufficiency because it's --
16 it's clearly improbable that -- that my client could've
17 presented the gun to her if she's not even present. No one is
18 outside of the vehicle in the video. They're in a car. I'd
19 ask the Court to direct a verdict of not guilty on that.

20 THE court: Okay.

21 MR. EDGEWORTH: Secondly, Judge, as it relates to the
22 drugs, I would ask the Court to consider directing a verdict
23 based on the -- the prior arguments related to suppression.

24 THE COURT: All right.

25 MR. EDGEWORTH: And chain of custody. Thank you, Judge.

1 THE COURT: Any response?

2 MR. FREEMAN: The statute for pointing -- it's actually
3 pointing or presenting. There's testimony that the defendant
4 walked up to the car saying I know that bitch is in the car.
5 Ms. Green testified that she could see him through the window.
6 She observed the gun. She described the gun. Her sister
7 described the gun, and, lo and behold, they find the gun
8 consistent with their description. So we just again ask that
9 you deny the defense motion.

10 THE COURT: All right. Let's take a short break. I'll
11 come back and rule, and we'll go from there.

12 MR. EDGEWORTH: Thank you, Judge.

13 (WHEREUPON, there was a break in the proceedings from
14 10:54 a.m. until 11:22 a.m., after which the proceedings
15 resumed as follows.)

16 THE COURT: All right. In regard to the Fourth Amendment
17 motion to suppress, I'm going to deny same pursuant to *State*
18 *v. Brown*, South Carolina Supreme Court, as well as the United
19 States Supreme Court, *Arizona v. Gant*, as well as a lot of
20 other cases that are on point in that regard.

21 In regard to the chain of custody, the chain of custody
22 in this case has been subject to extensive direct examination
23 and cross-examination. I am satisfied with the chain of
24 custody. In that regard, any weaknesses in the chain have
25 been subject to your extensive cross-examination, and I think

1 that's good enough. The jury can figure it out therefrom.

2 In regard to the directed verdict on pointing and
3 presenting, we have lots of testimony and evidence to allow
4 that to go to the jury, as well as the DV on the drugs.

5 All right. Do you want me to go over your client's
6 rights to testify and remain silent if he wants?

7 MR. EDGEWORTH: Yeah, sure, Judge.

8 THE COURT: All right. I want you to understand that
9 this is your trial, and if you want to testify, you can. You
10 have that right. You can come over here, you can take a seat,
11 you can be sworn in, and you can testify any way that you and
12 your lawyer think is appropriate.

13 However, I want you to understand if you do testify, you
14 may be cross-examined on any and all relevant issues in
15 connection with your case. Furthermore, if you have a
16 criminal record and it involves crimes of dishonesty or false
17 statements or crimes that carry punishment of more than one
18 year and the Court determines that the relevance substantially
19 outweighs its prejudicial effect, then your criminal record
20 may be introduced to attack your credibility. Do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Furthermore, I want you to understand that
24 you don't have to testify. Nobody can make you testify
25 because you have the constitutional right to remain silent.

TABITHA BROWN - DIRECT BY MR. EDGEWORTH

1 THE DEFENDANT: Yes.

2 MR. EDGEWORTH: All right.

3 THE COURT: Okay. Good.

4 MR. EDGEWORTH: Thank you, Judge.

5 THE COURT: Thank you.

6 All right. Let's go ahead and bring out the jury.

7 (WHEREUPON, the jury entered the courtroom at 11:25 a.m.)

8 THE COURT: All right. If the defense will call your

9 first witness.

10 MR. EDGEWORTH: Thank you, Judge. The defense calls Ms.

11 Tabitha Brown.

12 THE CLERK: Ma'am, if you will, please stand and place

13 your left hand on the Bible and raise your right hand. Do you

14 swear or affirm the testimony you give in this case to be the

15 truth, the whole truth, and nothing but the truth, so help you

16 God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated and then state your full

19 name for the record.

20 THE WITNESS: Hello. My name is Tabitha Brown.

21 TABITHA BROWN, being first duly

22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. EDGEWORTH:

25 Q: All right. Ms. Brown, do you know Mr. Carlton Brown?

TABITHA BROWN - DIRECT BY MR. EDGEWORTH

- 1 A: Yes.
- 2 Q: And who is he to you?
- 3 A: My son.
- 4 Q: Okay. Where do you live?
- 5 A: I live in Johnsonville.
- 6 Q: Okay. And what is your address?
- 7 A: [REDACTED] Liberty Street.
- 8 Q: And how long have you lived there?
- 9 A: I've been there for approximately about five years now.
- 10 Q: Okay. Are you from the Florence County area?
- 11 A: Yes.
- 12 Q: Okay. Have you lived here all your life?
- 13 A: Almost.
- 14 Q: Okay.
- 15 A: Yeah.
- 16 Q: All right. Now, you know that we're here for an incident
- 17 that took place on or about June 29th, 2021?
- 18 A: Yes.
- 19 Q: Okay. Where were you living at that time?
- 20 A: [REDACTED] Liberty Street.
- 21 Q: Okay. And that was in Johnsonville?
- 22 A: Yes.
- 23 Q: Okay. Do you recall that day?
- 24 A: Yes.
- 25 Q: Okay. Tell me about what you recall from that day?

TABITHA BROWN - DIRECT BY MR. EDGEWORTH

1 A: I remember getting a phone call from Ms. Green stating
2 that she left my son on the interstate, and I asked her why.
3 She said because she got hit in her eye, and I'm, like, so why
4 y'all fighting, and she said something about they had a
5 disagreement about -- something about who she was with or
6 something about talking to some other guys.

7 Q: Okay. And after -- do you know who Ms. Green is?

8 A: Yes.

9 Q: Okay.

10 A: Ms. Laquonda Green.

11 Q: Okay. And how long have you known her?

12 A: I've known her since I've moved to the apartment that I'm
13 in now.

14 Q: Okay. Did she live near you?

15 A: Yes.

16 Q: Okay. What -- where in proximity to your home did she
17 live?

18 A: Exactly maybe like across the street.

19 Q: And this was in Johnsonville?

20 A: Yes.

21 Q: Did she live there throughout the time that -- while you
22 were living there?

23 A: She was there before I got there.

24 Q: Okay. So before then?

25 A: Yes.

TABITHA BROWN - DIRECT BY MR. EDGEWORTH

- 1 Q: All right. After she made that phone call, did you have
2 any interaction with her after that on that day?
- 3 A: On that day, she came and she brought the car. She
4 called me. She told me she was going to bring the car, and I
5 kept looking out my window. When I noticed that she pulled in
6 the parking lot, she was in the car getting some stuff out.
7 She had a stack of scratch-off tickets, and then she was in
8 the trunk. Then I asked -- I forgot what I asked her, but
9 then she put keys in my hand and then she got in the car with
10 her family and she left.
- 11 Q: Okay. So did you actually come face-to-face with her on
12 that day?
- 13 A: Yes.
- 14 Q: Okay. Did you come outside of your home?
- 15 A: Yes.
- 16 Q: Okay. And you met in the driveway?
- 17 A: Yes.
- 18 Q: And during that time, I guess, you're saying she handed
19 you the keys to the vehicle?
- 20 A: Yes.
- 21 Q: Did you have any other interaction with her on that day?
- 22 A: No.
- 23 Q: Okay. No other phone calls?
- 24 A: No.
- 25 Q: Okay. No text messages?

TABITHA BROWN - DIRECT BY MR. EDGEWORTH

1 A: No.

2 Q: Okay. Other than her giving you the keys, did y'all
3 discuss anything else when y'all interacted?

4 A: She asked me was he here, and I said no, but he's on his
5 way. Someone is going to pick him up. And she just hurried
6 up and left.

7 Q: Did you know who was picking him up at that time?

8 A: Yes.

9 Q: Who was that?

10 A: The young lady back there.

11 Q: Okay.

12 A: His baby mother.

13 Q: Okay.

14 MR. EDGEWORTH: All right. Thank you, Judge.

15 THE COURT: All right. Cross?

16 CROSS-EXAMINATION

17 BY MR. FREEMAN:

18 Q: Good morning, Ms. Brown.

19 A: Hello.

20 Q: The defendant is your son; is that correct?

21 A: Yes.

22 Q: And you had a conversation with Ms. Green; is that
23 correct?

24 A: Yes.

25 Q: And that's when she was bringing you the car?

TABITHA BROWN - CROSS BY MR. FREEMAN

1 A: Yes. She called and told me she was going to bring me
2 the vehicle.

3 Q: What about the conversation from that morning when she
4 called from Atlanta?

5 A: What you mean?

6 Q: Did she call you from Atlanta complaining about arguing
7 with the defendant?

8 A: Oh, yeah. She had called and she said that she left him
9 on the interstate.

10 Q: What about before that, that morning before they left
11 Atlanta?

12 A: No.

13 Q: So you didn't have a conversation with your son that
14 morning about him bringing Laquonda Green and her kids back to
15 Florence County? Is that what you're saying?

16 A: I spoke with him the night before.

17 Q: I thought you didn't just now?

18 A: You said that morning.

19 Q: Okay. What was the context of that conversation?

20 A: For some reason. I don't know. I don't get in my kids'
21 relationships, but --

22 Q: Ms. Green called you, didn't she?

23 A: They -- I spoke with them --

24 Q: And she told you that --

25 A: -- the night before.

TABITHA BROWN - CROSS BY MR. FREEMAN

1 Q: -- she was arguing with your son?

2 A: That morning.

3 Q: That morning? She told you she was arguing with your son
4 that morning in Atlanta?

5 A: Yes.

6 Q: And then you convinced your son to drive her and her
7 children back to Florence County?

8 A: I ain't convinced nobody to do anything.

9 Q: So you're saying you didn't have a conversation with Ms.
10 Green?

11 A: I said I had a conversation. I didn't say anything about
12 convincing anybody about nothing.

13 Q: So just to clarify, did you or did you not have a
14 conversation with Ms. Green --

15 A: I had a conversation.

16 Q: Let me finish my question, please. Before they left
17 Atlanta --

18 A: Uh-huh.

19 Q: -- did you have a conversation with Ms. Green or your son
20 about them coming back to Florence County?

21 A: I had a conversation that they had an argument.

22 Q: Was this before they came back from Atlanta?

23 A: The night before.

24 Q: So there was another conversation? There was two;
25 correct?

TABITHA BROWN - CROSS BY MR. FREEMAN

1 MR. EDGEWORTH: Objection, Your Honor. She has answered
2 that three times now.

3 THE COURT: Go ahead and ask it one more time, and let's
4 get an answer and move on.

5 BY MR. FREEMAN:

6 Q: So you had two conversations about them coming back and
7 problems that they were having in their relationship within a
8 24-hour period; is that correct?

9 A: I had a conversation about them having an argument. I
10 didn't have -- I didn't know that they were returning until
11 the next morning when she told me that she dropped my son off
12 on the interstate.

13 Q: And she told you that she dropped your son off because he
14 had assaulted her?

15 A: That was after he had hit her, I guess. She called me,
16 and she told me that she left him.

17 Q: Are you -- did you and Ms. Green have a relationship at
18 all?

19 A: Yes.

20 Q: Can you tell us about that?

21 A: I mean, I have no problems with her. If she called me
22 and asked me to do something for her, I would. I'd do it for
23 her today if need be.

24 Q: You're a good neighbor?

25 A: Yes.

TABITHA BROWN - CROSS BY MR. FREEMAN

- 1 Q: And she was your neighbor?
- 2 A: Yes.
- 3 Q: And she depended on you after this event; right?
- 4 A: I wouldn't say depend.
- 5 Q: Well, you gave her some car rides; right?
- 6 A: Yes, I did.
- 7 Q: Because she didn't have a car?
- 8 A: Not at the moment.
- 9 Q: And so you gave her car rides?
- 10 A: Yes, I did.
- 11 Q: And you asked her to drop the charges in Darlington
- 12 County, didn't you?
- 13 A: No, I did not.
- 14 Q: You didn't?
- 15 A: No.
- 16 Q: Okay. Laquonda Green brought the car to your house;
- 17 right?
- 18 A: Yes. She put the car into the parking lot, yes.
- 19 Q: And you saw her getting out of the car?
- 20 A: Yes, I did.
- 21 Q: Did you see her going into anywhere? You didn't -- you
- 22 didn't see her going into any houses, did you?
- 23 A: No.
- 24 Q: You testified that she got out of the car and then left;
- 25 right? After she gave you the keys?

TABITHA BROWN - CROSS BY MR. FREEMAN

1 A: She got out the car, she got a book of scratch-off
2 tickets because she said she had paid for half of it. She
3 went to the trunk. She got a couple of things out of the
4 trunk. I don't know what all she did in the front of the car
5 because, like I said, I was peeping out my window. When I saw
6 her, I left from my apartment and I came on outside.

7 Q: Yes, ma'am. And you saw her face; right?

8 A: Yes.

9 Q: And her face was consistent with what she told you your
10 son did?

11 A: Yes, I saw her eye.

12 Q: How did that make you feel?

13 A: They made me feel bad. I'm a woman.

14 Q: I bet. I couldn't imagine having my child do that to
15 someone.

16 A: Well, I didn't raise him that way.

17 Q: Why do you think he did it?

18 A: That's a good question.

19 MR. EDGEWORTH: Objection. Calls for speculation.

20 THE COURT: Sustained.

21 BY MR. FREEMAN:

22 Q: Has he ever done this before to women?

23 A: No.

24 Q: To your knowledge?

25 A: No.

TABITHA BROWN - CROSS BY MR. FREEMAN

- 1 Q: What about Lawanda Woodberry?
- 2 Q: Who?
- 3 Q: You don't know who Lawanda Woodberry is?
- 4 A: Lawanda Woodberry? Oh, yeah, Lorad [ph].
- 5 Q: Did he have problems with her?
- 6 A: No, not that I know of.
- 7 Q: Okay. You told Laquonda that she was -- or that your son
- 8 was on the way to your house. She asked you if he was there?
- 9 A: She asked me was he there.
- 10 Q: Because he -- because she appeared scared; right?
- 11 A: Yeah, I guess so. I mean, I would be too.
- 12 Q: I would be as well. And so you let her know that he was
- 13 on the way to the house?
- 14 A: Yeah.
- 15 Q: And he got picked up by who again?
- 16 A: His baby mother.
- 17 Q: Have you been sitting in this trial during the duration
- 18 of this trial?
- 19 A: I came on the second day.
- 20 Q: Okay. Did you hear Ms. Green testify?
- 21 A: When I walked in, that's when I heard she said she left
- 22 the keys in the car for me to get.
- 23 Q: So you were here for her and her sister testifying?
- 24 A: Yes.
- 25 Q: And was her testimony consistent so far as the --

TABITHA BROWN - CROSS BY MR. FREEMAN

1 MR. EDGEWORTH: Objection. Pitting the witness.

2 THE COURT: Rephrase your question.

3 BY MR. FREEMAN:

4 Q: Did you hear them test -- you heard them testify; right?

5 You just said you were sitting in the courtroom?

6 A: Uh-huh.

7 Q: And you heard them say that they brought the car to your
8 house?

9 A: Yes.

10 Q: And you heard them say that after they left your house,
11 they went to their house?

12 A: I don't know where they went once they left.

13 Q: Okay. But is that consistent with what you saw? They
14 came to your house --

15 MR. EDGEWORTH: Objection. Leading.

16 Q: -- dropped the car off, and then left?

17 A: They came to the parking lot.

18 THE COURT: Why don't you approach real quick?

19 (WHEREUPON, a bench conference was held as follows.)

20 THE COURT: I'm not sure if any of this is really
21 relevant.

22 MR. FREEMAN: I'll go ahead and --

23 THE COURT: We aren't trying the CDV case.

24 MR. FREEMAN: I agree.

25 THE COURT: So --

TABITHA BROWN - CROSS BY MR. FREEMAN

1 MR. FREEMAN: I agree.

2 THE COURT: -- try to stick with something that deals
3 with this case that we're trying.

4 MR. FREEMAN: All right.

5 (WHEREUPON, the bench conference ended, and the
6 proceedings resumed as follows.)

7 BY MR. FREEMAN:

8 Q: Are you familiar with your son's record?

9 MR. EDGEWORTH: Objection, Judge.

10 THE COURT: What was your question again?

11 MR. FREEMAN: I asked if she was familiar with her son's
12 record. It's already been stipulated into evidence.

13 THE COURT: We're not going to get into that --

14 MR. FREEMAN: Okay.

15 THE COURT: -- any more than what we have.

16 BY MR. FREEMAN:

17 Q: Carlton showed up at your house?

18 A: Yes, he did come.

19 Q: He took -- he got in the car?

20 A: Yes.

21 Q: And he left?

22 A: Yes.

23 MR. FREEMAN: No further questions, Your Honor.

24 MR. EDGEWORTH: No redirect, Judge.

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

RENETRA STUCKEY - DIRECT BY MR. EDGEWORTH

1 THE WITNESS: Thank you.

2 THE COURT: Call your next witness.

3 MR. EDGEWORTH: Judge, the defense calls Ms. Renetra
4 Stuckey.

5 THE COURT: What's that?

6 MR. EDGEWORTH: Renetra Stuckey.

7 THE COURT: Okay.

8 THE CLERK: Ma'am, if you will, please place your left
9 hand on the Bible and raise your right hand. Do you swear or
10 affirm the testimony you give in this case to be the truth,
11 the whole truth, and nothing but the truth, so help you God?

12 THE WITNESS: I do.

13 THE CLERK: Please be seated and state your full name for
14 the record.

15 RENETRA STUCKEY, being first
16 duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. STUCKEY:

19 Q: Okay. Ms. Stuckey, where are you from?

20 A: Pamplico, South Carolina.

21 Q: Okay. How long have you lived there?

22 A: All my life.

23 Q: Okay. And do you know Mr. Brown?

24 A: Yes.

25 Q: Okay.

RENETRA STUCKEY - DIRECT BY MR. EDGEWORTH

1 A: He's my son's father.

2 Q: Okay. How -- how long have you known him?

3 A: I would say approximately 16 years.

4 Q: Okay. And you know we're here for the events that
5 occurred on or about June 29th, 2021?

6 A: Correct.

7 Q: Are you familiar with that day?

8 A: Yes.

9 Q: Okay. Did you have any interaction with the individuals
10 involved in this case on that day?

11 A: Mr. Brown.

12 Q: Okay. Tell me about that?

13 A: Mr. Brown called me. Me and my son was at home. He
14 called me and stated that he was walking on the interstate.
15 As I was talking to him on the phone, I heard a state trooper
16 the background telling him that he could not walk on the
17 interstate, and that he would need to -- he would have to be
18 removed from the interstate because he can't be walking there.
19 So he told him that he would take him to the nearest exit, but
20 he could not take him to his destination.

21 So that's when Mr. Brown asked me would I meet him at his
22 destination, which was the gas station, and pick him up and
23 take him to his mom's.

24 Q: Okay. And did you do that?

25 A: Yes.

RENETRA STUCKEY - DIRECT BY MR. EDGEWORTH

1 Q: Okay. How long did it take you to get there, if you
2 recall?

3 A: I would say -- well, it take me a long time to get
4 dressed. So from my house -- I live in Timmons ville. So it
5 took me about an hour to get to him, 30 minutes to an hour,
6 and then it take us about an hour to get to Johnsonville.

