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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

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

THE STATE,

RESPONDENT,

V.

PAUL E. LAMBERTH,

APPELLANT

APPELLATE CASE NO 2023-001827

RECORD ON APPEAL

JESSICA M. SAXON
Appellate Defender

ALAN WISON
Attorney General

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

AMBREE M. MULLER
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR APPELLANT

W. WALTER WILKINS, III
Solicitor, Thirteenth Judicial Circuit

214 E. Main St.
Pickens, SC 29671
(864) 898-5905

ATTORNEYS FOR RESPONDENT

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NOS. 2-4 (SECURITY CAMERA FOOTAGE)
DEFENSE EXHIBIT NO. 2 (PHOTOGRAPH)

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF PICKENS) 2021A3920700310
)
)
)
THE STATE)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD
)
PAUL E. LAMBERTH)
)
)
) DEFENDANT)

November 7-9, 2023
Pickens, South Carolina

B E F O R E:

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

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

WES STOLARSKI, ESQ.
Attorney for the State

J. MAX GRAVLEE, ESQ.
STEPHEN SNOW, ESQ.
Attorneys for the Defendant

APRIL HERRON
Official Court Reporter

1 enable The Defendant in this case to know -- I think
2 the case law says know what you're called, what The
3 Defendant is called upon to answer. I think that's
4 how the other cases -- or most of the cases say. And
5 so I believe that the language set forth in the body
6 of the indictment is sufficient to enable The
7 Defendant in this case to know what he is called upon
8 to answer. And so I do find that it is sufficient.
9 So the motion to quash the indictment is denied.

10 MR. GRAVLEE: Thank you, Your Honor.

11 THE COURT: All right. Next motion.

12 MR. GRAVLEE: Your Honor, I think I can roll
13 into my motion to dismiss based on spoliation in this
14 case. The allegations, again, are that there's a
15 coffee of cup. Mr. Carrick, the alleged victim,
16 supposedly -- he says that he always leaves half of a
17 cup of coffee in his coffee every day, then he takes
18 it home and because the coffee maker makes his coffee
19 too hot, he's got to pour in fresh coffee into the
20 old coffee so it doesn't burn his lips. So he is
21 saying that he took the coffee home after it was
22 being moved by The Defendant and he just makes the
23 allegation that it's my client that put something in
24 his coffee.

25 THE COURT: So where are they when this

1 allegedly takes place?

2 MR. GRAVLEE: This coffee cup is in the common
3 area of this apartment complex. That -- in that
4 common area that's, I don't know, there's, I would
5 say, at least, four tenants that live up there.
6 There's probably more apartments than that on the
7 floor. Same floor as the manager -- I mean, as the
8 owner, Mr. Carrick, of the property and the landlord.
9 He takes that coffee cup home -- alleges that the
10 tampering occurred on the 18th of September 2021. He
11 takes it home. But then he says to EMS -- his wife
12 finds him the next morning and he's passed out on the
13 floor of his living room. When he's -- his wife
14 wakes him up and he's confused, but he ended up
15 calling EMS. He says he's confused. Judge, it
16 sounds like he really just tied one on. Then his
17 wife woke him up, he said, before church. He -- and
18 he's like well, it had to have been -- it had to have
19 been Paul. He doesn't allege anybody else. He just
20 points to him.

21 And the chief of police of the City of Pickens
22 end up retrieving this cup the next day after that on
23 the 20th. He was found on the floor on the 19th,
24 which was Sunday, I believe Monday was the 20th.
25 Gets this cup, takes it into evidence. Takes the cup

1 into evidence and, also, takes a sample of the coffee
2 into evidence. And he says that he's going to use
3 that to submit it for testing. He names Paul
4 Lamberth, my client, Paul alone as the suspect on the
5 property and evidence sheet. Your Honor, I could --
6 as part of this motion, I can move this as
7 Defendant's Exhibit 1.

8 MR. STOLARSKI: No objection.

9 THE COURT: All right, let's mark it Defense
10 Exhibit 1.

11 (WHEREUPON, Defendant's Exhibit No. 1 was marked
12 for identification only.)

13 MR. GRAVLEE: Just for the purposes of this
14 motion. And it shows that he took that coffee cup
15 and the sample into evidence, specifically, says that
16 he's going to test it. You know, that way, we'll be
17 able to see if what Mr. Carrick is saying actually
18 holds water because what the -- Chief Beach says I
19 met with the victim in this case, who provided me
20 with the coffee mug he suspected had been tampered
21 with that still contained coffee. He transferred the
22 remaining coffee into an evidence receptacle suitable
23 for liquids. He secured the mug for later
24 examination for both prints, fingerprints, to see if
25 prints come back to somebody other than the guy who's

1 claiming this is his coffee, Mr. Carrick. Said the
2 items were logged into evidence at Pickens Police,
3 property evidence receipt number 0207, and placed it
4 into the Pickens Police evidence room.

5 The victim said that he had previously provided
6 a report from the hospital that showed his urinalysis
7 indicating the presence of TH -- it says Z, but I
8 believe that is actually a scrivener's error -- THC
9 and benzo drugs. He was emphatic he doesn't use
10 drugs. He said that he suspects Paul and Mandy who
11 live in apartment number [REDACTED]. He turned over the DVR
12 from the camera system by the police to see if his
13 cup was tampered with. And so they ended up turning
14 over -- Mr. Carrick ended up grabbing that DVR and
15 turning it over to the police.

16 Judge, I mean, this is -- it isn't serious as a
17 murder at all, I'm not going that far, but it's,
18 basically -- like, they have the smoking gun in the
19 case that supposedly The Defendant shot and killed
20 the victim. That's what they used to harm the
21 victim. And in this case, that coffee cup is the
22 same thing that they're alleging that we'd have.
23 They lost the gun. They actually took the gun into
24 evidence. It's not like it went missing, like, they
25 just couldn't find it --

1 THE COURT: What happened to it?

2 MR. GRAVLEE: Your Honor, per -- I asked
3 Mr. Stolarski about it because I was going to -- if
4 they had it -- you know, if they tested it to see
5 because I haven't heard of any test results. If they
6 had, I was probably going to get expert funding to go
7 ahead and test that, too, to see what it would come
8 out as, if it would come back as anything. I mean,
9 his response was, I checked with Pickens -- I mean,
10 in addition to no drug testing, it was, like, no
11 notes, no body cam videos related to any interviews
12 that ever existed, no drug testing was done on the
13 cup or another item in evidence. There was no
14 fingerprint report done. The cup involved in this
15 case was lost in evidence. The police were not able
16 to find it after a search of their evidence locker.

17 So they took the smoking gun into evidence and
18 the one thing that they could use to actually put
19 together to tie up this pretty ludicrous story and
20 something that I would, otherwise, Judge, be able to
21 use to challenge if his story checks out or not.
22 Again, seems like he just tied one on, Judge. He
23 woke up on the floor, his wife woke him up before
24 church, he says, and then he points to --

25 THE COURT: All right, so what is the relief

1 you're seeking in your motion?

2 MR. GRAVLEE: So on the spoliation motion,
3 Judge, basically, under State vs. Cheeseboro, there's
4 two prongs.. You've either got to prove bad faith on
5 the part of the cops --

6 THE COURT: Yeah, they intentionally did it or
7 that knew it was exculpatory before you disposed of
8 it.

9 MR. GRAVLEE: Yes, sir. So, like, the
10 potentially exculpatory value was apparent before the
11 thing was lost. And there's no other way -- the
12 other part of that is there's no other way to obtain
13 that evidence. So they lost a picture of, you know,
14 the -- of a crime scene or something. But they got
15 video body cam footage that shows the same crime
16 scene, there's a way to kind of cover that. They
17 don't have -- there's nothing except that cup of
18 coffee. There's a finite amount of coffee and
19 there's only one cup involved in the allegations in
20 this case. And both just went poof.

21 THE COURT: Mr. Stolarski, let me hear from you.

22 MR. STOLARSKI: Okay, sir. Again, I don't know
23 if I'm going to -- I have something written up just
24 in case you want to look at it or not.

25 THE COURT: What happened to the cup of coffee?

1 MR. STOLARSKI: Your Honor, I can have Officer
2 Beach testify to it. But, ultimately, my
3 understanding is they don't know what happened to the
4 cup. It was logged into evidence. And they -- when
5 they searched for it again because I was asked where
6 is this thing so we can bring it in, they told me
7 they didn't know where it was.

8 THE COURT: Who is the officer that --
9 Mr. Gravlee refers to the chief of police is the one
10 who took it and that he logged it into the evidence.

11 MR. STOLARSKI: I believe he's the main one
12 responsible for the evidence in this case. He's the
13 one who certainly directed any kind of search
14 subsequent to what's going on with this evidence.

15 I will say, Your Honor, with regards to the drug
16 test, this is all a little bit slightly off base in
17 that the tainted coffee in this case, what I'm
18 hearing from Mr. Carrick is that he drank some of the
19 coffee, thought that it tasted funny and poured it
20 down the drain. So the coffee that was contaminated,
21 that was poisoned by Mr. Lamberth, it's the State's
22 contention before it ever came into police custody,
23 it was either inside the victim or down the drain.
24 That it never entered into State's custody such that
25 could be --

1 THE COURT: Well, what about the coffee cup?

2 MR. STOLARSKI: He poured out the coffee and he
3 got some new coffee. It looks like that was what was
4 collected. So we're talking about a smoking gun, so
5 to speak. Gun was destroyed and he went out and
6 bought himself a new gun. And that's what the police
7 had and lost, but either way, it's zero evidentiary
8 value. Certainly, no apparent exculpatory value.

9 THE COURT: What about the argument that the
10 coffee -- if I heard right, that the coffee cup was
11 in this common area and it was taken by chief of
12 police for fingerprints and other testing?

13 MR. STOLARSKI: My understanding of this, Your
14 Honor, and this is based on the security cam video
15 that spans from about nine o'clock in morning until
16 nine o'clock at night, two separate cameras.
17 Mr. Carrick comes about nine o'clock, puts his coffee
18 down on the refrigerator. There's straight cameras
19 from two different angles that are reviewing this
20 coffee cup for a period of about 12 hours while it's
21 there. During that period, no one other than
22 Mr. Lamberth touches that cup. He picks up the cup,
23 takes it to his room. Returns later and places the
24 coffee cup, then moves it to a more conspicuous
25 location next to where the victim's working. At

1 about eight o'clock in the evening, the victim takes
2 his coffee cup, takes it home.

3 THE COURT: Takes that coffee cup Mr. Lamberth
4 put there?

5 MR. STOLARSKI: Yeah, he takes that coffee cup
6 that he originally had, Mr. Lamberth takes it to his
7 room for about a minute and a half, takes that home
8 with him. The next morning -- again, I've got
9 Mr. Carrick here and he can testify, if necessary, if
10 we need some additional testimony on the record. But
11 what Mr. Carrick says is that he was preparing, I
12 believe it's like Sunday School lesson or something
13 like that, pours some additional fresh coffee in with
14 his contaminated coffee, drank it. Notices a funny
15 taste to it, poured it out and got himself a fresh
16 cup. Fifteen minute later, he starts exhibiting some
17 pretty severe negative symptoms and has to be taken
18 to the hospital, at which point, he has a urinalysis
19 done.

20 So our contention is that there's really not
21 much that that coffee cup can say one way or another.
22 If Mr. Lamberth's prints are on the cup, that's
23 certainly inculpatory evidence, not exculpatory
24 evidence. If his fingerprints are not on the cup,
25 that doesn't add anything one way or another.

1 Certainly, Mr. Carrick's prints are going to be on
2 the cup because it is his coffee cup. And I don't
3 see that anything else can really matter in terms of
4 what the value of that is.

5 I will say, I'm going to cite a few cases.

6 Arizona v. Youngblood --

7 THE COURT: Arizona v. Youngblood, that's the
8 case --

9 MR. STOLARSKI: Yeah, that is the case --

10 THE COURT: -- that's what Cheeseboro and
11 everything else in South Carolina is based on,
12 Arizona vs. Youngblood, that's a Supreme Court case.

13 MR. STOLARSKI: Basically, that case, it's kind
14 of a situation similar to this one. What you have is
15 a child sexual assault case where there is some semen
16 that was on an article of clothing, if I remember
17 correctly. Some test were not performed on that and
18 later, that evidence was destroyed. They couldn't go
19 back and retest it. What the Supreme Court says is
20 that one, State's under no obligation to test things.
21 It's not a part of what I would call Brady. I
22 think -- and maybe it's just it's not spoliation.
23 That's stealing the word --

24 THE COURT: This is Arizona vs. Youngblood case.
25 Arizona vs. Youngblood, which is what our South

1 Carolina cases based their decision, Cheeseboro is
2 one of them and a couple others, several others. But
3 that's where they come up is it's got to be either
4 bad faith or it's got to be known to the officers
5 before it was disposed of and exculpatory material
6 and no other ways -- or no other means to get that
7 evidence.

8 MR. STOLARSKI: And I would say apparent
9 exculpatory evidence. Kind of the key word is that
10 apparent. Speculative value, the value that might
11 have had had some potential tests be run, that
12 doesn't count. I think The Court addresses that
13 in -- I've got the printout here if you would like
14 that. But The Court talks about the problems
15 whenever potential exculpatory evidence is lost
16 [indiscernible] is contents are unknown and very
17 often disputed, which seems to be the issue here.

18 THE COURT: Mr. Gravlee, let me ask you this,
19 because Arizona vs. Youngblood and Cheeseboro, those
20 other cases --

21 MR. GRAVLEE: Yes, sir.

22 THE COURT: -- actually put the burden on The
23 Defendant to prove that, would you agree with that?

24 MR. GRAVLEE: I think, Judge, yeah, that we -- I
25 was looking at State v. Reeds and State v. Breeze as

1 well. Basically, in Breeze, it mentions, like, he
2 had to fail to demonstrate that the spoliated
3 evidence in that case had any exculpatory value.

4 THE COURT: I think, though, isn't, though, the
5 burden on The Defendant -- on those two prongs under
6 Arizona vs. Youngblood, Cheeseboro, Reeds, all those,
7 my reading of those cases in the past are that the
8 two elements that are required under Arizona vs.
9 Youngblood is that The Defendant has to demonstrate
10 the bad faith or intentional actions of the persons
11 who got rid of the evidence is number one. Or, in
12 the alternative, if they can't prove that, The
13 Defendant then has to demonstrate that it had
14 exculpatory -- it was exculpatory and that they knew
15 that before they got rid of it. So one of those two
16 things. And I'm fairly confident that Arizona vs.
17 Youngblood and the South Carolina cases put that
18 requirement on The Defendant. If you've got one of
19 those cases and you can read it. If I'm wrong on
20 that --

21 MR. STOLARSKI: You're correct, it's Page 4,
22 Your Honor, you're correct. Page 4, it's going to be
23 in the second column, third one down.

24 THE COURT: You said where, Page 4?

25 MR. STOLARSKI: Yeah, Page 4. And that's State

1 v. Breeze and State v. [indiscernible].

2 MR. GRAVLEE: Yes, Judge, it is because it's
3 almost impossible to prove bad faith without a body
4 cam and somebody going hey, hey, hey, throwing --
5 sorry, a giggle and then throwing, you know, some
6 evidence in the trashcan or something like that. I
7 mean, it really is impossible almost to prove that.
8 But demonstrating that it's got exculpatory value
9 apparent, it is not just that there's some part of
10 the evidence like in Youngblood, you know, there's
11 testimony and other stuff there that you could
12 otherwise challenge. But here, what was in that cup
13 is what matters and what we can't replicate
14 otherwise. And it deprives Mr. Lamberth of the
15 opportunity to test it and due process under the
16 14th, Article 1, Section 10 of South Carolina
17 Constitution.

18 THE COURT: And I agree that it does pose some
19 problems for the Defendant in his case. However, I
20 do think that Cheeseboro and this Breeze, which,
21 again, all come under Arizona vs. Youngblood, which
22 is a U.S. Supreme Court case. I think it -- and
23 that's why it gets back to my original question, the
24 way I read those cases is the burden is on The
25 Defendant to show that.

1 And so, first of all -- and you read from some
2 things over there that the chief of police said he
3 didn't know what happened to it. Is there anything
4 as far as element number one under those cases
5 that -- is there any evidence that law enforcement or
6 The State acted in bad faith and/or intentionally
7 disposed of this evidence?

8 MR. GRAVLEE: Your Honor, I'm not alleging that
9 at this time.

10 THE COURT: Okay. Go to number two.

11 MR. GRAVLEE: I think prong two is always really
12 the prong that has to -- you have to proceed under.
13 And it was apparent. Mr. Stolarski mentioned a bunch
14 of things like a bunch of ifs, like, if they tested
15 it, if they had this. Judge, the allegations that
16 he -- that the victim is claiming is I don't do
17 drugs. There would be nothing in that coffee. If
18 there's nothing in that coffee, Judge, he just tied
19 one on the night before. And by his own allegations,
20 too, he had a couple sips of coffee and he says he
21 poured it out.

22 Now, they, also, turned over -- they took in
23 some coffee, too, but if it's that strong that you
24 take a couple sips of coffee and you just eat it and
25 you pass out, that, frankly, nasty coffee cup that he

1 keeps perpetually day-old coffee in it, it's going to
2 have some residue. You can easily test that and swab
3 it, have that sent off to a lab to tell what was in
4 there. If there is those two exact things and it's
5 those two exact things that he's saying, that's one
6 thing, but I've not go way, Judge, because it is
7 lost, of trying to say -- of replicating that
8 evidence that would otherwise be able to test and
9 explicitly and emphatically prove not only just that
10 he's not guilty, but that he's innocent here, Judge.

11 And the fact that they -- it goes missing and
12 that's what we're here on today, Judge, is --
13 absolutely deprives Mr. Lamberth of his -- his rights
14 under due process to properly challenge and allow me
15 to test the coffee because it would be apparent on
16 its face if those are not in there. And when those
17 are not in there --

18 THE COURT: But is it apparent, though -- it is
19 apparent that it did possess exculpatory evidence?

20 MR. GRAVLEE: It is the weapon, Judge, in this
21 case.

22 THE COURT: I agree with that. I agree -- well,
23 I'm not going to say I agree with it's the weapon.
24 But for your argument purposes, let's assume it is
25 the weapon.

1 MR. GRAVLEE: Yes, sir.

2 THE COURT: But do you have the evidence that it
3 was exculpatory and that it was apparent before it
4 was destroyed? So again, it's got to be exculpatory
5 and has to have been apparent before the evidence was
6 destroyed. And I'm not sure I'm hearing any evidence
7 that that's -- I mean, any argument that the evidence
8 shows that it was exculpatory and it was apparent.

9 I think it's a tough -- and I hear your argument
10 and I understand where you're coming from, but I
11 think that Arizona vs. Youngblood and Cheeseboro and
12 Breeze and all the others that cite the standard that
13 has to be analyzed, it's a tough hurdle. And I,
14 certainly, hear your argument and I think it's a good
15 argument, but I'm not sure -- prong number one is
16 definitely out because we don't have any evidence and
17 you've acknowledged that and I appreciate that. But
18 number two, is if it's destroyed -- the destroyed
19 evidence, the coffee cup in this case and/or coffee
20 possessed, The Defendant has to demonstrate that the
21 coffee cup and the coffee possessed an exculpatory
22 value that was apparent before it was destroyed. And
23 I just don't think I'm hearing that.

24 I hear your argument on what you're arguing.
25 But you really don't -- you don't have any evidence

1 that that is the case. It could be. It was a good
2 argument there and it was a good jury argument that
3 who knows what could have happened. Why did -- where
4 is this coffee cup? This coffee cup could have shown
5 my client didn't have anything to do with it. But
6 I'm not sure that Arizona vs. Youngblood requires
7 that.

8 And I think I, also, want to hear more evidence
9 as well. I mean, some testimony comes out that leads
10 to that conclusion, I'll certainly revisit it upon
11 any kind of motion you make. But at this stage, I'm
12 going to deny the motion. But again, I will revisit
13 it if there is evidence that comes out. I just think
14 the hurdle under the law is a difficult one.

15 MR. GRAVLEE: It is, Judge. I don't -- I mean,
16 with that being the standard, I mean, they'd just be
17 able to lose anything. And I've got -- because it's
18 lost -- I mean, because the chief took it into
19 evidence, basically, as my co-counsel pointed out in
20 a note here to me, basically, the testimony that I
21 read on the record from the chief about why it was
22 taken into evidence, I mean, we can't do anything --

23 THE COURT: I recognize that and I hear your
24 argument. But, you know, it's interesting the first
25 sentence in the paragraph of all these cases start

1 out with Arizona vs. Youngblood, but looking at the
2 one that's been handed up to me, State v. Breeze, the
3 first sentence in the analysis is The State does not
4 have an absolute duty to safeguard potentially useful
5 evidence that might vindicate a defendant. So I
6 think that's the premise that you've got to start out
7 with and then you go to the two prongs under case
8 law.

9 So, again, I understand where you're coming
10 from, I hear you and the evidence may get out and be
11 developed. It may allow me to revisit it and
12 consider it, but at this time, I'll deny the motion.

13 MR. GRAVLEE: So, Judge, just -- I'm not arguing
14 with the --

15 THE COURT: Protect the record, go ahead.

16 MR. GRAVLEE: You find that it doesn't violate
17 14th Amendment due process and right to a fair trial
18 here?

19 THE COURT: Yeah, your motion is that, so I'm
20 denying the motion. So that protects your record.

21 MR. GRAVLEE: Thank you, Your Honor.

22 THE COURT: Did I hear right, Mr. Stolarski say
23 that Mr. Carrick used coffee from the day before, put
24 more coffee in? Am I hearing that right?

25 MR. STOLARSKI: I believe that is correct, Your

1 Honor.

2 THE COURT: All right. All right, what's the
3 next motion?

4 MR. GRAVLEE: Sorry, Judge. I'm trying to put
5 this chronologically as possible. Judge, I think at
6 this time, it is -- you know, I think we can proceed
7 either to the Denno hearing. I just ask that -- I
8 defer to The State to go ahead and call witnesses to
9 prove that the statement was -- that he gave was
10 voluntary and intelligent waiver.

11 THE COURT: All right, let me ask you this, too,
12 from a time logistic standpoint. We've got the Denno
13 hearing. It's already five after 4:00. My
14 inclination now, due to the lateness in the day is to
15 go ahead -- I don't want to have them sitting back
16 there even longer and then come out for just doing
17 opening statements. My thought is to go ahead and
18 excuse them for the day and let's handle the Jackson
19 v. Denno and start fresh in the morning. It's five
20 after 4:00 and we've got this still to go, and then
21 bring them out just for a short -- but I'll hear from
22 you. Whatever, I'm open to any suggestions.

23 I'll hear from you, Mr. Stolarski.

24 MR. STOLARSKI: Your Honor, is there any way we
25 can handle Jackson v. Denno pretrial later? I've got

1 THE COURT: Based on my prior ruling, I will
2 grant the motion to amend to put the correct statute.
3 Again, as I have said, the body of the indictment did
4 provide sufficient notice in my opinion and does
5 track with the actual statute that's supposed to be
6 identified in the indictment. But I will grant that
7 motion.

8 MR. GRAVLEE: Judge, for the record, just over
9 my objection.

10 THE COURT: Yeah, that -- the granting of that
11 motion is over The Defendant's objection.

12 MR. GRAVLEE: Thank you, Your Honor.

13 THE COURT: All right. Does The Defendant have
14 any more motions?

15 MR. GRAVLEE: Judge, there's a -- I went down
16 with Mr. Stolarski yesterday to the Pickens Police
17 Department. They have a bag of some things, some
18 items that they took into custody from the search
19 warrant. They have what appears to be half of an
20 empty generic-looking -- they say it's a gel capsule.
21 There's a couple pins or vaporizing-type smoking
22 device. And they have like a funnel and something
23 else, I don't know how they're relevant. They're not
24 actually used -- if they were broken or something and
25 somehow alleged to have been used in this case. But

1 they're not tested.

2 THE COURT: Like a drinking funnel?

3 MR. GRAVLEE: No, Judge, but it's like a little
4 mini funnel that's about three, four inches tall with
5 a tiny spout, you know, smaller than your finger.

6 MR. STOLARSKI: If you change the oil in your
7 car, it, basically, looks like one of those funnels.
8 That being said, I would object on the grounds of
9 being premature. To be candid, I'm not planning on
10 admitting the funnel, the THC little cartridges or
11 that pill capsule into evidence. I think the
12 appropriate time to hear that motion would be once
13 we -- if we decide to admit into evidence. With that
14 being said, I'll let The Court know and The Defense
15 know if we decide to go that route. As of right now,
16 we aren't deciding to go that route.

17 THE COURT: All right, you are to identify --

18 MR. GRAVLEE: Yes, Judge, I just wanted to
19 move --

20 THE COURT: Let The Court know. Because I don't
21 know what y'all are talking about. See, I haven't
22 heard -- the disadvantage I've got is y'all know the
23 evidence, I don't. And so it probably is a little
24 premature.

25 MR. GRAVLEE: Thank you, Judge.

RANDALL BEACH-DIRECT BY MR. STOLARSKI (IC)

1 MR. STOLARSKI: Your Honor, I believe The
2 State -- or The Defense's motion to exclude the
3 confession given to Officer Beach as inadmissible as
4 involuntary for the purposes of countering that and
5 this is something The Defense kind of made me aware
6 of their motion [indiscernible] we would proffer
7 testimony from Officer Beach for those circumstances,
8 Your Honor.

9 THE COURT: All right. Let's bring him in.

10 Mr. Stolarski, you're going to need to speak up
11 so April can hear. I know you may have a cold or
12 something, so I understand.

13 MR. STOLARSKI: Just in my lungs, sir. I'll
14 bring a big thing of cough drops tomorrow.

15 RANDALL BEACH, after being duly sworn, testified
16 as follows:

17 THE CLERK: Thank you, sir. If you would, have
18 a seat and state your name for the record, please.

19 THE WITNESS: My name is Randall Beach,
20 B-E-A-C-H.

21 THE COURT: All right.

22 DIRECT EXAMINATION

23 BY MR. STOLARSKI:

24 Q Where are you currently employed?

25 A With the Pickens Police Department here in

RANDALL BEACH-DIRECT BY MR. STOLARSKI (IC)

1 Pickens City.

2 Q Okay. And were you involved in the incident
3 related to Mr. Lamberth?

4 A Yes, sir, I was.

5 Q Okay. And did you interview Mr. Lamberth?

6 A I did.

7 Q Could you tell me about that?

8 A If my mind serves, I believe it was September
9 the 22nd, 2021. Mr. Lamberth and his, I'll say wife, I'm
10 not sure if she was his wife or not. But they had come to
11 the police department voluntarily to be interviewed about
12 all this subsequent to our execution of the search
13 warrant.

14 Q Okay. Where did it take place?

15 A It's called our patrol room. It's just a big
16 open room with a conference table at the police
17 department.

18 Q Okay. Was this in some locked-away area? Were
19 they behind lock and key of some variety?

20 A No, sir. It's kind of a conference table, lunch
21 table. It's kind of our little bit of everything there at
22 the police department. It's just a big open common area.

23 Q If my memory serves from looking down it, this
24 is the area right inside the front door; is that correct?

25 A Yes, sir.

RANDALL BEACH-DIRECT BY MR. STOLARSKI (IC)

1 Q Okay. Were they restrained?

2 A No, sir.

3 Q Were they free to leave?

4 A And I advised them of that, that they could get
5 up and leave anytime they wanted to, yes, sir.

6 Q Okay. And did you advise them of their Miranda
7 rights?

8 A Yeah. What I went through, probably not the
9 traditional -- I have somewhat of a liturgy that I go
10 through talking about the Constitution, the Fifth
11 Amendment, the Sixth Amendment and go through all the
12 provisions of Miranda, reiterating all the way through
13 that they can leave at any time they want to.

14 Q Is this kind of like the same thing you do for
15 everybody?

16 A That's kind of -- like I said, it's a liturgy,
17 it's something that I do in virtually every interview
18 situation, custodial or noncustodial.

19 Q Can you go over -- and I know that the exact
20 words might not be the same, but would you go over as near
21 as you can what you went over with The Defendant?

22 A Sure. It's -- people that know me kind of make
23 fun of me, here goes Beach, he's going to give his it's
24 America speech. I talk about this is America. This is
25 not a foreign country. People have rights. And I really

RANDALL BEACH-DIRECT BY MR. STOLARSKI (IC)

1 express the importance of the Constitution. And I don't
2 go through -- and I usually say something, you've probably
3 watched TV where some police officer is dragging someone
4 off saying you have the right to remain silent and
5 anything you say, and I say let's slow that down. This is
6 very important. This is the Constitution. This is
7 America.

8 And I go through all the provisions
9 explaining the hallmark of that is the right to remain
10 silent, that you never have to say anything to the police.
11 I go through all of that and talk about what happens if
12 you give up that right and how that works. And there's no
13 such thing as really anything off the record. I explain
14 -- you know, a lot of people call it the Fifth Amendment,
15 but I say let's transition, it's the Sixth Amendment and
16 the attachment of that and right to counsel and how
17 important that is. And I go through all those provisions
18 and how that happens with how attorneys are provided.

19 Ultimately, I get down to, you know, one of
20 the most important things in terms of promises or threats,
21 I always tell everyone if a police officer makes you a
22 promise, they're lying to you. That's not how this works.
23 We're not here to cut deals, but we're here about the
24 truth and this is America and the Constitution. And then
25 through that at the very end, I always reiterate you can

RANDALL BEACH-DIRECT BY MR. STOLARSKI (IC)

1 leave any time you want to.

2 Q Okay. So you told him that they have the right
3 to remain silent?

4 A I did.

5 Q And that they don't have to answer any questions
6 if they don't want to?

7 A Yes, sir.

8 Q Okay. And that they were free to leave at any
9 time?

10 A Absolutely.

11 Q And that they could have an attorney present
12 with them if they wanted?

13 A Yes.

14 Q And they didn't have to answer any questions
15 without an attorney present, also, if they wanted?

16 A Reiterated multiple times.

17 Q Multiple times?

18 A Yes, sir.

19 Q Now, this was at the police station. How did
20 they get to the police station?

21 A They may have walked. It's very close. I don't
22 remember. It was cordial. Mr. Lamberth -- it was
23 engaging. We talked a lot about it, but I think they may
24 have walked.

25 Q Okay. But they weren't, like, pick up and

RANDALL BEACH-DIRECT BY MR. STOLARSKI (IC)

1 cuffed and put in --

2 A No, sir.

3 Q At no time were they cuffed?

4 A No, never.

5 Q What did y'all -- what did y'all talk about?

6 A I was a little spirited. There was some
7 information about prior military service. I come from a
8 military family and background. We had some dispute about
9 that. I had been told that he had some lengthy military
10 service and we really -- we started -- our conversation
11 started about military service and the truth. And based
12 on what I was able to determine, I did not believe that
13 Mr. Lamberth had ever served in the military or if he had,
14 it was very limited, not a 30-year career retiring as a
15 colonel that been purported to me.

16 So, you know, that was -- there was a lot
17 of give and take on that, really talked about it. We got
18 to be -- this is about the truth. Then we got into the
19 other aspects of what had happened and what I had seen on
20 video. And there was a lot of give and take before we
21 really got down to the intricacies of what had happened in
22 this particular incident.

23 Q Okay. At any time when you were talking to him,
24 did you threaten him at all?

25 A Never.

RANDALL BEACH-DIRECT BY MR. STOLARSKI (IC)

1 Q Did you make any even implicit threats, anything
2 like that?

3 A No.

4 Q Did you ever talk about the amount of time he
5 could get, anything like that?

6 A No, sir, never.

7 Q Did you -- were there any promises of leniency
8 or any kind of anything like that?

9 A No. In my it's America speech talking about the
10 truth -- and I believe it, it's a hallmark. I'm certain
11 that I talked about that. I would always make that known
12 to prosecutors or whatever appropriate court personnel in
13 terms of any cooperation or telling the truth.

14 Q So you encouraged him to tell the truth, that's
15 kind of where it stopped?

16 A Encouraged, implored, begged, absolutely to tell
17 the truth.

18 Q Okay. All right. And I believe he made some
19 admissions to tampering with the victim's coffee?

20 A He did.

21 Q All right. What were those admissions? And if
22 you need to refresh your recollection --

23 A No, I remember. It's a little odd. Because I'm
24 going into this, which does happen from time to time as a
25 police officer, you think of a certain set of facts that

RANDALL BEACH-DIRECT BY MR. STOLARSKI (IC)

1 may have happened based on what I had known from some
2 medical records or what I had known from watching video.
3 But there was a lot of denials, that hadn't happened. But
4 something happened,. there was no doubt about it and
5 confronted him with the fact that it was very clear that
6 he had removed this coffee cup and taken it inside and
7 brought it back out and set it down.