7 Q: Okay. And so you proceeded to where he was off the
8 interstate to pick him up?

9 A: Yes. And I don't remember the exact location.

10 Q: That's okay. Then you took him to Johnsonville?

11 A: Correct.

12 Q: Okay. And what's significant about Johnsonville?

13 A: That's where his mother lives.

14 Q: Okay. And once you got to Johnsonville, did you have any
15 interaction with -- with his mother?

16 A: No.

17 Q: Okay. Did -- what did you do next?

18 A: I dropped him off, and I went back home and proceeded my
19 day.

20 Q: Okay. Do you know -- do you have any knowledge of any
21 other interactions that you had with him later that day or
22 anything like that?

23 A: No.

24 Q: Okay. You didn't speak to him after that?

25 A: No.

RENETRA STUCKEY - DIRECT BY MR. EDGEWORTH

1 Q: Okay. Are you familiar with Ms. Laquonda Green?

2 A: I'm very familiar with her.

3 Q: Okay. And how do you know her?

4 A: I know her through Mr. Brown. She was around my son, so
5 sometimes we would have conversations.

6 Q: Okay.

7 A: I would consider her a friend.

8 Q: You would consider her a friend?

9 A: Yes.

10 Q: Okay. And how long have y'all been friends?

11 A: Well, since she's been dating my son's father. If she's
12 going to be around my son, I would like to know who he has him
13 around.

14 Q: Okay. Just something that a mother would do?

15 A: Yes.

16 Q: Okay. Do you -- did you speak to her on a regular basis
17 back then?

18 A: No. Prior to that, Ms. Green never -- Ms. Green
19 testified yesterday that I spoke with her on the 29th. I
20 never spoke with Ms. Green on the 29th. Prior to that, me and
21 Ms. Green only had communication through Facebook, which is
22 social media. She never had my phone number. I never had her
23 phone number.

24 On July 1st, 2021, at 8:12 p.m., she reached out to me
25 apologizing about whatever happened. I did not know what

RENETRA STUCKEY - DIRECT BY MR. EDGEWORTH

1 happened. I don't get involved in Carlton's business.

2 Whatever happens between him and his friends, that's their
3 business. Our only concern is our son.

4 She initiated conversation with me the next day. I never
5 spoke with her the 29th. Yesterday, she testified that I
6 called her with Mr. Brown with me, and that never happened.
7 She reached out to me July 1st and apologized to me, and then
8 that's when I gave her my phone number and we talked.

9 Q: Okay. And what type of interactions did you have after
10 that date?

11 A: Me and Ms. Brown -- me and Ms. Green were -- like, we
12 still conversated, checked on each other and stuff like that.
13 Actually, Ms. Green had a custody case with her children where
14 she tested positive for drugs, and her children -- in her
15 system, and her children did as well.

16 MR. FREEMAN: Objection, Your Honor.

17 A: I actually took her to take her drug test.

18 THE COURT: Let's go ahead and just stop with that. Go
19 ahead. Ask another question.

20 MR. EDGEWORTH: Okay. Thank you, Judge.

21 MR. FREEMAN: I would move that be struck from the record
22 as well.

23 THE COURT: All right.

24 MR. EDGEWORTH: Okay.

25 THE COURT: I'll deal with that in the charge.

RENETRA STUCKEY - DIRECT BY MR. EDGEWORTH

1 MR. EDGEWORTH: I apologize.

2 BY MR. EDGEWORTH:

3 Q: So did you have any other conversations with her after
4 that date?

5 A: Yes, sir.

6 Q: Okay. And what was the content of those conversations?

7 A: We were just talking about life.

8 Q: Okay. And in regards to this particular case, did she
9 ever discuss the case with you?

10 A: Yes. She would reach out to me, and she actually asked
11 me to go to court with her in Darlington, but I was unable to
12 go due to a flat tire. She asked me to come along with her
13 because she stated that they were trying to get her to say
14 things that she -- that did not happen.

15 MR. FREEMAN: Objection, Your Honor. This is hearsay.

16 THE COURT: Don't say what somebody else said.

17 THE WITNESS: Not to say what the witness told me?

18 THE COURT: Don't say what somebody else said.

19 THE WITNESS: Okay.

20 BY MR. EDGEWORTH:

21 Q: Okay. So other than that interaction, have you had any
22 other interaction with Ms. Green?

23 A: No. No.

24 Q: Okay.

25 MR. EDGEWORTH: Court's indulgence, Your Honor.

RENETRA STUCKEY - CROSS BY MR. FREEMAN

1 No further questions for this witness, Your Honor.

2 THE COURT: All right. Cross?

3 CROSS-EXAMINATION

4 BY MR. FREEMAN:

5 Q: How old is your son?

6 A: He's 8.

7 Q: You said you were friends with Ms. Green?

8 A: Yes.

9 Q: But she didn't have your phone number?

10 A: No, she did not, and she did not because we --

11 Q: She didn't have your phone number, but y'all are friends?

12 MR. EDGEWORTH: Judge, I would ask that --

13 THE WITNESS: Can I finish speaking?

14 MR. EDGEWORTH: -- she be allowed to finish her answer.

15 THE COURT: She can. She can answer. Go ahead.

16 THE WITNESS: Okay.

17 BY MR. FREEMAN:

18 A: We're not -- we're friends, but we were communicating
19 through social media prior to this incident. We got close
20 after this happened because she was still in my son's life.

21 Q: You and Ms. Green had a conversation about this incident?

22 A: Yes.

23 Q: And she told you she got -- she told you what happened?

24 A: Yes.

25 Q: And you actually picked up your son's father off the

RENETRA STUCKEY - CROSS BY MR. FREEMAN

1 interstate?

2 A: Yes.

3 Q: On June 29th, 2021?

4 A: Yes. I'm sorry. I'm kind of distracted because I can
5 hear her whispering. So it's kind of throwing me off a little
6 bit.

7 Q: That's okay. I totally understand.

8 A: Okay.

9 Q: I thought the same thing when I was up there earlier.

10 MR. FREEMAN: Okay. I beg the Court's indulgence.

11 BY MR. FREEMAN:

12 Q: You said after the incident that you and Ms. Green got
13 closer?

14 A: Yes.

15 Q: Because she was still in your son's life?

16 A: Yes, because she was still with Mr. Brown. She stated
17 that she loved him.

18 Q: She loved him?

19 A: She never wanted the charges to be in place.

20 Q: Because she loved him?

21 A: She stated that.

22 Q: Because she loved him?

23 A: Correct.

24 MR. FREEMAN: Nothing further.

25 THE COURT: All right. Anything further?

1 MR. EDGEWORTH: Nothing on redirect, Your Honor.

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

3 Any other witnesses?

4 MR. EDGEWORTH: Court's indulgence.

5 THE COURT: Do we need to take a short break?

6 MR. EDGEWORTH: Yes, we can.

7 THE COURT: All right. Member of the jury, step into
8 your jury room for just a moment.

9 (WHEREUPON, the jury exited the courtroom at 11:44 a.m.)

10 MR. EDGEWORTH: Judge, may we step back in the conference
11 room for a moment?

12 THE COURT: Yeah. Go ahead

13 MR. EDGEWORTH: Thank you.

14 THE COURT: All right.

15 (WHEREUPON, there was a break in the proceedings from
16 11:46 a.m. until 11:57 a.m., after which the proceedings
17 resumed as follows.)

18 THE COURT: All right. Has your client decided whether
19 he wants to testify or not?

20 MR. EDGEWORTH: Yes, sir, Your Honor. After full
21 discussion with my client and having understood his rights as
22 in the colloquy with the Court, he has decided not to testify.

23 THE COURT: Okay. I'll make the finding he did so
24 freely, intelligently, with the advice of competent counsel

25 MR. EDGEWORTH: Yes, sir.

1 THE COURT: So you want to bring the jury out and rest?

2 MR. EDGEWORTH: Yes, sir.

3 THE COURT: And then y'all want to break them for lunch?

4 MR. EDGEWORTH: I think that's appropriate.

5 THE COURT: Take a look at the charge and the verdict
6 form and then come back and finish?

7 MR. EDGEWORTH: That'll be perfect.

8 MR. FREEMAN: Thank you, Your Honor.

9 THE COURT: Sounds good.

10 All right. Bring them on out.

11 MR. FREEMAN: Your Honor, can I put something on the
12 record before we bring the jury in?

13 THE COURT: Okay. Make sure that door stays closed.
14 Go ahead.

15 MR. FREEMAN: There were a couple of matters I wanted to
16 bring to the Court's attention.

17 First and foremost, in Mr. Edgeworth's opening, he had
18 made a comment about the pointing and presenting originally
19 being *nolle prossed* and then reindicted three years later.
20 There's been absolutely zero testimony as to that. I would
21 ask for a motion *in limine* -- or I would motion *in limine* to
22 preclude Mr. Edgeworth from even mentioning anything about
23 that.

24 Furthermore --

25 THE COURT: Hold on.

1 What do you say to that?

2 MR. EDGEWORTH: Well, I mean, I would ask the Court to
3 take judicial notice. I mean, it's a -- it's a fact. I don't
4 know that it's -- I need to present evidence on it. The State
5 acknowledged that in many of the arguments that we made as to
6 the jurisdiction.

7 THE COURT: Yeah, but he's talking about in your closing
8 statement. Are you going to mention it in the closing
9 statement?

10 MR. EDGEWORTH: I don't know that I even planned to, but
11 you know, if the Court has an instruction, I'll follow it.

12 THE COURT: Why don't we just stay away from that?

13 MR. EDGEWORTH: Yes, sir.

14 THE COURT: All right.

15 MR. FREEMAN: Furthermore, Your Honor, there was
16 questions asked through Major Graham as to whether or not --
17 and Carl Majors whether or not that there was additional
18 contraband of the victim's in this case in the backseat.
19 Additionally, there was no positive indication that there was
20 and, as such, I would again request the same as it relates to
21 that issue.

22 THE COURT: All right.

23 MR. EDGEWORTH: Well, Your Honor, this comes back to a
24 confrontation issue where the decedent, the investigator that
25 was on the scene, who clearly put those things in the back of

1 his pickup truck, we couldn't identify them. They are in the
2 reports. They're a part of the case. So there was no other
3 way to --

4 THE COURT: I'm going to let you talk about it if you
5 want to.

6 MR. EDGEWORTH: Thank you, Judge.

7 MR. FREEMAN: Okay. And then this is just for the
8 record, Your Honor. The body-worn camera that is submitted
9 into evidence from John Stewart, I've talked with Mr.
10 Edgeworth about it. He was well aware. Everyone in the
11 courtroom saw it. I just want it noted for the record that
12 the State did redact the audio from the phone calls that John
13 Stewart was making to Lloyd Hayes, as well as Joey Cooper, to
14 avoid any hearsay issues. That was never mentioned, and I
15 just wanted that on the record for any --

16 THE COURT: All right.

17 MR. FREEMAN: -- appellate issues.

18 THE COURT: Any comment?

19 MR. EDGEWORTH: I was aware of that, Your Honor, that
20 redaction.

21 THE COURT: Good. Anything else?

22 MR. FREEMAN: That's it from the State, Your Honor.

23 THE COURT: All right.

24 MR. FREEMAN: And I guess we're going to talk about
25 charges later.

1 THE COURT: All right. Go ahead and bring the jury out.

2 (WHEREUPON, the jury entered the courtroom at 11:55 a.m.)

3 THE COURT: All right. If the defense would call your
4 next witness.

5 MR. EDGEWORTH: Your Honor, at this time, the defense
6 rests.

7 THE COURT: All right. Members of the jury, I'm going to
8 let you go to lunch until 2 o'clock. If you will, come back
9 and we'll finish this this trial this afternoon. All right?
10 Don't research the case. Don't discuss the case. Just go and
11 enjoy your lunch and be back at 2.

12 (WHEREUPON, the jury exited the courtroom at 11:56 a.m.)

13 THE COURT: All right. Any motions? And then we'll take
14 a look at the charge and the verdict form.

15 MR. EDGEWORTH: Judge, at this time, I do renew my
16 previous motions addressed to the Court at the time in the
17 State's case and ask the Court to consider again the motion to
18 suppress the drugs on the arguments briefly made, to include
19 the search and the chain of custody, as well as our directed
20 verdict motions.

21 THE COURT: All right. Anything the State want to put on
22 the record?

23 MR. FREEMAN: Your Honor, the State would just renew the
24 State's arguments that we made in relation to the same
25 objections.

1 THE COURT: All right. I'm going to respectfully deny
2 those motions.

3 MR. EDGEWORTH: Thank you, Judge.

4 THE COURT: Y'all come up here and take a look at the
5 charge.

6 (WHEREUPON, a bench conference was held as follows.)

7 THE COURT: And let me point out a couple things, but
8 most of it is standard. Let's see.

9 I did add this to the bottom, really for the benefit of
10 the defendant. It makes it more fair.

11 MR. FREEMAN: All right.

12 THE COURT: If you can read my writing, yeah, and I
13 didn't specifically lay out what -- what they were. I just
14 said he has them.

15 MR. FREEMAN: Yeah, I think that's appropriate.

16 THE COURT: I think so, too.

17 MR. EDGEWORTH: Okay. Yeah.

18 THE COURT: Let's see if I added -- it seems like there
19 was something else I put in there. And I did add that, too.
20 I think that's important based on that things happened in
21 other counties. I want to make sure they know that it has to
22 be committed here in Florence,

23 MR. FREEMAN: Yeah. I -- if you read the entire *State v.*
24 *Trapp* case, which is the one that I essentially held was on
25 point for the issues in this case.

1 THE COURT: Yeah.

2 MR. FREEMAN: The entire Court of Appeals agreed as to
3 the issue except for Justice Few, who in his --

4 THE COURT: Yeah.

5 MR. FREEMAN: -- decision said this exact jury
6 instruction was needed, and so I have no objection at all.

7 THE COURT: And that was one -- that was one of my cases.
8 The Court of Appeals reversed me saying that I needed to have
9 said it happened in Marion County. The Supreme Court came
10 back and said no. But anyway, that makes it clearer.

11 MR. EDGEWORTH: Yeah.

12 THE COURT: Okay.

13 MR. EDGEWORTH: Judge, do we have a mere presence charge?

14 THE COURT: I didn't put it in there.

15 MR. FREEMAN: I don't know why that would be appropriate.

16 MR. EDGEWORTH: Well, because there's nothing that -- as
17 far as the drugs are concerned, they just pulled him over and
18 drugs were in there. I mean, he doesn't have --

19 MR. FREEMAN: Well, there's --

20 MR. EDGEWORTH: -- physical possession of them.

21 MR. FREEMAN: There's testimony from Laquonda Green that,
22 you know, he had shown her these in Georgia.

23 THE COURT: I think we talked about constructive and all
24 that kind of stuff in there.

25 MR. EDGEWORTH: Oh, okay.

1 THE COURT: Just take a look at it and see.

2 MR. FREEMAN: I do have one request that I don't think
3 would be in here, and that's the Rules of Criminal Procedure,
4 Rule 6, that that be charged. I think the defense has made
5 the notary issue on the chain of custody a direct issue in
6 this case, and Rule 6(b) says that if there's a certified or
7 sworn statement, they do not need to come unless the defense
8 --

9 THE COURT: Yeah. Just highlight the part you want read.

10 MR. FREEMAN: Yes, Your Honor.

11 THE COURT: I'll look at it then.

12 MR. FREEMAN: Let me just --

13 THE COURT: Just the part you want me to read. I can
14 read it better

15 MR. FREEMAN: I know it. Let me go consult with Mr.
16 Hoefer on this one just to pick which words.

17 THE COURT: Okay.

18 MR. FREEMAN: Well, I mean, I don't --

19 THE COURT: Let me take a look at it and maybe I can
20 figure out the words.

21 MR. FREEMAN: It might be better. It might be a little
22 quicker than me on that.

23 THE COURT: All right. I guess we can just read all
24 that?

25 MR. FREEMAN: On (b), yes, sir. I mean, that's why I was

1 hesitant to just start highlighting because I --

2 THE COURT: Let's see here. Maybe just stop right there?

3 MR. FREEMAN: Okay. I see that, Your Honor.

4 THE COURT: Let him look at it.

5 MR. FREEMAN: Okay.

6 THE COURT: And that's sufficiently explained anyway for
7 the most part.

8 MR. FREEMAN: I agree. That's -- that's exactly what I
9 was wanting.

10 MR. EDGEWORTH: I still would want the mere presence, but
11 --

12 THE COURT: You got a mere presence charge? Let's take a
13 look at it.

14 I've been trying civil cases for the last three-and-a-
15 half years. This is so different. Civil will take -- is a
16 rifle, one projectile aimed at one specific thing. Criminal
17 is just a shotgun being spread --

18 MR. FREEMAN: You're right.

19 THE COURT: -- being spread all over the courtroom.

20 MR. FREEMAN: I've had a -- I've had a few, especially
21 when you --

22 THE COURT: And it's so different.

23 MR. FREEMAN: Yes, I agree. All right. I'm going to go
24 with this. I'm good with the charges and the verdict form.

25 MR. EDGEWORTH: So what did -- I'm going to object.

1 Well, I'll object for the record, but I mean, what is the --
2 why do you want this in there?

3 MR. FREEMAN: Because it seems like you kept making a big
4 fuss about the fact that there was no notary, and what
5 Mitchell Hansen testified was that if they had been notarized,
6 they wouldn't need to show up.

7 MR. EDGEWORTH: Oh, yeah.

8 MR. FREEMAN: However, it made it seem that -- or he
9 testified that even though that was the premise behind the
10 idea, that they ended up having to come in anyways, and that's
11 because of the last part where it says the defendant would
12 have to agree. So that's the basis.

13 MR. EDGEWORTH: I gotcha. Okay. Well --

14 MR. FREEMAN: Because it manages to directly end shift.

15 MR. EDGEWORTH: Do you need that, Judge?

16 THE COURT: All right. Thank you.

17 MR. EDGEWORTH: Where's the verdict form?

18 THE COURT: Yeah. Take a look at the verdict form.

19 That's Luke's first criminal verdict form. Make sure he got
20 it right.

21 MR. FREEMAN: He seems like a good guy. Where's he from?

22 THE COURT: He's Senator Rankin's son.

23 MR. FREEMAN: Oh, wow. Oh, wow.

24 THE COURT: And then it'll be you close, the defense
25 close, and then you reply.

1 MR. FREEMAN: Yes, Your Honor.

2 THE COURT: Gotcha.

3 MR. EDGEWORTH: Paper, rock, scissors no reply?

4 MR. FREEMAN: What if I win? There's got to be some sort

5 of benefit for me. There's got to be a benefit, not just --

6 MR. EDGEWORTH: This form is fine, Judge.

7 THE COURT: You're good with that?

8 MR. EDGEWORTH: Yes, sir.

9 (WHEREUPON, the bench conference ended, and the

10 proceedings resumed as follows.)

11 THE COURT: Okay. All right.

12 MR. EDGEWORTH: Thank you, sir.

13 THE COURT: Sounds good. Y'all have a good lunch, and

14 we'll see you back at 2.

15 MR. EDGEWORTH: Thank you, Judge, and we'll just

16 reconvene prior to about the other -- the mere presence

17 charge, if you're going to talk about that?

18 THE COURT: Yeah. That won't take but a couple of ten

19 minutes.

20 MR. EDGEWORTH: I was just making sure --

21 THE COURT: All right.

22 MR. EDGEWORTH: -- it was added on the agenda.

23 THE COURT: All right. Y'all enjoy your lunch.

24 (WHEREUPON, there was a break in the proceedings from

25 12:04 p.m. until 2:19 p.m., after which the proceedings

1 resumed as follows.)

2 THE COURT: All right. Is the State ready? Are you
3 ready?

4 MR. FREEMAN: The State is prepared, Your Honor.

5 THE COURT: Is the defense ready?

6 MR. EDGEWORTH: Ready, Judge.

7 THE COURT: Okay.

8 MR. EDGEWORTH: I just have a question.

9 THE COURT: Yeah. Come on up and let me show you what I
10 got regarding mere presence.

11 (WHEREUPON, a bench conference was held as follows.)

12 THE COURT: It was -- it's pretty much in the charge.
13 That's why I probably need to read it twice. We talk about it
14 in the drug charge itself.

15 MR. EDGEWORTH: Okay.

16 THE COURT: That mere presence is not enough. That seems
17 enough, doesn't it?

18 MR. EDGEWORTH: Yeah, and does that mean, like, what is
19 in the charge related to that?

20 THE COURT: Check and see. The trafficking is a little
21 different than the possession.

22 MR. EDGEWORTH: Right.

23 THE COURT: That's why I got this. Y'all are making the
24 assumption that they actually listen to me. I mean, they look
25 at me like that for about two minutes, and then they're, like,

1 what in the world are you talking about?

2 MR. EDGEWORTH: Yeah. They --

3 MR. FREEMAN: I think they listen perfectly fine.

4 THE COURT: Are y'all good?

5 MR. EDGEWORTH: All right. Thank you, Judge.

6 MR. FREEMAN: Thank you, Judge.

7 THE COURT: All right. So we're going to do State, you,
8 and you, and then me.

9 MR. FREEMAN: Yes, sir.

10 THE COURT: And yours is a reply to his.

11 MR. FREEMAN: Yes, sir.

12 THE COURT: Okay.

13 (WHEREUPON, the bench conference ended, and the
14 proceedings resumed as follows.)

15 THE COURT: All right. Go ahead and bring in the jury.

16 (WHEREUPON, the jury entered the courtroom at 2:21 p.m.)

17 THE COURT: All right. The State is recognized for your
18 closing statement.

19 MR. FREEMAN: Thank you, Your Honor.

20 Mr. Edgeworth.

21 CLOSING ARGUMENT ON BEHALF OF THE STATE

22 MR. FREEMAN: June 29th, 2021, may not stand out for most
23 of us. It wasn't a holiday. It wasn't a landmark event that
24 occurred on this day. For most of us, it was just another
25 Tuesday. For Laquonda Green, Ms. Green, this is a day she'll

1 never forget. It's a day for her that's marked by fear,
2 violence, and betrayal. Let's talk a little bit about what we
3 know.

4 What are the facts in this case? Laquonda Green loved
5 this man. She took her two kids on public transport. Think
6 about that, on public transport. She took a Greyhound bus to
7 go visit him in Atlanta, Georgia, for what was supposed to be
8 a fun-filled adventure for her, for her kids, for her
9 relationship. It didn't turn out that way.

10 You heard from the defendant's mother. You heard from
11 the victim there was an argument the night before they were
12 supposed to come back. Laquonda told you Carlton had to
13 leave. Carlton talked with his mother, who convinced him to
14 drive back to Florence County. On June 29th, 2021, that's
15 what happens. It's consistent. Think about it. She told you
16 exactly what Ms. Green told you.

17 So the car ride begins going from Atlanta back to Lake
18 City, four-and-a-half-hour drive roughly. A four-and-a-half-
19 hour drive, constant turmoil, allegations, arguing. Were you
20 faithful? Who's this? I didn't do anything. I haven't done
21 anything. Bam. That's what happened. That's what happened.

22 They get to Darlington County. She testified that on
23 this trip he'd been pointing a gun at her feet. These are
24 after the hits in the face. They get to Darlington County,
25 and I want y'all to think about this. A four-and-a-half-hour

1 car ride on the way back being trapped in the car with someone
2 and your kids are in the backseat, and you pull off at a truck
3 stop and get told -- pull off at a truck stop, and the man who
4 did this to you, the person who did this to you gets out of
5 the car and says I want you to come to the woods with me.

6 After you get back there, ask yourselves what would I
7 have done in that situation. I submit to you what she thought
8 was get me the hell out of here, and that's what she did. She
9 left this him, left this man on the interstate.

10 The defense called the defendant's mother, the
11 defendant's baby's mother as well, and they corroborated that,
12 exactly right, Ms. Green left Carlton Brown, the man she
13 loved, the man that she took public transport to come visit
14 with her two children. She left him on the side of the road,
15 and that's corroborated by the two witnesses that the defense
16 called, consistent with what Ms. Green told you.

17 What did Ms. Green tell you next? She went to Lake City,
18 called her sister, said I need to get rid of this car. I need
19 to put some space between me and this car. I want nothing
20 else to do with the situation. So that's what happens.

21 Laronnica testified. You heard her. She got the call.
22 Her sister came. She saw her sister's face. They took the
23 car. They get in the car. Laronnica tells you Laquonda never
24 got out. She never got out of the car. Why? She didn't want
25 her mother to see what this man had done to her because she

1 still loved him, even after all this. She didn't want mama to
2 know because if mama knew, it was over. Case closed.

3 Now, the defense may try to claim that Ms. Green planted
4 these drugs, planted these guns. I submit to you the evidence
5 is clear. It's all on camera. We can see it for ourselves
6 where these are located. Ms. Green told you herself all I was
7 concerned about were getting me and my kids to safety.

8 You saw the search of the vehicle. She testified about
9 the shoes that she purchased, all the bags in the back of the
10 car. You saw them in the search. She didn't have time to
11 grab those. She didn't have time to grab her kid's dinosaur,
12 a favorite toy. What she did grab, according to the young
13 lady who testified earlier, she grabbed a handful a scratch-
14 off tickets. Okay?

15 So what do we know happened next? According to the
16 defendant's mother and according to Ms. Green, they left. So
17 Laquonda shows up -- excuse me. Let me rephrase this.

18 They showed up and dropped the car off. I got a little
19 ahead of myself. I'm sorry. They show up in Johnsonville to
20 drop the car off, Carlton's car. It's his car brought from
21 Atlanta Georgia. It's his car. They get there, drop the car
22 off. Laquonda grabs her scratch-off tickets, gets in the car,
23 and they take off back to Lake City. Laronnica told you that.
24 Laquonda told you that.

25 What happened next? The defendant wasn't done. That's

1 what happened next. The defendant's own mother told you Ms.
2 Green asked is he here because she didn't want to be near him.
3 Is he here? He's on the way. And she told you he came and
4 got the car that you see in the Housing Authority video right
5 behind them.

6 I'm going to play that for you now. And as you're
7 watching this, remember what Laquonda told you. She was in
8 the car. Carlton gets out. I know that bitch is in here.
9 Goes right up to the car. You can see it. Get close to the
10 screen if you need to.

11 (WHEREUPON, State's Exhibit Number 3, Housing Authority
12 surveillance video, was played.)

13 MR. FREEMAN: As you're watching this, remember what she
14 told you. She was in the car. Carlton gets out. I know that
15 bitch is in there. He goes right up to the car. You can see
16 it. Get close to the screen if you need to.

17 You can see him there with his arm up with a gun,
18 consistent with what she said. Holding that revolver,
19 consistent with what Laronnica told you. Holding that
20 revolver. You see the mama come out, consistent with what was
21 told to you. The story has remained the same.

22 I want you to take notice of his hands. Look in close,
23 guys. I submit to you it looks like he's holding something in
24 his hand and pointing at the gun frantically -- or pointing
25 the gun at the car frantically, just like you were told. Oh,

1 here comes mama, just like you were told. There goes Carlton.

2 WHEREUPON, the video was stopped.)

3 MR. FREEMAN: What happened next? Carl Majors of the
4 Lake City Police Department showed up. He testified. You
5 heard from him. He told you what he observed when he got to
6 the scene, what was relayed to him when he got to the scene.

7 They said Carlton Brown had come to Lake City and pointed
8 a handgun at her, the sister, the car that she was in, about
9 the face, about the car to be on the lookout for, where to be
10 on the lookout for his car, a silver Equinox, gave the license
11 plate. I'm going to play his video now.

12 (WHEREUPON, State's Exhibit Number 4 was played, and then
13 stopped.)

14 MR. FREEMAN: I submit to you the story has been
15 consistent this whole time. Going on four years, the story
16 hasn't changed. You saw the video. You saw him coming out.

17 Laquonda and Laronnica both identified this revolver as
18 being consistent with what was pointed at them in that video.
19 I'll put this over here.

20 What did Carl Majors tell us? He came in. That's what
21 he observed. That's what he was told. He said I relayed this
22 to the next shift. He told them to be on the lookout for this
23 guy. I told them who to be on the lookout for, where to be on
24 the lookout for him, why to be on the lookout for him. So
25 what he did, he came to Lake City, pointed a handgun. He's

1 got drugs and guns in the car. Be on the lookout.

2 Well, you heard from Major Graham, who testified that him
3 and John Stewart were the next on the shift, and they had this
4 shift meeting with Carl Majors, just like Carl told you, and
5 in this meeting everything was relayed to them. They were
6 looking for this man. They knew what he was driving. They
7 knew where to look for him and, lo and behold, they find him
8 that night coming from Brentwood Circle, exactly where Ms.
9 Green was terrified he'd show up.

10 You saw the video. You saw what was found in the car.
11 Right? The same gun Laquonda and Laronnica said he pointed at
12 me. Here it is. It was found in the car. He acknowledged it
13 was in the car.

14 I'm about to play John Stewart's body camera in a minute.
15 What did he say? He's at gunpoint. It's a felony traffic
16 stop. Now, keep in mind, the police's immediate concern at
17 this point is their safety. They've already been told this
18 man is armed, dangerous, this is what he's capable of. They
19 don't want a situation, like a gun feud. You got a gun? No,
20 it's not on me. It's in the car. He acknowledges it's in the
21 car, and they continue their search.

22 The -- I got a little ahead of myself again. The Miranda
23 warnings are given. They ask him if he understands his
24 rights. He wouldn't answer the question at first. You saw
25 him. Man, bro. He wouldn't answer the question. What was

1 John about to do? John said, all right, come on, you're
2 arrested, let's go. Let's get out of here. Because you have
3 to acknowledge your rights in order for them to tell you, for
4 them to talk to you about the case. So they needed
5 verification.

6 John knew that. Dedrick knew that. So they gave him his
7 rights. He acknowledged his rights, and what did he say?
8 Man, that bitch knew that gun was in the car since Georgia.
9 Sounds like he knew it was in the car to me.

10 Now, I'm not going to make y'all watch that whole video
11 of the search again. I'm going to fast forward to the
12 pertinent parts. I'm going to let you start off watching the
13 initial -- initial stop, and I'm going to fast-forward it so
14 y'all don't have to sit there the whole time.

15 (WHEREUPON, State's Exhibit Number 1 was played.)

16 MR. FREEMAN: Keep in mind, Major Graham told you this is
17 right outside of Brentwood Circle. They saw him coming out of
18 Brentwood Circle, where the victim said he would come back to.

19 I'm going to fast-forward a little bit for you now.

20 (WHEREUPON, the video continued playing and was then
21 stopped.)

22 MR. FREEMAN: Did you hear what he said? Y'all are going
23 to find whatever you find in there. Where's the firearm?
24 You're going to find whatever y'all find in there.

25 (WHEREUPON, the video resumed playing and was then

1 stopped.)

2 MR. FREEMAN: Just brought so much other bullshit. He
3 knew what he had in the car. Keep that in mind.

4 (WHEREUPON, the video resumed playing and was then
5 stopped.)

6 MR. FREEMAN: That's the last time I pause for the time
7 being. I'm going to let it play, but I just want y'all to
8 take note that this defendant's own mother came in here and
9 said that this man did this. He's right here lying, denying
10 this. I didn't point no gun. You saw the video. I'm going
11 to sit back down and let you watch the rest of this.

12 (WHEREUPON, the video resumed playing and was then
13 stopped.)

14 MR. FREEMAN: You saw the marijuana in the backseat.
15 He's taking a picture of it. You saw the scale right next to
16 it. Major Graham testified as to what he found. Besides this
17 revolver that Ms. Green and Ms. Green's sister told you that
18 this defendant pointed at her on Brentwood Circle, Major
19 Graham said he also found a Smith & Wesson 9-millimeter, both
20 of which, these handguns, this defendant is prohibited from
21 carrying due to his record.

22 Does this look familiar? You just saw it in that video
23 in the backseat. It's exactly what Major Graham told you he
24 found. You saw the large bag of marijuana. It's in here.
25 It's in here. Everything else is in here, too, by the way.

1 We'll get to that in a minute. It's all in there.

2 (WHEREUPON, the video resumed playing.)

3 MR. FREEMAN: There's that same grinder.

4 (WHEREUPON, the video continued playing and was then
5 stopped.)

6 MR. FREEMAN: I want y'all to take note of what's to the
7 left of the screen at this time. John Stewart was a vet. He
8 was a veteran amongst the Lake City Police Department. He was
9 the lieutenant, number three in command of the whole
10 department. He was the narcotics investigator. He was a
11 supervisor, approximately 15 or so years of experience. This
12 was a well-respected man in the Lake City Police Department.
13 He's no longer here with us, unfortunately.

14 State's Exhibit 6 shows exactly where John Stewart
15 certified what he found in this defendant's car: a clear
16 plastic bag with 158 grams of a green plant-like substance, a
17 black plastic bag with over 90 funny-shaped pills, and two
18 trolley caddy bags with 600 milligrams of THC. He signed it,
19 dated it June 29th, 2021, Control Number B331335. This will
20 all go back there with you. You'll have an opportunity to
21 look at it. There's the signature from Carlton Brown to John
22 Stewart, from Lieutenant Stewart into evidence.

23 Now, you heard from two experienced officers, Major
24 Graham and Captain Miles. They both came in here and they
25 told you who John was, his certifications, his qualifications,

1 how long he had been employed, what type of officer he was.
2 Then they told you what he would have done with those drugs
3 with all of his experience and training, protocol. What did
4 they tell you?

5 Dedrick said he would've filled out his chain of custody
6 form. He would have sealed the drugs inside of the BEST kit
7 with a tamperproof seal. Ladies and gentlemen, there's been a
8 bunch of hoopla about a manila envelope, what was important,
9 what was not important, are we following what we're supposed
10 to be doing or not supposed to be doing, what was provided.

11 But what John put into evidence was this blue bag.
12 That's what Mitchell Hansen testified that was presented to
13 him in a sealed BEST kit. That's what Jamie McLane testified.
14 That's what Kimberly Scott testified. They saw from this
15 secure evidence bin was a sealed BEST kit, the same control
16 number B331335 corresponds with that chain of custody form.
17 And what did they both tell you? It was sealed.

18 This is what's important, y'all. This, not that manila
19 envelope, not the -- not the manila envelope, but that's what
20 this is. It's an envelope to transport and you carry things
21 in this.

22 Mitchell Hansen, the expert in this case, 60 other --
23 this is his 60th time coming in and testifying for this. He
24 didn't need this red tape. This manila envelope is irrelevant
25 to this. The drugs and the package the drugs are in is what's

1 important. And they told you what they got out of that
2 evidence bin was a sealed BEST kit that the two of them took
3 to the Florence County Sheriff's Office together and delivered
4 to Mitchell Hansen.

5 Mitchell Hansen was the last witness, who is the chemist,
6 that come in and testified. And what did he tell y'all? He
7 said not only is there no requirement for this -- I'm going to
8 show you the State's -- or the Defendant's Exhibits 3 and 4.
9 What else did Mitchell Hansen tell you?

10 These little forms you're going to have back there, one
11 says Jamie McLane and one says Kimberly Scott, remind
12 yourselves what Mitch told you. Okay? Kimberly was in
13 training. Kimberly's form was done for training purposes. It
14 was not a part of his official record. This is a red herring.
15 This is something to throw you off, something to distract you.
16 This isn't important. It was for training purposes. He made
17 that very clear.

18 In his official report, he tested -- excuse me.
19 Lieutenant Hansen tested the items that were in the BEST kit
20 that was provided to him. He told you -- he said -- he said I
21 got this blue BEST kit from Lake City, tamper evident proof
22 seal. If I had seen -- which I would have because it would
23 have ruined the entire package. If I had seen that tampering
24 had been evident, I would not have tested the drugs. I
25 would've sent them right back to Lake City. He said he's

1 tested over 10,000 cases of drugs. I think he knows what he's
2 talking about.

3 Let's look at his report, shall we? Item Number 1 -- and
4 you'll have this back there with you too -- a plastic bag
5 containing plant material, marijuana found, result: 146 grams.
6 Let's look back at this chain of custody. What did John say
7 he put in this BEST kit? 158 grams.

8 So 12 grams off. You saw the bag that it was packaged
9 in. Lieutenant Mitchell -- Lieutenant Hansen testified that
10 the discrepancy in that weight would've been because he had to
11 remove the drugs from the package so he could get an accurate
12 weight and an accurate reading of what that drug is.

13 Item 4, the Ziploc bag containing a black plastic bag
14 containing 91 multicolored, multi-shaped, homemade tablets.
15 Result: methamphetamine found, 91 tablets, 30.73 grams.

16 Ladies and gentlemen, 28 grams to 100 grams in South
17 Carolina is trafficking. It is a trafficking weight. It's a
18 trafficking quantity of methamphetamine that this defendant
19 had in his eyeglass holder. It was 146 grams of marijuana
20 that he had in his backseat that was in plain view. They
21 opened the car to look for the guns. They find the guns.
22 Right there on the floorboard -- you saw it -- big old bag of
23 weed.

24 And what did the chain of custody say? What did John say
25 he submitted from this car? A black plastic bag with over 90

1 funny-shaped pills.

2 Where else have we heard about these pills? Ms. Green
3 told you. She said when she went to Atlanta originally, she
4 was there for vacation. They were having fun and also they
5 were partying. She was with the man she loved after all, and
6 he showed her these pills. This was four years ago, and she
7 was able to come up here and bravely and confidently tell you
8 this is what they looked like, this is the amount or a bunch
9 of them at the time, multicolored.

10 Defense counsel asked have you met with the prosecutor,
11 have you met with the Solicitor's Office about this, have they
12 shown you this. Nope. Sure didn't. That's her memory four
13 years ago because that's what happened.

14 Defense Exhibit 2. Don't be confused by this. Don't get
15 swayed by this. She asked to drop the domestic violence
16 charge in Darlington. That's not what we're here for. We're
17 here for the Florence County incident that's caught on video
18 which you have all been here the last few days watching and
19 spending your time invested in.

20 She loved this man. She took public transport with her
21 two children to go visit him. Even after this, the defendant
22 in the video himself said she's still wanting to go back to
23 Georgia with me. She loved him, but this has no bearing on
24 what we're here for. What we're here for these two guns.

25 You'll have to find -- you're going to -- when y'all

1 deliberate, you've got to make a determination. Was he in
2 possession of these two guns? Did he, in fact, point this
3 revolver at Ms. Green in her car that's on video? You'll have
4 to find that he pointed this gun at Ms. Laquonda, her sister
5 Laronnica. What they both told you was consistent with this,
6 the same gun that they found in the car. That's charge one.