8 And in these discussions, in this give and
9 take, he would not admit that he put an object or a poison
10 inside the coffee, but he admitted to urinating in the
11 cup. And part of this give and take, you know, how did
12 these substances get in there? And he had said that he
13 may be been poisoned himself or been around some narcotics
14 maybe was in his system and came out in his urine, but,
15 ultimately -- and I guess to be fair to The Defendant,
16 this was not an unequivocal like, I did this. He said if
17 he was under oath, he's 50 percent positive that he
18 urinated in Mr. Carrick's coffee cup. And he explained
19 why, that he -- that he disliked Mr. Carrick. He thought
20 Mr. Carrick should be investigated. And I remember even
21 writing in the report he wouldn't say that he hated him,
22 but he said he disliked him and thought that he should be
23 investigated.

24 But again, at the very end of it, it's like
25 you're telling me that you urinated in his coffee cup?

RANDALL BEACH-DIRECT BY MR. STOLARSKI (IC)

1 And he said, If I was under oath, I'm 50
2 percent sure that I urinated in his coffee cup. And we
3 actually use the word, Pissed.

4 Q All right. I have in here that he was saying
5 that he needed -- that the victim needed to be taught a
6 lesson, did he say anything about being taught a lesson?

7 A He did. There was a lot of talk about the
8 tenants and sort of this aggressive nature of the
9 landlord/tenant relationships. I was familiar with the
10 building, but there was very clearly a dislike and that
11 Mr. Carrick needed to be investigated and needed to be
12 taught a lesson.

13 Q How long, roughly, did this whole thing take
14 place? What the timeframe?

15 A Probably 45 or 50 minutes.

16 Q Not quite an hour?

17 A It might have been bumped up to it, but it
18 wasn't much more than that.

19 Q All right. Time of day, roughly?

20 A If I recall, it might have been 10, 11 o'clock
21 in the morning. It was not late in the afternoon.

22 Q So it wasn't like night outside?

23 A No, sir.

24 Q All right.

25 Okay, please answer any questions The

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 Defense might have for you.

2 THE WITNESS: Yes, sir.

3 THE COURT: All right, cross?

4 MR. GRAVLEE: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. GRAVLEE:

7 Q Chief Beach, good to see you.

8 A Yes, sir.

9 Q You got in your report, I think about midway
10 down on the incident report that you filled out, you
11 mentioned that after lengthy discussions of about 30 to 45
12 minutes?

13 A That's probably about right.

14 Q Those were your words, right?

15 A I don't have it right in front of me, but I'm
16 sure --

17 Q You need a copy?

18 A No, I trust you. If that's what's in the
19 report, I absolutely trust you.

20 Q Let me get you a copy of your report.

21 MR. GRAVLEE: Permission to approach, Judge?

22 MR. STOLARSKI: For the record, no objection.

23 THE COURT: Y'all don't need to ask me
24 permission to approach during the trial, just
25 approach anytime you want to.

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 MR. GRAVLEE: Thank you, Judge.

2 MR. STOLARSKI: Thank you, sir.

3 BY MR. GRAVLEE:

4 Q Chief Beach --

5 A Sure.

6 Q -- so when you say 45 minutes or 50 minutes?

7 A No, sir, not 50. It says 30 to 45 minutes, not
8 50.

9 Q Sir, you just testified 45, maybe maximum of 50
10 minutes.

11 A I think --

12 Q This wasn't some quick chat?

13 A And I think I added onto that, it could have
14 bumped up to an hour.

15 Q So we're probably pushing, at least, an hour, 30
16 to 45 minutes, right?

17 A What is not brought out in here, I can read that
18 sentence multiple times, but at the end of this interview,
19 it went very quickly where he made those admissions, but
20 if it was an hour, it may have been an hour. It was not
21 much more than an hour. It could have been little less
22 than an hour in the entirety.

23 Q Okay. This interview took place on the 22nd of
24 September, 2021?

25 A May I look at this?

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 Q Yes, sir.

2 A Yes, sir, September the 22nd.

3 Q And would you go ahead and read the date on the
4 top of that report of when you actually wrote the report?

5 A Nine-three of 2021.

6 Q So you didn't write any of this down until the
7 next day?

8 A Yeah, that's -- sure, yes, sir.

9 Q So you didn't have no notes at the time?

10 A No.

11 Q Okay. You're the chief of police for Pickens
12 City?

13 A Yes, sir.

14 Q So I'm sure you're familiar with your
15 department's policies and procedures?

16 A Interesting time, I had been there about nine
17 months.

18 Q I'm sorry, it's just a yes or no question. Was
19 it actually -- are you familiar with your policies and
20 procedures?

21 A Yes, sir.

22 Q All right. If I gave you -- I've got a copy
23 right here if you'd like one.

24 A Yeah, I think that's probably what I sent to you
25 that you asked for, yes, sir.

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 MR. STOLARSKI: Your Honor, I'm just going to
2 object real fast --

3 THE COURT: What's your grounds?

4 MR. STOLARSKI: Just on the grounds of relevance
5 for the purposes of a Jackson v. Denno hearing. I
6 don't know, we seem to be getting into -- hold on,
7 actually, I may have spoken too soon. He's going
8 into Miranda, my apologizes, but.

9 THE COURT: All right, overruled.

10 MR. GRAVLEE: Thank you, Judge.

11 BY MR. GRAVLEE:

12 Q Chief Beach, I'm going to hand you a copy of
13 what is part of your general order 16.2, the interviews
14 and interrogations portion here.

15 A Yes, sir.

16 Q The Department's policies there. If you need a
17 minute to look it over to familiarize yourself with it,
18 please feel free to.

19 A (Witness reviews document.)

20 Q So in your policy that you have in your hand, it
21 starts out in paragraph three, basically, Government
22 police action state has the burden of demonstrating that
23 defendant knowingly and willingly waived their right to,
24 basically, the privilege against self-incrimination, their
25 Fifth Amendment right?

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 A We may be on a different path where you say
2 three there. My --

3 Q Roman numeral III.

4 A Right. It says, Constitutional rights and
5 custodial interrogations.

6 Q Yes, sir.

7 A Where this was a noncustodial interview.

8 Q Correct. Well, if this is a noncustodial
9 interview, you read Miranda; correct?

10 A I gave all the provisions of Miranda, I did.

11 Q Correct. And you're aware that the provisions
12 of Miranda are not required if there's a noncustodial
13 interrogation?

14 A Well, I think that there is some more stringent
15 South Carolina look at that. My habit has always been
16 custodial or noncustodial to really emphasis the rights of
17 the accused. Goes back to the old days of sort of focus
18 of suspicion. And I still lean that way. And I do,
19 generally, always give the provision of Miranda whether
20 it's custodial or noncustodial. Now, the policy you gave
21 me is strictly geared toward custodial interviews.

22 Q Correct. I mean, it is really just regarding
23 your interviews and interrogations, I mean -- and the
24 purpose, it's -- number one says to safeguard
25 Constitutional rights of individuals who are under

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 investigation for a criminal defense?

2 A Yeah. And again, this policy begins Roman
3 Numeral III that you pointed out is the Constitutional
4 rights in a custodial interview.

5 Q Okay. In this case, Mr. Lamberth was the only
6 suspect?

7 A Yes, sir.

8 Q Okay. No other suspect?

9 A Not at that time, no, sir.

10 Q Or ever?

11 A I don't know what happened on the other side of
12 the door. I had some thoughts about the wife that was
13 there. But I absolutely agree that he was the primary
14 suspect.

15 Q And for your -- the property and evidence
16 receipt that you have, you filled out. Do you recognize
17 this?

18 MR. STOLARSKI: I am going to object to that
19 because that don't have relevance to a Jackson v.
20 Denno hearing. That deals with [indiscernible].
21 this is not meant to turn into some fishing
22 expedition --

23 THE COURT: Mr. Gravlee, first of all, for the
24 record, what are you showing the witness?

25 MR. GRAVLEE: This is the Pickens property and

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 evidence receipt from --

2 THE COURT: What's the relevance to that in a
3 Jackson v. Denno?

4 MR. GRAVLEE: So Chief Beach took these two
5 items into evidence.

6 BY MR. GRAVLEE:

7 Q And Chief Beach, I want you to read on that form
8 at the top that this is what you filled out, this is your
9 writing?

10 A It is.

11 Q Okay. And can you read out --

12 THE COURT: Hold on, before he reads out, what's
13 the relevance -- first of all, this is the evidence
14 sheet, is that what this is?

15 MR. GRAVLEE: Yes, sir, Your Honor.

16 THE COURT: Okay.

17 MR. GRAVLEE: Judge, I just want him to
18 emphasize that -- or just read out who the name of
19 the person --

20 BY MR. GRAVLEE:

21 Q Well, first, I guess, we can start out, what's
22 the date that was seized on that form when you filled this
23 out?

24 A 9/20 of 2021.

25 Q Okay. So this is two days before the interview

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 itself?

2 A Yes, sir.

3 Q And the only person that is listed as the name
4 of the person arrested or suspect is?

5 A Paul Lamberth.

6 Q And that's your writing?

7 A Yes, it is.

8 Q Okay. Thank you, sir.

9 A Thank you.

10 Q During this interrogation, you said that he made
11 some statements about military?

12 A Oh, the noncustodial interview, yes, sir. We
13 did talk about the military, yes, sir.

14 Q Okay. And you mentioned that you didn't believe
15 what he was saying?

16 A Well, very clearly about Vietnam, based on age.

17 Q Okay. That seemed odd to you?

18 A Did it seem odd?

19 Q Yeah. Yes, sir, I mean, considering he was born
20 in --

21 A Sixty-nine.

22 Q -- '69?

23 A Yes, sir.

24 Q Be a little odd to go to Nam as a newborn?

25 A I don't know if odd is the right word, but I

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 found it to be a prevarication.

2 Q So in terms of it just being strange that this
3 is what his statement was to you that he went to Nam at
4 the time; correct?

5 A We discussed a lot of war. Vietnam came up.
6 Gulf War came up. Military service, CIA. There was quite
7 a bit that came up.

8 Q Okay. And during the time of this interview,
9 too, you note that he had a black eye?

10 A I did.

11 Q And he'd been struck in the face somehow, took a
12 knot to the head?

13 A If my memory serves, there was some sort of
14 abduction, kidnapping, that ended up in a motel in
15 Greenville, he and his wife in an altercation. And I did
16 note that. There was some sort of -- I don't remember if
17 it was left or right, but a little bit of a ding.

18 Q All right. So on -- I'm going to turn your
19 attention back to the general order 6.2 -- 16.2 on
20 interviews and interrogations?

21 A Yes, sir.

22 Q Top -- on Page 3, will you read that first, that
23 first and only sentence at the of that page?

24 A The Miranda warning may be given orally or
25 written, but should be documented at the time the suspect

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 is advised on a written form, audio taped, video taped or
2 recorded on an arrest booking form or supplemental report
3 made contemporaneously with the arrest and interview.

4 Q All right. And that, obviously, didn't happen
5 here; did it?

6 A I would completely disagree with that.

7 Q Okay. So 24 hours is contemporaneous?

8 A Yes, sir.

9 Q Twenty-four hours later?

10 A Yes, sir.

11 Q Okay.

12 A And again, part of this policy, which it's made
13 on a supplemental report, okay. And again, might not have
14 fleshed it out, but it was given. And this again, is a
15 custodial interview and at the end of that sentence with
16 arrest and interview. This was not an arrest and he left
17 that day. And I would say that 24 hours is
18 contemporaneous.

19 Q You did, ultimately, arrest Mr. Lamberth?

20 A I did not physically, someone else took him into
21 custody, but yes, sir.

22 Q Chief, the police department with Pickens City?

23 A Yeah, I thought you were asking if I arrested
24 him.

25 Q No, sir. So he was arrested by Pickens Police

RANDALL BEACH-CROSS BY MR. GRAVLEE (IC)

1 Department?

2 A Yes, he was.

3 Q Okay. And this happened, the interview
4 happened -- you requested them to come down. They came
5 down to the station?

6 A They did.

7 Q At your request?

8 A They -- absolutely, yes, sir.

9 Q Okay. It occurred at the police station?

10 A Yes, sir.

11 Q Okay. And you informed him at the time -- you
12 informed Mr Lamberth at the time that he was listed as a
13 suspect in the case, correct?

14 A There was no question. I told him that -- I
15 mean, that was the --

16 Q Suspect --

17 A -- of the discussion. I don't know if I used
18 the word suspect, but I believed that he had done
19 something.

20 Q Okay. But there is no recording, audio?

21 A No, sir.

22 Q There's no video recording?

23 A No, sir.

24 Q You don't wear a body cam?

25 A I don't have one, didn't have one then. Didn't

RANDALL BEACH-REDIRECT BY MR. STOLARSKI (IC)

1 have an interview room then that records, but.

2 Q But no recording whatsoever?

3 A No, sir.

4 Q No notes taken at the time of the interview?

5 A My contemporaneous report.

6 Q No notes were taken during the interview?

7 A No, sir.

8 Q Okay.

9 MR. GRAVLEE: Beg the Court's indulgence.

10 THE COURT: Yeah.

11 MR. GRAVLEE: For just a moment.

12 Thank you, Chief Beach, no further questions.

13 THE COURT: All right, any redirect?

14 REDIRECT EXAMINATION

15 BY MR. STOLARSKI:

16 Q It's my understanding, I could be wrong on this,
17 that The Defendant left that day, wasn't arrested?

18 A He was not.

19 Q Okay. And he was later arrested on October 6th?

20 A Yeah, I know it was, at least, a week or two
21 later?

22 Q So a while then?

23 A Yes, sir.

24 MR. STOLARSKI: All right, no further questions.

25 THE COURT: All right, anything else,

RANDALL BEACH-REDIRECT BY MR. STOLARSKI (IC)

1 Mr. Gravlee?

2 MR. GRAVLEE: Nothing further.

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

4 All right, any other witnesses on this from The
5 State?

6 MR. STOLARSKI: No further witnesses from The
7 State.

8 THE COURT: All right, I'll hear your position
9 on it.

10 MR. STOLARSKI: Your Honor -- sorry, Your Honor.
11 The State's position would be that this is voluntary.

12 MR. GRAVLEE: I'm sorry to interrupt.

13 Judge, may I call for purpose of this hearing my
14 client?

15 THE COURT: You are correct, if you want to call
16 a witness, you're allowed. That's my fault, that was
17 my mistake.

18 MR. GRAVLEE: Thank you, Your Honor.

19 THE COURT: So you may call him as a witness.

20 MR. GRAVLEE: Thank you, sir.

21 THE CLERK: If you would raise your right hand.

22 PAUL LAMBERTH, after being duly sworn, testified
23 as follows:

24 THE CLERK: Yes, sir, if you would have a seat,
25 state your name for the record.

PAUL LAMBERTH-DIRECT BY MR. GRAVLEE (IC)

1 THE WITNESS: Paul Elbert Lamberth, Jr.

2 DIRECT EXAMINATION

3 BY MR. GRAVLEE:

4 Q Mr. Lamberth, when you went down there that day,
5 what did you -- I mean, your physical state that day,
6 you'd just been jumped?

7 A Right.

8 Q And how is your -- I mean, frankly, just to put
9 it bluntly, how was your brain working that day?

10 A I have a few memories of the day. The day
11 before, I don't have any memory of it whatsoever. The
12 police had come the day before and told me to come the
13 next day.

14 Q Okay.

15 A Basically, or else.

16 Q You felt threatened in some sort of way that if
17 you didn't show up?

18 A I mean, they were up in our apartment. I was
19 laying on the bed because of a head injury.

20 Q Can you tell me going into a little bit of what
21 happened when you got that injury?

22 A I'm not really sure because I had amnesia with
23 it. I mean, you've seen the picture, it was pretty bad.
24 I think that somebody got mad at me and thought that I had
25 told the police something on them or something like that

PAUL LAMBERTH-DIRECT BY MR. GRAVLEE (IC)

1 and kind of -- he kind of lashed out and hit me on the
2 side of the head with something. That's the best I can
3 figure out.

4 Q And you told that to Chief Beach?

5 A Yes.

6 Q Okay.

7 A That he was referencing.

8 Q Okay. And when you were there at the police
9 station, did you feel that you could just walk out of
10 there?

11 A No.

12 Q Did -- and at the time, while you're there, so
13 you didn't feel free that you could leave?

14 A No, I thought I was being -- as far as I can
15 remember, I thought I was being interrogated.

16 Q Right. And how long -- could you ballpark the
17 time of how long that interview lasted?

18 A It was long. I would say an hour. Like I said,
19 my memory of it is just real hazy.

20 Q Okay.

21 A I mean, kept going on and on and on about
22 peeing, peeing. People pee in a cup all the time. I do
23 it. Everybody does it. So I say, okay, you got me
24 convinced I did it.

25 Q So when he brought up -- who brought up urine,

PAUL LAMBERTH-CROSS BY MR. STOLARSKI

1 peeing in a cup?

2 A He did.

3 Q He brought it up?

4 A Yeah.

5 Q Okay. How long did he press you on that
6 particular issue?

7 A A lot. And that's why he said he had me
8 50 percent convinced that I had done it.

9 Q At the time when you were there, you never -- he
10 never gave you any kind of form to sign?

11 A No.

12 Q Any kind of anything to initial that said you
13 were waiving your right to talk to him?

14 A No.

15 Q Did he allow you to record it?

16 A No.

17 MR. GRAVLEE: No further questions, Judge.

18 THE COURT: All right, cross?

19 CROSS-EXAMINATION

20 BY MR. STOLARSKI:

21 Q Hi.

22 A Hi.

23 Q All right. So you went there in the 22nd of
24 September; is that right? That sounds about right?

25 A That sounds about right, yeah.

PAUL LAMBERTH-CROSS BY MR. STOLARSKI

1 Q All right. And when did this take place in
2 relation to the incident, like, how many days before the
3 one that we're on trial about?

4 A I think three or four days after.

5 Q Three or four days after, okay.

6 A My memory's really hazy. I got hit in the head.

7 Q When did you get the call from the police to
8 come in?

9 A The day before.

10 Q The day before.

11 A Yeah, they actually came and wanted me to come
12 then, but I was just too hazy at that point to even walk
13 down there.

14 Q Okay. So you're, like, nah, I don't want to
15 come now?

16 A I was laying down, I couldn't really get up. So
17 they said come tomorrow first thing.

18 Q What did you tell them? You told them you
19 didn't want to come the day before?

20 A No, I just told them I couldn't get up.

21 Q So you couldn't get over there, that kind of
22 thing?

23 A Yeah, I couldn't really stand up. I was too
24 dizzy to stand up.

25 Q Too dizzy to stand up?

PAUL LAMBERTH-CROSS BY MR. STOLARSKI

1 A Yes.

2 Q All right. And where were you at the time? You
3 were at your house?

4 A I was laying down on the bed, yeah.

5 Q Okay. In your house?

6 A In the apartment, yes.

7 Q In your apartment, okay. They called you over
8 the phone, I believe?

9 A No, they showed up there.

10 Q They showed up there?

11 A Yes.

12 Q What did they say to you and what did you say to
13 them, if you could explain?

14 A I don't remember the exact conversation. They
15 were just saying that I needed to come down and talk to
16 them about this incident.

17 Q Okay. And what did you say?

18 A I was telling -- I was telling them -- I was,
19 like, I can't right now.

20 Q Okay. But you could tomorrow kind of deal?

21 A Well, they said, Well, come tomorrow.

22 Q Okay. What did you say?

23 A I said, Okay. I felt like I had to. They
24 weren't -- they weren't asking me, they were telling me.

25 Q Okay.

PAUL LAMBERTH-CROSS BY MR. STOLARSKI

1 A Come down tomorrow.

2 Q All right. They're telling you to come down
3 today, then they said come down tomorrow maybe?

4 A Yeah, when I said I couldn't get up, I was too
5 dizzy.

6 Q What happened? Tell me about this whole
7 incident why couldn't you stand the day of?

8 A Because I had a head injury. I was -- here's a
9 picture of it. I had -- I was hit, like, right here along
10 here. So I had a black eye and it was like an injury back
11 through here on the side of my head.

12 Q All right. Did you give a picture of that to
13 The Defense?

14 A Yeah, he has a picture of it.

15 Q He has a picture of it?

16 A Yeah.

17 Q Okay. All right. So you went -- did you walk
18 down there? Did you drive down there?

19 A Walked down there.

20 Q Walked down there, okay. All right.

21 A It's only, like, a couple of blocks.

22 Q It's only a couple of blocks? Okay. You said
23 you stayed about an hour; is that right?

24 A Probably, yeah.

25 Q Am I right saying that interview was right

PAUL LAMBERTH-CROSS BY MR. STOLARSKI

1 inside of the front door kind of deal, it was the main
2 area there?

3 A Yeah. I mean, as far as I remember, like, went
4 in and -- I couldn't remember the layout to be honest with
5 you.

6 Q Okay. Were you chained, were you handcuffed at
7 all?

8 A No, no.

9 Q Now, you went down there with another person; is
10 that right?

11 A My wife, yes.

12 Q Your wife?

13 A (The witness nods.)

14 Q All right. And how long have you known your
15 wife?

16 A Since 2015, so eight years now.

17 Q Eight years, that's a lot. Did she go down
18 there with you for moral support or how did that --

19 A Well, she went with me because I was still hazy
20 and woozy. She wanted make sure I got down there and
21 back.

22 Q Okay. All right. So she was there kind of to
23 help you out?

24 A Yeah, because I wasn't really a whole lot better
25 yet.

PAUL LAMBERTH-CROSS BY MR. STOLARSKI

1 Q Oh, okay. All right. And you and her and
2 Officer Beach, that was kind of the three of you?

3 A Right, yeah.

4 Q Okay. All right. So he asked you some
5 questions?

6 A Yes, if memory serves, yeah, yeah.

7 Q Okay. Did he read you Miranda?

8 A I don't remember. Like he said, he had a
9 literary that he went through, but I don't remember.
10 Again, I don't remember a lot of that interview. A lot
11 was hazy.

12 Q What's the first thing you remember when you got
13 in there?

14 A I honestly don't have a specific memory to the
15 beginning of it. I remember -- the biggest thing that I
16 remember about it is him going on and on about peeing in
17 cups, peeing in cups. He even made a joke -- one of the
18 secretaries walked by about he probably peed in his cup
19 before and she don't know to take that. She kind of
20 laughed it off and kept walking, you know. A lot of talk
21 about that.

22 Q A lot talk about that?

23 A Yeah.

24 Q So how long were you there?

25 A About an hour, I guess.

PAUL LAMBERTH-CROSS BY MR. STOLARSKI

1 Q About an hour you guess?

2 A Yes.

3 Q All right. And that's the first thing you
4 remember?

5 A That's the thing that stood out the most, yeah,
6 because it went on for so long.

7 Q What's the first thing you remember?

8 MR. GRAVLEE: Judge, I object, asked and
9 answered about five times now.

10 MR. STOLARSKI: Asked and not answered. I'm
11 trying to get in --

12 THE COURT: Overruled for right now, but let's
13 kind of move on.

14 THE WITNESS: I remember going in.

15 BY MR. STOLARSKI:

16 Q Okay.

17 A And we started talking, but I don't remember
18 about what.

19 Q Okay.

20 A Like I said, the first thing that sticks out in
21 my memory.

22 Q Okay.

23 A Because I was all so confused.

24 Q All right. What's the thing after -- you
25 remember walking in. And you remember sitting down at the

PAUL LAMBERTH-CROSS BY MR. STOLARSKI

1 table, do you remember that?

2 A I remember being at a table.

3 Q You remember being at a table?

4 A Right. I remember it very choppy, so.

5 Q And it's very choppy because of your head
6 injury?

7 A As far as I know, yeah.

8 Q What do you mean as far as you know?

9 A Well, I mean, I'm not a doctor so I can't say
10 yeah, that would explain why my memory was so bad. I was
11 so confused for several days.

12 Q There wasn't any other reason why your memory
13 would be choppy?

14 A No.

15 Q So you got hit on the head sometime?

16 A Yes.

17 Q And that's when it started?

18 A Yes.

19 Q When did it stop?

20 A Probably two days later.

21 Q Two days later?

22 A Yeah. It took about three or four days total to
23 get better.

24 Q So kind of just during that interview period
25 timeframe?

PAUL LAMBERTH-REIDIRECT BY MR. GRAVLEE

1 A Yeah.

2 Q All right. Other than the urinating in the cup,
3 do you remember anything else about the -- about what he
4 asked you and what you said to him?

5 A No.

6 Q All right. So kind of what your testimony kind
7 of boils down to, and correct me if I'm wrong, I don't
8 mean to put words in your mouth. But it boils down to he
9 asked you whether or not you peed in the cup?

10 A Right.

11 Q And that's pretty much all, right?

12 A That's about it, yeah.

13 MR. STOLARSKI: All right, no further questions.

14 THE COURT: All right, any redirect?

15 MR. GRAVLEE: Briefly, Judge. Judge, just for
16 the purposes of this hearing, this hearing only and
17 no intention of admitting this at trial, I just want
18 to show -- ask Mr. Lamberth real quick about this.

19 REDIRECT EXAMINATION

20 BY MR. GRAVLEE:

21 Q Is this -- is this photo an accurate description
22 or an accurate picture of you at the time or right -- the
23 day before the --

24 A Yes.

25 Q Okay.

PAUL LAMBERTH-REIDIRECT BY MR. GRAVLEE

1 MR. STOLARSKI: For the record, I saw it just
2 now, it's the first time I've seen that. You can see
3 a time stamp on it. I haven't had access
4 [indiscernible].

5 THE COURT: All right, are you objecting?

6 MR. STOLARSKI: No, I'm just -- for the record,
7 I have seen it and [indiscernible].

8 THE COURT: All right.

9 Proceed.

10 BY MR. GRAVLEE:

11 Q So, Mr. Lamberth, this is an accurate -- this is
12 a picture of you -- tell me the day that that was in terms
13 of time. Was it the day before?

14 A I think it was taken --

15 Q Or the day of?

16 A I think we took it the day of.

17 Q Okay. Of the interview?

18 A Yeah.

19 Q Okay.

20 MR. GRAVLEE: I'd like to just introduce this
21 for the purposes of the Denno hearing, the Denno
22 hearing only as Defendant's Exhibit 1 for this
23 hearing.

24 THE COURT: All right. Mr. Stolarski, I heard
25 there's no objection?

PAUL LAMBERTH-REIDRECT BY MR. GRAVLEE

1 MR. STOLARSKI: No objection.

2 THE COURT: All right.

3 (WHEREUPON, Defendant's Exhibit No. 1 was
4 admitted into evidence.)

5 MR. GRAVLEE: I've nothing further, Judge.

6 THE COURT: All right.

7 Any recross?

8 MR. STOLARSKI: Nothing, Your Honor.

9 THE COURT: All right, anything else from The
10 Defense?

11 You may step down.

12 MR. GRAVLEE: Not from The Defense, Judge.

13 THE COURT: All right. Now, I'll hear from you.

14 MR. STOLARSKI: Again, it would be the State's
15 contention that the statements given by The Defendant
16 were voluntary in this case. Voluntariness looks to
17 whether or not The Defendant's will has been
18 overborn. It looks at the totality of the
19 circumstances. In this case, based on the totality
20 of the circumstances, The Defendant's will doesn't
21 appear to have been overborn.

22 At the start, this was a noncustodial
23 interrogation that took place inside instead of a
24 closed, locked room, inside of what was the main
25 break room of the Pickens Police Department, which

PAUL LAMBERTH-FURTHER REDIRECT BY MR. GRAVLEE

1 A Basically, we had set up a camera to make sure
2 that homeless people weren't sleeping in the hallways. I
3 had set up the DVR next to our TV, a monitor there, so I
4 could keep an eye on the monitor at all times.

5 Q How long did you live there?

6 A About a little over two years.

7 Q How long did -- were you running, basically,
8 running those cameras?

9 A Close to two years.

10 Q And Mr. Carrick got -- can you explain who
11 grabbed the -- who took the DVR unit out of your
12 apartment?

13 A Honestly, I'm confused about who took it. I
14 thought the police took it.

15 Q Okay. So at the time that that -- when it was
16 taken, the police took it?

17 A I thought so. It sticks in my memory that they
18 came by and picked it up.

19 Q Okay.

20 A But.

21 Q And they didn't have a search warrant at the
22 time?

23 A No.

24 Q Okay. And do you recall about when they took
25 it?

PAUL LAMBERTH-RECROSS BY PAUL LAMBERTH

1 A No, I don't.

2 Q Okay. Why did Mr. Carrick ask you to run the TV
3 surveillance?

4 A Just like I said, the building had a history of
5 people coming in at night, wandering the hallways,
6 sleeping in the hallways at night. So, basically, just
7 for security purposes. If I saw somebody wander in off
8 the street, I would run them back out.

9 Q Okay. Did he hire security for the place?

10 A No, it was just me.

11 Q Okay. Why did he ask you to keep that DVR unit
12 in your apartment?

13 A Because he didn't want it in his office. He
14 didn't want anybody else to know where it was.

15 MR. GRAVLEE: No further questions.

16 THE COURT: All right, cross?

17 RECROSS-EXAMINATION

18 BY MR. STOLARSKI:

19 Q Now, you -- you had, I believe, it was like a
20 DVR machine for those cameras; is that right?

21 A Yes.

22 Q All right. Who bought the cameras?

23 A Scott did.

24 Q So it was his cameras?

25 A Yes.

PAUL LAMBERTH-RECROSS BY PAUL LAMBERTH

1 Q And his DVR machine?

2 A Right.

3 Q All right. Now, when they -- who got the
4 cameras afterwards? Who got the DVR machine afterwards?

5 A I did.

6 Q As in, like, who took them?

7 A Like I said, in my mind, the police came by and
8 picked them up.

9 Q All right. Now, were you there at the time?

10 A Yes.

11 Q You were there?

12 A Yeah.

13 Q This was the day after the incident?

14 A No.

15 Q Two days?

16 A To be honest with you, it didn't stick in my
17 mind because we had another incident there with another --

18 Q Are we talking a short amount of time?

19 A Short amount of time.

20 Q Short amount of time, okay. So within a couple
21 days?

22 A [Indiscernible].

23 Q Okay. All right. Do you remember the actual
24 DVR system being turned over?

25 A Yeah, I unplugged it and handed it to them.

1 (WHEREUPON, all members of the jury took their
2 seats.)

3 THE COURT: All right, ladies and gentlemen, as
4 I said, we're about to start this trial. I'm going
5 to give you just some opening comments and
6 instructions about your service here and what the
7 trial -- how we're going to proceed.

8 First of all, I just want to tell you that
9 trials in the real world are a little bit different
10 than what you see on TV. On TV, you have some show
11 comes on, a crime happens, the crime -- a person gets
12 arrested and they have a trial and it's over in an
13 hour, and it's just like that. Well, that's not what
14 we have in the real world. It goes a little bit
15 slower than that. This is real testimony and a real
16 life trial. So if you think that it may be like
17 that, it's not. Sorry to disappoint you. But it's a
18 little bit different. And so, I ask for your
19 patience as we go through here today.

20 First of all, as far as notes, I know a few of
21 you have been on a jury for the first trial this
22 week. I normally do not or don't allow note taking.
23 And there's a reason I don't do that. And it is that
24 I have found that when maybe the witness is up on the
25 stand and somebody may be busy trying to take notes

1 and they're trying to figure out what they wrote and
2 what they're doing and they're not listening to what
3 the person is testifying to at that point. And then,
4 so it causes some problems. So that's why I don't
5 allow it. I think the human mind is smarter than we
6 all think and it absorbs and receives a lot of stuff.
7 I think it's always better to just listen and you can
8 retain a lot more. So just don't allow it for that
9 reason.

10 Do y'all have the indictment up there?

11 THE CLERK: It should be up there.

12 THE COURT: All right, ladies and gentlemen, The
13 Defendant has been indicted and charged with
14 malicious tampering with human drug product. And it
15 alleges that Paul Elbert Lamberth, Jr., did in
16 Pickens County on or about the 18th day of September,
17 2021, willfully and unlawfully tampered with a human
18 drug product or food item with the intent to do
19 bodily harm to a person.

20 Now, the elements of this charge and indictment
21 will be explained to you later, but the indictment is
22 simply the charge by which the case is brought to
23 court and it is not in any sense evidence of any of
24 the allegations that that indictment contains. The
25 Defendant has pled not guilty to this indictment and,

1 therefore, The State has the burden of proof to prove
2 each element of the indictment beyond a reasonable
3 doubt. It will be your duty, ladies and gentlemen,
4 to decide whether The State has met that burden.