7 Charge 2 and 3, these guns. Was he in possession of
8 these guns? His criminal history prohibits him from carrying
9 or possessing these. The defense has stipulated that he has
10 the requisite convictions for a crime of violence. So if you
11 find that he was in possession of these guns, which he told
12 you on the camera I got a gun in the car, find him guilty.

13 Ladies and gentlemen, the evidence in this case is
14 overwhelming. This is a case about a man who allowed his
15 anger problems and his insecurities to dictate his actions and
16 took what otherwise a fun-filled family vacation and turned it
17 into a nightmare. This is a case about a man who put a woman,
18 Ms. Green, and her two children through a traumatic, traumatic
19 experience. I couldn't imagine.

20 And then he got caught red-handed with the guns and the
21 drugs that the police were on the lookout for. It's clear-
22 cut. It's all on video. This is a common-sense case. All
23 the evidence is before you.

24 For the drugs, the marijuana, the methamphetamine, as
25 well as the guns, you have to find that the defendant was in

1 possession. Now, there's actual possession and there's
2 constructive possession. Actual possession is something that
3 is physically on your person. So, for instance, I have my
4 wallet, and I have my pen in my pocket. These are actual
5 possessions.

6 That's not what we have in this case because the guns
7 were in the backseat, as well as the marijuana, and the
8 methamphetamine was found in the eyeglass holder, the same
9 methamphetamine that Ms. Green was able to identify that this
10 defendant had shown her in Atlanta. Knowledge, dominion, and
11 control.

12 I'm putting my pen back out. I'm no longer in actual
13 possession of this pen. Knowledge, dominion, and control is
14 what you have to show to prove constructive possession. I
15 have knowledge the pen is here, it's in my dominion and
16 control. I can still access it. This is an area that I have
17 access to, and I have the ability to exercise control over
18 this.

19 Likewise, let's say my pen was in my office 150 yards
20 away. It's in the corner of the building, a tiny little
21 cubicle, and let's say my jacket is on my chair. I have
22 knowledge that my jacket is on the chair. My cubicle is my
23 dominion, and I have the opportunity to exercise control. I
24 can walk in and grab that at any point in time.

25 Likewise, with this, you've got a gun and you know it's

1 in the car. Knowledge. I tell you -- I submit to you that
2 that statement in and of itself establishes that he knew
3 exactly what was in the car. Knowledge, dominion, and
4 control. It's the same gun that he had just used to assault
5 Ms. Green.

6 Where did they find the marijuana? Right in the backseat
7 in plain view right next to the -- to the gun. Knowledge,
8 dominion, and control. He knew this gun was there. I submit
9 to you he knew the weed was there, right next to each other.

10 What about the methamphetamine in the eyeglass holder?
11 She told you he showed me these in Atlanta. Four years later,
12 she's able to describe these pills. Hasn't seen them in four
13 years. You saw on video. She described exactly what was
14 found.

15 Dedrick Graham and Patrick Miles testified about how this
16 would've been packaged, and it was, appropriately. It was
17 sealed properly. It was put in the evidence bin. No issues
18 with the chain of custody. Don't get distracted by red
19 herrings.

20 He knew these pills were in that eyeglass holder because
21 he had them in Georgia. She told you he was taking them.
22 Might that be why he acted like this? I'll leave that for
23 y'all to decide.

24 Put yourself in the mindset and think about it. Think
25 about the evidence. When you go back there, use your common

1 sense. What would you have thought in a four-and-a-half-hour
2 car ride, he's --

3 MR. EDGEWORTH: Judge, objection.

4 THE COURT: Come on up here, if you would.

5 (WHEREUPON, a bench conference was held as follows.)

6 THE COURT: Just don't personalize the jury, what would
7 you think or put yourself in a situation or anything like
8 that.

9 MR. FREEMAN: Okay, sir.

10 THE COURT: You got it?

11 MR. FREEMAN: Yes, sir.

12 (WHEREUPON, the bench conference ended, and the
13 proceedings resumed as follows.)

14 MR. FREEMAN: Laquonda Green was in a four-and-a-half-
15 hour car ride, y'all, from Atlanta, Georgia, back to Lake
16 City. Four-and-a-half hours of putting up with -- I can only
17 imagine. Arguing, assault, threats, accusations, all in front
18 of your kids. Have you got another guy?

19 You get to Darlington County for a truck stop. This is
20 after a gun has been pointed at your feet. You're told to get
21 out of the car and go to the woods. I submit to you Laquonda
22 Green knew exactly what she needed to do, and that was to get
23 out of Dodge.

24 Dropped the car off. I don't want to reiterate all this.
25 I'm not going to rehash it all out, but they dropped the car

1 off and go back home. Laquonda and Laronnica go home. And
2 the defendant is not done. He shows back up to finish what he
3 started.

4 That's when the police were called. All of this is
5 because of the defendant's own doing. All of this occurred
6 after he left Brentwood Circle. All of this occurred because
7 he came back to Brentwood Circle and was found leaving the
8 same area that he had just harassed this woman in an hour
9 before, and she only called the police because her mother told
10 her to.

11 Thank you.

12 THE COURT: All right. The defense?

13 MR. EDGEWORTH: Thank you, Judge.

14 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

15 MR. EDGEWORTH: Folks, when we started out in this trial,
16 I told you that there was going to be a lot of stories, and
17 there were a lot of stories, some of them wild stories. I
18 mean, just way out there. And I always find it funny, you
19 know, we get up here and a chance to talk to you at the end,
20 and it never ceases to amaze me that I don't know if the State
21 -- if they put them through, like, Nostradamus class or
22 whatever, but they always seem to tell them what I'm going to
23 say. I don't know how they know because most the time, they
24 don't.

25 Now, a lot of what you heard in this trial was about a

1 domestic violence case that's not even before you. You do not
2 have to decide one thing about the domestic violence case
3 because it ain't here. It has nothing to do with anything
4 that you are charged to make a decision on, but you've been
5 sitting here an hour and a good 40 minutes of that was talking
6 about this domestic violence, and that's because they want you
7 to focus on that. It has nothing to do with this, zero.
8 Literally, zero.

9 Other than the fact that the most important part of all
10 of it is, is the admissions from the person they're calling
11 the victim, Ms. Green. She knew everything to do in order to
12 get this man in trouble, and how did she know? How did she
13 know? Let's talk about this stuff.

14 In her stories, she says that she was on the side of the
15 road, jumped in, he got out, threatening this. I take the
16 car, go here, go there, don't touch anything. Did you think
17 in this case the whole time, like, well, why isn't she in
18 trouble? The State is up here talking about dominion,
19 control, and blah, blah, blah, blah. She admitted from this
20 witness stand that she was in the same car as my client where
21 an alleged -- where the gun was, where these alleged drugs
22 were.

23 She had control of the car, too, and she told law
24 enforcement about this stuff before anybody found it when my
25 guy was out of the car. She knew all of it. Very, very

1 convenient, by the way, that she sits up there and testifies
2 that, you know, oh, there are these pills in the car. Oh, by
3 the way, in Atlanta. They're in there. Look for them. I'm
4 sure she was mad. If there's something that took place in
5 Atlanta, so be it. We can't do anything about that, but he's
6 not on trial for that.

7 And when they alleged it happened, it got dismissed, and
8 this -- these -- the State -- they want you to ignore things.
9 That's what they do. Ignore what I have to say. The document
10 that she wrote with her own handwriting, you know, in her own
11 hand, no one wrote it down for her, and she signed it, she
12 said it didn't happen.

13 And why is that important? Maybe it did, maybe it
14 didn't, but she changed the story to fit whatever it was she
15 needed to do at the time, whether she wanted to go back with
16 him or whether she didn't want her mom to know. Whatever it
17 is, she will change the story to fit whatever she needs.

18 Just like with the pointing and presenting of the gun,
19 one minute he didn't point the gun. One minute, I was in the
20 bottom of the car, but I could magically see outside of the
21 car, and then when the officer gets there, she's saying that,
22 well, he -- she -- they even played it for you again. I could
23 even believe it. They played it for you, and we were here --
24 what? -- an hour. They played it again and said -- and she
25 says on the camera, well, he pointed it at Sabrina, which was

1 the friend, not even the two witnesses that came up here to
2 testify that they kept on saying that he had a gun. She said
3 she saw one in the pants pocket. Not presenting or pointing
4 the gun. They changed the story or whatever it is that you
5 want it to fit, and that's why we're here.

6 Law enforcement did it, too. They changed the story.
7 One minute we got an inventory search, the next minute we got
8 a, you know, search incident to arrest. Next minute, you
9 know, we don't know where we put the drugs.

10 And I know you had to laugh. They was in here talking
11 about this is a red hearing, don't pay attention to it, the
12 seals don't mean anything. I guarantee you -- I'd lay my life
13 on the line that if this thing was sealed, they'd be, like, it
14 was sealed, no one could get in there. You can't. No, no,
15 no. It was never touched. They would be flashing this thing
16 left and right how fantastically no one ever got in there.

17 But because it was open, we need to change the story.
18 Not important. Look, you know, not important. Look over
19 here. Don't -- you know, don't pay attention to, you know,
20 the man behind the curtain. You know? They want you to think
21 it's not important. It is important.

22 I mean, they said when they drop these, what they call
23 drugs, off that the only person knew it was in the car was the
24 person complaining about. Think about it. Talk about
25 dominion and control again. He gets out of the car. The guy

1 is sitting there saying if you move, I'm going to kill you.
2 I'm going to shoot you dead. That's what the cop said; right?

3 Okay. I saw it. There is a gun in the backseat, just so
4 you know. I saw it there. I don't want you to shoot me. I
5 don't even know why you stopped me. Why? Why did you stop
6 me? Please tell me what's going on.

7 You assaulted this girl, and she called the cops. She
8 said there was drugs in the car. Whoa, whoa, whoa. What are
9 you talking about? Right? Surely you thought that. She's
10 the one who knew all that stuff was in there. She's the one
11 who had the counterfeit, you know, bags and stuff that she
12 bought while she was in Atlanta. She's the one who admitted
13 that she smoked marijuana, right there on the witness stand.

14 She knew what was in there. So why isn't she in trouble?
15 She admitted driving the car with all the stuff in there.
16 She's not on trial. My guy is. Why? Because she called the
17 cops and told them the story and, like I said, something may
18 have happened in Atlanta, but he ain't on trial for that.
19 He's not on trial for that.

20 You know, what if she was driving the car, said she got
21 in the car, you know, got out, driving down the road. Think
22 about it. Why didn't she call the cops right away when she
23 went to the gas station and didn't turn off the car because he
24 had the key fob and blah, blah, blah? She didn't call the
25 cops because she had the drugs in the car. Right? She had

1 that car for, like, two hours, didn't call the cops. She had
2 her face bashed in in Atlanta or off the side of the road in
3 Darlington or whatever. She didn't call the cops? Come on.

4 If she was protecting herself or her kids, she would have
5 called cops, but she didn't. You know why? Because she knew
6 the drugs were in the car. She put them in there. She had
7 them. She knew the guns were in there. So now I'll just call
8 the cops, lay low, tell them what the car looks like, wait
9 until they get him, and I've already told them that shit is in
10 there. Now I don't have to deal with it. Sound fair to you?
11 Does that sound fair to you?

12 Now, I know I made a big, big deal about the way these
13 drugs were handled, and that's because they weren't handled
14 well at all. And don't let people off the hook for not doing
15 it the way they're supposed to do. They're sitting there
16 saying, well, sometimes we write it down and sometimes we do
17 and some -- how -- if we don't -- if we don't know what you
18 did with the drugs, how are we supposed to know if those are
19 the drugs that you even found? Right?

20 And you know, it's sad Mr. Stewart -- you know, Mr.
21 Stewart or whatever, Officer Stewart is deceased. He wasn't
22 here to testify, but that doesn't relieve the State of their
23 responsibility to prove these things to you. It just doesn't.
24 Hold them accountable.

25 And when you have all these questions, these questions

1 that you have in your mind about what happened and why she
2 wasn't charged with the exact same crime that he was charged
3 with when she admitted that she was driving the same car with
4 all the stuff in it, that is reasonable doubt. That's what it
5 is. Hold the State accountable because I guarantee if they
6 would've pulled her over with all that stuff in here, then
7 they would've charged her, too.

8 Not guilty is the answer. There is so much doubt because
9 so many stories have been told, they can't even keep up with.
10 The State even told you I'm not going to keep you here all
11 day. They can't keep their own story straight. They played
12 the whole video anyway. Don't let this fly. Not guilty is
13 the answer.

14 THE COURT: All right. State's reply?

15 REPLY ARGUMENT ON BEHALF OF THE STATE

16 MR. FREEMAN: It appears like my Nostradamus class is
17 paying off because I told you he's going to say that she put
18 these drugs in the car. This was found on video in the car
19 with that man. She told you he showed these to me in Atlanta,
20 described them to you. Here they are.

21 John isn't here to testify to you, but you saw his body
22 camera and you saw where he found them. And you heard from
23 Major Graham and Captain Miles, and they said what he would
24 have done, and that was corroborated by Kimberly Scott and
25 Jamie McLane and Mitchell Hansen, the expert in this subject

1 matter, who said what is important is this blue bag that is
2 sealed when we get it, not these manila envelopes. He's an
3 expert. He don't care about this manila envelope. He told
4 you it's irrelevant.

5 Mr. Edgeworth wants to talk about changing this or
6 changing that on the evidence. Why didn't he call the cops?
7 She took the car. She took his car. Left him on the side of
8 the interstate. Why didn't he call the cops? Because he knew
9 what he did. He didn't want the cops around. What did he do?
10 He got back to his mama's house and came right back to
11 Brentwood Circle. Where's that girl at? Where's Laquonda?
12 Why didn't he call the police?

13 Mr. Edgeworth wants to talk about I've laid out this
14 grand old case for 40 minutes talking about domestic violence.
15 That's what laid the setting for this incident. That's what
16 brought us to this. That's the full picture for you. This is
17 why the pointing and presenting occurred because he allowed
18 his insecurities and his anger problems to dictate his
19 actions. You saw him on the video. I don't need to -- I
20 don't need to hash that out anymore. You saw it on the video.
21 You have the gun right here before you.

22 How do we know that these are even the drugs that they
23 found? Well, Ms. Green told you that these are consistent
24 with what Carlton showed her in Atlanta, and then, ladies and
25 gentlemen, I have the chain of custody form that tells you.

1 It tells you what happened.

2 June 29th, 2021, relinquished by Carlton Brown to John
3 Stewart. 6/29/21, the same day, John Stewart to evidence.
4 Who was our evidence tech? Kimberly Scott and Jamie McLane.

5 10/11/21, relinquished by Jamie McLane to Mitchell
6 Hansen. They all told you. Everyone involved in this case
7 talked to you. You've heard from everyone that's still alive
8 that touched these drugs. That's how we know that these are
9 the same drugs.

10 Mitchell Hansen told you I wouldn't have tested them if
11 there was any evidence of tampering. Over 10,000 cases.
12 Think about that number. Over 10,000 drug cases. I would't
13 have tested it. He's got more than enough on his plate. He
14 doesn't need 10,001. So if it comes to me and it's tampered,
15 it appears to be tampered, someone has messed with it, I'm not
16 going to test it. It's not worth my time. That's what he
17 told you.

18 Why didn't Laquonda call the police? Why? Why didn't
19 she call the police? That's what Mr. Edgeworth asked you all
20 those times; right? She didn't want to be caught with the
21 drugs. That was his -- that was his response. That was his
22 reasoning.

23 Why didn't she call the police? She loved this man. She
24 loved this man. His -- his child's mother even told you that
25 today. She loved him. That's why she didn't call the police.

1 That's why she didn't show her face to her mama. She didn't
2 want mama to know. Why did she call the police? Because mama
3 made her.

4 All of this has come to a head because of the defendant's
5 own actions. He chose to go back to Brentwood Circle that
6 night. Why? They find him, and the rest is on video. It's
7 all on video. It's common sense. When you get back there,
8 ask yourselves do I have a doubt, because I submit to you
9 there's no doubt in this case.

10 I have established -- I have to prove this case beyond a
11 reasonable doubt, and I submit to you I have established this
12 beyond any doubt. It is a cold, black-and-white answer. Mr.
13 Edgeworth said, oh, hold the State accountable, hold the state
14 accountable. This is a serious matter. And you've heard from
15 everyone that touched these drugs, and they did their job
16 well, and you've seen it. It's a sealed BEST kit.

17 Hold them accountable. That's what you need to do is
18 hold him accountable for his actions on June 29th, 2021, and
19 find him guilty of every count.

20 What do I need to prove for pointing and presenting?
21 That this defendant, shown via the Housing Authority video,
22 testified to by Ms. Laquonda Green and her sister, Laronnica
23 Green, this defendant showed up to Brentwood Circle and
24 pointed this revolver. The defendant, check. The gun, check.

25 You're going to hear the judge's argument -- or the

1 judge's charges. It's pointing or presenting. Now, you saw
2 the video. If he does either points it or presents it, they
3 both work. It's pointing or presenting a firearm, and you saw
4 it on the video. Check. Check.

5 What I have to show for these guns, I have to prove the
6 guns and the drugs that he had possession and what they were.
7 The guns are self-evident. The defendant admitted his own --
8 on his own doing that he had a gun in the car. It was right
9 next to the other gun. The drugs were next to the other gun
10 and the marijuana, and then the pills were found in the
11 eyeglass holder.

12 Knowledge, dominion, and control. He knew they were in
13 the car. He has dominion over the eyeglass holder. He had
14 control over the eyeglass holder and the pills that were in
15 there. Check. Check.

16 I have shown you, I have proven to you, and I submit to
17 you the evidence establishes beyond any doubt that this
18 individual is guilty. And again, I'd reiterate to find him
19 guilty and hold him accountable for his actions, every count.

20 CHARGE ON THE LAW

21 THE COURT: Members of the jury, it's now my duty to
22 instruct you on the law applicable to this case, and it is
23 your duty as jurors to accept and apply the law as I now state
24 it to you.

25 Furthermore, it's your exclusive duty to decide all the

1 issues of fact in this case and to determine the effect,
2 value, and weight of the evidence presented. Both the State
3 and the defendant have the right to expect that you will
4 carefully consider and evaluate the evidence and apply the law
5 of this case to it so that in the end, both the State of South
6 Carolina and the defendant will receive a fair and impartial
7 trial.

8 I want you to understand that when I use the word
9 defendant, I refer to Carlton Devonte Brown. The State in
10 this case alleges several different offenses against the
11 defendant.

12 The charges are two counts of possession of a handgun by
13 one convicted of a crime of violence, trafficking
14 methamphetamine, 28 grams but less than 100 grams, possession
15 with intent to distribute marijuana, and pointing and
16 presenting a firearm.

17 Each charge is a separate and distinct offense. You must
18 decide each charge separately on the evidence and the law
19 applicable to it, uninfluenced by your decision as to any
20 other charge. The defendant may be convicted or acquitted on
21 any or all of the offenses charged. You will be asked to
22 write a separate verdict of guilty or not guilty for each
23 charge.

24 To these charges, the defendant has entered a plea of not
25 guilty. These pleas of not guilty places the burden of proof

1 on the State to prove the guilt of the defendant to you beyond
2 a reasonable doubt on each charge.

3 It is vital to understand that the defendant is presumed
4 under the law to be innocent of the charges. It is a
5 fundamental rule of our law that the defendant, regardless of
6 the seriousness of the crimes charged against him, is always
7 presumed innocent of the crimes for which he is charged unless
8 and until his guilt has been proven by evidence that satisfies
9 you beyond a reasonable doubt.

10 The presumption of innocence is not a mere legal theory
11 or legal phrase. A presumption of innocence is very
12 important, and you need to understand that this presumption
13 accompanies the defendant from the time of his arrest and
14 appearance in this court and continues with the defendant even
15 after you retire to the jury room to deliberate. In other
16 words, the defendant receives the benefit of presumption of
17 innocence until the very end of this trial when you, the jury,
18 will deliberate upon the evidence and decide whether the State
19 has proven his guilt on each and every charge beyond a
20 reasonable doubt.

21 During this trial, you and I have separate duties to
22 perform. As the trial judge, it is my responsibility to
23 preside over this trial. Therefore, I have the duty to rule
24 upon the admissibility of the evidence offered during this
25 trial. In that regard, you are to consider only the testimony

1 which has been presented from this witness stand, together
2 with any exhibits admitted into the record of this case.

3 In this trial, you are the sole and exclusive judge of
4 the facts, and I am the judge of the law. Do not infer that I
5 have any opinion about the facts in this case from anything I
6 have said during the course of this trial. In this regard,
7 the law simply does not permit me to have an opinion about the
8 facts. As jurors, it is your duty alone to determine the
9 effect, value, and weight of the evidence presented during the
10 course of this trial.

11 Furthermore, it is your job as jurors to determine the
12 credibility and believability of the witnesses who have
13 testified in this case. You must evaluate the evidence and
14 determine which evidence convinces you.

15 In determining the believability of witnesses who have
16 testified in this trial, you may believe one witness over many
17 or many over one. You may believe a part of the testimony of
18 a witness and reject the remaining part. You may believe the
19 testimony of a witness in its entirety or reject it in full.
20 You may consider whether the witness has an interest in the
21 result of the trial, whether the witness is prejudiced toward
22 either party, the opportunity for the witness to have seen the
23 matters and things about which the witness may testify, and
24 the way the witness acts on the witness stand.

25 Furthermore, there are two types of evidence which are

1 generally presented during a trial, direct evidence and
2 circumstantial evidence. Direct evidence directly proves the
3 existence of a fact and does not require deduction.
4 Circumstantial evidence is proof of a chain of facts and
5 circumstances indicating the existence of a fact.

6 Crimes may be proven by circumstantial evidence. The law
7 makes no distinction between the weight or value to be given
8 to either direct or circumstantial evidence. However, to the
9 extent the State relies on circumstantial evidence, all of the
10 circumstances must be consistent with each other and when
11 taken together point conclusively to the guilt of the accused
12 beyond a reasonable doubt.

13 If these circumstances merely portray the defendant's
14 behavior as suspicious, the proof has failed. The State has
15 the burden of proving the defendant's guilt beyond a
16 reasonable doubt. This burden rests with the State regardless
17 of whether the State relies on direct evidence, circumstantial
18 evidence, or some combination of the two.

19 Proof beyond a reasonable doubt is proof that leaves you
20 firmly convinced of the defendant's guilt. There are few
21 things in this world that we know with absolute certainty. So
22 even in criminal cases, the law does not require proof that
23 overcomes every possible doubt.

24 However, if based upon your consideration of the evidence
25 you are firmly convinced that the defendant is guilty of the

1 crimes charged, you must find him guilty. If on the other
2 hand you think there's a real possibility that he is not
3 guilty, you must give him the benefit of the doubt and find
4 him not guilty.

5 Please understand that reasonable doubt may arise from
6 evidence which has been presented in this case or from the
7 lack of evidence in the case. It is your responsibility to
8 determine whether or not reasonable doubt exists as to the
9 guilt of this defendant on each and every charge.

10 I charge you that the defendant is entitled to every
11 reasonable doubt arising in the whole case. If upon any issue
12 of fact essential to conviction and a verdict of guilty you
13 have a reasonable doubt as to how that issue would be
14 resolved, it would be your duty to resolve that reasonable
15 doubt in favor of the defendant.

16 Thus in summary, it is important to understand that the
17 defendant is not required to prove his innocence. Instead,
18 the State is required by law to prove every essential element
19 of the charges against the defendant by evidence which
20 satisfies you of his guilt beyond a reasonable doubt. Only
21 then can you convict the defendant and find him guilty.

22 The defendant is charged with pointing and presenting a
23 firearm. The State must prove beyond a reasonable doubt that
24 the defendant presented or pointed at another person a loaded
25 or unloaded firearm.

1 The defendant is charged with possession of a weapon
2 during the commission of a violent crime. The State must
3 prove beyond a reasonable doubt that the defendant was in
4 possession of a firearm or visibly displayed what appeared to
5 be a firearm during the commission of a violent crime. In
6 order to find the defendant guilty of possession of a weapon
7 during the commission of a violent crime, you must first find
8 the defendant guilty of committing a violent crime.

9 Furthermore, the fact that evidence has been presented
10 that this defendant has a record for committing a violent
11 crime may be used by you only for the purpose of considering
12 this offense and whether or not the State has met its burden
13 of proof regarding same and not for the fact that he may have
14 a propensity to commit crimes.

15 The defendant is charged with possession with intent to
16 distribute marijuana. The State must prove beyond a
17 reasonable doubt the defendant possessed marijuana with the
18 intent to distribute it. To prove possession, the State must
19 first prove beyond a reasonable doubt that the defendant had
20 the right and power to control the disposition or use of the
21 marijuana.

22 For actual possession cases, the Statement may meet this
23 burden by proving the defendant had actual physical custody of
24 the marijuana. For constructive possession cases, the State
25 must prove by other evidence the defendant had the right and

1 power to exercise control over the marijuana.

2 Second, the State must prove the defendant had knowledge
3 and the marijuana -- of the marijuana and the intent to
4 control the disposition or use of the marijuana. Mere
5 presence at the scene where the drugs were found is not enough
6 to prove possession.

7 The State must also prove beyond a reasonable doubt that
8 the defendant intended to distribute the marijuana.
9 Distribute means to deliver other than by administering or
10 dispensing a drug. Intent may be shown by acts and conducts
11 of the defendant and of the circumstances from which you may
12 naturally and reasonably infer intent.

13 In determining whether the defendant had the intent to
14 distribute the marijuana, you may consider the circumstances
15 surrounding the defendant's alleged possession. You may
16 consider the amount of the substance alleged to have been
17 possessed, the manner in which it was allegedly possessed, the
18 place where it was allegedly processed, and other factors
19 which you consider to be important.

20 You must find that the defendant did not intend to have
21 marijuana solely for his own use. Possession of more than 28
22 grams or one ounce of marijuana creates an inference that the
23 defendant possessed the marijuana with the intent to
24 distribute it. This inference does not relieve the State from
25 proving beyond a reasonable doubt that the defendant had the

1 intent to distribute. It is simply an evidentiary fact to be
2 taken into consideration by you, along with the other evidence
3 in the case, and to be given the weight you decide it should
4 have.

5 The defendant is charged with trafficking in
6 methamphetamine. The State must prove beyond a reasonable
7 doubt that the defendant knowingly sold, manufactured,
8 cultivated, delivered, purchased, brought into this state,
9 provided financial assistance, or otherwise aided, abetted,
10 attempted, or conspired to sell, manufacture, cultivate,
11 deliver, purchase, or bring into this state, was knowingly in
12 actual or constructive possession, knowingly attempted to
13 become in actual or constructive possession of the
14 methamphetamine. The State must also prove beyond a
15 reasonable doubt that the amount of methamphetamine was more
16 than 28 grams but less than 100 grams.

17 To prove possession, the State must prove beyond a
18 reasonable doubt that the defendant had both the power and the
19 intent to control the disposition or use of the
20 methamphetamine. Possession may be either actual or
21 constructive.

22 Actual possession means that the methamphetamine was in
23 the actual physical custody of the defendant. Constructive
24 possession means that the defendant had dominion and control
25 or the right to exercise dominion or control over either the

1 methamphetamine itself or the property on which the
2 methamphetamine was found. Mere presence at the scene where
3 the drugs were found is not enough to prove possession. Two
4 or more persons may have joint possession of a drug.

5 Ladies and gentlemen of the jury, you have heard about
6 events that have occurred outside of Florence County. In this
7 regard, it is important that I instruct you that this
8 defendant may be convicted only for acts that occurred in the
9 county in which the case is being tried. In this case, that
10 is Florence County, South Carolina.

11 Furthermore, for the purposes of establishing a chain of
12 physical custody or control of evidence entered at trial, a
13 certified or sworn statement signed by each successive person
14 having custody of the evidence that he or she delivered it to
15 the person stated is evidence that the person had custody and
16 made delivery as stated without the necessity of the person
17 who signed the statement being present in court, provided that
18 the statement contains a sufficient description of the
19 substance or its container or distinguish it and, two, the
20 statement says the substance was delivered in substantially
21 the same condition it was received in.

22 Ladies and gentlemen, I'm now drawing near the end of my
23 charge, and I want you to clearly understand that you are not
24 partisans or advocates for the State or the defendant. You do
25 not serve as jurors to reward your friends or punish your

1 enemies.

2 In this regard, you have been selected by both the State
3 and the defendant to be fair and impartial jurors. It is your
4 duty by your joint deliberations to determine the facts in
5 this case, giving the defendant the benefit of every
6 reasonable doubt on each and every issue. Then to the facts
7 which you determine to be correct, you should take and apply
8 the law which has been given you by this Court and thus arrive
9 at a verdict. Thus, when you have accomplished these
10 responsibilities, you will have satisfied your oath as jurors
11 and you will have discharged your duty to this Court.

12 Now, Ms. Clerk, if you would, hand the forelady the
13 verdict form.

14 Now, Ms. Forelady, I have handed you the verdict form.
15 When you arrive at a verdict in this case, you'll write your
16 verdict on the form.

17 For the charges, if the State has failed to prove the
18 guilt of the defendant beyond a reasonable doubt, your verdict
19 would be two words: not guilty. However, should the State
20 have proved their case against the defendant beyond a
21 reasonable doubt, then your verdict will be one word: guilty.

22 Ms. Forelady, once a decision has been made, just check
23 whichever is your verdict on each and every charge and sign
24 it.

25 Also, please understand that the verdict that you render

1 in this case must be the verdict of each and every juror. It
2 must be your unanimous verdict. All twelve jurors must agree
3 on the verdict which you authorize the foreperson to write for
4 the jury.

5 Ms. Forelady and members the jury, I want you to further
6 understand that the order in which the choices of verdict
7 appear on the verdict form are not suggestive of any verdict
8 on the part of this Court. The verdict in this case is to be
9 determined by you and not the Court. Furthermore, ladies and
10 gentlemen, please understand that even though I have given the
11 verdict form to the forelady, it is not her verdict alone. It
12 is the verdict of all twelve of you, and I emphasize again
13 that your verdict must be unanimous.

14 Now you will retire to the jury room. However, I would
15 ask that you do not begin your deliberations at this time.
16 The law requires that I consult with the attorneys first.
17 After I have done so, the bailiff will bring in the items of
18 evidence and instruct you to begin your deliberations at that
19 time.

20 Also, should you have any questions during your
21 deliberations, you must put them in writing and send them to
22 me by way of the bailiff. The court bailiff will be placed
23 immediately outside of the jury room door to provide security
24 and assistance for you during your deliberations.

25 Once you have reached your verdict, please knock on the

1 jury room door and ask the bailiff to advise the Court that
2 you have reached a verdict, and we will return you to the
3 courtroom as promptly as possible thereafter.

4 Thank you. You may retire to the jury room, but again,
5 do not begin your deliberations until told to do so.

6 (WHEREUPON, the jury exited the courtroom at 3:50 p.m.)

7 THE COURT: All right. Any objections to the charge from
8 the State?

9 MR. FREEMAN: None from the State, Your Honor.

10 THE COURT: Any objections from the defendant?

11 MR. EDGEWORTH: One second, Judge.

12 THE COURT: Sure.

13 MR. EDGEWORTH: Okay. Well, may we approach, Judge?

14 THE COURT: Sure.

15 (WHEREUPON, a bench conference was held as follows.)

16 THE COURT: Yes, sir?

17 MR. EDGEWORTH: I think it's probably oversight on my
18 part when we were reviewing, but there was no charge as to my
19 client --

20 MR. FREEMAN: Right to remain silent.

21 MR. EDGEWORTH: Yeah, failure to testify.

22 THE COURT: We'll do that. I didn't think about it until
23 now.

24 MR. EDGEWORTH: Well --

25 THE COURT: You didn't catch that?

1 MR. FREEMAN: I didn't.

2 MR. EDGEWORTH: My client doesn't care, but I don't think
3 it's his choice on that one.

4 MR. FREEMAN: I think it's probably safe to -- I prefer
5 that we put that on there.

6 MR. EDGEWORTH: And I -- I might have one other issue,
7 but --

8 THE COURT: Go ahead.

9 MR. FREEMAN: I'll just stay here until he comes back.

10 MR. EDGEWORTH: I just wanted to make sure I was not
11 losing my mind. In the charges, was there a charge for
12 possession of a weapon during the commission of a violent
13 crime?

14 MR. FREEMAN: I thought I heard you say crime of
15 violence.

16 MR. EDGEWORTH: Well, like I said, I was trying to
17 corroborate what I thought I heard before I brought it up.

18 THE COURT: Trafficking meth, possession with intent to
19 distribute marijuana, possession of a weapon during the
20 commission of a violent crime.

21 MR. EDGEWORTH: Yeah.

22 THE COURT: Pointing and presenting.

23 MR. FREEMAN: Oh, it is possession of a weapon by a
24 person convicted of a crime of violence.

25 THE COURT: Okay. Is the charge right? I mean, it's

1 just a matter of what it says.

2 MR. EDGEWORTH: I think it's two different crimes.

3 MR. FREEMAN: I think technically -- I mean --

4 MR. EDGEWORTH: Well --

5 MR. FREEMAN: Trafficking technically is.

6 MR. EDGEWORTH: But he wasn't indicted for that.

7 MR. FREEMAN: A violent crime, but all they have to find
8 is that he had possession of them because he's already
9 stipulated to the -- to the conviction aspects. So that
10 should be irrelevant because they're only focusing on whether
11 or not he had possession of the firearm or not.

12 THE COURT: Got it. We can resolve it.

13 MR. EDGEWORTH: Okay. So --

14 THE COURT: I think that is extreme. I think that's
15 needed.

16 MR. EDGEWORTH: Yeah, right, of course. I'm just saying
17 that that particular crime, possession of the weapon by a
18 person convicted of a violent felony.

19 MR. FREEMAN: It's crimes of violence.

20 THE COURT: Is there a different charge for that?

21 MR. EDGEWORTH: I don't -- that's what I'm not -- that's
22 why I'm --

23 MR. FREEMAN: I think the only thing that would be
24 different would be the possession of a weapon during a -- I
25 mean, the actual charge is a singular line, either possession

1 while committing a violent crime or by a person convicted of a
2 crime of violence. That's the only difference, and --

3 THE COURT: Okay. We can correct that real quick and say
4 that the defendant is charged with --

5 MR. FREEMAN: Possession of a weapon by a person
6 convicted of a crime of violence.

7 THE COURT: Possession of a weapon by a person convicted
8 -- convicted --

9 MR. FREEMAN: Of a crime of violence.

10 THE COURT: Of a crime of violence.

11 MR. FREEMAN: And it's interesting. You know, I
12 completely blanked, but is there a stipulation charge in here?

13 THE COURT: Well, you stipulated to it. You already put
14 that in the record.

15 MR. FREEMAN: But did you instruct them as well? I think
16 you did.

17 THE COURT: Well, you put that he consented to it.

18 MR. EDGEWORTH: Yeah.

19 THE COURT: But I mean, we can --

20 MR. FREEMAN: I would like that added if it --

21 MR. EDGEWORTH: So we stipulated --

22 MR. FREEMAN: -- if it hasn't been charged at this point.

23 THE COURT: And let's do it the other way. The defendant
24 -- and just stop there?

25 MR. FREEMAN: Was just in possession of a firearm.

1 Correct. And if there wasn't a stipulation charge, I would
2 ask that that be included.

3 THE COURT: In order to find the defendant guilty of --
4 person convicted of a crime of violence.

5 MR. FREEMAN: Okay.

6 THE COURT: Guilty of a -- in order to find the defendant
7 guilty of possession by a person convicted, you must find --
8 that's their record that contains -- what did you call it?

9 MR. FREEMAN: A crime of violence.

10 MR. EDGEWORTH: I guess that's where you can insert the
11 stipulation component.

12 MR. FREEMAN: Right. I think that would be appropriate.

13 MR. EDGEWORTH: It was stipulated to.

14 THE COURT: Which has been stipulated to.

15 MR. FREEMAN: And then if you could explain to the jury
16 what a stipulation is.

17 THE COURT: [*Inaudible due to paper rustling.*]

18 MR. FREEMAN: How about the parties have agreed that he
19 has the required conviction on his criminal history?

20 THE COURT: Both parties.

21 MR. FREEMAN: Okay.

22 THE COURT: All right?

23 MR. FREEMAN: Thank you, Judge.

24 MR. EDGEWORTH: I'm assuming -- I'm assuming that, in
25 that regard, the -- the charges are going back with them?

1 THE COURT: Yeah.

2 MR. EDGEWORTH: Okay.

3 THE COURT: Just make sure we got it right now.

4 MR. EDGEWORTH: Yeah.

5 THE COURT: The defendant is charged with possession of a
6 weapon by a person convicted of a violent crime.

7 MR. FREEMAN: Crime of violence.

8 THE COURT: By a crime of violence. I just want to say
9 that. It comes out so easy.

10 MR. FREEMAN: Maybe we should, like, slash through that
11 or something.

12 THE COURT: What's it say again? The State must prove
13 beyond a reasonable doubt the defendant was in possession of a
14 firearm or visibly displayed what appeared to be a firearm.
15 In order to find him guilty of possession of a weapon by a
16 person convicted of a crime of violence, you must first find
17 the defendant had the -- you must find the defendant has a
18 record that contains a crime of violence, which has been
19 stipulated to by the parties, which means agreed to.

20 MR. FREEMAN: Okay. I'm good.

21 MR. EDGEWORTH: Okay.

22 THE COURT: Good with that?

23 MR. FREEMAN: Yes, sir.

24 MR. EDGEWORTH: Yes, Judge.

25 THE COURT: And then read that part at the bottom, too.

1 MR. EDGEWORTH: Yes, sir.

2 MR. FREEMAN: Okay.

3 (WHEREUPON, the bench conference ended, and the
4 proceedings resumed as follows.)

5 THE COURT: All right.

6 MR. FREEMAN: Thank you.

7 THE COURT: All right. Y'all want to take a look at the
8 items of evidence.

9 MR. EDGEWORTH: Yeah, we'll go ahead and do that.

10 THE COURT: Make sure they're in order.

11 (WHEREUPON, there was a pause in the proceedings to
12 verify the evidence, after which the proceedings resumed
13 as follows.)

14 MR. FREEMAN: We're good, Judge.

15 THE COURT: All right. Let's bring them out. I'm going
16 to charge them two more little things before I send them back
17 and tell them to work.

18 (WHEREUPON, the jury entered the courtroom at 4:00 p.m.)