5 Your purpose, as jurors, is to find and
6 determine the facts. You are the sole judges of the
7 facts. And I will refrain from making any comment
8 during this trial because I'm not supposed to have
9 any opinion or anything about the facts in this case.
10 It is solely your job and your duty. Again, you are
11 the sole judges of the facts. And you are to
12 determine those facts from the testimony that you
13 hear from this witness stand right here and any other
14 evidence or exhibits or documents that may be
15 admitted during this trial. It is especially
16 important that you perform your duty of determining
17 the facts diligently and conscientiously because
18 ordinarily, there's no way to correct an erroneous
19 determination of the facts by a jury.

20 Now, on the other hand and with equal emphasis,
21 the fact that you are the judges of the facts, under
22 our law, I am the judge of the law. And the law as
23 given by me at the end of this trial will be the only
24 law that you may consider. You must accept it and
25 you must follow it even though you may disagree with

1 it. I can't tell you what the facts are and you're
2 not allowed to tell me what the law is. Our state
3 and our Constitution and our statute give me the
4 authority to tell you what the law is and gives you
5 the ability and the authority to determine what the
6 facts are. You must find them, again, from the
7 testimony and any other evidence that is introduced.
8 After doing that, you will render your verdict, a
9 true and just verdict under the solemn oath that you
10 just took.

11 Now, as I mentioned to you yesterday before you
12 left, until I give you the go ahead to deliberate
13 when we get through with the evidence in this case,
14 please don't discuss the case, and that includes
15 among yourselves. It includes just the smallest
16 thing. If you have a break or you're going to lunch,
17 even a comment about well, that witness looked nice
18 or that witness looked bad or that witness did say
19 this or I don't like the way that lawyer dressed or I
20 don't like the way the Judge talks or whatever,
21 please don't discuss anything.

22 You can talk about the Braves or -- well, I
23 guess the Braves are over now, but the Gamecocks and
24 the Tigers, you can talk about anything, but please
25 don't talk about the case. And that includes any

1 family member or anybody else. Once the case is
2 submitted to you, then you can discuss it all you can
3 and deliberate.

4 You may see the lawyers in the hall or out in
5 the parking lot. They have been advised not to speak
6 with you or talk with you. That is just what we have
7 to do. Anybody involved in this trial is not
8 supposed to talk with you, except the bailiffs and
9 any instructions you get from me. So if you see them
10 and they may not acknowledge you, do not hold
11 anything against them. They have been ordered by me
12 not to say anything to you or to acknowledge you.
13 They can after the trial, but not until it's over.

14 Now, it's really important that you do keep an
15 open mind during this trial. Wait until all the
16 evidence is in and I have given you the instructions
17 after the lawyers have given their closing arguments.
18 And at that point, you can then decide the case. It
19 is your solemn responsibility to determine the guilt
20 or innocence of the Defendant and your verdict must
21 be based solely on the evidence that's presented at
22 trial and the law that I instruct you at the end of
23 this case.

24 In just a minute, the solicitor is going to give
25 his opening argument or opening statement. It's

1 called an opening statement. He will explain to you
2 the issues in the case or, at least, the issues that
3 he thinks are involved in this case. And then after
4 that, the attorney for The Defendant has the
5 opportunity to give you his version of the issues in
6 the case. It will then -- once the opening
7 statements are given, then the evidence will be
8 presented to you from the witness stand.

9 Now, during the trial, you may hear the lawyers
10 object, and I will rule on those objections. My
11 rulings don't have anything to do with any opinion I
12 may have in this case. I'm not supposed to have an
13 opinion about the facts and I will not. My rulings
14 are based solely on the law and the legal issues that
15 are brought before me. So do not take anything from
16 my rulings on the issues of evidence that there is
17 one -- that I favor one side or the other, I do not.
18 I cannot, nor will I in this case.

19 There may be times where I may have to send you
20 out because of some things that I may have to take up
21 with the lawyers that need to be outside your
22 presence. There may be some times when I just bring
23 them up here and talk to them up here to keep you in
24 your seats. That way, I don't have to send you out.
25 I can handle it sometimes a little bit more quick and

1 a little bit more efficient and I don't have to send
2 you out. But again, there may be some times when I
3 do have to do that and I apologize ahead of time, but
4 that's just -- it's an important thing that -- an
5 important issue may come up that I just need to
6 address at length with the lawyers and I can't handle
7 it up here. So please be patient with me as we go
8 through.

9 Now, as I said, you are the sole judges of the
10 facts. And in determining the true facts in this
11 case, you must decide whether or not the testimony of
12 the witnesses that come up on this stand is
13 believable. It will be my responsibility to rule as
14 a matter of law as to whether certain testimony is
15 admissible at all. And then once that testimony is
16 admitted, whether or not you believe it is solely for
17 you to determine.

18 In deciding whether to believe a witness, you
19 have the right to consider the interest of any
20 witness, the bias of any witness, the prejudice of
21 any witness, the opportunity for the witness to have
22 seen the matters and things about which that witness
23 may testify and the way the witness acts on the
24 witness stand. You have a right to consider anything
25 that is in the record that will help you evaluate the

1 testimony of the witnesses.

2 That means that it is your duty to pay close
3 attention and listen to the witnesses, observe the
4 witnesses and pay close attention to the lawyers and
5 to The Court. Don't let your thoughts wander. I
6 know that sometimes we're all -- we're all human, so
7 our thoughts can wander at times, but please try not
8 to do that and pay attention. So at the end of the
9 testimony and the end of this case or the closing
10 arguments and my instructions to you on the law, that
11 you will be prepared and in a position to determine
12 what the true facts are in this case and to apply the
13 law to those facts and then render a true and just
14 verdict.

15 Mr. Foreman, you're going to be my spokesman.
16 If any issues come up, you just let the bailiff know
17 and you will have some further duties at the end of
18 the case. I will explain those to you later.

19 At this point, I will recognize The State for
20 opening statement.

21 OPENING STATEMENT

22 MR. STOLARSKI: Thank, you Your Honor.

23 Good morning, ladies and gentlemen of the jury.
24 As you heard, The Defendant's charged with tampering
25 with a human food or drug product. What that means

1 is the person has to tamper with a human drug --
2 human drug or food product [indiscernible] with the
3 intent to bodily harm to a person. So at some point
4 adverse [indiscernible].

5 What happened in this case is on September 18th,
6 2021, at the [indiscernible] Scott Carrick's, he's
7 the landlord of the property [REDACTED] East Cedar Rock
8 Street in Pickens. The Defendant was a resident
9 there. He rented a room at that location. Scott
10 Carrick was at the property to try to get some rooms
11 ready, some crown molding [indiscernible] that he was
12 still working on that stuff. He was trying to put in
13 some stuff. He had some coffee with him. He sets
14 down his coffee cup on top of the refrigerator out in
15 the hallway of that building. He does that about
16 9:30 a.m. And leaves the coffee up there.

17 At 12:42 p.m., so a little bit later, The
18 Defendant comes out, picks up his coffee, takes it
19 back to his room. [Indiscernible] with the coffee,
20 then replaces it about an hour and a half later.
21 Then moves it again about 4:00 to a different
22 location that's more conspicuous, more closer that
23 [indiscernible]. About eight o'clock p.m.,
24 Mr. Carrick gets his coffee, takes it home with him.
25 And that happens that day.

1 The next day, Sunday, Mr. Carrick is
2 getting [indiscernible] that have to prepare for church.
3 He's going to testify that as he was getting ready for
4 stuff, he poured some fresh coffee into it and drank some
5 of that coffee. He didn't drink anything else after that
6 coffee. About 15 minutes later, he starts experiencing
7 some severe adverse reactions. He is taken to the
8 hospital. And that's pretty much what happened.

9 Ladies and gentlemen, this is an important
10 case, but it's not a complex case. Now, the burden of
11 proof, you're going to hear about the burden of proof, the
12 burden of proof is on The State. It's a burden that we
13 take seriously and it's a burden that's going to be met in
14 this case. And what is a different way to look
15 [indiscernible] we'll get more into that later, the two
16 ways of looking at it is you look [indiscernible]
17 reasonable person to hesitate to act. But if you're
18 looking at the proof, is proof that leaves you firmly
19 convinced of The Defendant's guilt. So by the end of this
20 case, you will be firmly convinced of the Defendant's
21 guilt.

22 How are you going to do that? One, you're
23 going to hear from Mr. Carrick, who is going to testify
24 what he did [indiscernible] the actions were. We're going
25 to see a camera and video right from the incident with

1 timestamps [indiscernible]. And you're going to hear from
2 the officer who investigated the case [indiscernible].
3 Please pay attention to all the exhibits and, also, pay
4 attention to the sequence and the order when the incident
5 took place. That's, also, very important.

6 So I'll be back to talk you after the
7 trial. Thank you very much.

8 THE COURT: All right, Defense recognized.

9 OPENING STATEMENT

10 MR. GRAVLEE: Thank you, Your Honor. May it
11 please the Court.

12 I'll make it short and sweet. I don't know if
13 y'all have ever heard of a thing called foie gras, I
14 don't think those are two words I've ever really said
15 before. I have never had it before, but, apparently,
16 it's some kind of French thing where they -- weird,
17 it's kind of sick, but they put a duck in a box or
18 cage of some sort. The French, basically, take a
19 bunch of junk food, whatever, and force feed this
20 duck over and over and over. Whether the duck likes
21 it or not or whether the duck is full, whether the
22 duck likes it isn't the point. The French just want
23 to turn this duck into some fancy French duck for
24 somebody to eat, kill and slaughter. Frankly, I'd
25 rather just have a duck smoked and wrapped in bacon,

1 but the French, that's what they want to do.

2 The government, basically, wants to do the same
3 thing to y'all today. They got you here in this
4 . case. They called the case and they're going to feed
5 you this stuff over and over and over, whether you
6 like it or not. It doesn't matter, y'all have to sit
7 here and get it force fed to you over and over.

8 Mr. Stolarski talked about this cup being
9 tampered with. He acts like that's a factual thing.
10 The cup was picked up and taken into the apartment,
11 sure, but what we're not talking about, what he
12 didn't mention is all the time in between that we
13 - don't know about. That day at the apartment, it's an
14 open air common area. A bunch of tenants in there.
15 Then he takes it home overnight, the half full cup of
16 coffee. Saves it because who pours out their coffee
17 from the day before? You want to save your old
18 coffee every day in here perpetually so that when you
19 pour your new coffee in there it doesn't burn your
20 lips. There's no other way of fixing coffee to make
21 it less cool except using day-old coffee.

22 These are the weird stories that you're going to
23 get here today. And you don't have a choice, you've
24 got to just sit here and take it from them. I'm
25 going to try to make this as short and sweet as

1 possible, y'all. I'm here to tell you what the
2 government is going to try to do is turn you into a
3 fancy French duck. But good news, y'all get to walk
4 out of here today, make the decision to not be a
5 fancy French duck, go eat a bacon cheeseburger
6 tonight and find a verdict of not guilty when they
7 don't meet their burden and can't prove this case.
8 Y'all, don't be a fancy French duck. Thank you.

9 THE COURT: All right, State call its first
10 witness.

11 MR. STOLARSKI: Your Honor, Ms. Earnhardt.

12 THE CLERK: If you would raise your right hand.

13 LYNDSAY EARNHARDT, after being duly
14 sworn, testified as follows:

15 THE CLERK: If you would have a seat, state your
16 full name for the record, please.

17 THE WITNESS: My name is Lyndsay Earnhardt.

18 THE COURT: Scoot up a little bit on the
19 microphone.

20 Just remind the lawyers, if y'all would make
21 sure you speak up a little bit louder so Ms. April
22 can hear.

23 MR. STOLARSKI: Yes, sir, sorry.

24 DIRECT EXAMINATION

25 BY MR. STOLARSKI:

MARTI WARD-CROSS BY MR. GAVELEE

1 reason my name is on there. I issued the corrected
2 report.

3 Q So you were not actually the --

4 A I could have been. You can't tell by that --

5 Q You just couldn't testify as to whether you were
6 actually the tech who ran -- the technician who ran the
7 test?

8 A I could not tell you whether or not I was the
9 actual technician that ran that test. I can tell you I
10 was the one that issued the corrected report.

11 Q Okay. Thank you.

12 A But if I issued the corrected report, that means
13 that I saw the results as well.

14 Q Okay.

15 Beg the court's indulgence for a moment.

16 THE COURT: All right.

17 BY MR. GRAVLEE:

18 Q Ms. Ward, if you had been the tech that ran it,
19 I guess, even just as reading the report itself, from
20 those -- from that report, you can't tell how much was in
21 the sample? It that doesn't give levels?

22 A Not from that report. I would be able to tell
23 from the print off from the instrument.

24 Q Okay, but we don't -- not from that report?

25 A Not from this report, no, sir.

MARTI WARD-REDIRECT BY MR. STOLARSKI

1 Q Okay.

2 A The instrument gives a number and it moves that
3 number to the information system and the LIS, then based
4 on that number, it's either above or below the cut off.

5 Q Okay. And from that report, you can't say how
6 it got there, how the substance showed up?

7 A No, sir.

8 Q Or where it came from?

9 A No, sir.

10 Q When somebody may have ingested it?

11 A No, sir.

12 Q The manner that they ingested it?

13 A No, sir.

14 Q You don't know the person personally who --

15 A No, sir.

16 Q -- you ran the test for?

17 A No.

18 Q You couldn't testify to what affects, if any,
19 they would have had based off those test results?

20 A No, sir.

21 MR. GRAVLEE: All right, thank you.

22 No further questions.

23 THE COURT: All right, any redirect?

24 MR. STOLARSKI: Yes, Your Honor.

25 REDIRECT EXAMINATION

MICHAEL DILLARD-DIRECT BY MR. STOLARSKI

1 marked as State's Exhibit No. 1. I believe that you were
2 the physician on call during the incident -- let me look
3 at the whole thing again. I believe that you were
4 physician on call on September 19th, 2021?

5 A That's correct.

6 Q And you were, in fact, the physician who treated
7 Scott Carrick --

8 A That's correct.

9 Q -- when he came in in the morning?

10 A That's correct.

11 Q What did you do with this case? Did you take --
12 do you remember the symptoms or whatnot?

13 A So, yeah, so I remember this case without even
14 looking in the record because I know Scott. And he told
15 me his symptoms. I want to say he said he was maybe
16 confused transiently. He normally runs, very active.
17 Felt like something wasn't right. So I just proceeded to
18 do a medical evaluation. At that time, I really didn't
19 know what we were dealing with, so I kind of did a shotgun
20 approached. I checked labs, urine and toxicology screens,
21 did CT of his head, just kind of complete workup.

22 Q What did his tox screens come back as?

23 A So what I think that I saw on it -- I do
24 remember the Benzodiazepine being positive, but, also, I
25 think -- I want to say it was THC positive, also.

RANDALL BEACH-REDIRECT BY MR. STOLARSKI

1 you make a good argument and Brewer is the case to
2 look at. But again, it really boils down to -- it
3 goes back to Crawford and whether or not it was
4 testimonial in nature. If it's determined to be
5 testimonial, Crawford applies, the Sixth Amendment
6 applies. If it's determined to be non-testimonial,
7 then you go back to hearsay. Is it admissible, you
8 then analyze it under the hearsay rules, which is --
9 takes you all way back to Ohio vs. Terri or Ohio vs.
10 Roberts. I mean, that was the original sort of from
11 the Supreme Court back in the day of they analysis it
12 in terms of hearsay and the courts have changed that
13 with Crawford. What's interesting is the Supreme
14 Court right now may be kind of going back to Ohio vs.
15 Roberts. But that's for another day. But I note
16 your objection and to the other issue being raised
17 earlier when the witness testified.

18 All right. Anything else?

19 MR. STOLARSKI: Nothing from The State?

20 MR. GRAVLEE: Judge, I think this time would be
21 the appropriate time to renew my spoliation motion.
22 As you heard, he -- Chief Beach testified he took
23 that smoking gun into evidence. Took a liquid sample
24 from that cup. I know Mr. Stolarski wants to say
25 this is fresh coffee. Well, he -- I mean, the thing

RANDALL BEACH-REDIRECT BY MR. STOLARSKI

1 is he's perpetually got day-old coffee in it.

2 THE COURT: Let me ask you this, what is your
3 motion first? Now, from a spoliation standpoint,
4 what are you asking for, are you asking for a jury
5 charge? What are you asking for?

6 MR. GRAVLEE: I'm asking for a dismissal, Judge,
7 in violation of the due process rights under the
8 14th, Article 1, Section 10 of South Carolina
9 Constitution. Fourteenth of the U.S., of course.

10 But here, the -- not having that and then losing
11 it and us not being able to obtain it by any other
12 way, when the allegations are that he -- or that he
13 put THC and benzos in there or he said -- Chief Beach
14 said urine. But the fact is that that -- the
15 apparent exculpatory value is the ability to test
16 that to show there was not that in there, to show
17 there was not those substance in that coffee. And
18 the items that we had right there, with the coffee,
19 with the latent prints to see if anybody else touched
20 it.

21 Of course, Mr. Carrick had that DVR in his
22 possession before he gave it to the police. We don't
23 have, I don't think -- you know, I don't know if we
24 can get into this, I suppose, but rather that video
25 has been altered, tampered, if anything else has been

RANDALL BEACH-REDIRECT BY MR. STOLARSKI

1 removed, if somebody else picked it up and moved it.
2 He said, Chief Beach in his report, that we had
3 discussed pretrial that they took it in for latent
4 fingerprint processing. We have prints, we have the
5 ability to swab the inside, test the liquid, send it
6 off and for us to be able to challenge it as well
7 even if they had some kind of results. But they
8 haven't proven that, we just got a bald allegation of
9 I think he put something in it. And then they took
10 it into evidence for that purpose and the testimony
11 was it was lost.

12 THE COURT: All right, Mr. Stolarski.

13 MR. STOLARSKI: I think a lot of this was gone
14 over yesterday, so I'll be brief. Basically, Your
15 Honor, apparent exculpatory value does not include
16 what the defense theorizes [indiscernible] might be.
17 The Court has time and time refused to look to
18 speculative value. Citing Arizona, Breeze, McBride,
19 [indiscernible]. This on its face was coffee. The
20 -- what the results of these contested. We don't
21 have it. If The Defense wants to get into that in
22 front of the jury that is the normal -- that is the
23 normal way of doing things.

24 THE COURT: All right. I note your motion at
25 this time and denied at this time.

RANDALL BEACH-REDIRECT BY MR. STOLARSKI

1 MR. GRAVLEE: Thank you, Your Honor.

2 THE COURT: All right, anything else?

3 MR. STOLARSKI: Nothing from The State.

4 THE COURT: All right, let's bring them in.

5 (WHEREUPON, the jury entered open court at
6 approximately 12:06 p.m.)

7 THE BAILIFF: The jury's present.

8 THE COURT: Thank you, sir.

9 All right, thank you, ladies and gentlemen. It
10 took us a little bit longer. We had to take up some
11 matters. I thought it would be a good time to do it
12 while y'all were on break. Instead of bringing you
13 out and sending you back in to deal with it, I just
14 went ahead and handled it instead of having to break
15 it up again, send you back out and bring you back in.
16 So that's why we took a little bit longer that time.

17 All right. State call your next witness.

18 MR. STOLARSKI: The State calls Scott Carrick to
19 the stand.

20 THE CLERK: Place your left hand on the Bible,
21 raise your right hand.

22 SCOTT CARRICK, after being duly sworn,
23 testified as follows:

24 THE CLERK: Sir, if you would have a seat and
25 state your name for the record, please.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 THE WITNESS: My name is Scott Carrick.

2 THE CLERK: Thank you.

3 DIRECT EXAMINATION

4 BY MR. STOLARSKI:

5 Q Where are you currently employed?

6 A I own a company that does rental properties.

7 Q So you're, I believe, the owner of the property
8 in question?

9 A Yes, Red Hills, LLC.

10 Q And you're, also, the landlord there?

11 A Correct.

12 Q Okay. Where is that property in relation to the
13 courthouse?

14 A Well, I own multiple properties. The property
15 where the incident took place is [REDACTED] Cedar Rock, which is
16 about a block to the east of here.

17 Q To the best of your knowledge, it's within
18 Pickens County?

19 A Correct.

20 Q Pickens city?

21 A Yes, both.

22 Q Do you know a person named Paul Lamberth, Jr.?

23 A I do. He's a tenant.

24 Q He's a tenant with you?

25 A Correct.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 Q Had you seen him prior to this incident?

2 A Yes. He and his wife moved into my building in
3 2018, September.

4 Q You're aware of what he looks like?

5 A Yes, I do.

6 Q Is he here in the courtroom today?

7 A Yes, he is.

8 Q Would you point him out?

9 A The gentleman in the white shirt with the hair
10 pulled back into a ponytail.

11 Q All right. On September 18th, 2021, what were
12 you doing at this incident location?

13 A Well, I had several things that I was working on
14 that day. There was a unit upstairs that we had just laid
15 luxury vinyl plank flooring in, so I was putting shoe mold
16 down around the bases. That's why the refrigerator was
17 out in the hallway. Then I had a couple that were moving
18 in the apartment around the rear in apartment A that I had
19 just remodeled. So I had to do some touch-up painting and
20 construction cleanup in that unit to get it prepared.

21 Q Okay. You said shoe molding, what is shoe
22 molding?

23 A Shoe molding is the little round molding that
24 goes along the edge -- well, I don't see any here, but it
25 goes around the edge of, like, a hardwood floor or solid

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 floor. It's rounded, like, 45.

2 Q Do you frequently do, like, repairs?

3 A I do most of my own work, yes. I have a
4 handyman that helps me out because it's too busy.

5 Q Okay. All right. Were you carrying a cup of
6 coffee with you on that day?

7 A I was.

8 Q What kind of cup was it?

9 A It was like a black thermos mug, similar to what
10 Defense counsel has, a little smaller. It was a Contingo
11 brand or whatever. My wife bought it at Wal-Mart.

12 Q Okay. And does that got an opened lid or closed
13 lid?

14 A Closed lid with the little slider.

15 Q And it's one of those things with like rubber
16 around the side that you pop up?

17 A Yes, correct. Correct.

18 Q Let's see here. Did you put that cup down that
19 day or did you not?

20 A Yeah, I often have a cup that I carry with me.
21 I sometimes bring two. And it was with me that day.

22 Q I think out in the hallway that day, were there
23 items that were moved out --

24 MR. GRAVLEE: Your Honor, I'm going to object to
25 this leading line of questioning again.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 THE COURT: Sustained. Just make sure you don't
2 lead.

3 BY MR. STOLARSKI:

4 Q Where did you put the cup?

5 A I sat the cup on top of the refrigerator out in
6 the hallway when I was done drinking out of it that day.

7 Q Okay. What did you do after you set the cup
8 down?

9 A I think I continued doing shoe molding. I had
10 some people show up, who was -- a young man and lady
11 showed up whose father that passed away there, like, a
12 week earlier. They were coming to see if there were any
13 of his belongings that they wanted to take with them.
14 Then I proceeded to let the handyman go down and finish
15 construction and get ready to meet the couple in the
16 afternoon.

17 Q Okay. Now, during that time, the cup is --
18 where is the cup?

19 A In the hallway.

20 Q Okay. And now what happened at about
21 eight o'clock at night that night?

22 A Eight o'clock that evening, I left the building.
23 I met a couple, signed a lease, gave them the keys to move
24 in, then I went home to watch the Clemson game.

25 Q Okay. Did you or did you not move the coffee

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 cup at that time?

2 MR. GRAVLEE: Judge, again.

3 THE COURT: Sustained.

4 MR. GRAVLEE: Thank you.

5 MR. STOLARSKI: Sorry.

6 BY MR. STOLARSKI:

7 Q Related to the coffee up, what happened at
8 eight o'clock?

9 A I took the cup home with me and put it next to
10 my coffeemaker.

11 Q Okay.

12 A I generally save about a third -- I drink my
13 coffee black. I generally save about a third in my mug.
14 I'll use the same mug for about three days. And I save
15 about a third because we got a coffeemaker a few years ago
16 and it's blazing, it burns my tongue. So I save a little
17 coffee so I don't have to put ice cubes in the next day.

18 Q Where, specifically, did you leave the coffee
19 cup?

20 A I take the coffee cup and I put it next to the
21 coffeemaker.

22 Q Okay. And when you -- then you went to -- or
23 the next morning, where did you see the coffee cup?

24 A The next morning --

25 MR. GRAVLEE: Judge, again --

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 MR. STOLARSKI: I don't think that's leading. I
2 don't think that's leading at all.

3 THE COURT: What's your objection?

4 MR. GRAVLEE: I mean, he's -- I'm just objecting
5 to the leading.

6 THE COURT: All right. Overrule on that one.
7 It's not leading.

8 THE WITNESS: What was the question again?

9 BY MR. STOLARSKI:

10 Q In the morning, coffee cup, where did you see it
11 first thing?

12 A In the morning, the coffee cup was next to the
13 coffeemaker.

14 Q Okay. Describe -- I'm going to ask it in two
15 parts. Did it look like it was moved or did it look like
16 it was not moved?

17 A No, the coffee mug was not moved.

18 Q Okay. All right. What did you do with the
19 coffee cup in the morning?

20 A I opened it, I poured in fresh hot coffee with
21 the remaining from the day before. And I took several
22 large swigs of coffee. I went to my living room to sit
23 down and study my script.

24 Q Was that mon -- or was that Sunday?

25 A That was Sunday.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 Q Okay. And you said -- you mentioned the script.
2 Describe that.

3 A I attend Five Point Church. We attend first
4 service, then second service I volunteer to lead a Sunday
5 school -- or Sunday church for the elementary ages, third
6 grade, fifth grade. And that Sunday, me and one of the
7 other persons were performing in a skit. They, generally,
8 have little skits that go with whatever Bible topic we're
9 working on at that time. So we do like a skit. Then
10 there will be like a video presentation of, like, the
11 Bible story that we're working on. I believe it was
12 Joshua that week.

13 Q All right.

14 A Then we break into small groups.

15 Q Okay. When you were working on that script,
16 what time of morning was it approximately?

17 A I woke up about 6:00, so probably about 6:30 in
18 the morning.

19 Q Now, did you -- when you -- at the time or at or
20 about time that you were drinking from the coffee, had you
21 eaten or drunk anything else previous to that --

22 A No.

23 Q -- or around that?

24 A No, I don't eat that early in the morning.

25 Q So the only thing that came into your body

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 during that timeframe is the coffee?

2 A Correct.

3 Q Okay. Describe what happened -- well, give me a
4 play-by-play for what you felt after drinking the coffee
5 for about hour, if you remember?

6 A So I took a couple large swigs of coffee from
7 the mug and I noticed an orange flavor to my coffee. I
8 drink the same coffee every single day. I know exactly
9 what it taste like, so any variation would obviously stand
10 out to me. And I remember -- so I tasted an orange flavor
11 and I remember that my mug had been sitting in the hallway
12 of the building. When I was kid, I would work at my
13 uncle's garage, we used a hand cleaner that smelled like
14 oranges, so this thought popped in my head, you know, that
15 guy put hand cleaner in my coffee. So I dumped that
16 coffee mug out and put fresh coffee in there and some ice
17 cubes.

18 Q So the coffee that you drank that contained
19 stuff that was left over from yesterday?

20 A Yes.

21 Q After you drank it, it was all in your body or
22 down the drain kind of deal?

23 A Correct, yes. I drank some pretty healthy swigs
24 and then I kept getting this orange after flavor.

25 Q Did you feel any symptoms in the near future

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 afterwards? Describe that.

2 A I remember sitting back down and picking up my
3 script. Then I -- I have some, like, vague memories of
4 sometime later my wife helping me in the bathroom. And
5 she was concerned because I was confused and I was
6 lethargic. Seemed like I was in and out of
7 responsiveness. I sort of vaguely remember sitting down
8 on the stool in my bathroom area. And she said if -- she
9 said if you're playing a joke on me, tell me or I'm going
10 to call 911. I think I vaguely remember saying you better
11 call 911.

12 Q Okay.

13 A I honestly don't remember anything after that
14 until being in the hospital.

15 Q Okay. It sounds like you're -- looks like the
16 last thing is that you remember before you start feeling
17 symptoms, what was the time of that?

18 MR. GRAVLEE: Judge, can we ask him to please
19 refrain from leading just opening --

20 THE COURT: I don't believe that was leading. I
21 overrule. He asked him what, who, when, where, why
22 and how. He asked him what, so overruled.

23 MR. GRAVLEE: All right, thank you, Judge.

24 THE WITNESS: What was the question again?
25

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 BY MR. STOLARSKI:

2 Q Like, the timeframe between when you drank it
3 and when you felt the effects, what was it?

4 A I believe I sat there about 15 minutes studying
5 my script. I remember looking at the paper in my lap and
6 that's the last vivid memory I have. So it would have
7 been 15, 20 minutes after I consumed the coffee.

8 Q Okay. And again, the physical symptoms that you
9 experienced, just the physical stuff as well as you can
10 remember, what is it?

11 A I mean, confusion and, honestly, amnesia. I
12 don't have any memory other than, like, that vague memory
13 of, like, leaning, I think leaning on my wife and her
14 trying to help me in the bathroom. I don't remember what
15 I was feeling, I just -- I have -- like, there's nothing.
16 I got nothing in there.

17 Q Now, this might seem a little silly, but is that
18 a common occurrence for you?

19 A No, I never had anything like that happen.
20 Well, other than, like, I've had medical procedures,
21 colonoscopy and endoscopy and dental surgeries where they
22 put you under. They have hard time bringing me back from
23 that type of anesthesia, so I'm careful to tell them hey,
24 anesthesia affects me really hard, so you have to go light
25 because they have a hard time arousing me. I don't

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 usually remember, like, the rest of day.

2 Q Are you saying the symptoms are similar, is that
3 what you're saying?

4 A Yeah, I mean, that amnesia. Just an erase of
5 your memory.

6 Q When did you start coming down off on the other
7 end?

8 A I remember it was -- it was several hours later.
9 I was sitting in a hospital bed in the ER. And whatever
10 part of my brain started working was, like, I was worried
11 that I wasn't showing up to act, so I was trying to text
12 the fellow that I was supposed to be acting with that
13 morning and let him know I wasn't going to be there. I
14 told him I was in the ER. I was trying to tell him I was
15 confused, but he came out confused. And he said, Are you
16 okay? I said, I don't know. And then I don't remember
17 anything again until -- it must have been a good period
18 later, Dr. Dillard came in and said they found THC and
19 Benzodiazepine in my blood work or in my blood or in my
20 system. And I remember saying that I'm training for a
21 marathon, the only thing in my system is Advil. Then I
22 said, That guy poisoned me.

23 Q Okay. All right. Do you -- you said you have
24 an apartment building, that apartment building?

25 A I have a what?

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 Q You have [REDACTED] East Rock Street?

2 A Cedar Rock.

3 Q Cedar Rock, sorry. That building has security
4 cameras?

5 A It does, yes. And my office is located in that
6 building.

7 Q Are you the owner of those cameras?

8 A I am.

9 Q Do you have access to these cameras?

10 A I do.

11 Q Are you responsible for their maintenance and
12 upkeep?

13 A My current system, yes.

14 Q Okay. And that system, are you responsible for
15 the cameras on that one?

16 A Yes. Yes.

17 Q Do you use these cameras in the normal course of
18 business?

19 A Yes.

20 Q All right. Are those cameras always on, always
21 recording?

22 A Yes.

23 Q Does the security system -- and this might seem
24 like a little bit of a technical question, but does the
25 security system -- when you said it's recording, does it

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 make those recordings, like, as the camera is rolling, so
2 to speak?

3 A Yes.

4 Q All right. So the recordings are created at or
5 about the time the events that they show?

6 A Yes, sir.

7 Q What's the position of those cameras, like, in
8 the upstairs?

9 A There's one on each end of the hallway in both
10 the upstairs and downstairs main floors.

11 Q Okay. Are the recordings on these cameras
12 accurate to the best of your knowledge?

13 A Yes.

14 Q These are camera recordings that are kept in the
15 normal course of your business?

16 A Yes.

17 MR. GRAVLEE: Objection. I'm not sure he has
18 established exactly what cameras he's talking about
19 in terms of timeframe or anything like that. He's --
20 and without even showing it to him right now.

21 THE COURT: What's your objection?

22 MR. GRAVLEE: I feel like he's trying to lay
23 some sort of foundation, but I'm not exactly sure
24 what he's getting out here without more on context.

25 THE COURT: He's laying a foundation, so I'll

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 overrule it right now and let you lay the foundation.

2 MR. STOLARSKI: All right.

3 BY MR. STOLARSKI:

4 Q Have you seen the security camera footage
5 related to this incident?

6 A I have.

7 Q Does your movement on the cameras line up with
8 what you remember from that day?

9 A Yes.

10 Q Does the position of the cameras, like, the
11 viewpoint on the film, does that line up with your
12 understanding of the position of the cameras?

13 A Yes.

14 Q Okay. And as I said, you've watched every bit
15 of video for this?

16 A I have.

17 Q Okay. I'm going to show you what's been marked
18 as State's Exhibits 2 through 4. Could you describe this
19 for The Court?