19 RECHARGE ON THE LAW

20 THE COURT: I want to clarify one thing. I originally
21 charged you on possession of a weapon during the commission of
22 a violent crime. That is incorrect. Disregard that. This is
23 what he's charged with. He's charged with possession of a
24 handgun by one convicted of a crime of violence.

25 The defendant is charged with possession of a weapon by a

1 person convicted of a crime of violence. The State must prove
2 beyond a reasonable doubt that the defendant was in possession
3 of a firearm or visibly displayed what appeared to be a
4 firearm.

5 In order to find the defendant guilty of possession of a
6 weapon by a person convicted of a crime of violence, you must
7 first find the defendant has a record that contains a crime of
8 violence, which has already been stipulated to by the lawyers.
9 That means the lawyers have agreed to that fact.

10 Furthermore, the fact that evidence has been presented
11 that the defendant has a record is something that you are not
12 to consider for anything else other than this offense and
13 whether the elements of this offense have been met, not
14 whether or not he has a propensity to commit a crime.

15 All right. I further instruct you the fact that the
16 defendant in this trial did not testify on his own behalf is
17 not a factor to be considered by you in any way during your
18 deliberations or in your considerations on the question of
19 guilt or innocence. In this regard, the defendant has the
20 constitutional right to remain silent, and the exercise of
21 this right must not be considered by you in your
22 deliberations. The fact that the defendant did not testify
23 should not even be discussed in the jury room.

24 All right. With that being said, if you'll follow the
25 bailiff into the jury room. Do not begin your deliberations

1 until she tells you to start.

2 (WHEREUPON, the jury exited the courtroom at 4:03 p.m.)

3 THE COURT: All right. Any objections to that charge by
4 the State?

5 MR. FREEMAN: No, Your Honor.

6 THE COURT: How about the defense?

7 MR. EDGEWORTH: No, sir. Thank you.

8 THE COURT: Okay. And you all have looked at the items
9 of evidence? They're in order?

10 MR. EDGEWORTH: Yes, sir. We've already confirmed the
11 items.

12 MR. FREEMAN: Yes, Your Honor.

13 THE COURT: All right. Let's send it all back. Tell
14 them to bring. Bring out the alternates.

15 THE COURT REPORTER: Are you going to look in those boxes
16 and make sure there's --

17 MR. FREEMAN: Oh, Your Honor, there is one thing. I
18 believe the clerk made us aware that the boxes did contain
19 some live bullets.

20 THE COURT: Yeah.

21 MR. FREEMAN: Would you prefer that we --

22 THE COURT: I'd like you to take those out.

23 MR. FREEMAN: I know. Who do you think should take
24 custody of that?

25 THE COURT: I'll tell you what let's do. Why don't we

1 leave the guns and the bullets in here. She can tell them if
2 they want to see it, they can come back out here and look at
3 them.

4 MR. FREEMAN: Okay.

5 THE CLERK: Okay.

6 THE COURT: That way we can be --

7 THE CLERK: Super safe.

8 THE COURT: Yeah.

9 (WHEREUPON, the evidence was delivered, and the jury
10 deliberations began at 4:04 p.m.)

11 (WHEREUPON, the alternate jurors entered the courtroom at
12 4:07 p.m.)

13 THE COURT: All right. I want to let y'all know that
14 your duties are complete. A jury is just like a football
15 team. It takes all twelve members to play. If somebody gets
16 hur or somebody gets sick, you've got to step in and take
17 over, but we have all twelve people and they're all healthy
18 and they're in there and they're getting ready to work. So
19 your job is completed.

20 Y'all earned a three-year exemption by being here.
21 You'll be paid a little bit of money. We appreciate what
22 you've done.

23 Let me ask you, are the Eagles going to win?

24 THE ALTERNATE JUROR: Yes, sir.

25 THE COURT: Y'all have a good week.

1 THE ALTERNATE JUROR: Thank you, sir.

2 (WHEREUPON, the alternate jurors were released and exited
3 the courtroom at 4:07 p.m.)

4 THE COURT: All right. We'll be at ease until something
5 happens.

6 MR. FREEMAN: Thank you, Judge.

7 MR. EDGEWORTH: Thank you, Judge.

8 (WHEREUPON, there was a break in the proceedings from
9 4:07 p.m. until 4:20 p.m., after which the proceedings
10 resumed as follows.)

11 THE COURT: Just go ahead and get the -- what they want
12 to do is they want to see the video of the defendant allegedly
13 pointing the gun. So just get it ready.

14 MR. EDGEWORTH: We can do it in here though?

15 THE COURT: Yeah.

16 MR. EDGEWORTH: Okay.

17 (WHEREUPON, there was a pause in the proceedings, after
18 which the proceedings resumed as follows.)

19 (WHEREUPON, the jury entered the courtroom at 4:22 p.m.)

20 THE COURT: All right. If you'll go ahead and play the
21 video.

22 MR. FREEMAN: Yes, Your Honor.

23 (WHEREUPON, State's Exhibit Number 3 was played and then
24 stopped.)

25 MR. FREEMAN: That's the entirety of the video, Your

1 Honor.

2 THE COURT: All right. Good enough.

3 All right. If you'll go back into the jury room.

4 (WHEREUPON, the jury exited the courtroom at 4:26 p.m.)

5 THE COURT: All right. Any objections to that from the
6 State?

7 MR. FREEMAN: None from the State, Your Honor.

8 THE COURT: Defense?

9 MR. EDGEWORTH: No, Your Honor.

10 THE COURT: All right. We'll be at ease until they come
11 up with a verdict or a question.

12 (WHEREUPON, the jury note was marked as Court's Exhibit
13 Number 2.)

14 (WHEREUPON, there was a break in the proceedings from
15 4:26 p.m. until 5:02 p.m., after which the proceedings
16 resumed as follows.)

17 THE COURT: There you go. Go ahead and bring them on in.

18 (WHEREUPON, the jury entered the courtroom at 5:03 p.m.)

19 THE COURT: All right. I'm going to ask the forelady
20 which bodycam is it you want? The one at the car or the one
21 at the house?

22 THE FORELADY: The one at the car.

23 THE COURT: The car. Okay.

24 Go ahead and play it.

25 (WHEREUPON, State's Exhibit Number 1, bodycam video, was

1 played with the silent parts being skipped by request of
2 the jury.)

3 THE COURT: They said they've seen enough.

4 (WHEREUPON, the video was stopped.)

5 THE COURT: All right. If you'll follow the bailiff on
6 in.

7 (WHEREUPON, the jury exited the courtroom at 5:23 p.m.)

8 THE COURT: All right. Any objections to that from the
9 State?

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

11 THE COURT: The defense?

12 MR. EDGEWORTH: No, Your Honor.

13 THE COURT: All right. We'll wait until something
14 happens.

15 (WHEREUPON, the jury note was marked as Court's Exhibit
16 Number 3.)

17 (WHEREUPON, there was a break in the proceedings from
18 5:24 p.m. until 5:31 p.m., after which the proceedings
19 resumed as follows.)

20 THE COURT: All right. Everybody have a seat. Go ahead
21 and bring in the jury.

22 MR. EDGEWORTH: My client's not here. He's walking up
23 now.

24 THE COURT: I thought he was. I'm sorry.

25 MR. EDGEWORTH: That's okay.

1 (WHEREUPON, the defendant entered the courtroom.)

2 THE COURT: All right. Now you can bring in the jury.

3 (WHEREUPON, the jury entered the courtroom at 5:32 p.m.)

4 THE COURT: All right. Ms. Clerk, if you'll get the
5 verdict form, please.

6 THE CLERK: Have you reached a unanimous verdict?

7 THE FORELADY: (No verbal response.)

8 THE COURT: Thank you. I find the verdict form in order.
9 If you'll publish it.

10 VERDICT

11 THE CLERK: State of South Carolina, County of Florence,
12 in the Court of General Sessions, Twelfth Judicial Circuit,
13 Indictment Numbers 2021-GS-21-2897, 2898, 2899, 2900, and
14 2024-GS-21-2106, State of South Carolina versus Carlton
15 Devonte Brown.

16 As to the first charge of possession of a handgun by one
17 convicted of a crime of violence, we, the jury, unanimously
18 find the defendant guilty.

19 As to the second charge of possession of a handgun by one
20 convicted of a crime of violence, we, the jury, unanimously
21 find the defendant guilty.

22 As to the charge of trafficking methamphetamine, 28 grams
23 but less than 100 grams, we, the jury, unanimously find the
24 defendant guilty.

25 As to the charge of pointing and presenting a firearm,

1 we, the jury, unanimously find the defendant not guilty.

2 As to the charge of possession with intent to distribute
3 marijuana, we, the jury, unanimously find the defendant
4 guilty.

5 Dated January 15th, 2025, signed Camelia Berry,
6 foreperson.

7 Members of the jury, if this is your verdict, please
8 raise your right hand.

9 (WHEREUPON, the jurors complied.)

10 THE COURT: All right. Thank you.

11 Need for further polling from the State?

12 MR. FREEMAN: None from the State, Your Honor.

13 THE COURT: From the defense?

14 MR. EDGEWORTH: No, Your Honor.

15 THE COURT: All right. I'm going to have the jury just
16 step out for one moment.

17 (WHEREUPON, the jury exited the courtroom at 5:35 p.m.)

18 THE COURT: I just want to make sure we have the verdict
19 form right and the right charge, the one that we corrected.

20 MR. EDGEWORTH: Uh-huh.

21 THE COURT: And it was.

22 MR. EDGEWORTH: Okay.

23 THE COURT: Okay? Good?

24 MR. FREEMAN: Yes, Your Honor.

25 THE COURT: All right. They can go ahead and bring them

1 back in. I'll dismiss them, and we'll hear motions.

2 Do you want to tell them to go ahead and bring them back
3 in?

4 THE CLERK: Yes, sir.

5 THE COURT: Please.

6 MR. EDGEWORTH: Judge, I'm just not understanding. We
7 confirmed that it was correct; right?

8 THE COURT: That's what I was doing.

9 MR. EDGEWORTH: Yeah.

10 THE COURT: Just making sure that it was correct.

11 (WHEREUPON, the jury entered the courtroom at 5:36 p.m.)

12 THE COURT: All right. I just want to thank you all for
13 being here. Thank you for working hard this week. You've
14 earned a three-year exemption by being here, and you'll be
15 paid a little bit of money. And if it's not a lot, if you
16 don't like it, maybe just blame her. Maybe she'll give you a
17 little bit more money. But thank you for being here, and you
18 are free to go.

19 (WHEREUPON, the jury was released and exited the
20 courtroom at 5:37 p.m.)

21 THE COURT: All right. Any motions?

22 MR. EDGEWORTH: Yes, Judge. Thank you. May it please
23 the Court.

24 THE COURT: Yes, sir.

25 MR. EDGEWORTH: Your Honor, I'm asking the Court to

1 consider my motion for a new trial and to strike the verdict
2 in general. And the basis for that, Your Honor, is the jury
3 having found my client not guilty of the pointing and
4 presenting, and a true verdict that is, then that yields the
5 situation where the allegations against my client that led to
6 the stop, which also in turn led to the arrest and charges for
7 the drugs, there is no -- there was no probable cause.

8 In other words, the allegation was untrue. They pulled
9 him over for domestic violence that didn't even have any
10 jurisdictional validity at that time. That was the -- that
11 was the -- the nature of the offense that arose out of --
12 allegedly out of Darlington County.

13 And -- and so my position is -- on behalf of my client is
14 that now the jury having found my client not guilty on the
15 pointing and presenting, then the arrest warrants had no
16 probable cause for them to stop him, which resulted in the
17 arrest for the drugs.

18 And -- and also, not that -- I'm not arguing that it was
19 a -- a split or a compromise verdict, but I think that in the
20 -- in the spirit of the same argument, it doesn't make sense
21 for him to have been convicted of the pointing and presenting,
22 which led to the allegation and him being stopped.

23 So, Your Honor, if Your Honor would consider setting
24 aside those verdicts and ordering a new trial on that basis,
25 that is -- that is the defendant's motion for a new trial.

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

2 MR. FREEMAN: Your Honor, the Lake City Police Department
3 had an active warrant for the defendant for pointing and
4 presenting, as well as domestic violence. The validity at the
5 time of the search is somewhat irrelevant because the officers
6 who were on the scene, case in point being Dedrick Graham and
7 John Stewart, were under the belief that this individual had
8 two active good warrants.

9 Regardless that a domestic violence occurred in
10 Darlington County, the pointing and presenting did occur in
11 Lake City. There's adequate testimony in the record, as well
12 as adequate evidence in the record. There were allegations
13 made by both Ms. Green and her sister that indicated that this
14 had occurred.

15 We've gone through the judicial process of a trial. The
16 jury deemed that he was not guilty of the pointing and
17 presenting, but it has no bearing on the subsequent offenses,
18 and that's the State's position. I would respectfully ask you
19 to deny the defendant's motion for a new trial.

20 THE COURT: All right. I'm going to respectfully deny
21 your motion.

22 MR. EDGEWORTH: Yes, sir.

23 THE COURT: All right. Is the State ready?

24 MR. FREEMAN: Your Honor, if you would give me just two
25 minutes, I need to go collect --

1 THE COURT: All right.

2 MR. FREEMAN: -- my sentencing sheets.

3 (WHEREUPON, there was a pause in the proceedings, after
4 which the proceedings resumed as follows.)

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

6 MR. FREEMAN: Yes, Your Honor.

7 Your Honor, over the course of this week, you've heard
8 the case of the State v. Carlton Brown, true-billed
9 Indictments 2021-GS-21-02897, 98, 99, 2900, and GS-- 2024-GS-
10 21-02106. The defendant has been convicted now of trafficking
11 methamphetamine, 28 to 100 grams, which carries a 7- to 25-
12 year sentence with a \$50,000 fine as well, the possession with
13 intent to distribute marijuana, and the two possession of a
14 handgun offenses both carry zero to 5.

15 Your Honor has heard the facts in this case. I think it
16 is worth noting the extensiveness. Your Honor watched the
17 trial. I don't need to get into the facts, but the
18 defendant's actions over the course of this case is one that
19 shows a complete and total disregard for others, for the law.
20 We would ask that you sentence him appropriately.

21 As far as the record for this defendant, he has a
22 burglary, second degree, non-violent conviction from 2009. It
23 looks like he received a YOA suspended sentence for probation.
24 It looks like shortly a few months after that, he was charged
25 with armed robbery with a deadly weapon, to which he ended up

1 pleading guilty, as well as another burglary offense to which
2 he ended up pleading to burglary, third degree, second
3 offense, received a five-year sentence, and strong-armed
4 robbery. Those were the two predicate offenses in this case,
5 Your Honor, and that was 2009.

6 There was a parole revocation from 2014, a driving under
7 suspension from 2017, and these convictions before you, Your
8 Honor.

9 THE COURT: All right. Let me hear from the defense.

10 MR. EDGEWORTH: Thank you, Judge.

11 You know, I know we didn't get to hear -- hear too much
12 about my client other than the allegations here, but, you
13 know, he's 32 years of age. I think he just had a birthday.

14 Correct?

15 It's coming up. So he's getting ready to be 33, Judge.

16 And as you did hear though, he does have children. He's
17 got children by Ms. Stuckey back there. And -- and then he
18 actually has a newborn that's sitting out there in the hallway
19 with whom he resides with that child's mother down in Florida.

20 You know, he has, you know, been in court every time he
21 was asked. He's, you know, presented and wanted to face these
22 charges. Believed he had, you know, affirmative defenses that
23 that we put on.

24 I know that, you know, what appeared to be the egregious
25 nature of -- of the domestic violence that kind of

1 precipitated or preceded these events, you know. On one hand,
2 you know, the Court -- I just would hope that the Court would
3 understand that those matters were, you know, not -- obviously
4 not litigated and disposed. He wasn't -- that those charges
5 against him were not pursued.

6 And I think that given the nature of the evidence in this
7 case, we're not talking about, you know, a drug muling and,
8 and trafficking in the sense that he's, you know, running up
9 and down the interstate distributing drugs, selling drugs.
10 Certainly, I believe that there was, you know, presumed
11 evidence that maybe the victim in this case was involved in
12 this, but I think that that only -- I only say that to
13 mitigate why we're here.

14 And I think that it -- some of the other type of
15 trafficking cases and charges that are involved, I think that
16 this is one that potentially warrants a sentence on the -- on
17 the very lower end of -- of the sentencing range, and I would
18 ask the Court to take all these matters into consideration
19 when entering its judgment.

20 THE COURT: How much time has he served already?

21 MR. EDGEWORTH: I believe that he had -- he had six
22 months total, and I don't have the exact calculation, but he
23 spent time in both Florence County and Darlington County
24 Detention Centers on the -- the kind of combined nature of
25 these cases before one got dismissed, and then there was the

1 jurisdictional issue, I believe. I mean, I can attempt to get
2 the accurate amount, but we had discussed six months
3 previously was what he -- he had in.

4 MR. FREEMAN: Your Honor, I have that bond was made on
5 the 29th of September, 2021, in this case. He was later
6 arraigned for charges before Judge Brown, which I do not
7 recall additional time being imposed for.

8 THE COURT: Are you okay with six months?

9 MR. FREEMAN: I believe he's entitled more so to three
10 months, but however Your Honor rules is fine with the State.

11 MR. EDGEWORTH: Judge, and that's what I was saying. He
12 had additional time when they -- when -- because of the
13 charges when there's a jurisdictional issue, he was taken over
14 to Darlington County, but these -- these other charges were
15 still pending over his head and then they got dismissed. I
16 think he would be entitled to both the time there and
17 Darlington County.

18 THE COURT: What say you?

19 MR. FREEMAN: And I would disagree with that. The
20 charges in Darlington were separate and independent of these.
21 He's only entitled to three months. It might have been
22 related, but it's an entirely different case. He had posted
23 bond for these charges.

24 THE COURT: Okay.

25 MR. FREEMAN: And that was on September 29th, 2021.

1 (WHEREUPON, there was a pause in the proceedings, after
2 which the proceedings resumed as follows.)

3 SENTENCE

4 THE COURT: All right. On the trafficking meth, the
5 sentence of the Court is 15 years. I'll run it concurrent. I
6 gave him six months' credit.

7 Five years on the other three, and they're all
8 concurrent. I gave him six months' credit.

9 MR. EDGEWORTH: Thank you, Judge.

10 THE COURT: Thank you.

11 MR. FREEMAN: Thank you, Judge.

12 (WHEREUPON, the proceedings ended at 5:53 p.m.)

13

14 --- END REQUESTED TRANSCRIPT ---

15

16

17

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19

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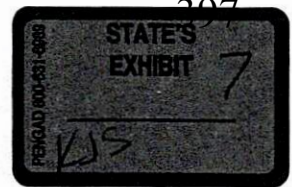
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Florence County Sheriff's Office

SHERIFF TJ Joye

Patrick Miles
Lake City P.D.
202 Kelly St.
Lake City S.C. 29560

DRUG ANALYSIS

November 3, 2021
FCSO Lab No: F21-0406
Officer: John Stewart
Case No: 2021-06-120
Incident Date: 6/29/2021
Subject: Carlton Devonte Brown

THIS IS AN OFFICIAL REPORT OF THE FLORENCE COUNTY SHERIFF'S OFFICE FORENSIC SERVICES UNIT AND IS TO BE USED IN CONNECTION WITH AN OFFICIAL CRIMINAL INVESTIGATION. THIS REPORT IS TO BE RETAINED IN THE CASE FILE.