20 A Yeah, those are the CDs containing the footage
21 that from the cameras that I viewed.

22 Q Okay. Is that the footage from that day?

23 A Yes, it is.

24 Q Okay. Are these a fair and accurate depiction
25 of the subject matter therein?

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1 A Yes.

2 Q Any changes or alterations to the best of your
3 knowledge?

4 A No, sir.

5 Q All right. Again, these are the only disks in
6 the whole history of existence with the security cameras,
7 your signature on it depicting these?

8 A Yes.

9 MR. STOLARSKI: State would move to admit as
10 State's Exhibits 2 through 4.

11 THE COURT: All right, any objection from
12 Defendant?

13 MR. GRAVLEE: Yes, sir, Judge. I have no idea
14 what are on those CDs. Mr. Stolarski hasn't shown
15 these to me before trial as far as those CDs go.

16 MR. STOLARSKI: We did turn -- well --

17 (WHEREUPON, an off-the-record bench conference
18 was held in the presence of the jury but out of
19 the hearing of the jury.)

20 THE COURT: All right, ladies and gentlemen, I
21 need to take up a matter and excuse you for just a
22 little bit.

23 (WHEREUPON, the jury left open court at
24 approximately 12:26 p.m.)

25 THE COURT: All right, we had a bench

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1 conference. I want to get this on the record, so
2 I'll hear from you, Mr. Gravlee.

3 MR. GRAVLEE: Thank you, Judge. Traditionally,
4 when we have some kind of footage of videos admitted
5 into evidence, we have some type of conference. When
6 I talked to Mr. Stolarski about it earlier this week,
7 it wouldn't have been yesterday -- last week or this
8 weekend.

9 MR. STOLARSKI: It was, I believe, on Monday. I
10 remember saying that we were going to try to admit
11 all the videos that we turned over to you.

12 THE COURT: Go ahead, Mr. Gravlee.

13 MR. GRAVLEE: Thank you, Judge. And so as far
14 as what's on the CD, I'd just like to see what's on
15 the CD itself because I don't know if -- I mean, once
16 it's admitted into evidence, then the whole thing is
17 admitted into evidence. If there's not a portion of
18 that video that he's established just to see what
19 that is. I'd like to check that out and make sure
20 that that is there.

21 THE COURT: All right. I've got two questions.
22 The first question is, did The State provide the
23 videos to The Defense?

24 MR. GRAVLEE: Yes, sir, I've got surveillance
25 footage. I don't have a concern about Brady or

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1 anything like that, Judge, unless there's something
2 else on those CDs that I haven't seen or hasn't been
3 provided to me. Again, I just don't know the
4 contents of it and I hate to just not have any
5 objection on the record.

6 THE COURT: All right. Second question is, did
7 y'all have any discussion about what was going to be
8 shown on the videos? The concern always is if
9 there's no discussion and issue about what is
10 objectionable or not and you just throw the video up
11 there and the other side has not seen it or the other
12 side is not provided it, it's a concern to me. Was
13 there any discussion among y'all about this?

14 MR. GRAVLEE: That was my conversation with him
15 to talk about it. We need to talk about the videos.
16 What are you planning on admitting? He just said all
17 of it. I said the two weeks worth of footage that we
18 were provided? And he said all of it. You've got to
19 nail down something specific.

20 THE COURT: Mr. Stolarski, are you intending to
21 admit all two weeks of videos?

22 MR. STOLARSKI: It actually isn't two weeks in
23 the video, Your Honor. It's two cameras for a period
24 of about 12 hours, which the video timestamped and
25 kind of plays continuously. I did tell Max that I

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1 was planning to admit all the videos from the
2 relevant timeframe going from about nine o'clock in
3 the morning until nine o'clock at night.

4 That being said, I believe The Defense mentioned
5 in their opening, they're contesting whether anyone
6 else had access to that, particularly the fact that
7 it's in the open hallway. Now, do I plan on playing
8 all 12 hours of video? No. We're going to skip to
9 the highlights with Mr. Carrick.

10 THE COURT: Well, let me ask you this, was there
11 any effort to redact or, at least, put on a CD the
12 relevant time period -- and it sounds to me from 9:00
13 to 9:00 is the relevant time period. Was there any
14 effort made to do that? Admit that into evidence as
15 opposed to admitting three CDs that has two weeks of
16 stuff that has nothing to do with this case?

17 MR. STOLARSKI: Again, it's one day, it's not
18 two weeks. And I certainly would, if The Defense
19 would be willing to stipulate that no one else
20 touched it during -- in the hallway at that time
21 other than Mr. Carrick and The Defendant. But the
22 problem is it really becomes a material issue if
23 they're getting into maybe someone else had to do it
24 or poisoned it. It does become a relevant issue. It
25 is as narrowly tailored as it can possibly be.

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1 THE COURT: Obviously, I don't know what is on
2 the CDs, so I'm at a disadvantage as to what it is.
3 But I'll get back to my original question, was there
4 any effort made between y'all to narrow what's
5 relevant? Because with three CDs, I assume -- well,
6 I'm not going to assume anything. With those three
7 CDs, is that just one day?

8 MR. STOLARSKI: It is one day from two cameras.
9 Actually, it's one 12-hour period from two cameras.

10 THE COURT: All right.

11 Mr. Gravlee, you mentioned the time period of
12 two weeks.

13 MR. GRAVLEE: Yes, sir, Judge. I think I'm
14 referring to -- I mean, it's hours and hours and
15 hours of footage. And I forget who said it in the
16 incident report. In one of the incident reports that
17 we have, it discusses two weeks of footage. And so
18 when we -- when I spoke with Mr. Stolarski, that was
19 what I was discussing, is let's nail this down. I
20 know that Judge Morgan likes to tailor videos and
21 make sure that this moves smoothly. When he says
22 just all of it, there's no further discussion. That
23 he's just going to try to admit all of the video
24 without trying to say here's what it is, do you have
25 any objection to these? It's not my evidence, Judge.

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1 It's The State's evidence that they're moving to
2 admit. And there's only so much I can do by reaching
3 out to them to ask if we can do that.

4 THE COURT: So, Mr. Stolarski, what are you
5 trying to admit?

6 MR. STOLARSKI: Just the period of about 12
7 hours on the day the incident as narrowly tailored as
8 we possibly can get it. In terms of the whole two
9 weeks, what happened with that is remember we were
10 talking about the DVR itself was seized. The police
11 downloaded certain videos from there that relate to
12 this incident. They turned it over to us and we make
13 it available in discovery.

14 Now, all of the evidence that was seized by the
15 police was made available and have continued to have
16 made it available to The Defense if they wanted to go
17 down to peruse other stuff. That being said, in
18 terms of the video that's relevant, essentially,
19 turned over twice, made available then physically
20 turned over in discovery. It's the video of the 12
21 hours from the two cameras. I would play the
22 highlights and my stuff I would elicit from
23 Mr. Carrick is that we have watched every second of
24 these videos and no one else touches it except for
25 him and The Defendant.

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1 THE COURT: Okay. Mr. Gravlee, what about that?
2 When you first mentioned the two weeks, I would have
3 to admit I was concerned about that and I was not
4 going to allow that into evidence. What I'm hearing
5 from The State is that it's just the 12-hour time
6 period, which would be relevant in this case. Is
7 there any objection to that?

8 MR. GRAVLEE: To the 12 hours?

9 THE COURT: Yes, sir.

10 MR. STOLARSKI: Again, we're happy to stipulate.
11 I can run down and make an edited copy right now. It
12 will take me less than an hour if The Defense would
13 stipulate. I can have all that there and ready for
14 you.

15 THE COURT: When you say an edited copy, what
16 are you talking about an edited copy? What time
17 period?

18 MR. STOLARSKI: I can -- I can -- there's
19 snippets. I can say all right, take this snippet,
20 take this snippet, take this snippet and we'll make
21 that into another CD, if The Defense stipulates.

22 Now, I haven't touched or done anything with
23 that, we just took the stuff, the 12 hours. But if
24 Your Honor wants us to make a cleaner version,
25 assuming The Defense is stipulating that no one else

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1 besides Mr. Carrick and Mr. Lamberth touched that
2 coffee during the 12-hour period and that, you know,
3 The Defendant did touch the coffee. And I'd have to
4 mention that in my closing as well. This is a
5 stipulation, we are admitting this is the case, no
6 one touches it. That will make things a little bit
7 easier for everybody.

8 THE COURT: Again, back to my question again,
9 Mr. Gravlee, so as I am hearing The State here, they
10 are going to admit the tape from two cameras of the
11 12-hour period, which -- when the incident allegedly
12 took place. So is there any objection to that?

13 MR. GRAVLEE: I just need to see, Judge, what is
14 on the CDs?

15 THE COURT: Well, that gets back to my first
16 question, was it turned over by The State to The
17 Defense and it does sound like it was.

18 MR. GRAVLEE: It was, Judge. I do have --
19 apparently, what he's got and where the two weeks
20 footage came in was from Officer Dutton's report.
21 The first line of it says, The victim in the case
22 provided us with the two DVRs containing two weeks of
23 video footage from the apartment complex. That was
24 my concern, Judge, was trying to be able -- if that
25 was going to be two weeks and they, obviously,

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1 nitpick kind of through the evidence, too, Judge, to
2 see exactly what was playing. It's just something we
3 got to work out before time, not mid-trial and trying
4 to get a stipulation out in mid-trial here. So I
5 think if we can just see what's on those and if
6 that's footage, then -- that he's got, I guess that I
7 don't have an objection. I'm just --

8 THE COURT: All right, here's what I'm going to
9 do. It's at the lunch hour anyway. So I'm going to
10 excuse the jury for lunch and that will give some
11 time for the two of you to discuss the issue. And
12 then when we come back in after lunch, I'll hear
13 either from you and, hopefully, y'all can resolve
14 this.

15 I will tell you where I'm leaning, if it is a CD
16 of the 12-hour time period, that is relevant. That's
17 what the issue is about. If it is anything outside
18 of that, I do not think it is relevant. I'll not
19 allow it in. But I will allow the evidence in for
20 the pertinent time period.

21 And so we're going to take our lunch break, have
22 y'all see if you can resolve it. It will give you an
23 opportunity to take a look and Mr. Stolarski to have
24 some more discussion and dialogue about what's going
25 on so Mr. Gravlee will know what you're going to show

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1 so he can be -- so he'll be comfortable knowing that
2 you're not going to put something up there that's
3 prejudicial and/or irrelevant. So that's what we'll
4 do today -- I mean, at this time. So I'm going to
5 bring them back in, excuse them for lunch until two
6 o'clock. And we'll go from there.

7 MR. GRAVLEE: And, Judge, real brief, I just
8 noticed, we have another officer in here. I'd ask
9 him to state his name for the record.

10 A DEPUTY: Deputy Jason Dutton.

11 MR. GRAVLEE: Okay. So, Judge, Officer Dutton
12 has been in here in violation of your sequestration
13 motion, a sequestration motion that you granted. I'm
14 not -- until we started here. I don't know how long
15 he's been here. But, Judge, at this time, I'd for a
16 mistrial on that.

17 MR. STOLARSKI: I didn't notice him until at
18 this time, but we just won't call him as a witness.

19 THE COURT: All right. So he's not calling him
20 as a witness.

21 MR. GRAVLEE: That's fine, Judge.

22 THE COURT: The parties are reminded we've got a
23 sequestration order out there.

24 All right, let's bring them in.
25

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1 (WHEREUPON, the jury came into open court at
2 approximately 12:40 p.m.)

3 THE COURT: All right, ladies and gentlemen,
4 first of all, we've got some issues that we're
5 dealing with. It's the lunch hour anyway, so I think
6 this is probably be a good time to break for lunch
7 while we handle some matters. So I'm going to excuse
8 you for lunch until two o'clock. And again, please
9 don't discuss the case. Hope all of you have a good
10 lunch and I'll see you back here at 2:00.

11 (WHEREUPON, the jury left open court at
12 approximately 12:41 p.m.)

13 THE COURT: All right, we will be in recess
14 until two o'clock.

15 MR. GRAVLEE: Thank you, Judge.

16 THE COURT: Mr. Carrick, you're under oath,
17 you're still on the witness stand and you're not
18 allowed to discuss your testimony. You can talk
19 about anything else, except this case, that's the
20 only thing.

21 (WHEREUPON, a lunch break was taken.)

22 THE COURT: All right, we are back on the record
23 from lunch.

24 Mr. Gravlee, does the Defense have any
25 additional arguments or motions?

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1 MR. GRAVLEE: Yes, Your Honor. My co-counsel,
2 Steven Snow, on behalf The Defense has a motion for
3 The Court.

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

5 MR. SNOW: Thank you, Judge, may it please the
6 Court. Judge, as Mr. Stolarski has moved to have the
7 specific DVDs moved into evidence as a reflection of
8 the surveillance tape that was supposed to reflect
9 what occurred in that hallway on the day in question,
10 it's The Defense's position that Mr. Carrick is not
11 able to properly authenticate those DVDs.

12 THE COURT: What's the basis of that?

13 MR. SNOW: The DVDs are a copy of footage that
14 Mr. Carrick claims to have provided to the police.
15 However, he provided that footage in a different
16 form, he provided it in the form of some DVRs. Under
17 Rule 901, he needs to be able to testify that the
18 tape or the footage had not been edited or altered in
19 any way. Way.

20 To support that, I'm citing State v. Aragon,
21 that's 354 S.C. 334. In that case -- I'm aware the
22 901 authentication is a low bar. And that
23 authentication tends to be toward -- that issue tends
24 to go toward authentication. However, as far as to
25 differentiate between Aragon and this case, in

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1 Aragon, the court found that the person testifying,
2 the victim in that case as well, was present during
3 the entirety of the original recording being made.
4 In this case, over 12 hours of footage, Mr. Carrick
5 was not present during the entirety of the footage
6 being recorded and made. He was only present for a
7 small portion of it.

8 As such, I believe that in order to authenticate
9 that and claim that it had not been edited or altered
10 or tampered with in any way between his turning it
11 over to the police and his watching it in the
12 solicitor's office in preparation for trial, he would
13 have had to have testified that he reviewed the
14 entirety of that footage, prior to turning it over to
15 the police.

16 THE COURT: All right. What's The State say?

17 MR. STOLARSKI: Okay. So, obviously, this is
18 non-fungible evidence, so we wouldn't need to
19 establish a chain of custody. But the essence of
20 what Mr. Snow seems to be arguing is that anytime a
21 copy is made of something, there needs to be a
22 separate viewing of the circumstances -- or the
23 videos before that copy is made. You got to view a
24 copy and make sure that's fair and accurate and
25 you've got to also view the prior copy. It just

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1 isn't supported by case law whatsoever.

2 Now, I will say we are trying to authenticate
3 this under the business records exception and, also,
4 under 901 Subsection (b)(1) and (b)(4). And I
5 believe there's some case law specifically on this.
6 And I'm referring to State v. Gray, which is a 2022
7 Court of Appeals opinion. And this one deals with
8 security camera footage from what ends up being a
9 murder.

10 So what happens is the owner of the camera,
11 basically, says hey, I own and operate this camera,
12 it's pointed at this certain area at this certain
13 time. And I turned over that camera to the police
14 and he later viewed the video. Now, he wasn't there
15 for any of it. But he said that -- and I'm looking
16 at Page 5 here, The State conceded that no one can
17 testify to what happened on the video. However, The
18 State argued that -- I might be pronouncing his name
19 wrong, testified that his security camera, his
20 security system recorded the video and that the
21 camera faced Gray Street. Then we go into the normal
22 901 analysis and whether or not that low bar is met.

23 In Gray, The defendant contends that The State
24 failed to properly authenticate the video, to which
25 The Court says we disagree. The State authenticated

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1 the video with that [indiscernible] personal
2 knowledge. I'll just call him V. V testified that
3 he owned and operated the security system that
4 recorded the video. I'm looking at Page 7 on that
5 second side. V, also, testified that the camera
6 recorded the video. He reported that the camera
7 recorded the video faced Gray Street. It is
8 irrelevant that V did not contemporaneously -- was
9 not contemporaneously watching his monitor at the
10 scene of the shooting. His personal knowledge
11 sufficiently authenticated the video.

12 It goes on to say, obviously, the authentication
13 standard is not high. A party need not rule out any
14 possibility that the evidence is authentic. And to
15 authenticate evidence, we only need to lay a
16 foundation from which a reasonable juror could find
17 that the evidence is what the party claims to be.
18 Now, this doesn't stop The Defense from saying hey,
19 it could have been altered or it could have been
20 tampered with. But in terms of setting that low bar
21 for authentication that has been met based on the
22 personal knowledge of the victim in this case. Every
23 factor that the victim testified to is either the
24 same as or he has more knowledge on it than what
25 happened in Gray because he's was actually able to

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1 line up to his own [indiscernible], his own
2 recollection. Also, testifies to where that camera's
3 positioned. That it lined up with his recollection
4 of that. These cameras were always on. And based on
5 that, I would say that that is dispositive in this
6 case.

7 I, also, point out in State v. Aragon, the case
8 cited by the Defense that it was authenticated. Once
9 again citing that low burden.

10 THE COURT: All right, what about that from The
11 Defense?

12 MR. SNOW: A couple points --

13 THE COURT: As you correctly stated, 901 is a
14 very low bar and our Supreme Court and our Court of
15 Appeals through the years has stated that many times.

16 MR. SNOW: I understand, Judge. A couple
17 points, first off, in the Gray case that
18 Mr. Stolarski cited, it appears that the owner of the
19 DVR, also, operated it, which was not the case in
20 this case, where actually The Defendant operated it
21 and had it in his apartment. So there is an issue
22 there with the control of the equipment.

23 Additionally, there's an issue here with the
24 fact that we're not talking about admitting
25 necessarily just that evidence as far as the raw

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1 footage, we're talking about admitting those DVDs
2 that contained copies of -- allegedly copies of
3 footage even though they contained approximately 12
4 hours of footage. And was pointed out earlier from
5 Officer Dutton's report, when the DVRs were turned
6 over, it contained two weeks or more footage. So
7 there was --

8 THE COURT: Didn't Mr. Carrick testify earlier
9 that he had reviewed the DVDs?

10 MR. SNOW: Certainly, he reviewed them -- at
11 least, my recollection of the testimony is that he
12 reviewed them with Mr. Stolarski in his office in
13 July in preparation for this, not that he reviewed it
14 before turning it over to the police.

15 THE COURT: All right. Anything else?

16 MR. SNOW: I would just again point to Aragon
17 where it says that -- at least, my understanding of
18 the case, one of the key parts is that the tape had
19 not been edited or altered in any way. That's the
20 language in the case. I think that's a very relevant
21 factor. In determining whether or not authentication
22 is successful is the witness' ability to state that
23 the tape has not been tampered with in any way. And
24 without any testimony as to the fact that he viewed
25 the originals, he doesn't know if it's been tampered

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1 or altered in any way. He knows what he saw in July,
2 but he can't testify that it hasn't been altered in
3 any way.

4 THE COURT: What about that, Mr. Stolarski? If
5 it was handed over to him in July, to the police.

6 MR. STOLARSKI: I think what we're dealing with
7 is actually kind of like -- he's trying to roll two
8 wishes into one. I think what they're trying to do
9 is do a chain of custody issue because we're talking
10 about tampered with.

11 I'll point to another case, Hall, dealing with
12 video messages that were sent between the victim and
13 the defendant. Generally speaking, Your Honor, the
14 requirements of 901 are not that it can eliminate --
15 well, I'll just read it.

16 The Court then applied Rule 901, determined that
17 the messages were authenticated, that their was
18 distinctive enough that a reasonable jury could find
19 that he wrote them. The Court noted that several
20 facts linking the messages to the defendant and his
21 co-defendant. Taking together, circumstances are
22 sufficient to authentication to meet the low bar of
23 Rule 901(4). Lawyers can always argue case specific
24 facts [indiscernible] on this risk in an attempt to
25 convince a jury that this writing is not genuine.

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1 And I'm skipping down a bit, indeed, the
2 authentication standards are high, party need not
3 rule out impossibility that the evidence was not
4 authenticated then. [indiscernible] case specific
5 facts to the jury --

6 THE COURT: Speak up a little bit so April can
7 hear you.

8 MR. STOLARSKI: My point is, Your Honor, he
9 can't say that there's no possibility, no way
10 whatsoever that this wasn't tampered with is simply
11 not the standard for the low bar of 901. It is
12 sufficient that the victims say this is what it
13 claims to be and to the best of my knowledge, there
14 have been no changes or alterations.

15 And again, I think that not only with those, but
16 with the large, large number of cases dealing with
17 other writings and other things. Issues have been
18 raised all the time going back since before we even
19 had video cameras whether or not something was
20 changed, something was altered or tampered with. The
21 rule has never been beyond a reasonable doubt to the
22 exclusion of anything hasn't been. Is this witness
23 saying it is what it claims to be, which is I believe
24 what's met here. Again, I've got a copy of this
25 case. And I've, also, got plenty of case law to show

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1 non-fungible if that truly becomes an issue, which is
2 whether or not we need to establish a chain of
3 custody.

4 THE COURT: All right, anything else from The
5 Defense?

6 MR. SNOW: Briefly, Judge. So just looking at
7 this Hall case, it appears that in that case,
8 Jackson, the person attempting to authenticate the
9 video footage, reviewed the original footage is what
10 it appears to be saying from my brief review of the
11 case. Because they were the original recipient.
12 Again, that kind of what's at issue here is the
13 original footage.

14 THE COURT: I believe, though, he has testified
15 that those DVDs that were offered into evidence and
16 when he was questioned about those DVDs, he testified
17 that these were the DVDs. And I think under 901, the
18 low bar that it is, authenticates it. Again, the
19 DVDs were admitted, or were sought to be admitted
20 after Mr. Carrick testified that he had seen DVDs,
21 that these were his DVDs and these were the DVDs that
22 he handed over. And I think that meets the
23 authentication under 901.

24 MR. SNOW: Judge, if I can, briefly.

25 THE COURT: I'll hear from you.

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1 MR. SNOW: My understanding is he did not hand
2 over those DVDs. The police made those DVDs. Or,
3 perhaps, the solicitor's office, I'm not certain.
4 But he handed over a DVR. That's part of the issue.

5 THE COURT: All right. So the DVR was handed
6 over to the solicitor or the police and then the DVDs
7 were made after that?

8 MR. SNOW: Yes, Judge. And I think the issue is
9 that there's been no testimony that he reviewed the
10 footage on the DVRs.

11 THE COURT: Let me ask you about that,
12 Mr. Stolarski. So the DVDs were not made by
13 Mr. Carrick. Did he review the DVDs?

14 MR. STOLARSKI: He reviewed every second of the
15 content of those DVDs, Your Honor. He reviewed every
16 second of them. Again, what we're talking -- what
17 this defense boils down to is attempting to add in an
18 additional requirement to 901 that is, frankly,
19 unsupported by any case law, including the case law
20 that we have passed up. There's no requirement that
21 every time a copy's been made, a person, in order for
22 it to be authenticated, has to view that copy and
23 then the next copy and then the next copy down.

24 THE COURT: Has he reviewed the DVDs that are
25 being --

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1 MR. STOLARSKI: Yes.

2 THE COURT: Or attempting to be admitted into
3 evidence?

4 MR. STOLARSKI: Yes, Your Honor, he's reviewed
5 100 percent of the contents. He testified it's a
6 fair and accurate representation of the subject
7 matter therein and no changes or alterations to the
8 best of his knowledge.

9 THE COURT: All right, anything else?

10 MR. SNOW: I'm just saying, again, that I think
11 the issue is not that he reviewed the DVDs, it's that
12 he did not review the DVR. So our position is some
13 alteration could have happened between the footage on
14 the DVR and when those DVDs were made. He only ever
15 reviewed the DVDs. Since he did not view the footage
16 on the DVR, he cannot testify that the DVDs are an
17 accurate representation of what was on the DVR.

18 THE COURT: All right, anything else from The
19 State?

20 MR. STOLARSKI: I think we've made our point,
21 Your Honor.

22 THE COURT: Let me ask you this, Mr. Stolarski,
23 so the DVR is turned over to either the solicitor or
24 law enforcement and then either the solicitor or law
25 enforcement made copies from the DVR; is that

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1 correct?

2 MR. STOLARSKI: Yes, Your Honor.

3 THE COURT: Okay. So once those copies were
4 made, then that is what your client viewed?

5 MR. STOLARSKI: Yes. The police turned over the
6 videos that we're seeking to admit into our system,
7 which was made available to The Defense. We have
8 burned those copies to a CD. The victim came in
9 while it was on the CD and viewed the copies of
10 videos on the CD.

11 Now, again, if it was a chain of custody issue,
12 I can see that, but, frankly, 901 doesn't have
13 anything that would require each and every copy of
14 something that was made to authenticate it. Frankly,
15 we're making that bar -- the crux of it is that it
16 could have, potentially, been altered. And that we
17 can't rule out, the victim can't rule out that
18 potentially has been altered, which really cuts
19 against the entire gist of 901 being a low bar.
20 There's case law, specifically, saying that what they
21 need to testify to is to the best of their knowledge
22 there's no changes or alterations. But they don't
23 need to rule out that beyond any conceivable
24 possibility in the mind set of that.

25 THE COURT: Let me ask you this, Mr. Stolarski,

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 I want to confirm one more time, so your client,
2 Mr. Carrick -- well, no, Mr. Carrick handed over the
3 DVD --

4 MR. STOLARSKI: DVR.

5 THE COURT: I mean, the DVR before viewing what
6 was on the DVR. Then somebody, either in your office
7 or the police department, made copies of what was on
8 the DVR, but he had not viewed the DVR prior to the
9 DVDs being made; is that correct?

10 MR. STOLARSKI: My understanding is the entire
11 DVR system was turned over to the police and the
12 police took out the videos from there.

13 THE COURT: How can he authenticate the DVDs if
14 he didn't know -- and those DVDs came from the DVR,
15 how can he authenticate what's on the DVD if he
16 didn't know what was on the DVR because he didn't
17 look at the DVR? He just handed over the DVR to law
18 enforcement.

19 MR. STOLARSKI: That's kind of the idea of State
20 v. Gray, essentially. So in that case, it was a
21 security camera footage that wasn't viewed by the
22 person seeking to authenticate it as it was happening
23 or as it was being turned over. And what they did is
24 they sought to authenticate, what's essentially here,
25 a copy based off of certain factors in there that --

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 I'll look at 901 real fast.

2 THE COURT: Let me -- let me read Gray.

3 MR. STOLARSKI: I will point out to Page 7 as
4 well just for -- if you're looking. The
5 authentication standard isn't high and the party need
6 not rule out any possibility that the evidence is not
7 authentic. And I think that really cuts to the heart
8 of what Mr. Snow's arguing against it pretty heavily.

9 THE COURT: Mr. Stolarski, what is the testimony
10 that Mr. Carrick can testify that his system did
11 record the video?

12 MR. STOLARSKI: I believe he testified that he
13 was responsible for the maintenance and repair of the
14 system, that the system is always on and always
15 recording. That the specific camera angles that he
16 viewed lines up with what the cameras would be
17 recording. That his motions on the cameras lined up
18 with the times that he remembered going on and his
19 actions for it. That the timestamps lined up with
20 everything along with -- well, I don't think he's
21 testified to that, but that is another thing that we
22 can get into.

23 THE COURT: I don't remember any testimony about
24 any timestamps.

25 MR. STOLARSKI: Sorry, yeah.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 THE COURT: How can it be authenticated as to
2 the particular time?

3 MR. STOLARSKI: I think what we would show is it
4 lining up with Mr. Carrick's recollections, but
5 again, I think we're hitting the bridge too far from
6 getting into whether or not -- what the timestamps
7 show. We've got the 12 hours of video showing what's
8 going on.

9 THE COURT: Well, I mean, it's not getting too
10 far because it is relevant as to the time. Because
11 that's the whole issue -- not the whole issue, but
12 that's a big part of the issue in this case is that
13 12-hour time period of where the cup of coffee was
14 and where it went and when it came back, when that
15 was in relation to when Mr. Carrick became sick,
16 which is the argument from The State that is in
17 evidence that he had done something to the coffee.
18 So the time on the video is important.

19 So it gets back to my question a little while
20 ago, what is the evidence that Mr. Carrick knew that
21 was on -- what evidence does he know as to what was
22 on the DVR that he handed over to law enforcement,
23 whatever day it was, he hands over the DVR to them,
24 then a copy is made of -- or a DVD is made from the
25 DVR. And the testimony is Mr. Carrick looked at

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 those DVDs. But where is the authentication that
2 those DVDs reflect that 12-hour period?

3 MR. STOLARSKI: And I might have to get
4 Mr. Carrick up here to testify further about the
5 timeframe and the actual length of the videos. I
6 don't know if we're contesting, at this point, that
7 there is roughly 12 hours worth of video from two
8 cameras. So the length of the video themselves, you
9 know, if you've got 12 hours of video, kind of proves
10 that there was 12 hours of video. But again, we may
11 need to get Mr. Carrick back on the stand before
12 talking about the time relation.

13 THE COURT: Mr. Carrick is still on the stand.
14 He's still on the stand.

15 All right, having heard your arguments and read
16 the Gray case and then heard the arguments from
17 Aragon, is that how you pronounce it?

18 MR. SNOW: I believe Aragon, but I'm not
19 certain, Judge.

20 THE COURT: All right. Reading Gray twice here,
21 it states that regarding authentication, The State
22 conceded that no one could testify as to what
23 happened on the video. However, The State argued
24 that Bacquec --

25 And that's B-A-C-Q-U-E-C, April.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 However, The State argued that Bacquec could
2 testify that his security system recorded the video
3 and the camera faced Gray Street. And I have heard
4 the evidence from Mr. Carrick that he has reviewed
5 the DVD. It does show the area that is at issue
6 here. It is his system and he has testified -- it is
7 his system that had the cameras -- I believe he's
8 testified as to the angles of the camera, if not, I
9 do want to hear that. But I believe -- I recognize
10 the issue that The Defense has raised here. It is,
11 candidly, a very close call, even under 901. But I
12 think the evidence does get by 901 authentication. I
13 think the way I read Gray is that it is somewhat
14 similar in that, again, The Court notes and the case
15 that The State conceded no one could testify as to
16 what happened on the DVD. However, he did look at
17 the DVD -- I mean, excuse me, what happened on the
18 DVR, he's looking at the DVDs and it does show where
19 the security system was recording.

20 I do find that it is authenticated. Again,
21 candidly, it is a close call, but I think 901 and
22 Gray does allow it. So I will find there is
23 authentication.

24 Anything on the record you want to put?

25 MR. SNOW: Just one last thing, Judge, and

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 that's to differentiate from Gray and this case, Gray
2 operated the system. It was in his premises. It
3 appears, again, from reviewing it briefly that he
4 maintained the system and kept the system after
5 police copied it from his location. And all of that
6 is different from this case. And I think that
7 becomes an issue.

8 THE COURT: It is noted. That's one of the
9 things I did consider as we were going through this
10 and I was reading Gray and mulling over that was that
11 a difference enough to make it unauthenticated? I
12 think it is an issue, I did consider that. That's
13 the part where I say it is a close issue because of
14 that. But I think it does meet the standard of 901.
15 After reviewing Gray, listening to your arguments on
16 the Aragon case and reading 901 as we were up here
17 and analyze it. So I do find that it is
18 authenticated enough under 901.

19 MR. SNOW: Thank you, Judge.

20 MR. STOLARSKI: Thank you, sir.

21 THE COURT: All right. Ready to bring them in?
22 State ready?

23 MR. STOLARSKI: Yes, Your Honor.

24 THE COURT: Defense ready?

25 MR. GRAVLEE: Yes, sir Your Honor.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 THE COURT: All right, bring them in.

2 (WHEREUPON, the jury came into open court at
3 approximately 2:44 p.m.)

4 THE BAILIFF: The jury is present, Your Honor.

5 THE COURT: Thank you, sir.

6 Hope everybody had a good lunch. We've had an
7 issue that we had to deal with, so we've dealt with
8 it and we're ready to proceed.

9 All right, State.

10 MR. STOLARSKI: Just for the record, Your Honor,
11 we're counting these as admitted, they're in
12 evidence.

13 THE COURT: State's Exhibit Nos. 2, 3 and 4 are
14 admitted into evidence over Defense objections.

15 MR. GRAVLEE: Thank you, Your Honor.

16 (WHEREUPON, State's Exhibits Nos. 2-4 were
17 admitted into evidence.)

18 BY MR. STOLARSKI:

19 Q Okay, I'm going show you -- I'm going to play
20 these for the jury so you can see them again. All right,
21 what is this? Like, what's that view?

22 A That is my upstairs hallway. That camera would
23 be facing south.

24 Q And again, these are the cameras that you own?

25 A Yes.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 Q What's -- what's -- is there a person -- like,
2 what's the layout? Just name the places.

3 A There's a back door there, it Paul and Mandy's
4 room, as well as the next -- it's a two-room unit, so each
5 room has a door to the hallway. Then the door on the
6 other side of the refrigerator is the door to my office.

7 Q Okay. So this is door one and that's door two
8 kind of deal?

9 A Well, door two is on the other side of that
10 refrigerator and then further down, the last door on the
11 -- I guess looking from this angle, on the left would be
12 my office door.

13 Q Okay. Okay. All right. I'm going to show you
14 -- now, you've watched all these video; is that correct?

15 A That's correct.

16 Q Okay.

17 (WHEREUPON a video was published.)

18 BY MR. STOLARSKI:

19 Q Who's that on the video?

20 A That's me.

21 Q All right. What's that in your hand?

22 A That's the shoe molding.

23 Q All right. What was that in your other hand?

24 A That was my coffee mug.

25 Q All right. So that's -- and where did you place

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 that coffee mug?

2 A On top of the refrigerator that was pulled out
3 of this unit.

4 Q Okay. All right. By the way, when you're
5 coming up the stairs there, who's that on camera?

6 A That's Paul Lamberth.

7 Q Did you see him take anything there?

8 A Yeah, he grabbed my coffee mug off the top of
9 the refrigerator.

10 Q Okay. And that room he went into, what was
11 that?

12 A That would be his kitchen area room.

13 Q Okay.

14 (WHEREUPON, a video was continued to be
15 published.)

16 BY MR. STOLARSKI:

17 Q Who's that coming out?

18 A That's Paul Lamberth.

19 Q Did you see what he was carrying?

20 A That was my coffee mug.

21 Q What did he do?

22 A He puts it on top of the refrigerator.

23 Q Okay. Now, did you give him permission to use
24 your coffee mug or --

25 A No, sir.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 Q -- anything like that? Did you know he was
2 touching --

3 A No, sir.

4 Q Okay. Is this normal for him ever to take your
5 coffee mug?

6 A No, sir.

7 Q So y'all don't have an understanding, like, hey,
8 you fill up my coffee?

9 A No, sir.

10 (WHEREUPON, a video is continued to be
11 published.)

12 BY MR. STOLARSKI:

13 Q Okay. Who's that?

14 A That is Paul Lamberth and a fella named
15 Knowledge Allen, who lived in Unit ■.

16 Q The person who's kind of standing on the
17 refrigerator now that's grabbing the cup, what's --

18 A That's Paul Lamberth.

19 Q And what's that being moved?

20 A That's my coffee mug.

21 Q Okay. And did you see where it was moved to?

22 A Yeah, I have a little writing desk next to my
23 door with some envelopes for people to pay rent and put
24 their money in envelopes and write their name on it and
25 slide in under the door in the mail slot. He sat it on

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 that little writing desk.

2 Q Is that writing desk a place you frequently,

3 like, visit or --

4 A Yeah, it's right outside my office door.

5 Q All right.

6 MR. STOLARSKI: And for the record purposes,

7 that was all from State's Exhibit No. 2. We're

8 moving on to State's Exhibit No. 3.

9 (WHEREUPON, State's Exhibit No. 3 was

10 published.)

11 BY MR. STOLARSKI:

12 Q Who's that coming up the stairs?

13 A That's me.

14 Q All right. Roughly, when did this take place in
15 your recollections?

16 A Late afternoon, early evening.

17 Q What were you doing? Like, who are those guys
18 and what's going on?

19 A I had gone home to eat lunch and I had come
20 back. This is a couple that was moving into the apartment
21 down around the backside of the building, apartment ■,
22 that I had cleaned up and touched up that day.

23 Q So you're leading them back that way?

24 A They're filling out paperwork and getting the
25 keys, yes.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 Q Who is that?

2 A That's Curtis Case, a current tenant.

3 Q Okay. Those are the same people kind of coming
4 out? .

5 A Correct, yes, sir.

6 Q Is that you in the orange?

7 A Yes, it is.

8 Q How long, roughly, did that meeting with them
9 take place?

10 A Generally, that probably was about a 20-minute
11 meeting.

12 Q Let me roll this back just a smidge.

13 A It's usually 15, 20 minutes to do the paperwork.
14 I was probably in a hurry because of the Clemson game that
15 evening.

16 Q Could you kind of watch your hands as you come
17 out and see whether or not you grab anything?

18 A Yes, sir.

19 Q What happened?

20 A I picked my mug up off the writing table there
21 and brought it with me. I was going home.

22 Q Okay. All right.

23 MR. STOLARSKI: And for the record, we're going
24 through State's -- that was State's No. 3 and we'll
25 be moving into State's No. 4.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 (WHEREUPON, State's Exhibit No. 4 was
2 published.)

3 BY MR. STOLARSKI:

4 Q What's this a video of?

5 A That would be a camera on the second floor
6 hallway facing north. The door on the bottom right corner
7 is my office with the mail slot. The second door on the
8 right would be Paul and Mindy's bedroom. The refrigerator
9 was the one that was pulled out from the door across the
10 hall.

11 Q That's that big black thing right here?

12 A Yes, sir.

13 Q Okay. So is this Paul's door, I think you were
14 saying?

15 A That would be his kitchen door, correct.

16 Q And what's this door?

17 A That's their bedroom.

18 Q Okay. Who's that coming up the stairs?

19 A That's me.

20 Q All right. What's that in your hand?

21 A That's my coffee mug.

22 Q Okay. Okay. And by the way, what time of
23 morning are we talking about? What time of day are we
24 talking about?

25 A So I was training for a marathon at that time, I

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 had just begun my schedule. So I probably would have run
2 seven to nine miles that morning. So it would probably be
3 like 9:00ish, 10:00ish area, 9:00, 9:30, 10:00.

4 Q Does the timestamp -- and I understand you can't
5 speak to the exact second, but does the timeframe on this
6 video line up with your recollections --

7 A Yes, it does.

8 Q -- of your movements for the day?

9 A Yes.

10 Q Okay.

11 (WHEREUPON, State's Exhibit No. 4 continued to
12 be published.)

13 BY MR. STOLARSKI:

14 Q You see the refrigerator there?

15 A Yes, I do.

16 Q That black object above it, what is that?

17 A That appears to be my coffee mug.

18 Q And who's that coming out of the room there?

19 A That's Paul Lamberth.

20 Q And that's -- what does that appear that he's
21 doing?

22 A Appears that he took my coffee mug and went into
23 his unit.

24 Q So he went into his room?

25 A Correct.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 Q Based on your recollections, are you 100 percent
2 sure this is Paul?

3 A Yes, I am.

4 Q All right. Who's that coming out the room?

5 A That's Paul Lamberth.

6 Q Okay. What did he place down on the
7 refrigerator?

8 A That was my coffee mug.

9 Q Okay. All right. Who's coming out the room
10 there?

11 A That's Paul Lamberth and that's Knowledge Allen.
12 And that's Knowledge's room that they came out of.

13 Q Now, who's grabbing -- well, who grabs what was
14 on top of that?

15 A That's Paul Lamberth.

16 Q What did he grab?

17 A That's my coffee mug.

18 Q All right. Who's that on the camera in the
19 orange shirt?

20 A That's me. That's my game day shirt.

21 Q Is that the two guys you were talking about
22 earlier?

23 A Yeah, that's Curtis Case and his wife, Allison.

24 Q [Indiscernible] not your coffee mug?

25 A Not my coffee mug. I think he's carrying a

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 smoke detector.

2 Q What's that in your hand?

3 A That's my coffee mug.

4 Q Okay. And I'm trying not to make this leading,
5 did or did you not pick up the coffee mug from there and
6 walk out with it?

7 A I did.

8 Q Okay. Now, you -- as I say, you've watched all
9 the security camera footage; is that correct?

10 A I did.

11 Q Okay. Roughly, how long is that from the
12 relevant times?

13 A It was, roughly, 12 hours, maybe just short of.

14 Q For each set of cameras?

15 A Correct.

16 Q Okay. And is that, all of this on these three
17 videos?

18 A Yes, it is.

19 Q Okay. Now, did anyone else touch or tamper with
20 or in any way mess with your or touch the coffee cup
21 besides you and The Defendant?

22 A That would be it.

23 Q Okay. All right. So again, you took it home
24 that night?

25 A Correct.

SCOTT CARRICK-DIRECT BY MR. STOLARSKI

1 Q All right. And when did you get it in the
2 morning, about what time?

3 A I woke up around -- I usually wake up around
4 six o'clock naturally, so I woke up around 6:00. So
5 probably would have been 6:10, 6:12, 6:15.

6 Q Okay. And what did you do with the mug and the
7 coffee?

8 A I always go into the kitchen. I get my mug and
9 pour some coffee in it. And I started drinking my coffee.

10 Q Okay. And did you or did you not drink the
11 coffee?

12 A What's that?

13 Q Did you drink the coffee?

14 A I did. I started drinking it. I took several
15 large swigs.

16 Q And how long in between -- again, I'm sorry, how
17 long in between when you drank it and when the symptoms
18 you started describing?

19 A Well, like, I took several large swigs, and I
20 went to the other room and I noticed kind of an orangy
21 after flavor. So I went back in the kitchen, poured that
22 coffee out and put new in. I thought somebody put hand
23 cleaner in my coffee. So I put new coffee in, some ice
24 cubes and I sat back on the couch. And I think I probably
25 studied my script for maybe 15, 20 minutes trying to

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 memorize the lines.

2 Q Did you -- and again, did you eat or drink
3 anything?

4 A I did not.

5 Q At or around that time?

6 A No, I don't eat that early in the morning.

7 Q Do you use benzos or THC or anything like that?

8 A I do not.

9 Q Do you have any in the house that might have
10 accidentally --

11 A No, I do not.

12 MR. STOLARSKI: All right. Please answer any
13 questions The Defense might have for you.

14 THE COURT: All right, cross?

15 MR. GRAVLEE: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. GRAVLEE:

18 Q Good afternoon, Mr. Carrick.

19 A Good afternoon.

20 Q All right. So you operate this apartment,
21 slash, old hotel?

22 A Yes.

23 Q Right over there?

24 A Yes, sir.

25 Q And how many rooms does it have there?

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 A Well, some of the rooms are double rooms. Like,
2 there was -- I believe, I have 14 rental units in there.

3 Q Okay.

4 A Now. At that time, I had 12.

5 Q Twelve tenants?

6 A Twelve rentable units, correct. That was an
7 abandoned law office on the first floor that I've turned
8 into residences since then.

9 Q And during this time, I guess the day of the
10 particular incident -- let's see, I want to pull this back
11 up.

12 Mr. Stolarski.

13 MR. STOLARSKI: The exhibits are right there.

14 MR. GRAVLEE: Thank you.

15 BY MR. GRAVLEE:

16 Q Give me a second while I load this thing up.
17 All right. What I'm playing right now is State's Exhibit
18 2 between the hours of 10:00 and 11:00.

19 Mr. Welbourn, this isn't coming up on the
20 screen right here.

21 THE CLERK: It should be.

22 MR. GRAVLEE: For some reason, it ain't popping
23 up.

24 (WHEREUPON, technical difficulties were being
25 worked out.)

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 BY MR. GRAVLEE:

2 Q Before we get to that, I want you to go ahead
3 and proceed here.

4 (WHEREUPON, technical difficulties were being
5 worked out.)

6 BY MR. GRAVLEE:

7 Q All right. So, at the time -- that's you on
8 camera right now; correct?

9 A Yes.

10 Q All right. So, at the time, during this same
11 day, there's police at the apartment, too?

12 A Yes.

13 Q For the record, we're at 14 and 30 seconds as
14 far as the timing on the video. And you're speaking with
15 his son there?

16 A Yes, that's correct.

17 Q And the gentleman who had passed away in that
18 apartment, would you be surprised to hear that he passed
19 away three days prior to --

20 A To this day?

21 Q To being found, yeah?

22 A Between when he passed away and when it was
23 discovered he was deceased?

24 Q Yeah, that he would have passed away three days
25 prior to this incident and his sons --

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 A That he had passed away three days before this
2 day right here?

3 Q Yes, sir.

4 A Yeah, somewhere in there.

5 Q And they found him because they found some kind
6 of smell floating around the hallway, too?

7 A I called because I noticed an odor and nobody
8 had seen him for, like, a day or so.

9 Q And then the police showed up there?

10 A No, this incident, the police showed up because
11 Paul became agitated that this gentleman was in the
12 building. Because he had created a disturbance when he
13 came to visit his father a few weeks earlier and Paul had
14 gotten angry with him. So when he came back to collect
15 his father's belongings, Paul got agitated and picked up a
16 stick and was going to hit him and we called the police.
17 That's why the police are there right there because
18 they're, basically, protecting this gentleman.

19 Q And you're aware that he was a user of meth?

20 A No, I wasn't. No, I wasn't aware of what the
21 gentleman did with his life. I'm aware that he had an
22 alcohol problem.

23 Q Okay.

24 A I mean, that's what his children told me, but
25 they didn't mention that he used meth. Which gentleman

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 are you speaking of?

2 Q Mr. Galloway?

3 A The one that passed away?

4 Q Actually, I suppose both, but yes, your tenant?

5 A Please be --

6 Q Your tenant, Mr. Galloway, that lived in that
7 apartment?

8 A That passed away, yes. I knew that he had an
9 alcohol problem. I don't know if he used meth.

10 MR. STOLARSKI: Your Honor, can we approach just
11 a second?

12 THE COURT: Yeah.

13 (WHEREUPON, an off-the-record bench conference
14 was held in the presence of the jury but out of
15 the hearing of the jury.)

16 MR. STOLARSKI: All right, ladies and gentlemen,
17 I'm going to need to excuse you while I address a
18 matter with the lawyers.

19 (WHEREUPON, the jury left open court at
20 approximately 3:16 p.m.)

21 THE BAILIFF: The jury is secured, sir.

22 THE COURT: Thank you, sir.

23 All right.

24 MR. GRAVLEE: Judge, for the purpose of this
25 discussion, can we sequester Mr. Carrick?

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 THE COURT: Well, what's the -- is there an
2 objection to his testimony?

3 MR. STOLARSKI: There is.

4 THE COURT: What's the objection?

5 MR. STOLARSKI: That it be excluded on grounds
6 of relevance, on grounds of prejudice, on grounds of
7 misleading or confusing the jury.

8 THE COURT: All right, Mr. Gravlee, what's the
9 relevance of this testimony?

10 MR. GRAVLEE: Judge, I would like to discuss it,
11 Judge, outside of Mr. Carrick's presence.

12 MR. STOLARSKI: I don't mean to be a stickler,
13 but I believe the victim in this case has the
14 Constitutional right to be here.

15 THE COURT: To excuse a witness who is on the
16 stand for in-camera? What --

17 MR. GRAVLEE: Judge, I think, basically -- this
18 situation here, Mr. Carrick was on notice at the time
19 because Mr. Lamberth was the operator and caretaker
20 and maintained the security camera footage. He was
21 aware of what was going on in the building. At the
22 time, he was -- you know, he was hired as security.
23 Mr. Carrick had him running security. And,
24 basically, at that point in time, he had been telling
25 him over and over, this guy is using meth. His son

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 is using meth. And was trying to tell him he needs
2 to get out of here.

3 Right as this happened, we have the issue where
4 the guy dies three days later. And Mr. Carrick says
5 he reports it to the police at the time. And I think
6 this line of questioning, Judge, goes towards his
7 motive to, I mean, we can say lie, but to,
8 potentially, alter his testimony and bias against
9 Mr. Lamberth here.

10 THE COURT: How?

11 MR. GRAVLEE: Because he had been -- I think it
12 effects -- it's, basically, an interest, property
13 interest that if he's concerned about criminal or
14 civil liability, too, at the time when this gentleman
15 passes away in his apartment as he's on notice of the
16 drug activity that is going on continuously during
17 this time. Also, when --

18 THE COURT: What's the relevance, though?

19 MR. GRAVLEE: The relevance, Judge, is that it's
20 relevant to his testimony also there when he's on the
21 stand, his credibility.

22 THE COURT: What does that have to do with
23 credibility?

24 MR. GRAVLEE: Because it goes towards his motive
25 to lie, Judge.

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 THE COURT: How does that go toward his motive
2 to lie?

3 MR. GRAVLEE: Because Mr. Lamberth had been
4 telling Mr. Carrick, who was on notice, that there is
5 this drug activity. The guy dies, the cops show up.
6 So, basically, he's worried at the time that
7 Mr. Lamberth has called the -- or that the police are
8 out after Mr. Lamberth had put Mr. Carrick on notice
9 that there's drug use going on in and out of the
10 house -- in and out of this apartment. And it goes
11 towards his motive to lie and his credibility.

12 THE COURT: What does that have to do with
13 relevance in this case as far as whether or not
14 Mr. Lamberth put something in Mr. Carrick's coffee?
15 I mean, how does that -- first of all, how does it
16 relate to that? And how does the fact that somebody
17 in the apartment might have had a meth issue, may or
18 may not have had a meth issue have to do with any
19 motive or credibility? Where is...

20 MR. GRAVLEE: Well, if he can end up kind of
21 using this coffee thing as a distraction, we don't
22 have the coffee here, to try to blame Paul for this
23 to distract from the investigation going on into this
24 death for whatever reason. He might be criminal or
25 civilly liable for the activities that are going on

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 in his house and -- I mean, in his apartment as a
2 landlord there.

3 THE COURT: Let me make sure I get this, you are
4 arguing that this is relevant about this individual
5 who potentially had either an alcohol problem and --
6 the witness has testified he did not know he had a
7 meth problem, he knew he had a alcohol problem. So
8 your argument is that this is relevant on the -- to
9 create a -- or in that Mr. Carrick then made this up
10 or used this coffee tampering as distraction to cover
11 up Mr. Carrick not knowing about this person who
12 lived in the apartment, who may have had -- actually,
13 there's no testimony that he had a meth problem. He
14 may have had an alcohol problem, who died, and
15 that's, therefore, a motive for Mr. Carrick on the
16 witness stand? Did I get that right?

17 MR. GRAVLEE: Yes, sir, Your Honor. And I have
18 a good faith basis for the meth allegation. I wasn't
19 intending on calling --

20 THE COURT: Even if you have a good faith basis
21 for the meth allegation, that doesn't help you on
22 this one. I don't see the relevancy at all. And I
23 don't see how that's relevant to motive. Even if,
24 even if it was relevant, under 403, it would be
25 unfairly prejudicial and substantially outweigh any

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 probative value. First of all, I don't see any
2 probative value in allowing the jury to hear that
3 testimony. But even if it was probative, I find that
4 under Rule 403 that it's unfairly prejudicial and
5 substantially outweighs any probative value.

6 MR. GRAVLEE: All right, Your Honor.

7 THE COURT: All right. Bring back the jury.

8 (WHEREUPON, the jury entered open court at
9 approximately 3:23 p.m.)

10 THE BAILIFF: Jury is present, Your Honor.

11 THE COURT: Thank you, sir.

12 All right.

13 MR. GRAVLEE: Thank you, Your Honor.

14 BY MR. GRAVLEE:

15 Q Mr. Carrick, you recall, I suppose, going to the
16 hospital in the case here?

17 A Say that again.

18 Q Going to the hospital after you--

19 A Do I recall that?

20 Q I mean, you went to the hospital?

21 A Yes, I went to the hospital, correct. I don't
22 have any memory of it.

23 Q And you saw Dr. Dillard?

24 A Yes, at some point, yes.

25 Q Okay. Now, at the time when you were there and

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 talking with Dr. Dillard you don't recall what you told
2 him?

3 A I don't. I don't recall getting a CAT scan, I
4 don't recall getting IVs. I know I got them because I had
5 bandages and cotton swabs on both of my arms.

6 Q Okay.

7 A And there was results in my medical records but
8 I don't remember -- I guess they did it, took the urine
9 sample, I don't remember doing that. I do -- the only
10 point I recall talking to Mr. Dillard was toward the end
11 there where I remember him saying we found THC and benzos
12 in your -- I thought he said in your blood, he may have
13 said in your system.

14 Q Correct.

15 A And I knew that there was no way that either of
16 those things would be in me. Other than I remember saying
17 that guy poisoned me. That's when I realized what
18 happened to me.

19 Q Right.

20 A Then I don't remember anything after that,
21 honestly, until walking out into the sunshine. I don't
22 know if that was where that conversation occurred -- where
23 that event occurred to where I was released from the
24 hospital. But I do remember walking out in the sun where
25 the pillars of the emergency room entrance are and I

SCOTT CARRICK-CROSS BY MR. GRAVLEE

1 called my wife and told her that they released me and to
2 come get me. That's all I remember.

3 Q All right. So when you gave your -- you gave
4 your statement to the police in this case, you mentioned
5 that you normally just leave a portion of your coffee
6 everyday left over?

7 A I do that for, you know, several days. I have
8 several of the mugs. So yeah, I'll leave a portion. I do
9 that may be two or three days, maybe even four. And then
10 after that, I'll just set the whole mug in the sink and I
11 run it through the dishwasher. You're not supposed to, it
12 wrecks them, but I do it any way. And that -- whatever
13 day I do that, I'll get, you know, a full pot of hot
14 coffee and then I'll have to add some ice cubes but it
15 waters the flavor of the coffee down.

16 Q So you said you remembered it tasting orange or
17 something?

18 A I remember an orange flavor, correct.

19 Q And then -- and then you just poured it out and
20 poured some more coffee in?

21 A Yeah. And then I got all fresh coffee and put
22 some ice cubs in it, yes.

23 Q Okay. All right.

24 A I don't know it if was that coffee that--

25 Q Doesn't sound like you used any cleaner in

SCOTT CARRICK-REDIRECT BY MR. STOLARSKI

1 between there?

2 A I didn't, I just dump the coffee out.

3 MR. GRAVLEE: No further questions.

4 THE COURT: Any redirect?

5 MR. STOLARSKI: Just briefly.

6 REDIRECT EXAMINATION

7 BY MR. STOLARSKI:

8 Q When did you get back to normal? Like, what was
9 the time where you got back to feeling right, if that
10 makes sense.

11 A The next couple of hours were patchy. I had a
12 meeting at the church that I was supposed to go to, I
13 believe, at one o'clock. I told my wife I was going. And
14 she said under no circumstances are you driving a car. I
15 don't remember the ride to the church. She took me and
16 dropped me off. I had a tenant whose husband was a
17 sheriff's officer, apparently--

18 Q Just terms of the timeframe, what time?

19 A I don't -- I remember just a couple bits of the
20 church meeting. I remember being super hungry, I hadn't
21 eaten all day, they had food and I was like, oh, that's
22 great. And then immediately after the church meeting I
23 called the city police department. I don't remember
24 calling them but I do remember Officer Lyndsay coming up
25 the stairs with me. I had her escort me there because I

SCOTT CARRICK-RE CROSS BY MR. GRAVLEE

1 had to get my recording equipment back. I didn't know --
2 obviously, I didn't know if I was -- if he was a threat to
3 me or whatever so I wanted an officer there.

4 Q So, like, I mean, what time did you start -- you
5 stop being patchy and just go back--

6 A The whole day. The whole day was like that. I
7 went home in the evening and I got on my mower. I'm
8 patchy remember mowing. The next day I was back to normal
9 but that whole day was kind of patchy.

10 MR. STOLARSKI: No further questions.

11 THE COURT: Any recross?

12 MR. GRAVLEE: Briefly, judge.

13 RE CROSS-EXAMINATION

14 BY MR. GRAVLEE:

15 Q So in you words you just said you thought you
16 were poisoned and that you were talking to the doctor when
17 he was reading those--

18 A Yes--

19 Q -- results to you?

20 A Yeah, I mean, I knew that he put something in my
21 coffee that put me in the hospital.

22 Q And you went to AnMed right down the street from
23 here, the hospital?

24 A I didn't go, I guess, I was transported by EMS,
25 ambulance.

SCOTT CARRICK-RECROSS BY MR. GRAVLEE

1 Q Sure. Physically, you went to -- your body?

2 A I was taken, yes.

3 Q Yes, sir, not that you drove or anything.

4 A Yeah, to -- yeah Cannon, that's what it is.

5 Q And you're aware of where the Pickens Police
6 Department is; right?

7 A Yes, sir.

8 Q So -- and that's about, what, a few 100-yards up
9 from AnMed?

10 A It's -- no, AnMed's down the road a bit out by
11 the law enforcement center.

12 Q Okay. So quarter of mile, half mile?

13 A I don't know, a couple miles, mile and a half.

14 Q Okay. But you remember suspecting that you
15 might have been poisoned and you decided instead to go to
16 church?

17 A Yeah.

18 Q And then cut grass?

19 A No, no. No, the grass was after I had
20 already -- while I was being driven to church I contacted
21 my tenant and talked to her husband, I guess. I don't
22 remember the conversation but apparently I said, hey, I
23 think some guy poisoned me, something to that effect. And
24 he told me to contact the city police department. And
25 have them go with me to get my recording equipment from

SCOTT CARRICK-RECROSS BY MR. GRAVLEE

1 Paul's unit. And make a report.

2 Q So the police suggested you get the recording
3 equipment--

4 A No, no. The husband of my tenant who was a
5 retired sheriff's office. He suggested that I call the
6 city police and have them escort me up to the building to
7 get my recording equipment from Mr. Lamberth's unit.

8 Q Okay. And he was still a tenant at the time,
9 you hadn't evicted him or anything?

10 A Mr. Lambeth? Yes. Yes, yes, yes. And he -- I
11 never had -- I had to give him a 30 day notice.
12 Apparently, there's no expedited process that when someone
13 poisons you to speed up the eviction process. You still
14 have to serve a 30 day notice.

15 Q Okay. So after leaving the hospital around what
16 11:30, 12:00?

17 A Somewhere around there.

18 Q If told you that's about what it was.

19 A I think so, yes.

20 Q Instead you went to church at noon, cut grass.

21 A I was under the influence of drugs so you'll
22 have to forgive me for making those irrational decisions,
23 I guess.

24 MR. GRAVLEE: All right, no further questions,
25 thank you.

SCOTT CARRICK-RECROSS BY MR. GRAVLEE

1 MR. STOLARSKI: Nothing further from The State.

2 THE COURT: All right, you may step down.

3 All right, next witness.

4 MR. STOLARSKI: Your Honor, that's it from The
5 State, Your Honor.

6 THE COURT: All right, ladies and gentlemen, The
7 State has put up their evidence. So I'm going to
8 excuse you, I have some matters of law I have to take
9 up, at this stage. I'm going to excuse for a break.
10 Please don't discuss the case.

11 (WHEREUPON, the jury left open court at
12 approximately 3:33 p.m.)

13 THE BAILIFF: Jury is secured, Your Honor.

14 THE COURT: Thank you, sir.

15 All right, any motions?

16 MR. GRAVLEE: Briefly, Judge.

17 THE COURT: All right, Mr. Gravlee.

18 MR. GRAVLEE: Judge, at this point in time, I'd
19 like to make a motion for a directed verdict here.
20 There has not been any medical testimony nor from
21 Mr. Carrick of actual bodily harm, first off, in this
22 case here. In fact, in the State's Exhibit 1, I
23 believe in the medicals, Dr. Dillard found there were
24 no symptoms or objective findings that are life
25 threatening. The diagnosis and the complaint that's

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 Defendant?

2 MR. GRAVLEE: Nothing from The Defense, Your
3 Honor.

4 THE COURT: All right.

5 We are ready to go, so bring them on in.

6 THE BAILIFF: Yes, sir. Not quite ready, Judge.

7 THE COURT: That's all right, let me know when
8 they're ready.

9 THE BAILIFF: Yes, sir.

10 (WHEREUPON, the jury entered open court at
11 approximately 9:34 a.m.)

12 THE BAILIFF: Jury's present, Your Honor.

13 THE COURT: Thank you, sir.

14 THE COURT: All right, good morning, ladies and
15 gentlemen. I hope y'all had a good night. We are
16 now at the last phase of the trial, the closing
17 arguments, my instructions on the law to you and your
18 deliberations.

19 I recognize The State for closing argument.

20 CLOSING STATEMENT

21 MR. STOLARSKI: Thank you, sir.

22 Good morning, I told y'all at that start of this
23 case that this was a important case but it wasn't a
24 complicated case. In the past [indiscernible] has
25 been [indiscernible]. On September 18th of 2021, The

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 Defendant was mad at the victim, Scott Carrick.
2 Almost hated him, according to him he was charging
3 harassing his tenants and The Defendant. And he
4 wanted to teach the victim a lesson. I believe when
5 the victim came in that morning, he comes with his
6 coffee cup, sets the cup on top of the refrigerator,
7 goes about to do his job, preparing to keep
8 [indiscernible]. The defendant, when the hallway
9 is -- when no one else is in the hallway, comes out,
10 take the coffee cup, takes it into his room for about
11 a minute and a half, comes back and places it
12 [indiscernible] later we see that coffee cup
13 undisturbed. He goes and moves it to a more proper
14 place, the desk right outside the victim's office,
15 right where he often goes and frequents. So kind of
16 like baiting a trap so to speak.

17 The victim comes in a little later, about eight
18 o'clock to meet some people [indiscernible]. He
19 leaves and takes his cup home with him. The next
20 morning he's getting ready for church and he drinks
21 fresh coffee -- pours fresh coffee in with some of
22 the coffee from the day before, drinks that coffee.
23 He notices a funny taste to it such that he actually
24 pours ou the coffee and gets a new cup. About 15
25 minutes afterwards, very shortly afterwards, he

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 doesn't have anything else to drink, doesn't have
2 anything to eat other than that coffee.

3 After he drinks it, 15 minutes later, that's
4 when he starts suffering sever negative reactions.
5 Memory problems, confusion, he had to be kind of
6 helped around and ends up being taken to the
7 hospital. What do they do? They're not sure what's
8 wrong with him so the do a shotgun screening, I
9 believe, is what the doctor testified to. Give him a
10 MRI do a tox test. The only thing they find wrong
11 with him is THC and benzos in the victim's system.
12 Now, the victim says I don't use THC or benzos.
13 Again, don't have any of that in our house. I came
14 home, put that coffee mug down right beside the
15 coffee maker. I came back in the morning, it was in
16 the same place. No one touched it, no one moved it.

17 After the victim gets out to hospital, he goes
18 and collects the security camera footage from the
19 apartment, turns that over to the police. The police
20 reviewed the evidence, called The Defendant to be
21 interviewed. The defendant says -- admits to taking
22 the cup, admits to tampering with the cup. He admits
23 to urinating in the cup. And the reason why, using
24 his words, To teach the victim a lesson.

25 The statute in this case that The Defendant is

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 is being charged with is tampering with human food or
2 drug product. That requires you to tamper or mess
3 with, essentially, human food or drug product. So
4 coffee counts as such. With the intent to do bodily
5 harm. Now, bodily harm is not a high level of harm.
6 This is a minimum standard. Bodily harm means a
7 body, that's your physical thing. And harm is a
8 adverse effect. What I would say is something
9 negative happens to your body. It could be something
10 in your stomach that could make you sick, could even
11 make you -- high levels could make you pass out and
12 have to go to the hospital.

13 The standard by which we have to prove this is
14 that it's beyond a reasonable doubt. As I said
15 before, that's a standard that we take seriously and
16 this a standard that's to be met in this case.
17 Beyond a reasonable doubt is a doubt that causes a
18 reasonable person to hesitate to act. If you're
19 looking at the facts, the facts that would cause a --
20 be firmly convinced of The Defendant's guilt. And
21 once that has been -- how do you do that? Well, you
22 may hear this from the Judge, you may not, but one
23 way of looking at this [indiscernible] what
24 reasonable doubt is, I'll give you a common example.

25 It's like if you went to sleep one night and

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 there's a fresh sheet of snow on the ground,
2 untouched snow and you went to sleep, it's untouched
3 snow. And you wake up in the morning and there were
4 footprints that run across the snow, you would be
5 able to find, based on that, that somebody had walked
6 across the snow that night while you were asleep.
7 That's like I say, common sense, your common sense,
8 understanding of like the physical evidence. So, you
9 know [indiscernible] plus your common understanding
10 of humanity, people's motives and motivations.

11 I'd like to take a look at -- I'm going to try
12 to break this down and going to try to put it back
13 together. I'd like to look the doubt portion of it.
14 What would have to be true in order for The Defendant
15 to be innocent? In order for The Defendant to be
16 innocent, the victim would have to be lying. And the
17 reason why is because the timeframe for the events,
18 it's too tight for any kind of [indiscernible]. The
19 victim claims this is from a serve adverse reaction
20 from his coffee based on the way it tasted. And
21 based on the fact that this is the only thing that he
22 ate or drank. Along with his medical records from
23 the hospital that he had THC and benzos in his
24 system.