TJ Joye
FLORENCE COUNTY SHERIFF'S OFFICE

ITEMS OF EVIDENCE:

- Sub # 1 On 10/11/2021, items were received in B331335 from Jamie McLane at the Florence County Sheriff's Office.
- Item: 1 A plastic bag containing plant material.
- Item: 2 A Trolli cannabis package containing gummies.
- Item: 3 A Trolli cannabis package containing gummies.
- Item: 4 A ziplock bag containing a black plastic bag containing ninety-one (91) multi-colored multi-shaped homemade tablets.

RESULTS:

- Item: 1 Marijuana found, 146.0 grams (5.15 ounces), C-I.
- Item: 2 Tetrahydrocannabinol (Delta-8 THC) found, 34.35 grams (1.21 ounces).
- Item: 3 Tetrahydrocannabinol (Delta-8 THC) found, 12.57 grams (0.44 ounces).
- Item: 4 Methamphetamine found, Ninety-one (91) tablets (30.73 grams), C-II.


Mitchell Hansen
Chemist

cc: Florence County Solicitor's Office

FORM A**REPORT OF ANALYSIS FOR
CONTROLLED DANGEROUS SUBSTANCES
(Substance found)**

I, Mitchell Hansen, am a Chemical Analyst employed by the Florence County Sheriff's Office (FCSO), Trained by South Carolina State Law Enforcement Division (SLED) as a chemist or analyst to perform testing and analysis for controlled dangerous substances prohibited by law in the state by Title 44, Chapter 53 of the Code of Laws and Rule 61-4 of the Department of Health and Environmental Control.

I have 15 year and 1 months experience as a Chemical Analyst. During that period, I have been qualified as an expert witness and testified in court no less than 55 times. I have received the following training as a chemical analyst.

Associates in Science, Florence- Darlington Technical College, 1996

Associates in Arts, Florence- Darlington Technical College, 1996

B.A. Chemistry, Francis Marion University, 2002

Training in Forensic Drug Analysis, South Carolina State Law Enforcement Division (SLED), 2007

Basic Law Enforcement Training, South Carolina Criminal Justice Academy, 2007

Sub # 1 On 10/11/2021 , items were received in B331335 from Jamie McLane
at the Florence County Sheriff's Office.

I tested the above item(s) using the following legally reliable forensic laboratory procedures approved by the Florence County Sheriff's Office:

- | | |
|--|--|
| ☒ Chemical Test | ☒ Gas Chromatography |
| ☒ Microscopic Exam | ☒ Mass Spectroscopy |
| ☐ Infrared Spectroscopy | ☐ Liquid Chromatography |
| ☐ Ultraviolet Spectroscopy | ☐ Physical Test |
| ☐ Ultraviolet light | ☐ Published Literature |

See Drug Analysis Report F21-0406 for Results.

Chemical Analyst



Mitchell Hansen

Date: 11/3/2021



FLORENCE COUNTY SHERIFF'S OFFICE

SHERIFF TJ Joye

FCSO Lab No: F21-0406
 Submission: 10/11/2021
 Container ID: B331335

Name Of Investigating Officer: <u>John Stewart</u>		ORI No: <u>SCO210200</u>
Agency: <u>Lake City P.D.</u>		Case No: <u>2021-06-120</u>
Phone No: <u>843-374-5411</u>		Offense: <u>Drugs</u>
Fax No: _____	Email: _____	County: <u>Florence</u>
Mailing Address: <u>202 Kelly St.</u> <u>Lake</u> <u>City S.C. 29560</u>		Offense Date: <u>6/29/2021</u>
CC: <u>Florence County Solicitor's Office</u>		Officer Involved Shooting: ☐ Yes
		Rush: ☐ Yes

Is this evidence related to another lab number? ☐ Yes ☒ No
 If yes, Lab Number: _____

ANALYSIS ITEM No LAB ONLY	Agency Item	Description of Evidence	Analysis Requested
1		Plant material	DRUG ANALYSIS
2		Pills	DRUG ANALYSIS
3		Candy	DRUG ANALYSIS

SUBJECT	SEX	RACE	DOB	SSN
Carlton Devonte Brown	M	B	1992	

Comments:

Received from: Jamie McLane

Received By: _____

Mitchell Hansen
 CHEMIST

ARREST WARRANT

2021A2120400238

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

THE STATE

against

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

AFFIDAVIT

Personally appeared before me the affiant CARL MAJORSbeing duly sworn deposes and says that defendant CARLTON DEVONTE BROWNdid within this county and state on 06/29/2021 to 06/29/2021State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LAKE CITY)

in the following particulars:

DESCRIPTION OF OFFENSE: 16-23-0410 / POINTING AND PRESENTING A GUN

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:

THE AFFIANT HAS EVIDENCE AND WITNESS TO PROVE THAT ON TUESDAY JUNE 29, 2021, THE DEFENDANT CARLTON BROWN, DID KNOWINGLY AND WILLINGLY COMMIT THE OFFENSE OF POINTING AND PRESENTING A FIREARM. A VIOLATION OF SC CRIMINAL STATUTE (16-23-410). THE DEFENDANT DID PRESENT A BLACK IN COLOR HANDGUN AND MADE SEVERAL THREATS TO KILL THE VICTIM IN THE PRESENCE OF HER TWO CHILDREN AGES TWO AND THREE YEARS OF AGE. THIS OFFENSE TOOK PLACE IN THE CITY LIMITS OF LAKE CITY IN FLORENCE COUNTY, SC AND IS A VIOLATION OF THE SC CODE OF LAW AS AMENDED 1978. THIS CASE WAS INVESTIGATED BY LCPD CASE NUMBER 2021-06-117.

CARLTON DEVONTE BROWN

Address: FLAT SHOALS RD
ATLANTA GA 30316Phone: _____ SSN: _____
Sex: M Race: B Height: 6-11 Weight: 220DL State: SC DL#: _____
DOB: _____/1992 Agency OR#: SC0210200Prosecuting Agency: LAKE CITY POLICE DEPARTMENTProsecuting Officer: CARL MAJORSOffense: POINTING AND PRESENTING A GUNOffense Code: 0122Code/Ordinance Sec. 16-23-0410

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of
FLORENCE

The accused

is to be arrested and brought before me to be
dealt with according to law._____
Signature of Judge (L.S.)Date: 06/29/2021
Date Time

RETURN

A copy of this arrest warrant was delivered to
defendant CARLTON DEVONTE BROWN
on 6/29/21_____
Signature of Constable/Law Enforcement OfficerRETURN WARRANT TO:
GENERAL SESSIONS
180 N. IRBY STREET
FLORENCE, SC 29501

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
LAKE CITYAffiant's Address 202 KELLEY ST
LAKE CITY SC 29560
Affiant's Telephone (843) 374-5411

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 06/29/2021 defendant CARLTON DEVONTE BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LAKE CITY) as set forth below:DESCRIPTION OF OFFENSE: WEAPONS / POINTING AND PRESENTING FIREARMS AT A PERSON

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to the 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.

Sworn to and subscribed before me

on 06/29/2021_____
Gloria H. Washington (S.)Judge Code: 8345Judge's Address 202 KELLEY STREET/PO BOX 1329
LAKE CITY SC 29560Judge's Telephone 843-374-5421Issuing Court: ☐ Magistrate ☐ Municipal ☒ Circuit

Case: 2021-06-117

ORIGINAL

5yrs

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

ARREST WARRANT

2021A2120400239

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

THE STATE

against

CARLTON DEVONTE BROWN

Address: FLAT SHOALS RD

ATLANTA GA 30316

Phone: _____ SSN: _____

Sex: M Race: B Height: 6-11 Weight: 220DL State: SC DL# DOB: /1992 Agency OR# SC0210200Prosecuting Agency: LAKE CITY POLICE DEPARTMENTProsecuting Officer: CARL MAJORSOffense: DOMESTIC VIOLENCE OF A HIGH ANDAGGRAVATED NATURE Offense Code: 3814Code/Ordinance/Sec. 16-25-0065 (A)

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

FLORENCE

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

Signature of Judge

Date: 06/29/2021

Date

Time

A copy of this arrest warrant was delivered to
defendant CARLTON DEVONTE BROWNon 6/29/21

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

GENERAL SESSIONS

180 N. IRBY STREET

FLORENCE, SC 29501

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

AFFIDAVIT

Personally appeared before me the affiant CARL MAJORSbeing duly sworn deposes and says that defendant CARLTON DEVONTE BROWNdid within this county and state on 06/29/2021 to 06/29/2021State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LAKE CITY)

in the following particulars:

DESCRIPTION OF OFFENSE: 16-25-0065 (A) / DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

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:

THE AFFAINT HAS EVIDENCE AND WITNESS TO PROVE THAT ON TUESDAY JUNE 29, 2021 THE DEFENDANT CARLTON DEVONTE BROWN DID COMMIT THE OFFENSE CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE. THE DEFENDANT DID PRESENT A BLACK IN COLOR SEMI AUTOMATIC HANDGUN AT THE VICTIM IN FRONT OF THE VICTIM TWO CHILDREN AGE'S TWO AND THREE YEARS OLD AND THREATEN KILL THE VICTIM. THE VICTIM AND DEFENDANT HAVE COHABITATE IN THE PAST IN JOHNSONVILLE AREA OF FLORENCE COUNTY. THIS OFFENSE TOOK PLACE AT THE AFTER THE DEFENDANT TRACKED THE VICTIM CELL PHONE TO THE VICTIM FAMILY MEMBER HOUSE ON BRENTWOOD CIRCLE IN THE CITY LIMITS OF LAKE CITY FLORENCE COUNTY SC. THIS IS A VIOLATION OF THE 90 CODE OF LAW 1978. THIS CASE WAS INVESTIGATED BY THE LCPO CASE NUMBER 2021-06-117

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

Affiant's Address 202 KELLEY STLAKE CITY SC 29560Affiant's Telephone (843) 374-5411

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 06/29/2021 defendant CARLTON DEVONTE BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LAKE CITY) as set forth below:DESCRIPTION OF OFFENSE: DOMESTIC / DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to the 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.

Sworn to and subscribed before me

on 06/29/2021Signature of Judge
Gloria H. Washington (S.)Judge Code: 8345Judge's Address 202 KELLEY STREET/PO BOX 1329LAKE CITY SC 29560Judge's Telephone 843-374-5421

Issuing Court:

☐ Magistrate☐ Municipal☒ Circuit

ORIGINAL

Case: 2021-06-117

BAIL set by

Judge _____

on _____

type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

ARREST WARRANT

2021A2120400240

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

THE STATE

against

CARLTON DEVONTE BROWN

Address: FLAT SHOALS RD
ATLANTA GA 30316

Phone: _____ SSN: _____

Sex: M Race: B Height: 6-11 Weight: 220L: SC DL#: _____DOB: 1/1992 Agency ORI#: SC0210200Prosecuting Agency: LAKE CITY POLICE DEPARTMENTProsecuting Officer: LT. JOHN STEWARTOffense: UNLAWFUL CARRYING OF A HANDGUNOffense Code: 0044Code/Ordinance Sec. 16-23-0020,

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

FLORENCE

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

Signature of Judge

(L.S.)

Date: 06/30/2021

Date

Time

RETURN

A copy of this arrest warrant was delivered to
defendant CARLTON DEVONTE BROWNon 6/30/21

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

GENERAL SESSIONS

180 N. IRBY

FLORENCE, SC 29501

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
9CCA618Personally appeared before me the affiant JOHN STEWART whobeing duly sworn deposes and says that defendant CARLTON DEVONTE BROWNdid within this county and state on 06/29/2021 to 06/29/2021 violate the criminal laws of theState of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LAKE CITY)

in the following particulars:

DESCRIPTION OF OFFENSE: 16-23-0020, 16-23-0050(A)(2) / UNLAWFUL CARRYING OF A HANDGUNI 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:

THAT AFFIANT HAS EVIDENCE AND WITNESS TO PROVE THAT ON TUESDAY JUNE 29, 2021 THAT THE DEFENDANT CARLTON DEVONTE BROWN WAS FOUND TO BE IN POSSESSION OF A BLACK LOADED RUGER 38 SPECIAL REVOLVER HANDGUN WITH SERIAL NUMBER 542-18761 AFTER A TRAFFIC STOP AND INCIDENT TO ARREST FOR OUTSTANDING ARREST WARRANT. THE HANDGUN WAS RECOVERED FROM THE REAR FLOOR BEHIND THE PASSENGER SEAT. THE DEFENDANT IS A CONVICTED FELON AND IS PROHIBIT POSSESSING OR ACQUIRING A FIREARM OF ANY SORT. THIS OFFENSE TOOK PLACE ON SOUTH RON MCNAIR BLVD IN THE CITY LIMITS OF LAKE CITY IN FLORENCE CO SC. THIS IN A VIOLATION OF THE SC CODE OF LAW AS AMENDED 1976. THIS CASE WAS INVESTIGATED BY THE LCPD CASE NUMBER 2021-08-120.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

Affiant's Address 202 KELLEY STLAKE CITY SC 29560Affiant's Telephone (843) 374-5411

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 06/29/2021 defendant CARLTON DEVONTE BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LAKE CITY) as set forth below:DESCRIPTION OF OFFENSE: WEAPONS / UNLAWFUL CARRYING OF PISTOLHaving found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the 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.

Sworn to and subscribed before me

on 06/30/2021 at 1107

(Date) (Time) (S.)

GLORIA H. WASHINGTON

Judge Code: 8345Judge's Address 202 KELLEY STREET/PO BOX 1329LAKE CITY SC 29560Judge's Telephone 843-374-5421

Issuing Court:

☐ Magistrate☐ Municipal☒ Circuit

ORIGINAL

Case: 2021-06-2021

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea not procs. etc.)

Disposition: _____

Sentence: _____

JURORS

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

ARREST WARRANT

2021A2120400241

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

THE STATE

against

CARLTON DEVONTE BROWN

Address: FLAT SHOALS RD
ATLANTA GA 30316

Phone: _____ SSN: _____

S 1 Race B Height: 6-11 Weight: 220DL State: SC DL#: _____DOB: 1/1992 Agency OR#: SC0210200Prosecuting Agency: LAKE CITY POLICE DEPARTMENTProsecuting Officer: LT. JOHN STEWARTOffense: UNLAWFUL CARRYING OF A HANDGUNOffense Code: 0044Code/Ordinance Sec. 16-23-0020

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality ofFLORENCE The accusedis to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

06/30/2021

Date

Time

RETURN

A copy of this arrest warrant was delivered to
defendant CARLTON DEVONTE BROWN
on 6/30/21

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

GENERAL SESSIONS
180 N. IRBY STREET
FLORENCE, SC 29501

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA #18Personally appeared before me the affiant JOHN STEWART who
being duly sworn deposes and says that defendant CARLTON DEVONTE BROWN
did within this county and state on 06/29/2021 to 06/29/2021 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LAKE CITY)
in the following particulars:DESCRIPTION OF OFFENSE: 16-23-0020, 16-23-0050(A)(2) / UNLAWFUL CARRYING OF A
HANDGUNI 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:THAT AFFIANT HAS EVIDENCE AND WITNESS TO PROVE THAT ON TUESDAY JUNE 29, 2021 THAT THE DEFENDANT CARLTON DEVONTE
BROWN WAS FOUND TO BE IN POSSESSION OF A BLACK LOADED 9MM S&W M&P SEMI AUTOMATIC HANDGUN WITH SERIAL NUMBER MP20413
AFTER A TRAFFIC STOP AND INCIDENT TO ARREST FOR OUTSTANDING ARREST WARRANT. THE HANDGUN WAS RECOVERED FROM THE
REAR FLOOR BEHIND THE PASSENGER SEAT. THE DEFENDANT IS A CONVICTED FELON AND IS PROHIBIT POSSESSING OR ACQUIRING A
FIREARM OF ANY SORT. THIS OFFENSE TOOK PLACE ON SOUTH RON MCNAIR BLVD IN THE CITY LIMITS OF LAKE CITY IN FLORENCE CO SC.
THIS IN A VIOLATION OF THE SC CODE OF LAW AS AMENDED 1976. THIS CASE WAS INVESTIGATED BY THE LCPD CASE NUMBER 2021-06-120

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

Affiant's Address 202 KELLEY ST
LAKE CITY SC 29560
Affiant's Telephone (843) 374-5411

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 06/29/2021 defendant CARLTON DEVONTE BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LAKE CITY) as set forth below:DESCRIPTION OF OFFENSE: WEAPONS / UNLAWFUL CARRYING OF PISTOLHaving found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the 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.

Sworn to and subscribed before me

on 06/30/2021 1107Date: 06/30/2021 (S)

Gloria H. Washington

Judge Code: 8345Judge's Address 202 KELLEY STREET/PO BOX 1329
LAKE CITY SC 29560Judge's Telephone 843-374-5421Issuing Court: ☐ Magistrate ☐ Municipal ☒ Circuit

Case: 2021-06-120

ORIGINAL

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, not guilty, etc.)

Disposition: _____

Sentence: _____

JURORS

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

ARREST WARRANT

021A2120400242

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

THE STATE

against

CARLTON DEVONTE BROWN

SSN:

e: SSN:

M Race: B Height: 6-11 Weight: 220

SC

DL#:

Agency ORI#: SC0210200

Issuing Agency: LAKE CITY POLICE DEPARTMENT

Issuing Officer: LT. JOHN STEWART

Charge: POSSESSION OF FIREARM BY

CONVICTED FELON Offense Code: 3434

Ordinance Sec. 16-23-0500 (A)

This warrant is CERTIFIED FOR SERVICE in the

County/ ☐ Municipality of

FLORENCE

The accused

be arrested and brought before me to be

with according to law

Signature of Judge

(L.S.)

06/30/2021

Date

Time

RETURN

Copy of this arrest warrant was delivered to

defendant CARLTON DEVONTE BROWN

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CERIAL SESSION

N. IRBY STREET

FLORENCE, SC 29501

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant JOHN STEWART

who

being duly sworn deposes and says that defendant CARLTON DEVONTE BROWN

did within this county and state on 06/29/2021 to 06/29/2021 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LAKE CITY

in the following particulars:

DESCRIPTION OF OFFENSE: 16-23-0500 (A) / POSSESSION OF FIREARM BY CONVICTED FELON

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:

THAT AFFIANT HAS EVIDENCE AND WITNESS TO PROVE THAT ON TUESDAY JUNE 29, 2021 THAT THE DEFENDANT CARLTON DEVONTE BROWN WAS FOUND TO BE IN POSSESSION OF A BLACK LOADED 9MM S&W M&P SEMI AUTOMATIC HANDGUN WITH SERIAL NUMBER MP20413 AFTER A TRAFFIC STOP AND INCIDENT TO ARREST FOR OUTSTANDING ARREST WARRANT. THE HANDGUN WAS RECOVERED FROM THE REAR FLOOR BEHIND THE PASSENGER SEAT. THE DEFENDANT IS A CONVICTED FELON AND IS PROHIBIT POSSESSING OR ACQUIRING A FIREARM OF ANY SORT. THIS OFFENSE TOOK PLACE ON SOUTH RON MCNAIR BLVD IN THE CITY LIMITS OF LAKE CITY IN FLORENCE CO SC. THIS IS A VIOLATION OF THE SC CODE OF LAW AS AMENDED 1976. THIS CASE WAS INVESTIGATED BY THE LCPD CASE NUMBER 2021-06-120.