25 I believe that The Defense mentioned in their

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 opening they thought he tide one on or something like
2 that. That he just [indiscernible] which kind of
3 goes to show either he is lying in order to frame The
4 Defendant or he's telling the truth. So you have to
5 be lying specifically in order to frame him, to put
6 the blame on somebody else. And you have to be lying
7 in order to frame The Defendant, showing such mimic
8 to it that he would have to ingest this stuff. And
9 go to the hospital because of it and be subjected to
10 all these kinds of tests. And not only that, but
11 when he gets out, he would have to go to the police
12 and the police would also have to be in on this lie.

13 Because when the police interviewed him, The
14 Defendant admitted to tampering with the cup. He
15 admitted to why he tampered with the cup. The police
16 [indiscernible] why the police were trying to also
17 frame The Defendant because of the reasons and I
18 don't think there is any reason why this would occur.
19 There's also the matter of -- I told y'all at the
20 beginning of this case that the sequence and order is
21 important. The victim goes to the hospital -- or
22 drinks the coffee, shortly afterward goes to the
23 hospital. Shortly after that, when he gets the DVD
24 evidence, camera evidence, from the defendant's
25 apartment.

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 The victim doesn't learn that The Defendant has
2 been messing with his coffee, which is evidence,
3 until after he gets out of the hospital. After this
4 frame up initiated. He couldn't have possibly known
5 that it was The Defendant from the start of this.
6 Because he wasn't around when The Defendant took his
7 coffee cup. [indiscernible] very important.
8 Individually, all these pieces of information that
9 you can look at, the hospital records, the victim's
10 testimony in terms of symptoms that he had when he
11 did things, how he did things, the police testimony
12 in terms of what he got in terms of The Defendant's
13 confession. And the security cameras videos, all
14 individually strong pieces of evidence.

15 Can you find The Defendant guilty, individually,
16 on just one of those? Maybe. Maybe. But all of
17 this taken together, they all lead up to only one
18 reasonable conclusion and that is The Defendant did
19 it. [indiscernible] I leave you with this, The
20 Defense would have to show that there is a
21 reasonable, innocent reason why The Defendant --

22 Could you cut on the projector, please?

23 MR. GRAVLEE: Your Honor, I hate to interrupt.
24 The first two times I let it go where he mentioned
25 that he has to show innocence here. Which is not the

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 standard. It's the third time, Judge.

2 MR. STOLARSKI: I'll say that there is no
3 innocent reason, it's a guilty reason.

4 THE COURT: I'll sustain that. I sustain the
5 objection that The Defendant does not have the burden
6 to prove his innocence.

7 (WHEREUPON, a video was published.)

8 MR. STOLARSKI: I'll just leave you with this.
9 That shows guilt 100 percent. Thank you very much
10 for your time.

11 THE COURT: Defendant.

12 CLOSING STATEMENT

13 MR. GRAVLEE: Thank you, Your Honor, may it
14 please the Court?

15 THE COURT: Yes, sir.

16 MR. GRAVLEE: I'm going to start out by
17 apologizing for The State that's kept all in this
18 case all week. Still trying to make chicken salad
19 out of this case here. Still trying to force feed
20 you a dumpster fire of a case here. In the State's
21 opening, they forgot to mention one thing. In the
22 State's closing, they forgot to mention one little
23 thing. Whoopsie daisies. This case is about a
24 missing -- or the case is about coffee, coffee cup,
25 the thing that he's pointing to on the screen there.

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 They lost the cup. They lost the coffee that the
2 chief of police himself took into evidence. They
3 logged it into evidence, they placed it into an
4 evidence locker for safekeeping, then lost the only
5 thing -- he's telling you the wrong -- the government
6 is telling you the wrong standard. My client does
7 not have to prove his innocence at all. But they
8 lost the one piece of evidence that would allow him
9 to prove his innocence. And they can't prove their
10 case beyond a reasonable doubt, much less allow my
11 client to prove his innocence without this cup and
12 the coffee that was in there that was taken into
13 evidence, too.

14 I want to walk through some of the testimony
15 that you heard here this week. I'm going to start
16 with Chief Beach. You heard he had 40 plus years of
17 law enforcement training. So much training, so much
18 experience, very thorough, very careful. We're
19 talking about policies and procedures that he
20 oversees that he asks each of his sworn deputies --
21 or his sworn officers to abide by every time, yet,
22 can't comply or follow it himself.

23 At the department, at the police department, he
24 has Paul come down, interrogates him for like an
25 hour, maybe more. And Mr. Stolarski mentioned

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 earlier, he says Paul words. He tries to quote Paul.
2 We don't have a quote from Paul. We don't have a
3 single note from Chief Beach that was written at the
4 time. In most cases, you're going to have notes that
5 are made at the time. Whether they're on a notepad,
6 whether they are typed up, whether they are audio or
7 video recorded. There's not a single recording,
8 audio or video. He just writes down, Chief Beach
9 writes down his own version 24 hours later. A day
10 later.

11 He, basically, I think pressures Paul into some
12 admission of urination in this cup. There's nothing
13 mentioned in this interview about what Mr. Carrick
14 says was some drugs that were in this cup. Never
15 once mentions that. Chief Beach doesn't say that,
16 doesn't get into that with Paul. There's nothing
17 there regarding that. So it's inconsistent even with
18 Mr. Carrick's testimony and what the government is
19 trying to force down our throat.

20 The chief of police, he's got the entire
21 department at his disposal. He could have another
22 officer there that could corroborate the testimony,
23 somebody else that could have taken notes. I mean,
24 even within the department itself, they have
25 secretaries, they administrative staff that could

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 help record things there. But we don't have any of
2 that. You know, it's just whoopsie daisies, we lost
3 and don't have the crucial pieces of evidence that
4 actually present a decent case to y'all here today.

5 Chief Beach has had 2,000 arrests since this has
6 happened, maybe more. Again, the reason why
7 attorneys go to law school. But this interview is
8 clear as crystal. It doesn't have to have any other
9 kind of recording. He knows exactly word for word
10 what was said. I talked to him about it. He's got
11 an iPhone, even though he down played it, it's an old
12 phone and all that. Doesn't matter, there's a little
13 red put on that one, too. All he had to do was hit
14 it, record it. Paul Lamberth was the only person who
15 was interrogated here. You don't think that was
16 important? Sit there and record the interview of the
17 suspect that you are trying to convict. Paul didn't
18 get to write that statement, only Chief Beach wrote
19 it. He didn't have any input in what was said there.
20 It's just what Chief Beach said that he said 24 hours
21 before.

22 Chief Beach wants you to believe that there was
23 some kind urine in the cup that Paul talked about.
24 Again, Mr. Carrick said something like I have had the
25 coffee -- I mean, multiple stories here, but tried

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 the coffee, tasted like orange. Y'all, that is
2 fancy, fancy urine.

3 I'm going to move along to the doctors and
4 medical techs that you heard from. The lab tech that
5 we spoke to and y'all heard from, she didn't actually
6 run the tests. Initially, they actually came back
7 negative. She doesn't know who actually ran the
8 tests. Came back negative, then it comes back
9 positive. There's no telling from those results and
10 it's not her fault or anything, but that kind of test
11 doesn't come back to show how much, how little, what
12 was actually in those labs. Turns out that they do
13 have that, she said if you have the initial lab
14 results that show -- it shows levels. It shows
15 actually specifics in there.

16 But that's not what the State brought in today.
17 They didn't bring to show you the pieces of the
18 puzzle together. They just want to cram down, like
19 that foie grass or foie gras or whatever it is to try
20 to just turn you into a fancy French duck to believe
21 what they want to try to prove to you.

22 Lab tech couldn't tell you how it was ingested,
23 who put it there, what was there. He could have just
24 taken it the night before. He could have just drank
25 it himself. He could have just taken it, he could

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 have eaten it, don't know when, don't know how, don't
2 know who, don't know why, from those tests.

3 You heard from the doctor in the case,
4 Dr. Dillard. And Dr. Dillard has a bunch of notes
5 and whatnot throughout this report. And this has
6 been admitted into evidence, so you can look through
7 this if you'd like. Dr. Dillard's notes that
8 morning, he talks to Scott. In here, his notes say,
9 PT, that stands for patient. Patient comes in for
10 confusion starting this morning. He states, I quote,
11 He states he went to bed last night and woke up
12 confused. There's not a lick of well, took home some
13 half drank coffee, left it in the cup, put it beside
14 my coffee maker, makes the coffee too hot, so I leave
15 the day's old coffee in there and I pour in fresh
16 coffee and I don't know -- you know, that's what I
17 always do. I tasted it and I poured it out. Then I
18 had fresh coffee in there. No, he told the doctor,
19 he states he went to bed last night and woke up
20 confused. He's right. Scott Carrick did tie one on
21 the night before. Dr. Dillard notes he reported
22 nausea yesterday while running. He doesn't get into
23 that, Scott Carrick doesn't.

24 The report, also, says in here, Patient is
25 coherent now and able to answer questions. According

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1 to Scott Carrick, he was off in la la land for hours
2 and hours. But according to the actual doctor in the
3 case, he's fine. He's alert. He's oriented. He
4 knows what he's doing. He can answer these
5 questions. He's not still in la la land. Would he
6 have discharged him from the hospital if he's not
7 still in -- if he's still in la la land?

8 You, also, heard from Dr. Dillard when I was
9 talking to him, there's no bumps, no bruises. We're
10 not talking about broken bones or injuries here,
11 y'all. We got that he reports here in evidence that
12 the complaint is confusion. Okay. Confusion is the
13 diagnosis. It's what's listed for discharge, too.
14 Y'all, confusion is not bodily harm. For any South
15 Carolina/Clemson football fan, if confusion is
16 standard for bodily harm, I think all of us should be
17 on the way to the hospital right now in a ambulance.

18 Let's move on to Mr. Carrick, okay. Again, he
19 can't keep his own stories and his own allegations
20 straight. He's got no idea. He's all over the
21 place. He leaves his coffee cup out in this train
22 wreck of an apartment that he runs. All day, hours,
23 hours. He takes it home that night. He goes home,
24 walks down those stairs. But after he walks down
25 those stairs, you don't have any idea where in the

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1 world that coffee cup went. I mean, that's just
2 predisposing there's actually anything in the coffee
3 cup to begin with. But in this coffee cup, once it
4 leaves the stairs and he goes home, where does he go
5 afterwards? I submit it wasn't straight home.
6 There's no footage of home. There's no footage of
7 the stairs. There's no footage of any bar he might
8 have gone to afterwards.

9 But his story, I mean, y'all this is just gross.
10 Who's leaving day-old coffee in their coffee every
11 day, taking it home and then the next day they just
12 decide to pour fresh coffee on old coffee. Y'all,
13 it's no longer fresh coffee once you just dump it in
14 old coffee. It's too hot? There's nothing else that
15 you can do? There's not time, there's not just a
16 splash of cold water, can't wait two and a half
17 minutes? No, I'd just rather leave old, perpetually
18 old coffee in my cup.

19 Scott Carrick mentions a lot of things. Says,
20 is it cleaner, is there cleaner in my coffee? I
21 don't know that we're here on the coffee. I mean,
22 The State can't figure out what they want to try to
23 prove to you. Is it cleaner? Is there urine? Is
24 there THC and benzos? Scott can't figure it out
25 either. Is it urine? It is orange-flavored urine?

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1 He thinks -- you know, he said on the stand, he
2 said it's poison. He's got this cup that's poisoned.
3 And then he says he tries to dump some of it out and
4 then he pours -- without cleaning it, he pours more
5 coffee back into the same cup. This time he uses ice
6 cube, y'all. And he keeps using the same cup that he
7 thinks is poisoned? I mean, even if he doesn't throw
8 it away, grab something else in the house or don't
9 drink coffee at all. If you actually think you're
10 poisoned, what are doing still drinking out of the
11 same well?

12 He tells the doctor, we just talked about it,
13 not that he woke up and had coffee, did anything like
14 that. No, his wife just finds him on the floor and
15 he woke up confused. Nothing about coffee. Nothing
16 about a funny taste. Nothing about the gross old
17 coffee, new coffee on top of that. Nothing about
18 poisoning or, really, that he had anything at all
19 that morning. He's been cagey about this whole
20 situation from the start.

21 Now, he goes to the hospital around 8:00, a
22 little after 8:00, 8:15 or so. It's not until about
23 two and a half hours later when he's -- when the
24 doctor, you can see here in the notes, too, 11:36
25 a.m., Dr. Dillard says when discussing the drug

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1 screen with him, patient thinks someone put something
2 in his coffee. At that point, Scott panics, pivots
3 and points. And he points to Paul. Why? Because
4 his wife woke him up on the floor. He tied one on
5 the night before church before he's supposed to give
6 this children's sermon and he passed out on the
7 living room floor. His wife hasn't been here all
8 week nor was she called to testify. Where is she?
9 Where is she? Someone must have put something in the
10 coffee. There's no other way that I could ever have
11 that in my bloodstream or my urine, not just blood.

12 Y'all, Paul wasn't in trouble with the law until
13 Paul [verbatim] was in trouble with his wife. Well,
14 let's entertain his mishmash story. There's nothing
15 in those reports, again, that he says initially that
16 he, you know, suspects poison. Just wakes up on the
17 floor. After this poisoning, he leaves the hospital.
18 He thinks he's been poisoned, he just decides to
19 drive past the police department half mile down the
20 road, y'all, it's right there. So is the hospital,
21 it's right there. What's he do? He's out in la la
22 land, he's so loopy, he decides to go to church.
23 That's a good thing to do after you've been poisoned,
24 let's go to church. And then after that, let's hop
25 on some machinery with a blade spinning around at 200

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1 miles an hour and cut some grass. I can't see
2 straight or think straight or I don't know what's
3 going on. I can't remember a thing, but I did fire
4 up the lawn mower.

5 You know, The Judge is going to tell you, as far
6 as testimony goes, you can believe a person's
7 testimony, you can believe all of it, you can believe
8 some of it, you can believe none of it. And I like
9 to liken it something as gross as that old coffee,
10 kind of if you went to the gas station and you got a
11 Snickers. You didn't realize that there was -- the
12 very bottom of the Snickers wrapper, there's an
13 opening in it. You open up that Snickers and take a
14 bite of it. Turns out there's maggots in that
15 Snickers. With this kind of testimony, The State
16 wants you to just chop off that kind of
17 maggot-covered portion and toss that away, but they
18 still want to force the rest of this Snickers down
19 your throat, make you eat that Snickers, except that
20 part. No, you don't have to eat any of it, they're
21 just forcing it, trying to fit that narrative. But
22 y'all, Paul wasn't in trouble with the law until
23 Scott was in trouble with his wife.

24 The Judge is going to charge you on spoliation.
25 It's a fancy legal term that, basically, just means

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1 that the party in a case lost a crucial piece of
2 evidence. The Judge is going to charge you that when
3 evidence is lost or destroyed by a party, you may
4 infer that the evidence which was lost or destroyed
5 by that party, would have been adverse to that party.
6 Meaning, the government lost the evidence in this
7 case. You can't find that lost evidence. And so we
8 can infer, we can hold it in our hearts and in our
9 minds that you know that that -- that you can infer
10 that that would have been bad, obviously, for the
11 State's case. I don't think we have to think it, we
12 know it's bad for The State's case.

13 Paul is here without the ability to test that
14 cup because that cup, that liquid -- The State has
15 got this high burden. It's the highest burden in any
16 trial, whether it's civil and all about money or
17 whether it's criminal and about somebody's liberty,
18 it's the highest burden. And they want to force feed
19 you this maggot-covered Snickers. And y'all are
20 suppose to wash it down with some old, old nasty
21 coffee. Whoopsie daisies, they just want you to
22 overlook that.

23 Y'all, when you look at the entirety of the
24 evidence, reasonable doubt is the kind of doubt
25 that's going to make you hesitate to act and make

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1 that decision. I think this case not only makes you
2 hesitate to act, but it makes you recoil at the case
3 that was presented to you today. Just like that foie
4 grass, y'all, in this cage just being force fed this
5 dumpster fire. Don't be that fancy French duck that
6 they're trying to force you into. I know you don't
7 want to eat it, I don't want to eat it. Go home,
8 have a back strap, have a burger, have a salad,
9 goodness gracious, don't make the government eat this
10 Snickers -- make y'all eat this snickers. Please go
11 back and consider all this evidence. Y'all, I'm
12 confident and I know at the end of the day, y'all
13 don't want to eat this cake. Please return a verdict
14 of not guilty. Thank you.

JURY CHARGE

15 THE COURT: All right, ladies and gentlemen, we
16 have come to the very last part of the trial before
17 your deliberations, it will be my instructions to you
18 on the law in this case. As I told you when I
19 started the -- when we started this trial, the
20 indictment in this case charges The Defendant with
21 one count of tampering with human drug product or
22 food item. I remind you that the fact that the
23 Defendant was arrested, charged and indicted in this
24 case is not evidence and cannot be considered by you
25

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1 as evidence of guilt in this case. Nor does it
2 create any presumption or inference of guilt. The
3 document is simply the formal written instrument
4 which contains the charge made against The Defendant.
5 It is the formal document by which this case is
6 brought into court.

7 You and I have had certain duties to perform in
8 this trial. As the trial Judge, it has been my
9 responsibility to preside over the trial and I, also,
10 have had the duty to rule on the admissibility of the
11 evidence offered during this trial. You are to
12 consider only the competent evidence before you. You
13 are to consider only the testimony which has been
14 presented from this witness stand right here and any
15 exhibits which may have been made a part of the
16 record in the case.

17 I have the additional duty to charge you the law
18 that is applicable in this case. As the presiding
19 Judge, I am the sole judge of the law in the case.
20 And it is your duty, as jurors, to accept and apply
21 the law as I now state it to you. If you already
22 have any idea as to what the law is or what the law
23 ought to be and it does not agree with what I now
24 tell you the law is, then you must abandon that idea
25 because you are sworn to accept the law and apply it

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1 exactly as I state it to you.

2 In every case tried in this court before a jury,
3 the jury becomes the sole and exclusive judge of the
4 facts. A trial Judge, like myself, cannot state any
5 opinion, make any statement to the trial jury about
6 the case or give any indication if I have any
7 opinion. You are the sole judges of the facts in
8 this case. And you are not to infer anything from
9 any way I may have ruled or any statement I may have
10 made in the progress of this trial in ruling on the
11 admissibility of evidence or otherwise. I have
12 intentionally made it a point not to indicate
13 anything about my feelings in this case because I
14 don't. It is not my duty and not my job. That is
15 solely your responsibility.

16 The Defendant has pled not guilty to this
17 indictment. And that plea puts the burden of proof
18 on The State to prove The Defendant guilty beyond a
19 reasonable doubt. A person charged with committing a
20 criminal offense in South Carolina is never required
21 to prove himself innocent. It is an important rule
22 of law that The Defendant in a criminal trial, no
23 matter what the seriousness of the charge is, will
24 always be presumed to be innocent of the crime for
25 which the indictment was issued, unless guilt has

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1 been proven by the evidence satisfying you of that
2 guilt beyond a reasonable doubt.

3 This presumption of innocence does not end when
4 you begin your deliberations, but it accompanies The
5 Defendant throughout the trial until you reach a
6 verdict of guilt based on the evidence satisfying you
7 of that guilt beyond a reasonable doubt.

8 The presumption of innocence is like a robe of
9 righteousness placed about the shoulders of The
10 Defendant which remains with The Defendant until it
11 has been stripped from The Defendant by the evidence
12 satisfying you of The Defendant's guilt beyond a
13 reasonable doubt.

14 The presumption of innocence is not a mere legal
15 theory, it is not just a legal phrase. It is a
16 substantial right to which every defendant is
17 entitled, unless you, the jury, are satisfied from
18 the evidence of The Defendant's guilt beyond a
19 reasonable doubt.

20 Now, as I said, The State has the burden,
21 they've got to prove The Defendant guilty beyond a
22 reasonable doubt. Some of you may have served as a
23 juror in a civil trial where you were told that it is
24 only necessary to prove by a preponderance of the
25 evidence or a greater weight of the evidence. Here

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1 in a criminal trial, it must be beyond a reasonable
2 doubt.

3 Proof beyond a reasonable doubt is proof that
4 leaves you firmly convinced of The Defendant's guilt.
5 There are very few things in this world that we know
6 with absolute certainty. In criminal cases, the law
7 does not require proof that overcomes every possible
8 doubt. The kind of doubt that would cause a
9 reasonable person to hesitate to act is proof beyond
10 a reasonable doubt. If based on your consideration
11 of the evidence, you are firmly convinced that The
12 Defendant is guilty of the crime charged, you must
13 find The Defendant guilty. If, on the other hand,
14 you think there is a real possibility that The
15 Defendant is not guilty, you must give The Defendant
16 the benefit of the doubt and find The Defendant not
17 guilty.

18 The following things are not evidence in this
19 case and you must not consider them. The statements
20 and the arguments of the lawyers and the questions
21 and objections of the attorneys.

22 There two types of evidence, direct evidence and
23 circumstantial evidence. Direct evidence directly
24 proves the existence of a fact and does not require
25 any deduction. Circumstantial evidence is proof of a

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1 chain of facts and circumstances indicating the
2 existence of a fact. Crimes may be proven by
3 circumstantial evidence. The law makes no
4 distinction between the weight or value to be given
5 to either direct or circumstantial evidence.
6 However, to the extent that The State does rely on
7 circumstantial evidence, all of the circumstances
8 must be consistent with each other, and when taken
9 together, point conclusively to the guilt of The
10 Defendant beyond a reasonable doubt. If these
11 circumstances merely portray The Defendant's behavior
12 as suspicious, the proof has failed. The State has
13 the burden of proving The Defendant guilty beyond a
14 reasonable doubt and it rests with The State,
15 regardless of whether The State relies on direct
16 evidence, circumstantial evidence or a combination of
17 the two.

18 Now, ladies and gentlemen, when evidence is lost
19 or destroyed by a party, you may infer that the
20 evidence which was lost or destroyed by that party
21 would have been adverse to that party.

22 In this trial, and as part of your deliberations
23 and determination of the guilt or innocence of The
24 Defendant, you must determine the credibility of
25 witnesses who have testified in this case.

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1 Credibility simply means believability. It becomes
2 your duty as jurors to analyze and to evaluate the
3 evidence.

4 In determining the believability of witnesses
5 who have testified in this case, you may believe one
6 witness over several witnesses or several witnesses
7 over one witness. You may believe a part of the
8 testimony of a witness and reject the remaining part
9 of the testimony of that same witness. You may
10 believe the testimony of a witness in its entirety,
11 or reject the testimony of that witness in its
12 entirety. You may consider whether any witness has
13 exhibited to you any interest, bias, prejudice or
14 other motive in this case. You may, also, consider
15 the appearance and manner of a witness while on the
16 stand.

17 Now, the rules of evidence ordinarily do not
18 permit witnesses to testify to opinions or
19 conclusions. As I mentioned to you yesterday, an
20 exception to this rule exists for witnesses we call
21 expert witnesses. A witness who by education and
22 experience has become expert in some art, science,
23 profession or calling may state an opinion as to
24 relevant and material matter in which that witness
25 claims to be an expert and may, also, state the reason

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1 for the opinion. You should consider any expert
2 opinion received as evidence in this case and, like
3 any other evidence, give it the weight you think it
4 deserves. If you decide that the opinion of an
5 expert witness is not based on sufficient education
6 and experience, or if you conclude that the reasons
7 given in support of the opinion are not sound or that
8 the opinion is outweighed by other evidence, you may
9 disregard the opinion entirely.

10 An expert witness's testimony is to be given no
11 greater weight than that of other witnesses simply
12 because the witness is an expert. Further, you're
13 not required to accept an expert's opinion, even
14 though it is not contradicted.

15 Now, I instruct you and I emphasize to you that
16 the fact that The Defendant did not testify in this
17 case is not a factor to be considered by you in any
18 way in your deliberations and in your consideration
19 on the question of the guilt or innocence of The
20 Defendant. It must not be considered by you in any
21 manner whatsoever. A defendant has a Constitutional
22 right to remain silent. And the assertion of this
23 right must not be considered by you in your
24 deliberations. I repeat, under your oath, you are to
25 draw no conclusion whatsoever from the fact that The

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1 Defendant in this case did not testify. The fact
2 that this Defendant did not testify should not even
3 be discussed in the jury room. The burden of proof,
4 as I have stated to you, is on The State. The
5 Defendant is not required to prove his innocence.
6 The burden of proof remains on The State to prove
7 guilt beyond a reasonable doubt.

8 Now, a statement is alleged to have been made in
9 this case by The Defendant. And that statement
10 through the testimony has been admitted into evidence
11 in this case. Now, while The Court has determined
12 that the statement is admissible, I instruct you that
13 you make the ultimate decision of whether or not The
14 Defendant made the statement. If The Defendant did
15 make the statement, you must determine whether the
16 statement was made by The Defendant voluntarily and
17 of his own free will. This means that the statement
18 was not caused by pressure, force, fear, threats,
19 coercion or intimidation or by hope or a promise of
20 leniency or a reward of any kind.

21 In determining whether the statement was
22 voluntary, you should consider both the
23 characteristics of The Defendant and the details of
24 the questioning. Some of those factors that may be
25 considered are the age of The Defendant, The

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1 Defendant's education or lack of education, The
2 Defendant's mental ability and capacity, The
3 defendant's IQ or intelligence, his background and
4 environment, place and length of the detention, the
5 nature of the questioning and the advice or lack
6 thereof to The Defendant of his Constitutional
7 rights, including, but not limited to the right to
8 remain silent, that any statement could be used
9 against him in a court of law, the right to have a
10 lawyer present and that if he could not afford a
11 lawyer, a lawyer would be appointed to represent him
12 without any costs and that he could stop making the
13 statement at any time. You must carefully consider
14 all of the surrounding circumstances before you give
15 any weight to any alleged statement.

16 The State has the burden of proving beyond a
17 reasonable doubt that the alleged statement was
18 voluntary. If you determine it was, you may give the
19 statement any further consideration that you deem
20 proper. You must decide what weight, if any, should
21 be given to the alleged statement. If you determine
22 the alleged statement was not the free and voluntary
23 statement of The Defendant, you should not consider
24 the statement at all.

25 Now, The Defendant has been charged with the

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1 offense of tampering with human drug product or food
2 item. The statute reads as follows: In order to
3 find The Defendant guilty, The State must prove
4 beyond a reasonable doubt that The Defendant
5 maliciously tampered with a human drug product or
6 food item with the intent to do bodily harm to a
7 person.

8 The word maliciously is characterized by malice.
9 Malice is defined as hatred, ill will or hostile
10 towards another person. It is the intentional doing
11 of a wrongful act without just cause or excuse, with
12 an intent to inflict an injury or under circumstances
13 that the law will infer an evil intent.

14 In order to establish criminal liability,
15 criminal intent is required. For example, the mental
16 state required to be proven by The State for a
17 particular crime might be purpose, intent, knowledge,
18 recklessness or criminal negligence. Criminal intent
19 must be proven by The State beyond a reasonable
20 doubt. Criminal intent is always a matter that must
21 be determined by you, the jury, from the
22 circumstances surrounding the situation.

23 There is no way to prove intent to a
24 mathematical certainty. There is no way medical
25 science can dissect a person's brain and determine

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1 what the person had in mind. So the law says that
2 criminal intent may be inferred from the
3 circumstances shown to have existed. This is how you
4 make a determination of whether or not the element
5 requiring intent was present. It is not necessary to
6 establish intent by direct and positive evidence, but
7 intent may be established by inference in the same
8 way as any other fact by taking into consideration,
9 the acts of the parties and all the facts and
10 circumstances of the case.

11 Criminal intent is a mental state, a conscious
12 wrongdoing. It is up to you to determine what the
13 Defendant intended to do based on these circumstances
14 shown to have existed. Criminal intent can arise
15 from action or failure to act. It may arise from
16 negligence, recklessness or an indifference to duty
17 or to consequences that is considered by law to be
18 the equivalent of criminal intent.

19 Now, ladies and gentlemen, I am about to excuse
20 you to deliberate. And let me just say a little bit
21 of something about deliberations. Deliberation has
22 often been defined as the act of thinking about or
23 discussing something and deciding carefully. The
24 genius and great thing about our system in our state
25 and our country is that it allows 12 good people like

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1 yourselves from different backgrounds, men and women,
2 life experiences and perspectives to consider the
3 evidence in this case and, ultimately, reach a
4 verdict.

5 We call them deliberations for a reason. You're
6 to consider the evidence in this case deliberately.
7 Discuss it in a calm, thorough and courteous manner.
8 Remember you are not partisans or advocates for
9 either side in this case. You are the judges in this
10 case, the judges of the facts. Listen to the views
11 of all of your jurors. Consider all of your fellow
12 jurors' points and points of view and talk through
13 and discuss the evidence. And remember, if you are
14 doing something deliberately, you're not doing it in
15 a big hurry. And you should not be in a hurry here.
16 This case is very important to both The State and The
17 Defendant. This is their day in court.

18 When you retire to the jury room, you should
19 discuss the case and attempt to reach an agreement.
20 And if you can do so, your verdict must be unanimous.
21 All 12 of you must agree to a verdict if you can
22 reach an agreement. Each of you must decide the case
23 for yourself, but you should do so only after you
24 have impartially considered all the evidence,
25 discussed it with your fellow jurors and listened to

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1 the views of your fellow jurors. Do not be afraid to
2 change your opinion if a discussion persuades you
3 that you should, but do not come to a decision simply
4 because you think the other jurors think it is right.

5 It's important that you reach a unanimous
6 verdict. But, of course, only if each of you can do
7 so after having made your own decision. Do not
8 change an honest belief about the weight and effect
9 of the evidence simply to reach a verdict. In other
10 words, don't change your mind solely for the sake of
11 reaching a unanimous verdict.

12 Now, ladies and gentlemen, and Mr. Foreman, you
13 will have back there with you the verdict form. And
14 the verdict form reads as follows. It says, please,
15 answer the question below. This is self-explanatory,
16 but I want to read it to you anyway. As to the
17 charge of tampering with human drug product or food
18 item, we, the jury, find The Defendant, Paul Elbert
19 Lamberth, it has two spots, a blank for guilty and a
20 blank for not guilty.

21 Now, do not take into consideration the order
22 put on this verdict form as to mean anything. I
23 simply have to do it one way or the other and I have
24 always chosen do it a best by alphabet, so guilty,
25 not guilty. So that is the verdict form.

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1 If you're able to reach a unanimous verdict,
2 then you will sign it, Mr. Foreman, knock on the door
3 and let the bailiff know that you have reached a
4 verdict. Now, if you have any questions or want to
5 hear some replay of testimony, let the bailiff know.
6 Write it on a note, you'll have some pen and paper
7 back there. Right a note, knock on the door and let
8 the bailiff know you have a question. Then the
9 bailiff will get that to me and I will let the
10 lawyers know about the question and then I will
11 either bring you back in here to answer the question
12 or I may just write the answer on the piece of paper
13 if that can take care of it. So again, if you do
14 have any questions, please, write it on a piece of
15 paper and let the bailiff know.

16 All right. I'm going to excuse you right now.
17 Don't start deliberating yet. Under the law, I've
18 got to ask the attorneys if I said the law right. If
19 I didn't give it to you right, they will correct me
20 and I may have to bring you back in here. But if I
21 don't have to bring you, I will send the verdict form
22 with the evidence that's been put into the record and
23 give that to the bailiff to give to y'all and y'all
24 can start deliberating.

25 So with that, I will excuse you back to your

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1 jury room at this time.

2 (WHEREUPON, the jury left open court at
3 approximately 10:32 a.m.)

4 THE BAILIFF: The jury is secured, sir.

5 THE COURT: Thank you, sir.

6 All right, any exception to the charge from The
7 State?

8 MR. STOLARSKI: Nothing from The State, Your
9 Honor.

10 THE COURT: Any from The Defendant?

11 MR. GRAVLEE: Nothing to the charge, Judge.

12 THE COURT: All right. Here's the verdict form,
13 y'all take a look at the evidence and make sure it's
14 all there.

15 MR. GRAVLEE: Judge, I just have one last thing,
16 just renew all prior objections that were made, renew
17 all my prior motions as well to the Court.

18 THE COURT: All right, so noted.

19 MR. GRAVLEE: And lastly, Judge, I mean, I think
20 the -- you might have cured it, I'm not sure, but the
21 references that Mr. Stolarski made to having to prove
22 innocence here, when I don't think there's anything
23 more bright line rule in criminal cases that a
24 defendant not having to prove their innocence. The
25 fact that he harped on it, the first two times, I

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1 tried to let it slide, but then the third time,
2 Judge, I've got to object during closing.

3 THE COURT: Well, you certainly have the right
4 to object. And that was a proper objection and I
5 sustained that objection. I do think it was an
6 improper statement. I think I did immediately right
7 then make the comment --

8 MR. GRAVLEE: You did, Judge --

9 THE COURT: -- and in my charge.

10 MR. GRAVLEE: And a mistrial motion, I imagine I
11 know which way Your Honor is going to rule on that,
12 but I wanted to preserve that for the record.

13 THE COURT: So noted. Again, it was a proper
14 objection and I do believe my comments right after
15 the objection, sustaining your objection, then my
16 charges cured it, but your objection is noted.

17 MR. GRAVLEE: Thank you, Your Honor.

18 THE COURT: All right, anything else?

19 MR. STOLARSKI: I believe the disk is still in
20 there.

21 THE COURT: What?

22 MR. STOLARSKI: I was going to take the disk out
23 and put it in the little. . .

24 THE COURT: Y'all make sure everything's there
25 so you can give it to the bailiff, then I'll bring

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1 the alternates out.

2 All right, commend both of you, all of you for
3 your job. Your clients can be satisfied that they
4 got good representation. Enjoyed working with y'all.

5 MR. GRAVLEE: Thank you, Your Honor.

6 MR. STOLARSKI: These things have little
7 protectors on it and has the exhibit number.

8 THE COURT: All right, tell them to start
9 deliberating and bring the alternates out.

10 (WHEREUPON, deliberations began at approximately
11 10:40 a.m.)

12 THE COURT: All right, Mr. Alsobrook, is that
13 how you pronounce it?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: All right. Well, the bad news is
16 you're not going to get to stay and deliberate. The
17 good news is you're done, and you're done for the
18 week. So we are finished with our trials this week.
19 Your position as alternate is important. A lot of
20 times, we have to use our alternates. Sometimes
21 jurors get sick or some issue comes up and a juror
22 has to be excused, so alternates are really
23 important. And you really do provide great service
24 just in case something happens. The unfortunate part
25 of it is you sat through the trial and you don't get

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1 to deliberate.

2 But again, the flip side of that is that you're
3 all done and you're free for the week. And you're
4 good for three years, too. You get called back here
5 into circuit court, you can tell them I've been there
6 and I can be excused. So thank for your
7 participation and your service. You're free to talk
8 about it with anybody. If anybody ask you about it,
9 including lawyers, anybody around here, you can talk
10 about it all you want. If you don't want to talk to
11 anybody and you tell them that and they keep
12 persisting and trying to bother you, you let the
13 Court know, let the clerk know and they will get the
14 word to me and they will be taken care of. So don't
15 let that happen. So again, you're free to talk to
16 anybody. Thank you for service. Good to see y'all.
17 Have a great rest of the week.

18 (WHEREUPON, Court was in recess awaiting a
19 verdict.)

20 (WHEREUPON, Court's Exhibit No. 1 was marked for
21 identification only.)

22 THE COURT: We have a note from the jury. We
23 need to see the video of when The Defendant brought
24 the coffee cup back out of his room and placed on the
25 refrigerator from the view closest to the

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1 refrigerator.

2 All right. First of all, any comment from the
3 State or Defendant? My inclination is to bring them
4 out, show them the video and handle it that way.

5 Any objection from The State on that?

6 MR. STOLARSKI: No, Your Honor. We're happy to
7 fire it up.

8 THE COURT: Any from The Defense?

9 MR. GRAVLEE: No, sir, Your Honor.

10 THE COURT: All right.

11 April, if you would make it a Court's Exhibit.

12 (WHEREUPON, Court's Exhibit No. 2 was marked for
13 identification only.)

14 THE COURT: All right, let's bring them back in.

15 THE BAILIFF: Your Honor, they're crafting
16 another note.

17 THE COURT: Okay, we'll wait. Let them do their
18 note and we'll just wait.

19 (WHEREUPON, Court's Exhibit No. 3 was marked for
20 identification only.)

21 THE COURT: All right, question number two from
22 the jury reads as follows: If we do not have
23 positive proof of tampering with the coffee mug,
24 parentheses, opening mug and adding substance, close
25 paren, can circumstantial evidence be used to

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1 prosecute?

2 I'll let y'all look at both of these notes.

3 As to the first question, which was the video of
4 when Defendant brought the coffee cup back out of his
5 room and placed it on the refrigerator from the view
6 closet to the refrigerator.

7 All right, we did have a bench conference, I
8 want to get back on the record to discuss that issue.

9 Mr. Gravlee, what was your response to that?

10 MR. GRAVLEE: I think as far as -- I think the
11 intent of that question is, I suppose we can ask the
12 jury, but was the one that Mr. Stolarski played in
13 his closing where he brought it out of the room
14 because the coffee cup is in view already where it's
15 there. And I think what they were referencing was
16 the other camera that shows him actually -- the
17 opposite side of that fridge, but I think they're
18 just looking to see him bring it back out and put it
19 on the fridge.

20 THE COURT: Mr. Stolarski, it does say we need
21 to see the video of when The Defendant brought the
22 coffee cup back out of his room and placed it on the
23 refrigerator. So I think that is what they're
24 looking for, what Mr. Gravlee is describing, when he
25 came out and put the coffee cup back out of his --

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1 says, When The defendant brought the coffee cup back
2 out of his room and placed onto the refrigerator.
3 So.

4 MR. STOLARSKI: I think the best way to handle
5 is play both angles.

6 THE COURT: Both of them are fairly short
7 time-wise, aren't they? Do you have any objection
8 playing both angles?

9 Mr. Gravlee, what's your response?

10 MR. GRAVLEE: I just say we should try to keep
11 it short in terms of doing what the jury asks.

12 THE COURT: All right. Do we have the video
13 that shows him --

14 MR. STOLARSKI: Yeah, this is --

15 THE COURT: This one is not the one --

16 MR. STOLARSKI: Takes it -- takes it and
17 bringing it back is on two different video clips.
18 It's a video clip about a minute and a half, which I
19 can skip past a minute and a half.

20 THE COURT: The question is -- or the video they
21 want to see is the one where he comes out of his room
22 and places it back onto the refrigerator.

23 MR. STOLARSKI: Taken in that same video.

24 THE COURT: Same video? This one --

25 MR. STOLARSKI: Yeah, this one here, I'm just

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1 going to show you. He's going to take it, come out
2 of his room at 38. He's going to take it into his
3 room and he's going to come back. This is him. He
4 takes it, goes into his room and then about a minute
5 and a half later, he comes back out. Then I can do
6 that from a different camera angle as well.

7 THE COURT: All right.

8 I do think, Mr. Gravlee, the video that
9 Mr. Stolarski just showed right there is him
10 coming -- he's coming out of his room and he gets the
11 cup, then here in a little bit, he's going to be
12 coming out of his room and place it on the
13 refrigerator. I think that's what the question
14 addresses -- or the request addresses.

15 MR. GRAVLEE: Judge, I mean, just according to
16 the jury's question, they just want to see him take
17 it and where it was brought out. We played both
18 angles where he takes it back in, goes in, comes back
19 out, puts it back down. The jury just asked where he
20 brings it out, sets it on the thing and that's what
21 was played during the closing. I imagine that's what
22 it is. We can probably clear it up with the jury.

23 THE COURT: Mr. Stolarski, where is he coming --

24 MR. STOLARSKI: Right there. Right here.

25 THE COURT: All right, right there. All right.

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1 MR. STOLARSKI: And again, that minute and a
2 half skip, I can skip that. I can make it just a
3 matter --

4 THE COURT: Let's just do that. That's what
5 they've asked to when The Defendant -- now, they may
6 want to see the whole video, which the reading of
7 this, that's probably what they're talking about.
8 See that video where he brought it out in the
9 apartment hall. It's really a comment about -- let's
10 see that video of the whole thing. I don't -- we're
11 talking about, what, two minutes? The whole thing,
12 three minutes, whatever? All right. All right, if
13 you can just skip over that. They want to see the
14 video when The Defendant brought the coffee cup back
15 out of his room and placed it on the refrigerator.
16 So just that spot on the video where that occurred.

17 MR. STOLARSKI: Just to bring them back out?

18 THE COURT: Yeah, when The Defendant brought
19 the -- when The defendant brought the coffee cup back
20 out of his room and placed it on the refrigerator.

21 MR. STOLARSKI: Let me find that exact
22 timestamp.

23 THE COURT: I can ask them --

24 MR. STOLARSKI: Would you like it from both
25 angles?

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1 THE COURT: Well, they say from the view closest
2 to refrigerator. So which one is that?

3 MR. STOLARSKI: That would be this one.

4 THE COURT: This one here?

5 MR. STOLARSKI: No, about 10 seconds just so I
6 don't -- doesn't cause that weird gray out, about 10
7 seconds he's going to come out of his room and put
8 the thing back. I paused it so the jury --

9 THE COURT: Yeah, I'm looking and thinking. If
10 that's where it is, I remember it.

11 All right, anything before we bring them in?

12 MR. GRAVLEE: Judge, just if we want to knock
13 out both of them at the same time for the second
14 question. Are we -- the charge as far as their
15 question about positive proof and circumstantial
16 evidence.

17 THE COURT: Yeah, I'm going to do all this at
18 one time.

19 MR. GRAVLEE: Okay. So just going to recharge
20 them on reasonable doubt and recharge them on
21 circumstantial?

22 THE COURT: That's correct.

23 MR. GRAVLEE: All right. No objection from The
24 Defense.

25 THE COURT: Any objection from The State?

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1 MR. STOLARSKI: None from The State.

2 THE COURT: All right.

3 (WHEREUPON, the jury came into open court at
4 approximately 11:36 p.m.)

5 THE BAILIFF: Jury is seated.

6 THE COURT: Thank you, sir.

7 All right, Mr. Foreman, got two questions from
8 you. First, We need to see the video of when The
9 Defendant brought the coffee cup back out of his room
10 and placed onto the refrigerator from the view closet
11 to the refrigerator.

12 Then second question, If we do not have positive
13 proof of tampering with the coffee mug, then
14 parentheses, opening mug and adding substance, closed
15 parentheses, can circumstantial evidence be used to
16 prosecute?

17 All right, as to the first one, it sounds like
18 you want the part of the video that shows The
19 Defendant coming out of his room and placing the
20 coffee cup on the refrigerator; is that correct?
21 That part of the video?

22 MR. FOREMAN: That is correct.

23 THE COURT: All right. I believe the parties
24 have that set up and ready to go. Then I'll answer
25 your second question after this.

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1 (WHEREUPON, State's Exhibit No. 4 was
2 published.)

3 THE COURT: Is that all y'all wanted to see? Is
4 this what you wanted to see?

5 MR. FOREMAN: Yes, but I'd like see it again,
6 please. Or we would like to see it again, please.

7 THE COURT: All right. Thank you.

8 (WHEREUPON, State's Exhibit No. 4 was
9 published.)

10 THE COURT: All right. Is that good with
11 everybody?

12 MR. FOREMAN: Yes, sir, Judge.

13 THE COURT: All right. Now, as to your second
14 question, which is, If we do not have positive proof
15 of tampering with the coffee mug, opening the mug and
16 adding substance, can circumstantial evidence be used
17 to prosecute?

18 What I will do as to that question is just state
19 the law to you again as far as the evidence
20 definitions are concerned.

21 All right. There are two types of evidence
22 which are generally presented during a trial, direct
23 evidence and circumstantial evidence. Direct
24 evidence directly proves the existence of a fact and
25 does not require deduction. Circumstantial evidence

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1 is proof of a chain of facts and circumstances
2 indicating the existence of a fact.

3 Crimes may be proven by circumstantial evidence.
4 The law makes no distinction between the weight or
5 value to be given to either direct or circumstantial
6 evidence. However, to the extent The State relies on
7 circumstantial evidence, all of the circumstances
8 must be consistent with each other and when taken
9 together, point conclusively to the guilt of the
10 accused beyond a reasonable doubt. If these
11 circumstances merely portray The Defendant's behavior
12 as suspicious, the proof has failed. The State has
13 the burden of proving The Defendant guilty beyond a
14 reasonable doubt. This burden rests with The State
15 regardless of whether The State relies on direct
16 evidence, circumstantial evidence or some combination
17 of the two.

18 The State has the burden of proving The
19 Defendant guilty beyond a reasonable doubt. As I
20 stated earlier, some of you may have served as jurors
21 in a civil case where the burden was a preponderance
22 of the evidence or the greater weight of the
23 evidence. In a criminal case, it is proof beyond a
24 reasonable doubt. Proof beyond a reasonable doubt is
25 proof that leaves use firmly convinced of The

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1 Defendant's guilt. There are very few things in this
2 world that we know with absolute certainty and in
3 criminal cases, the law does not require proof that
4 overcomes every possible doubt.

5 Reasonable doubt is the kind of doubt that would
6 cause a reasonable person to hesitate to act. If,
7 based on your consideration of the evidence, you are
8 firmly convinced that The Defendant is guilty of the
9 crime charged, you must find The Defendant guilty.
10 If, on the other hand, you think there is a real
11 possibility that The Defendant is not guilty, you
12 must give The Defendant the benefit of the doubt and
13 find him not guilty.

14 All right. Ladies and gentlemen, I hope that
15 answered your questions. If you have any further
16 questions, please, just do what you've done. You
17 follow instructions well, I appreciate that. Let you
18 retire to the jury room.

19 (WHEREUPON, the jury left open court at
20 approximately 11:42 a.m. and continued
21 dealbations.)

22 THE BAILIFF: Jury secured, Your Honor.

23 THE COURT: Thank you.

24 Any exception from The State?

25 MR. STOLARSKI: Nothing from The State.

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1 THE COURT: Any from The Defendant?

2 MR. GRAVLEE: Nothing from Defense, Judge.

3 THE COURT: All right, we'll be in recess.

4 (WHEREUPON, Court was in recess awaiting a
5 verdict.)

6 (WHEREUPON, Court's Exhibit No. 4 was
7 marked for identification only.)

8 THE COURT: All right. Next question from the
9 jury says, the jury wishes -- I'll just read it
10 verbatim. The jury wishes to have a list of elements
11 of the crime. If written, can this be brought into
12 the jury room to view?

13 So they are wanting a list of elements of the
14 crime and if it's written, can it be brought into the
15 jury room? All right, anything from The State or
16 Defendant?

17 MR. STOLARSKI: Maybe this is -- my thoughts on
18 this, I don't have anything to back this up one way
19 or another. But the language of the statute seems to
20 be small enough that as long as we took out the
21 penalty statue, the penalty parts of, like, maybe
22 just want to give the actual language of the statute.
23 I think [indiscernible].

24 THE COURT: I am normally hesitant to give any
25 written instruction to the jury. And first of all,

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1 the law doesn't allow The Court to give a portion of
2 charges. There's a case actually on point that the
3 Supreme Court has advised the trial bench to not give
4 portions of a jury charge. First of all, they say
5 they do not recommend that any written charges or
6 anything be submitted to the jury. But it says if
7 there is some exceptional circumstance, the entire
8 jury charge must be sent in there to them. So I do
9 not -- I'm not a believer in sending the entire jury
10 charge. So I'm not going to send a statute or
11 anything in there.

12 Mr. Gravlee.

13 MR. GRAVLEE: Your Honor, I agree with you
14 there. Normally, I would -- that kind of question,
15 seems like The Court normally just recharges the
16 crime --

17 THE COURT: Yeah, I charge them the statute and
18 think that's what they're asking for. And so, I'm
19 going to recharge them on the statute.

20 MR. STOLARSKI: I think that's a good idea.

21 MR. GRAVLEE: Thank you, Judge.

22 THE COURT: All right. bring them back in.

23 (WHEREUPON, the jury entered open court at
24 approximately 12:27 p.m.)

25 THE COURT: All right, Mr. Foreman, question is,

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1 the jury wishes to have a list of the elements of the
2 crime. If written, can this be brought into the jury
3 room to view?

4 . Is that the question?

5 MR. FOREMAN: That is correct.

6 THE COURT: All right. What I am going to do is
7 restate the statute to you. It doesn't allow me to
8 give you the written -- my written charges, my notes
9 and stuff like that. I've got stuff on there, so it
10 doesn't allow me to give you the written charges.
11 But I will read it -- I will read that statute which
12 has the requirements under the statute.

13 . Section 16-3-75, The Defendant has been charged
14 with the offense of tampering with human drug product
15 or food item. Statute reads as follows: In order to
16 find The Defendant guilty, The State must prove
17 beyond a reasonable doubt that The Defendant
18 maliciously tampered with a human drug product or
19 food item with the intent to do bodily harm to a
20 person.

21 The word maliciously is characterized by malice.
22 Malicious is defined as hatred, ill will or hostility
23 towards another person. It is the intentional doing
24 of a wrongful act without just cause or excuse with
25 an intent to inflict an injury or under circumstances

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1 that the law will infer an evil intent.

2 So that's the statute which contains any
3 elements that are set forth under this particular
4 statute. So if you want me to read again, I can read
5 it again, but does that satisfy everyone? And if it
6 doesn't, y'all go back in there and let y'all discuss
7 it among yourselves. If somebody is not satisfied,
8 just write me another note and I will do whatever I
9 can to make sure that you get what you need.

10 MR. FOREMAN: Thank you, Judge.

11 THE COURT: Thank you.

12 (WHEREUPON, the jury left open court at
13 approximately 12:37 p.m. and continued
14 deliberations.)

15 THE COURT: All right, we'll be in recess.

16 MR. GRAVLEE: Thank you, Judge.

17 THE BAILIFF: Jury secured, sir.

18 THE COURT: Thank you, sir.

19 (WHEREUPON, court was in recess awaiting a
20 verdict.)

21 THE COURT: All right, I understand we have a
22 verdict. Anything before we bring the jury in from
23 The State or The Defense?

24 MR. STOLARSKI: Nothing from The State, Judge.

25 THE COURT: Anything from The Defense?

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1 MR. GRAVLEE: Nothing from The Defense, Judge.

2 THE COURT: All right, let's bring them in.

3 (WHEREUPON, the jury came into open court at
4 approximately 1:01 p.m.)

5 THE BAILIFF: Jury seated, Your Honor.

6 THE COURT: Thank you, sir.

7 VERDICT

8 THE COURT: All right, Mr. Foreman, I understand
9 the jury has reached a verdict; is that correct?

10 MR. FOREMAN: Yes, Your Honor.

11 THE COURT: Is the verdict unanimous?

12 MR. FOREMAN: Yes, sir, Your Honor.

13 THE COURT: All right, if you would hand it to
14 the bailiff, please.

15 All right, publish the verdict.

16 THE CLERK: Yes, sir. This is indictment number
17 2022-GS-39-602, The State of South Carolina vs. Paul
18 Elbert Lamberth, Jr., as to the charge of tampering
19 with a human drug product or food item, we, the jury,
20 find The Defendant, Paul Elbert Lamberth, Jr.,
21 guilty.

22 Is this your verdict and still your verdict, so
23 say you all by raising your right hand.

24 (WHEREUPON, all members of the jury raised their
25 right hand.)

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1 THE CLERK: Thank you very much.

2 THE COURT: All right. Anything before I excuse
3 the jury from The State?

4 MR. STOLARSKI: Nothing from The State, Your
5 Honor.

6 THE COURT: Anything from The Defendant?

7 MR. GRAVLEE: Not at this time, Judge.

8 THE COURT: All right, ladies and gentlemen,
9 that will conclude your service. I want to thank you
10 for participating and working hard in this case. The
11 good news is this it for our week, so all of you are
12 excused. I'm going to step back just for a minute
13 and speak with you. But again, I want to thank you
14 for your service.

15 (WHEREUPON, the jury left open court at
16 approximately 1:03 p.m.)

17 THE COURT: All right, I'm going step back there
18 and speak with them but anything before I do that?

19 Before sentencing, anything from The State?

20 MR. STOLARSKI: Nothing from The State, Your
21 Honor.

22 THE COURT: Anything from The Defendant?

23 MR. GRAVLEE: Judge, again, just renew all prior
24 objections, motions, whatnot. And Mr. Snow just
25 briefly has his argument on 901 he wants to renew.

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1 THE COURT: All right.

2 MR. SNOW: Thank you, Judge, may it please the
3 Court. I know we went over this in detail yesterday,
4 Judge. As far as that 901 objection that I made
5 yesterday, I did want to briefly stress two
6 differences to the Gray case that Mr. Stolarski cited
7 is this case.

8 First off, in that case, the person on the video
9 had full access to the original the entire time,
10 which Mr. Carrick never had access to the original.
11 I think that is important. Secondly, in that case,
12 the person seeking to authenticate the video was an
13 uninterested third party not related to the case in
14 anyway other than introducing that video, which is
15 certainly different than this case as well. That's
16 the basis of that.

17 I did want to briefly touch on why I would -- it
18 would be The Defense's position that if it's not
19 granted, that it would not be harmless error. And
20 that's, basically, based on the fact that there was
21 only one other person on The State's witness list who
22 even potentially could have authenticated that video.
23 And that was Officer Dutton from the Pickens Police
24 Department.

25 THE COURT: Isn't harmless error a matter of the

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1 appellate court?

2 MR. SNOW: It is, Judge. I'm, basically, just
3 putting this on the record for that reason. And
4 Officer Dutton had already prior to this objection
5 even being made, prior to any of this argument,
6 violated the sequestration order that Your Honor made
7 at the beginning of this trial.

8 THE COURT: Mr. Dutton didn't testify, though,
9 so there's no violation, no prejudice.

10 MR. SNOW: Correct. My point is that because he
11 had violated, for lack of better word, and The State
12 had already stated that he would not be testifying,
13 there was no other avenue The State could have
14 introduced this video testimony. As such, and
15 especially considering the fact that The State leaned
16 on it so heavily in their closing. In fact, I
17 believe the word from Mr. Stolarski was that is
18 guilt, pointing out the video. And the fact that it
19 was the video that the jury asked to review again
20 during their deliberations, that without any other
21 avenue being able to introduce that video, it
22 certainly was extremely detrimental to The Defense's
23 case.

24 THE COURT: So I note your motions and my
25 analysis as previously set forth still applies.

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1 Also, I will tell you that Gray was considered. Gray
2 was not the sole reason or basis of my ruling. Gray
3 was a part of it and just a consideration, but I
4 considered all the other factors as well in my ruling
5 and my decision. So motions are noted, motions are
6 denied at this time.

7 Any other motions?

8 MR. GRAVLEE: Not from The Defense, Judge. We
9 appreciate it.

10 THE COURT: All right, I'm going to go speak to
11 them, then we'll get to sentencing. I'll give you a
12 few minutes to get ready.

13 (WHEREUPON, a short break was taken.)

14 SENTENCING

15 THE COURT: All right, I'll hear from The State
16 first.

17 MR. STOLARSKI: Your Honor, you heard the facts
18 of the case and I believe they're established. In
19 terms of criminal history, 1998, burglary third
20 degree --

21 THE COURT: Speak up if you would, please.

22 MR. STOLARSKI: Sorry. In terms of criminal
23 history, 1998, burglary third degree; 2000, burglary
24 first degree; 2006 --

25 MR. GRAVLEE: Judge, I just need to make a

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1 correction there. In 2000, he got -- like, it was a
2 four-year sentence, it could not have been a burg
3 first. I think this must be an error in the record,
4 so I just --

5 THE COURT: So he got a four-year sentence burg
6 second?

7 MR. GRAVLEE: The NCIC says burg first, but I
8 think at that time, it possibly would have been a
9 scrivener's error.

10 THE COURT: All right. He got a burglary
11 conviction, whatever it was?

12 MR. GRAVLEE: Yes, sir.

13 MR. STOLARSKI: Criminal domestic violence,
14 2006; 2007, looks like domestic violence high and
15 aggravated; 2011, criminal domestic violence third
16 degree; and 2014, shoplifting. And that's it for his
17 criminal history. No recommendations made at this
18 time.

19 THE COURT: All right. Anybody like to speak?
20 Anybody?

21 MR. STOLARSKI: I believe that the victim would
22 like a permanent restraining order in this case, Your
23 Honor.

24 You want to actually speak?

25 MR. CARRICK: Just for a minute.

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1 THE COURT: All right. Come right up here,
2 please, sir. Just stand right there at the rail,
3 yes, sir.

4 MR. CARRICK: I've been here the last couple of
5 days on what I consider to be my civic duty, but I
6 hold dual citizen work to a higher kingdom. I just
7 want to say I forgive this man completely. I'm not
8 asking for a penny or extra minute of his life. I
9 know -- I've watched you as you judge these
10 proceedings and how you measure and weigh things. I
11 know that in terms of sentence, you will look at the
12 statute and history, do what you need to do protect
13 society. And I fall in on that scale and you have to
14 balance the sentence with that. I ask for my portion
15 to be taken off the scale because I have forgiven him
16 and that means not seeking retribution or any kind of
17 retaliation. So on my behalf, I ask for nothing of
18 The Court other than the order of protection so that
19 when I walk out of here, I have forgiven him. I
20 forgive him and he will never take another moment in
21 my existence.

22 THE COURT: All right, thank you, sir.
23 Anything else from The State?

24 MR. STOLARSKI: There's one small issue. We
25 would just ask The Court for guidance on this. I

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1 believe that the respondent, I'm hearing from Max, is
2 that he doesn't have a residence at this time. I
3 left that portion of the Permanent Restraining Order
4 blank. But I can fill it in with something else or
5 leave it to you to fill as you feel most appropriate.

6 THE COURT: All right, how long has he been in
7 jail? What's his credit?

8 MR. GRAVLEE: Judge, he's been in -- he's got
9 credit for 94 days.

10 THE COURT: You said 94?

11 MR. GRAVLEE: Yes, sir, Judge.

12 THE COURT: Agree with that, State?

13 MR. STOLARSKI: Yes, Your Honor.

14 THE COURT: Okay. All right. Anything else
15 from The State?

16 MR. STOLARSKI: Nothing further from The State,
17 Your Honor.

18 THE COURT: All right, Mr. Gravlee, I'll hear
19 from you.

20 MR. GRAVLEE: Thank you, Judge, may it please
21 the Court. I've known Mr. Lamberth for a little bit,
22 and -- a hot minute now. And this case, a lot of it,
23 he's -- during the duration of this being pending had
24 been in and out of some shelters. He has a history
25 of some mental health issues. But he's currently

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 being prescribed -- I have no competency concerns,
2 Judge, still have no competency concerns. He's been
3 properly medicated and looked over by a doctor while
4 he's been at the jail as well. It is some diagnosis
5 and some PTSD, Judge, that still kind of remains with
6 him.

7 It was kind of hammered out in the case that I
8 think it's -- the relationship may be in this case.
9 And while he was a tenant there, there was some
10 issues with it, I think with Mr. Carrick, that kind
11 of made him upset about it. While he was trying
12 to -- he shares with me taking care of a lot of
13 the -- some of the rift raft in there were actively
14 using drugs. He quit drinking in 2015, Judge, that's
15 when you heard the --

16 THE COURT: Last conviction was 2014; is that's
17 right, Mr. Stolarski?

18 MR. STOLARSKI: That's correct, Judge.

19 MR. GRAVLEE: And that was a shoplifting, that
20 was some beer at the time.

21 THE COURT: Shoplifted, what, beer?

22 MR. GRAVLEE: Yes, sir, Judge. And, you know,
23 hasn't had a charge since then. He was born in
24 Gulfport, Mississippi. Grew up in Simpsonville.
25 Finished high school at Hillcrest and went to

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 Greenville Tech for some schooling for electronic
2 engineering. Did join the Army when he was 19 years
3 old, but had a hardship discharge in 1989. Both his
4 parents passed that same year. I think that hit him
5 pretty hard, kind of things haven't been, you know,
6 great since then. He's married. He's got three
7 kids, all three are grown, all three are in the
8 Marines, actually, active duty state side.

9 THE COURT: They're currently in the Marines
10 now?

11 MR. GRAVLEE: Yes, sir, Judge. He's been
12 married 18 years. Lots of therapy, conflict through
13 that. And, you know, I reiterate he did have the
14 mental health issues there. And, you know -- but he
15 has been -- you know, he hasn't had a drink since '15
16 and had been doing better, Judge. I think the
17 trial -- a lot of this was that he, you know, without
18 a home at the time and going from shelter to Marshall
19 Pickens, stuff like that.

20 So he, basically, you know, he wanted to -- he
21 still maintains his innocence, Judge. This situation
22 was he was in jail, it was three hots and cot. He
23 said I'm waiting for my day in court, so I told him I
24 would be happy to try the case for him. Still stand
25 by what we presented to The Court, Your Honor.

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 And in light of the time that he's been there
2 and the situation here, Judge, I'd ask for some sort
3 of suspended sentence with some continued mental
4 health treatment that would allow him to have some
5 mandatory strict compliance with it. I sent a
6 message to one of the social workers in the
7 Greenville branch of our office to go ahead and give
8 her a heads up in case to see if we can get her help
9 on this as well to get him set up. If you wanted to
10 hold for a bed space, I'm sure it may take some time,
11 Judge, to get him into a place. But we would ask for
12 a suspended, Judge, here and ask for the mercy of the
13 Court.

14 THE COURT: With his mental health issues, is he
15 undergoing any treatment at all right now?

16 MR. GRAVLEE: Therapy, you know, at the jail,
17 but he is, my understanding, being prescribed the
18 proper medications and under a doctor's watch at the
19 jail.

20 THE COURT: Again, I want to make sure, no issue
21 of competency at all?

22 MR. GRAVLEE: No, sir, Judge.

23 THE COURT: And he's been in jail for a good
24 bit. He's been in and he has been getting treatment
25 there, medication?

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 MR. GRAVLEE: He has, Judge. And there was an
2 off bond motion from the bondsman at the time, part
3 of why he's been in there. The bondsman was getting
4 frustrated. I don't think, you know, rightfully so,
5 because he was in and out of Marshall Pickens
6 receiving treatment and he was having trouble keeping
7 up with him because of those reasons. I get that he
8 was frustrated and still is a basis for the off bond.
9 And he's been sitting in jail for over three
10 months -- for about three months as a result. And
11 just doesn't have anybody to depend on, Judge.

12 THE COURT: You said his sons are in the
13 Marines. Does he anybody, family anywhere to help?

14 MR. GRAVLEE: He's got two boys and a daughter,
15 Judge. They're, I mean, active state side, so they
16 haven't been around, been in contact. Does have a
17 wife, they're currently estranged. She's got her own
18 set of issues, Judge. This was at the time when they
19 were both in this apartment, too. So he doesn't
20 really have support from her that he can lean on her,
21 otherwise.

22 THE COURT: All right. Anything else from The
23 Defendant?

24 MR. GRAVLEE: Nothing from Defense, Judge.

25 THE COURT: Anything else from The State?

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 MR. STOLARSKI: If possible, I would just like
2 to pass up the Permanent Restraining Order.

3 MR. GRAVLEE: Judge, we have no issue with that.
4 He consents to it. And, also, like to have no
5 contact with Mr. Carrick ever again.

6 THE COURT: Yeah, with his situation, and he's
7 getting treatment now, where would he reside,
8 eventually?

9 MR. GRAVLEE: Judge, I think there are a number
10 of places that we could get housing.

11 THE COURT: Where could he get in as far as get
12 a bed?

13 MR. GRAVLEE: I mean, lot of times, some of the
14 immediate things, the Salvation Army has some bed
15 space. It varies and depends on just --

16 THE COURT: How about as far as any mental
17 health treatment?

18 MR. GRAVLEE: As far as mental health treatment,
19 he can go to the mental health clinic, too, in
20 Greenville. He is, basically, based out of
21 Greenville. And he's a patient and was -- his
22 bondsman was picking him up and taking him to jail.
23 He's a patient at the mental health clinic in
24 Greenville, so he could continue that treatment.
25 Male doctor in Greenville clinic, Greenville mental

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 health clinic, I'm sure we can get the records if we
2 needed to, but, obviously, not at the moment. But
3 he's, you know -- if we had him under strict orders
4 to be in compliance and for the mental health clinic
5 doctor to inform The Court were he to not be in
6 compliance and be in any violation of any --

7 THE COURT: Well, in your assessment and
8 opinion, does he need to get some inpatient
9 treatment?

10 MR. GRAVLEE: Judge, I don't think it would
11 hurt. I don't think he would really disagree with it
12 either. It's just a matter of getting that bed space
13 for him. And I'd hop right on it to do that, work in
14 conjunction with probation and the social worker with
15 our office in Greenville is Ms. Renee Livingston,
16 who's at the Greenville jail for three years, working
17 with those in the mental health community.

18 THE COURT: All right. Anything else from The
19 Defendant?

20 MR. GRAVLEE: No, sir, Your Honor.

21 THE COURT: All right. Anything from The State?

22 MR. STOLARSKI: Nothing from The State, Your
23 Honor.

24 THE COURT: Mr. Lamberth, do you understand the
25 purpose and effect of a permanent Restraining Order,

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 do you understand that?

2 MR. LAMBERTH: Yes, sir.

3 THE COURT: And you are going out there, do you
4 understand that any violation of that puts you back
5 in jail, do you understand that?