Signature of Affiant

Affiant's Address 202 KELLEY ST
LAKE CITY SC 29560
Affiant's Telephone (843) 374-5411

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on 06/29/2021 defendant CARLTON DEVONTE BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LAKE CITY) as set forth below:

DESCRIPTION OF OFFENSE: WEAPONS / POSSESSION OF FIREARM OR AMMUNITION BY PERSON CONVICTED OF VIOLENT FELONY

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to the 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.

Sworn to and subscribed before me

on 06/30/2021

Gloria H. Washington
(L.S.)

Judge Code: 8345

Judge's Address 202 KELLEY STREET/PO BOX 1329
LAKE CITY SC 29560

Judge's Telephone 843-374-5421

Issuing Court: ☐ Magistrate ☐ Municipal ☒ Circuit

Case: 2021-06-120

ORIGINAL

5 yrs

RECEIVED

JAN 27 2025

SC Court of Appeals

408

ARREST WARRANT

021A2120400243

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

THE STATE

against

CARLTON DEVONTE BROWN

Address:

Date: SSN:

Race: B Height: 6-11 Weight: 220

SC #:

Agency ORI#: SC0210200

Executing Agency: LAKE CITY POLICE DEPARTMENT

Executing Officer: LT. JOHN STEWART

Offense: POSSESSION OF WEAPON BY CONVICTED

Offense Code: 3434

Ordinance Sec. 16-23-0500 (A)

This warrant is CERTIFIED FOR SERVICE in the

County/ ☐ Municipality of

FLORENCE, SC 29501 The accused

may be arrested and brought before me to be

in accordance with the law.

Signature of Judge

(L.S.)

Date Time

RETURN

A copy of this arrest warrant was delivered to
defendant CARLTON DEVONTE BROWN

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CEREMONIAL SESSION

1 N. IRBY STREET

FLORENCE, SC 29501

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

AFFIDAVIT

Personally appeared before me the affiant JOHN STEWART

who

being duly sworn deposes and says that defendant CARLTON DEVONTE BROWN

did within this county and state on 06/29/2021 to 06/29/2021 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LAKE CITY)

in the following particulars:

DESCRIPTION OF OFFENSE: 16-23-0500 (A) / POSSESSION OF WEAPON BY CONVICTED FELLOW

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:

THAT AFFIANT HAS EVIDENCE AND WITNESS TO PROVE THAT ON TUESDAY JUNE 29, 2021 THAT THE DEFENDANT CARLTON DEVONTE BROWN WAS FOUND TO BE IN POSSESSION OF A BLACK LOADED RUGER 38 SPECIAL REVOLVER HANDGUN WITH SERIAL NUMBER 542-18761 AFTER A TRAFFIC STOP AND INCIDENT TO ARREST FOR OUTSTANDING ARREST WARRANT. THE HANDGUN WAS RECOVERED FROM THE REAR FLOOR BEHIND THE PASSENGER SEAT. THE DEFENDANT IS A CONVICTED FELON AND IS PROHIBIT POSSESSING OR ACQUIRING A FIREARM OF ANY SORT. THIS OFFENSE TOOK PLACE ON SOUTH RON MCNAIR BLVD IN THE CITY LIMITS OF LAKE CITY IN FLORENCE CO SC. THIS IS A VIOLATION OF THE SC CODE OF LAW AS AMENDED 1976. THIS CASE WAS INVESTIGATED BY THE LCPD CASE NUMBER 2021-06-120.

Signature of Affiant

Affiant's Address 202 KELLEY ST

LAKE CITY SC 29560

Affiant's Telephone (843) 374-5411

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on 06/29/2021 defendant CARLTON DEVONTE BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LAKE CITY) as set forth below:DESCRIPTION OF OFFENSE: WEAPONS / POSSESSION OF FIREARM OR AMMUNITION BY PERSON
CONVICTED OF VIOLENT FELONY

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to the 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.

Sworn to and subscribed before me

on 06/30/2021

Date: Gloria H. Washington (L.S.)

Judge Code: 8345

Judge's Address 202 KELLEY STREET/PO BOX 1329

LAKE CITY SC 29560

Judge's Telephone 843-374-5421

Issuing Court: ☐ Magistrate ☐ Municipal ☒ Circuit

Case: 2021-06-120

ORIGINAL

5 yrs

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 9187

RECEIVED
JAN 27 2025
SC Court of Appeals

409

ARREST WARRANT

2021A2120400244

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

THE STATE

against

STATE OF SOUTH CAROLINA)

☐ County/ ☒ Municipality of)

LAKE CITY)

Personally appeared before me the affiant JOHN STEWART

being duly sworn deposes and says that defendant CARLTON DEVONTE BROWN

did within this county and state on 06/29/2021 to 06/29/2021

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LAKE CITY

in the following particulars:

DESCRIPTION OF OFFENSE: 44-53-0370(B)(1) / PWID METHAMPHETAIME

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:

THE AFFIANT HAS EVIDENCE AND WITNESS TO PROVE THAT ON TUESDAY JUNE 29, 2021 THE DEFENDANT CARLTON DEVONTE BROWN DID VIOLATE THE SC DRUG STATUTE. THE DEFENDANT WAS FOUND TO BE IN POSSESSION OF A BLACK PLASTIC BAG THAT CONTAINED 91 FUNNY SHAPE COLOURFUL PILLS THAT ARE CONSISTENT WITH METHAMPHETAIME. THE DRUG EVIDENCE WAS RECOVERED FROM THE EYE GLASS HOLDER IN THE CEILING OF THE VEHICLE THE DEFENDANT WAS DRIVING. THIS OCCURRED ON SOUTH RON MCNAIR BLVD IN THE CITY LIMITS OF LAKE CITY WHICH IS IN FLORENCE CO SC. THIS IS A VIOLATION OF THE SC CODE OF LAW AS AMENDED 1976. THIS CASE WAS INVESTIGATED BY THE LCPD CASE NUMBER 2021-06-120.

Signature of Affiant

STATE OF SOUTH CAROLINA)

☐ County/ ☒ Municipality of)

LAKE CITY)

Affiant's Address 202 KELLEY ST

LAKE CITY SC 29560

Affiant's Telephone (843) 374-5411

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 06/29/2021 defendant CARLTON DEVONTE BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LAKE CITY) as set forth below:

DESCRIPTION OF OFFENSE: DRUGS / MDP, NARCOTIC DRUGS IN SCH. I(B) & (C), LSD, AND SCHED. II - 1ST OFFENSE

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to the 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.

Sworn to and subscribed before me)

on 06/30/2021)

Date Time)

GLORIA H. WASHINGTON (L.S.)

Judge Code: 8345

Judge's Address 202 KELLEY STREET/PO BOX 1329

LAKE CITY SC 29560

Judge's Telephone 843-374-5421

Issuing Court: ☐ Magistrate☐ Municipal☒ Circuit

Case: 2021-06-120

ORIGINAL

15 yrs

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

who

410

RECEIVED
JAN 27 2025
SC Court of Appeals

CARLTON DEVONTE BROWN

address:

Phone: SSN:

M Race: B Height: 6-11 Weight: 220

L's SC ni #:

DOB: Agency ORI#: SC0210200

Prosecuting Agency: LAKE CITY POLICE DEPARTMENT

Prosecuting Officer: LT. JOHN STEWART

Offense: PWID METHAMPHETAIME

Offense Code: 0183

Code/Ordinance Sec. 44-53-0370(B)(1)

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

FLORENCE

The accused

to be arrested and brought before me to be

dealt with according to law.

Signature of Judge

(L.S.)

06/30/2021

Date Time

RETURN

copy of this arrest warrant was delivered to
defendant CARLTON DEVONTE BROWN

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

GENERAL SESSION

80 N. IRBY STREET

FLORENCE, SC 29501

ARREST WARRANT

2021A2120400245

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

THE STATE

against

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

Personally appeared before me the affiant JOHN STEWART

being duly sworn deposes and says that defendant CARLTON DEVONTE BROWN

did within this county and state on 06/29/2021 to 06/29/2021 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LAKE CITY

In the following particulars:

DESCRIPTION OF OFFENSE: 44-53-0370(B) (1) / PWID MARIJUANA

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:

THE AFFIANT HAS EVIDENCE AND WITNESS TO PROVE THAT ON TUESDAY JUNE 29, 2021 THE DEFENDANT CARLTON DEVONTE BROWN DID VIOLATE THE SC DRUG STATUTE. THE DEFENDANT WAS FOUND TO BE IN POSSESSION OF A LARGE CLAEER PLASTIC BAG THAT CONTAINED 158 GRAMS OR 5.6 OZ OF A GREEN PLANT LIKE SUBSTANCE CONSISTENT WITH MARIJUANA. THE DRUG EVIDENCE WAS RECOVERED FROM THE REAR PASSENGER SIDE FLOOR OF THE VEHICLE THE DEFENDANT WAS DRIVING. THIS OCCURRED ON SOUTH RON MCNAIR BLVD IN THE CITY LIMITS OF LAKE CITY WHICH IS IN FLORENCE CO SC. THIS IS A VIOLATION OF THE SC CODE OF LAW AS AMENDED 1976. THIS CASE WAS INVESTIGATED BY THE LCPD CASE NUMBER 2021-06-120.

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 818

RECEIVED
JAN 27 2025
SC Court of Appeals

CARLTON DEVONTE BROWN

address:

phone: SSN:

M Race: B Height: 6-11 Weight: 220

SC DL#:

JOB: Agency ORI#: SC0210200

Prosecuting Agency: LAKE CITY POLICE DEPARTMENT

Prosecuting Officer: LT. JOHN STEWART

Offense: PWID MARIJUANA

Offense Code: 0183

Code/Ordinance Sec. 44-53-0370(B) (1)

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

FLORENCE

The accused

is to be arrested and brought before me to be

dealt with according to law

Signature of Judge

(L.S.)

06/30/2021

Date

Time

RETURN

A copy of this arrest warrant was delivered to defendant CARLTON DEVONTE BROWN

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

LAKE CITY MUNICIPAL COURT

202 KELLEY STREET

LAKE CITY, SC 29560

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LAKE CITY

Affiant's Address 202 KELLEY ST

LAKE CITY SC 29560

Affiant's Telephone (843) 374-5411

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 06/29/2021 defendant CARLTON DEVONTE BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LAKE CITY) as set forth below:

DESCRIPTION OF OFFENSE: DRUGS / MDP, NARCOTIC DRUGS IN SCH. I(B) & (C), LSD, AND SCHED. II - 1ST OFFENSE

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to the 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.

Sworn to and subscribed before me

on 06/30/2021

Gloria H. Washington (L.S.)

GLORIA H. WASHINGTON

Judge Code: 8345

Judge's Address 202 KELLEY STREET/PO BOX 1329

LAKE CITY SC 29560

Judge's Telephone 843-374-5421

Issuing Court: ☐ Magistrate ☐ Municipal ☒ Circuit

Case: 2021-06-120

ORIGINAL

15yrs

411

WITNESSES

Dedrick Graham Lake City Police Department

DOCKET NO. 2021-GS-21-02897

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONSNOVEMBER TERM 2021**THE STATE**

vs.

CARLTON DEVONTE BROWN

Jeremiah S. Freeman

ARREST WARRANT NUMBER

2021A2120400243

ACTION OF GRAND JURY

Indictment for

**POSSESSION OF HANDGUN BY ONE
CONVICTED OF CRIME OF VIOLENCE**

Foreperson of Grand Jury

Date:

11/23/21

VERDICT

Foreperson of Petit Jury

Date:

FILED
2021 NOV 23 2 10
CLERK OF COURT
DOCP 2.03
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

INDICTMENT FOR

POSSESSION OF HANDGUN BY ONE
CONVICTED OF CRIME OF VIOLENCE

At a Court of General Sessions, convened on NOVEMBER 23, 2021 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE – POSSESSION OF HANDGUN BY ONE CONVICTED OF CRIME OF
VIOLENCE**

CDR: 2364 §16-23-0030(B)

That Carlton Devonte Brown did in Florence County on or about June 29, 2021, knowingly possess or acquire a black S&W MP semi-automatic pistol with serial number (MP20413), after having been convicted of a crime of violence as defined in Section 16-23-10, S. C. Code of Laws, 2003, as amended, in violation of Section 16-23-0030(B), S. C. 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.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

Dedrick Graham Lake City Police Department

Jeremiah S. Freeman

ARREST WARRANT NUMBER

2021A2120400242

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-21-02898

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2021

THE STATE

vs.

CARLTON DEVONTE BROWN

Indictment for

**POSSESSION OF HANDGUN BY ONE
CONVICTED OF CRIME OF VIOLENCE**

FILED

2021 NOV 23 P 1:10

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR

POSSESSION OF HANDGUN BY ONE
CONVICTED OF CRIME OF VIOLENCE

At a Court of General Sessions, convened on NOVEMBER 23, 2021 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE – POSSESSION OF HANDGUN BY ONE CONVICTED OF CRIME OF
VIOLENCE**

CDR: 2364 §16-23-0030(B)

That Carlton Devonte Brown did in Florence County on or about June 29, 2021, knowingly possess or acquire a black Ruger 38 SP handgun with serial number (542-18761), after having been convicted of a crime of violence defined in Section 16-23-10, S. C. Code of Laws, 2003, as amended, in violation of Section 16-23-0030(B), S. C. 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.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

Dedrick Graham Lake City Police Department

Jeremiah S. Freeman

ARREST WARRANT NUMBER

2021A2120400245

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-21-02899

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONSNOVEMBER TERM 2021**THE STATE**

vs.

CARLTON DEVONTE BROWN

Indictment for

**POSSESSION WITH INTENT TO
DISTRIBUTE MARIJUANA**

FILED
 2021 NOV 23 P 1:10
 DORIS POULOS O'HARA
 CLERK & GS
 FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR

POSSESSION WITH INTENT TO DISTRIBUTE
MARIJUANA

At a Court of General Sessions, convened on NOVEMBER 23, 2021 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE – POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA

CDR: 0186 §44-53-0370(b)(2)

That Carlton Devonte Brown did in Florence County, on or about June 29, 2021, possess with intent to distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense or deliver a quantity of Marijuana, a controlled substance under provisions of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized by law, and in violation of Section 44-53-0370(b)(2), S. C. 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.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

Emily Clayton

418

WITNESSES

Dedrick Graham Lake City Police Department

Jeremiah S Freeman

ARREST WARRANT NUMBER

2021GS2102900

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-21-02900

The State of South Carolina

County of

FLORENCE .

COURT OF GENERAL SESSIONS

NOVEMBER

TERM

2021

THE STATE

vs.

CARLTON DEVONTE BROWN

Indictment for

TRAFFICKING METHAMPHETAMINE, 28
GRAMS BUT LESS THAN 100 GRAMS

RECEIVED
JAN 27 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR

TRAFFICKING METHAMPHETAMINE, 28
GRAMS BUT LESS THAN 100 GRAMS

At a Court of General Sessions, convened on NOVEMBER 23, 2021 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE – TRAFFICKING METHAMPHETAMINE, 28 GRAMS BUT LESS THAN 100
GRAMS**

CDR: 0392 §44-53-0375(C)(2)(a)

That Carlton Devonte Brown did in Florence County on or about June 29, 2021, knowingly, sell, deliver, purchase, or bring into this State; or did aid, abet, attempt or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession or attempted to become in actual or constructive possession of a quantity of Methamphetamine, in an amount of more than twenty-eight grams but less than one-hundred grams, same being a controlled substance all within the meaning of Section 44-53-110, et seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized and in violation of Section 44-53-375(c)(2), S. C. Code of Laws, 1976, as amended, for the crime of trafficking.

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

RECEIVED

JAN 27 2025

SC Court of Appeals



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

Carl A Majors Lake City Police Department

Robert Shearer RS

Jeremiah S. Freeman

ARREST WARRANT NUMBER

2024GS2102106

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury Date: 7/25/24

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-21-02106

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JULY TERM 2024

THE STATE

vs.

CARLTON DEVONTE BROWN

Indictment for

POINTING AND PRESENTING A FIREARM

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF FLORENCE)

POINTING AND PRESENTING A FIREARM

At a Court of General Sessions, convened on JULY 25, 2024 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE - POINTING AND PRESENTING A FIREARM

CDR: 0122 16-23-0410

That CARLTON DEVONTE BROWN did in Florence County on or about June 29, 2021, point or present a loaded or unloaded firearm, to wit: a handgun, at one LAQUONDA GREEN, in violation of Section 16-23-0410, S. C. 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.

E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

Dedrick Graham Lake City Police Department

Jeremiah S. Freeman

ARREST WARRANT NUMBER

2021A2120400241

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-21-03102

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONSNOVEMBER

TERM

2021**THE STATE**

vs.

CARLTON DEVONTE BROWN

Indictment for

UNLAWFUL CARRYING OF PISTOL

FILED

2021 NOV 23 PM 1:11

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 UNLAWFUL CARRYING OF PISTOL

At a Court of General Sessions, convened on NOVEMBER 23, 2021 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE - UNLAWFUL CARRYING OF PISTOL

CDR: 0044 §16-23-0020

That Carlton Devonte Brown did in Florence County on or about June 29, 2021, carry about the person a pistol, a black Ruger 38 SP revolver with serial number (542-18761), such carrying not being authorized by law, in violation of Section 16-23-0020, S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
 TWELFTH CIRCUIT SOLICITOR

WITNESSES

Dedrick Graham Lake City Police Department

Jeremiah S. Freeman

ARREST WARRANT NUMBER

2021A2120400240

ACTION OF GRAND JURY**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2021-GS-21-03104

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONSNOVEMBER TERM 2021**THE STATE**

vs.

CARLTON DEVONTE BROWN

Indictment for

UNLAWFUL CARRYING OF PISTOL

FILED

2021 NOV 23 PM 1:11

DONIS POLLOS O'HARA
CCJP 21 GS
FLORENCE COUNTY, SC

11/23/21

Foreperson of Grand Jury

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR

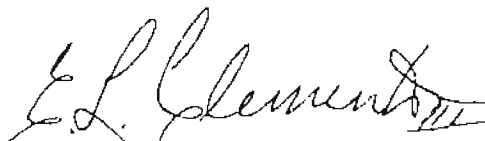
UNLAWFUL CARRYING OF PISTOL

At a Court of General Sessions, convened on NOVEMBER 23, 2021 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE – UNLAWFUL CARRYING OF PISTOL

CDR: 0044 §16-23-0020

That Carlton Devonte Brown did in Florence County on or about June 29, 2021, carry about the person a pistol, a black S&W MP semi-automatic handgun with serial number (MP20413), such carrying not being authorized by law, in violation of Section 16-23-0020, S. C. Code of Laws, 1976, as amended.

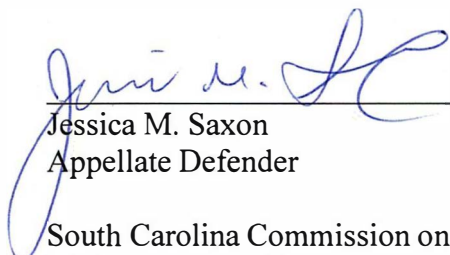


E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 27th day of July, 2026.

RECEIVED

Jul 27 2026

SC Court of Appeals