6 MR. LAMBERTH: Yes, sir.

7 THE COURT: First of all, this has been an
8 unfortunate situation and I think it is admirable of
9 Mr. Carrick has stepped forward and said he forgives
10 Mr. Lamberth.

11 I hope you realize, Mr. Lamberth, how important
12 that is. And I hope you realize the effect that you
13 potentially have had or did have as far as Mr Carrick
14 here. I understand you're saying you're still
15 innocent, I recognize that, but the jury has spoken
16 and has found you guilty.

17 Sentence on this case will be five years with
18 the Department of Corrections, that is suspended to
19 the amount of time served. That will be followed by
20 four years of probation. And as part of this, there
21 will be substance abuse counseling and random drug
22 and alcohol testing, mental health counseling. And
23 you're going to be held in jail.

24 I am -- he is to receive inpatient treatment.
25 And he is to be held in jail pending a bed for that

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 treatment. I'm, also, signing a Permanent
2 Restraining Order and ordering, of course, that the
3 Defendant not violate this Restraining Order in any
4 manner. Any violation of the order will subject him
5 to going back to jail and or prison, the department
6 of corrections.

7 You have five years, Mr. Lamberth, hanging over
8 your head; do you understand?

9 MR. LAMBERTH: Yes, sir.

10 THE COURT: Five years in prison, that will not
11 be something that you want. You've already been in
12 jail for a while here, you understand that?

13 I did take into consideration the issues that he
14 had as far as mental health. And, also, that his
15 prior convictions were a good while ago. His last
16 one was almost ten years ago for shoplifting. Since
17 that time, there has not been anything, as I
18 understand.

19 Is that correct, Mr. Stolarski?

20 MR. STOLARSKI: Correct.

21 MR. GRAVLEE: Judge, I appreciate the sentence
22 of The Court here, too. Just as far as financials go
23 because, obviously, not making any money here. I
24 would ask that you consider waiving the probation
25 supervision fees during this, but I would leave that

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 in Your Honor's discretion.

2 THE COURT: He's got no job anywhere?

3 MR. GRAVLEE: No, sir, Judge.

4 THE COURT: I'll waive any fees associated with
5 this. All right. This is strict compliance with
6 this sentence and the Permanent Restraining Order.
7 The Defendant has 94 days of credit. And I've
8 executed the Permanent Restraining Order.

9 MR. STOLARSKI: Just one note on that, Your
10 Honor. I believe it was Page 2 and I want to say
11 it's six, seven and eight, like I say, I hate to be a
12 broken record, I just didn't fill out that portion
13 because I don't know where he lives or what the
14 appropriate way of filing that out would be. I just
15 don't want anything to come back.

16 THE COURT: All right. As far as -- what's the
17 State requesting as far as his address and the issue
18 for the Permanent Restraining Order?

19 MR. STOLARSKI: I would just say we should maybe
20 fill in the address unknown, but he's here, I think
21 there's a [indiscernible]

22 THE COURT REPORTER: I can't hear you.

23 MR. STOLARSKI: I would just write on there
24 subject's residence is unknown, doesn't have a
25 residence at this time.

PAUL LAMBERTH-EXAMINATION BY THE COURT

1 THE COURT: Any objection to that, Mr. Gravlee?

2 MR. GRAVLEE: No, sir, Your Honor.

3 THE COURT: He's not employed anywhere and he's
4 not got a permanent address?

5 MR. GRAVLEE: No, sir, Your Honor, not at this
6 time.

7 THE COURT: All right, let the record reflect
8 that I am adding that to the Permanent Restraining
9 Order.

10 All right, anything else?

11 MR. STOLARSKI: Nothing further, Your Honor.

12 MR. GRAVLEE: Nothing from The defense, Judge.

13 THE COURT: All right, that will be the sentence
14 of The Court.

15 MR. GRAVLEE: Thank you.

16 (WHEREUPON, the proceedings were concluded.)
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ANMED HEALTH REGISTRATION RECORD

AnMed Health Cannon
123 WG Acker Drive, Pickens, South Carolina 29671

Patient Information	Visit ID	Patient Type	Service	Source	Admit Date / Time	Location	Medical Record Number
	[REDACTED]	EMERGENCY	EMD		09/19/2021 08:44		[REDACTED]
	Patient Name and Address			Phone	Patient Employer Name and Address		Work Phone
	CARRICK, SCOTT EDWARD [REDACTED]			[REDACTED]	SELF-EMPLOYED [REDACTED] INNOVATION WAY WESTMINISTER, SC 29693		() -
Guarantor	Ethnicity	Social Security	Birthdate	Age	Sex	Marital Status	Race
	Not Hispanic or Latino	[REDACTED]	[REDACTED]	49Y	M	M	White
	Preferred Language						
Emer. Contact	Primary Care Physician		Attending Physician		Admitting Physician		
	PRIMARY CARE MD, OTHER		DILLARD, MICHAEL		DILLARD, MICHAEL		
	Guarantor Name / Address		Phone / DOB	Guarantor Employer Info		Employer Phone	
Insurance Info	CARRICK, SCOTT E [REDACTED]		[REDACTED]	SELF-EMPLOYED [REDACTED] INNOVATION WAY WESTMINISTER, SC 29693			
	Emergency Contact Name and Address		Phone / Relationship	Next of Kin Name and Address		Phone / Relationship	
	CARRICK, CHRISTINA [REDACTED]		[REDACTED] Spouse	Next of Kin			
Misc	Primary Insurance Plan		Secondary Insurance Plan		Tertiary Insurance Plan		
	Insurance Address	PLANNED ADMINISTRATORS PO BOX 6927					
Misc	Phone Insured Relationship Birth Date Group # Policy # Auth. #	COLUMBIA SC 29260 (800)652-3076 CARRICK, CHRISTINA Spouse [REDACTED]					
	NPP	Advance Directive	OPT OUT	Discharge Date and Time		Date/Time Printed	
Misc	09/19/2021					09/19/2021 9:12 AM	
	Occurrence Date / Time	Arrived by	Admitting Complaint		Admit By		
Misc	09/19/2021 08:44	AMBULANCE	Confusion		tgillespie		



**AUTHORIZATION FOR TREATMENT/NOTICE
OF ACKNOWLEDGEMENT**

AnMed Health Cannon

123 WG Acker Drive, Pickens, South Carolina 29671

Visit ID [REDACTED]

CARRICK, SCOTT

Authorization For Treatment

I, the undersigned, hereby consent to and authorize the Medical Staff of AnMed Health Cannon to perform such examinations and procedures, as may be necessary. Permission is also granted to dispose of any tissue or amputated parts. In accordance with SC State Law 44-29-230, a sample of my blood will be drawn and tested for the presence of antibodies indicating exposure to the AIDS or Hepatitis Virus if a physician or hospital employee is exposed to my blood and/or body fluids. The undersigned has read the above authorization and understands the same and certifies that no guarantee or assurance has been made as to the results that may be obtained. I also consent to receive services by telemedicine (using Interactive audio, video, or data communications to carry out consultations, evaluations, screenings, diagnosis, treatment, monitoring, or other communications benefiting a patient) if appropriate for my condition, and I understand the risks, benefits, and alternatives of doing so.

Authorization For Release Of Information And Hospital Insurance Assignment

I hereby authorize and direct any and all insurance carriers, attorneys, agencies, governmental departments, companies, individuals and/or other legal entities, which may elect or may be obligated to pay, provide or distribute benefits to me for any medical conditions, accidents, injuries or illnesses, past, present or future ("condition") to pay directly and exclusively in the name of AnMed Health Cannon for the patient listed on the attached form. I further grant a lien to AHC with respect to my charges. This lien shall apply to all payers and to the full extent permitted by law. For the purposes of this assignment, lien and authorization (herein "Agreement") "benefits" shall include, but not be limited to, proceeds from any settlement, judgment or verdict, as well as any proceeds relating to commercial health or group insurance, attorney retainer agreements, no fault coverage, uninsured and underinsured motorist coverage, third party liability distributions, disability benefits, workers compensation benefits, and any other benefits or proceeds payable to me for the purposes stated therein. I also agree to pay all expenses incurred in collecting this account, including attorney's fee, if applicable. If eligible for Medicare, I hereby request Medicare service benefits. I further understand that AHC will promptly refund total funds collected, which exceed my personal obligations, including obligations of my immediate family.

I hereby authorize the hospital to furnish from its records any information, medical or otherwise, required by the insurance companies listed on the claim or liable third parties (to include Medicare and Medicaid) in connection with the above assignments, or to Medical Staff Members and authorized hospital personnel, or to other hospitals and Nursing Care Facilities. I understand that the information will be exchanged with these professionals and organizations that are directly involved with my care, but will be handled confidentially. I do hereby appoint the Hospital as my true and lawful attorney to act in my behalf to collect the above-mentioned claims and to give full and final receipts for me for all amounts so collected, and to endorse for me any checks made payable for benefits or claims collected under the above assignments. I also understand that I am responsible for any amount not paid by my insurance. I certify that the information given by me in applying for payment under Title IVIII of the Social Security Act is correct.



INT.

QSF-REG-0022

Rev 1



**AUTHORIZATION FOR TREATMENT/NOTICE
OF ACKNOWLEDGEMENT**

AnMed Health Cannon

123 WG Acker Drive, Pickens, South Carolina 29671

Visit ID

CARRICK, SCOTT

I authorize any holder of medical or other information about me to release to Social Security Administration or its intermediaries or carriers any information needed for this or a related Medicare claim. I request that payment of authorized benefits be made on my behalf. I assign the benefits payable for physician services to the physician or organization furnishing the services or authorize such physician or organization to submit and claim to Medicare for payment to me.

Disposition Of Valuables

I accept full responsibility for my valuables, especially money or jewelry. The hospital does not accept liability for your valuables. The hospital expects that you will entrust any valuables to family or friends for safekeeping or deposit them in the hospital safe provided for that purpose. This is especially important when you are an inpatient, but this responsibility also extends to you when you are an outpatient and must change into a hospital gown, remove jewelry, or be sedated for a procedure.

Special Note For Medicare Or Tricare Patients

I acknowledge and certify by my signature that all information provided to the hospital for Medicare or Tricare benefits is correct and I agree to allow the hospital or others that have information on my Medicare or Tricare benefits claim to provide the information to Medicare, Tricare, or their agents in order for them to determine my eligibility for benefits. To carry out this activity, the hospital may use a copy rather than the original of this consent form. You also, acknowledge receipt of the "Important Message from Medicare" or "Important Message from Tricare" forms, which does not waive any of your rights for a review or make you liable for any payment.

Acknowledgement Of Notice Of Privacy Practices

I, hereby acknowledge that I received the Notice of Privacy Practices of AHC, which sets forth the ways in which my personal information may be used or disclosed by AHC and outlines my rights with respect to such information.

**Acknowledgement Of Lewis Blackman Patient Safety Information (For Admissions,
Observations, And OP Surgeries)**

I, hereby acknowledge that I received the Lewis Blackman Patient Safety Sheet of AHC, which sets forth the ways in which I may contact my attending physician during my hospital stay.



INT.

ANMED HEALTH
AUTHORIZATION FOR TREATMENT/NOTICE
OF ACKNOWLEDGEMENT

AnMed Health Cannon
 123 WG Acker Drive, Pickens, South Carolina 29671

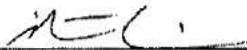
Visit ID [REDACTED]
 CARRICK, SCOTT

Acknowledgement Of AnMed Health Cannon Visitor's Rights (For Admissions)

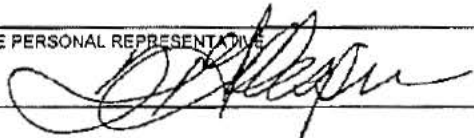
I, hereby acknowledge that I received a copy of AHC Visitor's Rights, which sets forth the hospital policy, statement of visitation rights, guidelines, and restrictions.

Acknowledgement Of AnMed Health Cannon Advanced Directives (For Admissions, Observations, ED and OP Surgeries)

I, hereby acknowledge that I received a copy of AHC Advance Directives policy.


 PATIENT'S SIGNATURE

9-19-21 0854
 DATE/TIME


 SIGNATURE PERSONAL REPRESENTATIVE

RELATIONSHIP

WITNESS

9-19-21 0854
 DATE/TIME

WITNESS

DATE/TIME

AnMed Health Cannon

123 W. G Acker Dr., Pickens, SC 29671

Printed 09/19/2021 11:55

864-878-4791

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs		M		71.67kg	172.72cm		

Insurance PLANNED ADMINISTRATORS Reg. Date 09/19/2021 08:44 Adm. Date 09/19/2021 08:44 Room ED:5-
Allergies

Patient Demographics

Admission Data

Account Number	Medical Record	Admit Date	Admit Time	EMR MD	Primary Care MD	Admit Clerk
		09/19/2021	08:44	014726 DILLARD, MICHAEL		tgillespie

Reason For Visit Confusion MN Visit Dx
Other Doctors
Comments

Patient Data

Patient Name	Date Of Birth	Social Security	Race	Sex	Religion	Marital	Maiden Name	Patient Email
CARRICK, SCOTT EDWARD				M		M		

Address 1
Address 2
City
Employer Occupation
Address 1 INNOVATION WAY
Address 2
City WESTMINSTER State SC Zip 29693 Phone

Insurance Data

Insurance Name	Subscriber	Subscriber Relationship	Policy Number	Group Number	Fin Class	Auth Number
PLANNED ADMINISTRATORS	CARRICK, CHRISTINA	02/01			B	

Address 1 PO BOX 6927
Address 2
City COLUMBIA State SC Zip 29260 Phone (800)652-3076

Person To Notify Data

Name	Relationship
CARRICK, CHRISTINA	02/01

Address 1
Address 2
City Business Phone

Guarantor Data

Name	Relationship	Social Security	Employer	Occupation
CARRICK, SCOTT				

Address 1
Address 2
City Business Phone

Next Of Kin Data

Name	Relationship
CARRICK, CHRISTINA	02/01

Address 1
Address 2
City Business Phone

AnMed Health Cannon

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Insurance PLANNED ADMINISTRATORS					Reg. Date 09/19/2021 08:44 Adm. Date 09/19/2021 08:44 Room ED:5-			
Allergies								

Admission Assessment

Weight 71.67kg

Height 172.72cm

BMI 24.0

Past Medical History

High cholesterol Crumley, Russell E 09/19/2021 08:48

Family History

Denies/Unknown significant family history Crumley, Russell E 09/19/2021 08:50

Social History

Denies Illegal Drugs, ETOH Use Crumley, Russell E 09/19/2021 08:49

Smoker Never Crumley, Russell E 09/19/2021 08:50

Lives at home with Family Crumley, Russell E 09/19/2021 08:50

Allergies

Crumley, Russell E 09/19/2021 08:49

Home Medications - Admission

No Home Medication Crumley, Russell E 09/19/2021 08:49

Advanced Directives

Pt/family states no Advanced Directive-information sheet offered Crumley, Russell E 09/19/2021 08:50

Fall Risk

No Fall Risks Identified Crumley, Russell E 09/19/2021 08:49

Nutrition

WNL Crumley, Russell E 09/19/2021 08:50

Skin Integrity

INTACT Crumley, Russell E 09/19/2021 08:49

Suicide Self Harm Risk

No Risk Crumley, Russell E 09/19/2021 08:49

VTE/DVT

No Crumley, Russell E 09/19/2021 08:49

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Printed 09/19/2021 11:55

864-878-4791

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs	██████████	M		71.67kg	172.72cm	██████████	██████████
Insurance	PLANNED ADMINISTRATORS				Reg. Date	09/19/2021 08:44	Adm. Date	09/19/2021 08:44 Room ED:5-
Allergies	██████████							

MD Notes

MD Name	Dillard MD, Michael	Date Of Note	09/19/2021 08:53	Note Type	EMERGENCY
---------	---------------------	--------------	------------------	-----------	-----------

History / Subjective

HPI Paragraph: Patient with confusion for 2 Hour(s). The Onset is Acute. The symptoms are Moderate. Furthermore, the Patient/Family Denies chest pain, headaches, SOB, weakness.

Other Notes: Pt comes in for confusion starting this morning. He states he went to bed last night and woke up confused. He has never experienced anything like this before. Pt is coherent now and able to answer questions. Admits to new double vision starting today. Reports nausea yesterday while running.

Review of Systems NOT Covered in HPI:

ENT: Neg, Heart: Neg, Resp: Neg, GU: Neg, Skin: Neg, Neuro: Neg, Musculoskeletal: Neg, Endocrine: Neg, Hematologic/Lymphatic: Neg, Constitutional Sxs: Neg,

Exam / Objective

Date/Time of Exam: 09/19/2021 08:53:41 MD Name: Dillard MD, Michael

GA: Awake A&Ox3

Skin: No pallor/ rashes warm & moist

HEENT: PERRL EOMI Moist Mucous Membranes No Icterus

Neck: NT Full ROM No JVD

Lung/Chest Wall: Lungs-Lungs CTA No Ret/Chest Wall-Chest Wall NT

Cardio Vascular: RRR No M

Neuro: Motor-Major Muscle Groups 5/5/Sensory-Gross Sensory Intact/Coordination-

REPEAT/ADDITIONAL EXAMS:

09/19/2021 08:53:41 Dillard MD, Michael - Reviewed pertinent diagnostic tests, vital signs, current medications and clinical notes

09/19/2021 11:34:00 Dillard MD, Michael - patient alert and oriented now

09/19/2021 11:34:00 Dillard MD, Michael - No Sx(s) or Objective findings that are life or limb threatening. Medically Screened and Stable for disposition (Transfer) from the unit.

09/19/2021 11:36:00 Dillard MD, Michael - when discussing drug screen patient thinks someone put something in his coffee

AnMed Health Cannon

123 W. G Acker Dr., Pickens, SC 29671

Printed 09/19/2021 11:55

864-878-4791

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs	[REDACTED]	M		71.67kg	172.72cm	[REDACTED]	[REDACTED]

Insurance PLANNED ADMINISTRATORS **Reg. Date** 09/19/2021 08:44 **Adm. Date** 09/19/2021 08:44 **Room** ED:5-
Allergies [REDACTED]

Assessment / Plan (Problem List)

confusion (NO ICD10) ,Status: Active, Start Date: 09/19/2021

Confusional state (disorder)(F44.89) ,Status: Active, Start Date: 09/19/2021

Other Medical Orders/Additional Comments

CBC
 BMP/Chem-7
 Urine Drug Screen-Medical
 TSH
 Head CT Absent Contrast
 Urinalysis
 Liver Profile
 Amylase
 Lipase
 Troponin
 EKG
 0.9 NS Bolus, 1000 ML(1000 ML), one time dose, intravenous, bolus at 999 ml/hr, , stat

Disposition - Discharge Home

Disposition MD: Dillard MD, Michael 19 Sep 2021 11:35:00

Disposition RN: Crumley, Russell E 19 Sep 2021 11:54:00

Condition - Good

Recommended MD Level Of Service - 5; Evaluation and Management Code - 99285

Recommended Facility/RN Level Of Service - 5; Evaluation and Management Code - 612

Discharge Diagnosis Summary: confusion ;Confusional state (disorder)

Procedures: None

Laceration Procedures: None

Consultants/Specialty: Dillard MD, Michael :EMERGENCY

Discharge Diet: None

Discharge Activity: None

Additional Discharge Instructions: HIDA scan as ordered

PreWritten Discharge Instructions: None

Follow Up MDs: unknown

Patient Medication List:

No Home Medication

Electronically signed and authenticated by the Following Physicians Dillard MD, Michael

Specialty EMERGENCY

AnMed Health Cannon

123 W. G Acker Dr., Pickens, SC 29671

Printed 09/19/2021 11:55

864-878-4791

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs	[REDACTED]	M		71.67kg	172.72cm	[REDACTED]	[REDACTED]
Insurance PLANNED ADMINISTRATORS					Reg. Date 09/19/2021 08:44	Adm. Date 09/19/2021 08:44	Room ED:5-	
Allergies [REDACTED]								

Diagnostic Results

Ordering Staff	Date/Time Entered	Diagnostic Name	Result Interpretation	Reviewed By	Date/Time Reviewed
DILLARD, MICHAEL L	09/19/2021 09:11	LAB URINALYSIS	[MD Result]: -	Dillard MD, Michael	09/19/2021 10:34
DILLARD, MICHAEL L	09/19/2021 09:36	CT HEAD WO C	Description: Result: SEE COMMENTS SECTION ACCESSION: C220242 CLINICAL HISTORY: Confusion COMPARISON: None. TECHNIQUE: Sequential axial scans were obtained from the foramen magnum to the skull vertex. Coronal and sagittal reformations were constructed. PROCEDURE RADIATION DOSE: All CT scans are performed using radiation dose reduction techniques. Technical factors are evaluated and adjusted to ensure appropriate moderation of exposure. Automated dose management technology is applied to adjust the radiation dose to minimize exposure while achieving a diagnostic quality image. FINDINGS: There is preservation of the normal gray-white differentiation. There is no focal extra-axial collection, acute intracranial hemorrhage, focal mass effect or midline shift. There are no secondary findings to suggest an acute ischemic event. The ventricles and basal cisterns are within normal limits. The visualized paranasal sinuses and mastoid air cells are clear. The calvarium and orbital structures are unremarkable. IMPRESSION: 1. No acute intracranial findings. Dictated by: Carey Venturella on 09/19/2021 9:32 AM Transcribed by: on 09/19/2021 9:32 AM Electronically verified by: Carey Venturella on 09/19/2021 9:34 AM Dictating Physician: SAMUEL C. VENTURELLA, MD Date: 09/19/2021 09:34		
DILLARD, MICHAEL L	09/19/2021 09:47	LAB CBC	Description: WBC Result: 5.5 thousand/uL, Normal Range: 4.0-11.0 Description: RBC Result: 4.89 million per uL, Normal Range: 4.27-5.49 Description: HEMOGLOBIN Result: 15.5 g/dL, Normal Range: 13.0-16.0 Description: HEMATOCRIT Result: 45.2 %, Normal Range: 37.7-46.5 Description: MCV Result: 92.4 fL, Normal Range: 79.3-94.8 Description: MCH Result: 31.7 pg, Normal Range: 26.8-33.2 Description: MCHC Result: 34.3 g/dL, Normal Range: 32.0-36.0 Description: RDW-CV Result: 13.2 %, Normal Range: 12.0-15.1 Description: PLATELETS Result: 236 thousand/uL, Normal Range: 150-450 Description: MPV Result: 10.0 fL, Normal Range: 9.9-12.7		

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Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs		M		71.67kg	172.72cm		
Insurance PLANNED ADMINISTRATORS				Reg. Date 09/19/2021 08:44		Adm. Date 09/19/2021 08:44		Room ED:5-
Allergies								

DILLARD, MICHAEL L	09/19/2021 10:01	LAB UA W/MICROSCOPIC EXAM	Description: URINE TYPE Result: RANDOM	Dillard MD, Michael	09/19/2021 10:03
			Description: URINE COLOR Result: Yellow, Normal Range: YELLOW		
			Description: URINE CLARITY Result: Clear, Normal Range: CLEAR		
			Description: GLUCOSE Result: Negative, Normal Range: NEGATIVE		
			Description: BILIRUBIN Result: Negative, Normal Range: NEGATIVE		
			Description: KETONES Result: Negative, Normal Range: NEGATIVE		
			Description: SPEC GRAVITY Result: >=1.030, Normal Range: 1.005-1.030		
			Description: BLOOD Result: Negative, Normal Range: NEGATIVE		
			Description: PH Result: 5.5, Normal Range: 5.0-7.0		
			Description: PROTEIN Result: Negative, Normal Range: NEGATIVE		
			Description: UROBILINOGEN Result: 0.2 E.U./dL, Normal Range: 0.2-1.0		
			Description: NITRITE Result: Negative, Normal Range: NEGATIVE		
			Description: LEUK EST Result: Negative, Normal Range: NEGATIVE		
			Description: MICROSCOPIC Result: SEE BELOW		
			Description: WBC Result: 0-5		
			Description: EPI CELLS Result: 0-3		
			Description: BACTERIA Result: TRACE		
			Description: Result: RE		

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864-878-4791

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs		M		71.67kg	172.72cm		
Insurance	PLANNED ADMINISTRATORS				Reg. Date 09/19/2021 08:44	Adm. Date 09/19/2021 08:44	Room	ED:5-
Allergies								

DILLARD, MICHAEL L 09/19/2021 10:09 LAB URINE DRUG SCREEN PANEL

Description: AMPHETAMINES
Result: NOT DETECTED, Normal Range: NOT DETECTED

Description: BARBITURATES
Result: NOT DETECTED, Normal Range: NOT DETECTED

Description: *BENZOS
Result: ***POSITIVE***, Abnormal Flag: A, Normal Range: NOT DETECTED

Previously reported as: NOT DETECTED On 09/19/2021 10:03 By MMW

Description: COCAINE
Result: NOT DETECTED, Normal Range: NOT DETECTED

Description: METHADONE
Result: NOT DETECTED, Normal Range: NOT DETECTED

Description: OPIATES
Result: NOT DETECTED, Normal Range: NOT DETECTED

Description: PCP
Result: NOT DETECTED, Normal Range: NOT DETECTED

Description: *THC
Result: ***POSITIVE***, Abnormal Flag: A, Normal Range: NOT DETECTED

Previously reported as: NOT DETECTED On 09/19/2021 10:03 By MMW

Description: H DRUG SC
Result: This method is screening technique to be used for \.br\medical purposes. Results are unconfirmed.\.br\Thresholds:\.br\Amphetamine 1000 ng/mL.\.br\Barbiturates 200 ng/mL.\.br\Benzodiazepines 200 ng/mL.\.br\Cannabinoids 50 ng/mL.\.br\Cocaine metabolite 300 ng/mL.\.br\Methadone 300 ng/mL.\.br\Opiates 300 ng/mL.\.br\PCP 25 ng/mL.\.br\

DILLARD, MICHAEL L 09/19/2021 10:09 LAB LIVER PANEL

Description: TOTAL BILI
Result: 1.00 mg/dL, Normal Range: 0.30-1.20

Description: DIRECT BILI
Result: 0.1 mg/dL, Normal Range: 0.1-0.5

Description: INDIRECT BILI
Result: 0.90 mg/dL, Normal Range: 0.00-1.10

Description: AST
Result: 30 IU/L, Normal Range: 15-41

Description: ALT
Result: 21 IU/L, Normal Range: 17-63

Description: ALKP
Result: 64 IU/L, Normal Range: 30-120

Description: TOTAL PROTEIN
Result: 7.2 g/dL, Normal Range: 6.3-8.2

Description: ALBUMIN
Result: 4.5 g/dL, Normal Range: 3.5-5.1

DILLARD, MICHAEL L 09/19/2021 10:09 LAB LIPASE

Description: LIPASE
Result: 29 U/L, Normal Range: <=52

DILLARD, MICHAEL L 09/19/2021 10:09 LAB AMYLASE

Description: AMYLASE
Result: 44 U/L, Normal Range: 28-100

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864-878-4791

Admitting
Weight Admitting
Height

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs	[REDACTED]	M		71.67kg	172.72cm	[REDACTED]	[REDACTED]
Insurance PLANNED ADMINISTRATORS				Reg. Date 09/19/2021 08:44 Adm. Date 09/19/2021 08:44 Room ED:5-				
Allergies [REDACTED]								

DILLARD, 09/19/2021 LAB BASIC
MICHAEL L 10:09 METABOLIC
PANEL

Description: *GLUC
Result: ***115 mg/dL***, Abnormal Flag: H, Normal Range: 70-99

Description: BUN
Result: 15 mg/dL, Normal Range: 8-26

Description: CREATININE
Result: 1.1 mg/dL, Normal Range: 0.8-1.3

Description: SODIUM
Result: 137 mmol/L, Normal Range: 136-144

Description: POTASSIUM
Result: 4.6 mmol/L, Normal Range: 3.5-4.7

Description: CHLORIDE
Result: 102 mmol/L, Normal Range: 99-108

Description: CO2
Result: 26 mmol/L, Normal Range: 22-32

Description: CALCIUM
Result: 9.4 mg/dL, Normal Range: 8.3-10.0

Description: ANION GAP
Result: 9.0 mEq/L, Normal Range: 3.0-11.0

DILLARD, 09/19/2021 LAB TROPONIN
MICHAEL L 10:13 HIGH
SENSITIVITY

Description: TROPONIN HS
Result: 5 pg/mL

Description: H TROPONIN HS
Result: Reference Ranges: Males < 20 pg/ml \.br\
Females < 12 pg/ml \.br\

DILLARD, 09/19/2021 LAB TSH
MICHAEL L 10:19

Description: TSH
Result: 2.14 uIU/mL, Normal Range: 0.45-5.33

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123 W. G. Acker Dr., Pickens, SC 29671

Printed 09/19/2021 11:55

864-878-4791

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs	[REDACTED]	M		71.67kg	172.72cm	[REDACTED]	[REDACTED]
Insurance	PLANNED ADMINISTRATORS				Reg. Date	09/19/2021 08:44	Adm. Date	09/19/2021 08:44
Allergies	[REDACTED]				Room	ED:5-		

Medical Orders

MD Name	MD Time	Medical Order	Ack Staff	Ack Time	Clinical Staff	Clinical Staff Time	Order Status
Dillard MD, Michael	09/19/2021 08:59	CBC	Crumley, Russell E	09/19/2021 09:17	JulianKnight Phleb, Shantelle L	09/19/2021 09:48	Executed
Dillard MD, Michael	09/19/2021 08:59	BMP/Chem-7	Crumley, Russell E	09/19/2021 09:17	JulianKnight Phleb, Shantelle L	09/19/2021 09:48	Executed
Dillard MD, Michael	09/19/2021 08:59	Urine Drug Screen-Medical	Crumley, Russell E	09/19/2021 09:17	Earnhardt, Lyndsay B	09/19/2021 09:31	Executed
Dillard MD, Michael	09/19/2021 08:59	TSH	Crumley, Russell E	09/19/2021 09:17	JulianKnight Phleb, Shantelle L	09/19/2021 09:48	Executed
Dillard MD, Michael	09/19/2021 08:59	Head CT Absent Contrast	Crumley, Russell E	09/19/2021 09:17	Poore, Rebecca A	09/19/2021 09:27	Executed
Dillard MD, Michael	09/19/2021 09:10	Urinalysis	Crumley, Russell E	09/19/2021 09:17	Earnhardt, Lyndsay B	09/19/2021 09:31	Executed
Dillard MD, Michael	09/19/2021 09:12	Liver Profile	Crumley, Russell E	09/19/2021 09:17	JulianKnight Phleb, Shantelle L	09/19/2021 09:48	Executed
Dillard MD, Michael	09/19/2021 09:12	Amylase	Crumley, Russell E	09/19/2021 09:17	JulianKnight Phleb, Shantelle L	09/19/2021 09:48	Executed
Dillard MD, Michael	09/19/2021 09:12	Lipase	Crumley, Russell E	09/19/2021 09:17	JulianKnight Phleb, Shantelle L	09/19/2021 09:48	Executed
Dillard MD, Michael	09/19/2021 09:20	Troponin	JulianKnight Phleb, Shantelle L	09/19/2021 09:48	JulianKnight Phleb, Shantelle L	09/19/2021 09:48	Executed
Dillard MD, Michael	09/19/2021 09:20	EKG	Earnhardt, Lyndsay B	09/19/2021 09:41	Earnhardt, Lyndsay B	09/19/2021 09:41	Executed
Dillard MD, Michael	09/19/2021 09:23	0.9 NS Bolus, 1000 ML(1000 ML), one time dose, intravenous, bolus at 999 ml/hr, , stat	Crumley, Russell E	09/19/2021 10:32	Crumley, Russell E	09/19/2021 10:45	Executed

Admit To

	MD	MD Time		RN	RN Time
Disposition	Dillard MD, Michael	09/19/2021 11:35	Discharge Home	Crumley, Russell E	09/19/2021 11:54
Condition	Dillard MD, Michael	09/19/2021 11:35	Good	Crumley, Russell E	09/19/2021 11:54

Date/Time Patient Physically Left the Emergency Department

09/19/2021 11:54

Electronically signed and authenticated by the Following Physicians : Dillard MD, Michael

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123 W. G Acker Dr., Pickens, SC 29671

Printed 09/19/2021 11:55

864-878-4791

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs	[REDACTED]	M		71.67kg	172.72cm	[REDACTED]	[REDACTED]
Insurance	PLANNED ADMINISTRATORS		Reg. Date 09/19/2021 08:44 Adm. Date 09/19/2021 08:44 Room ED:5-					
Allergies	[REDACTED]							

Notifications By MD

No Notification Documentation

Notifications By RN

No Notification Documentation

AnMed Health Cannon

123 W. G Acker Dr., Pickens, SC 29671

Printed 09/19/2021 11:55

864-878-4791

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs		M		71.67kg	172.72cm		
Insurance PLANNED ADMINISTRATORS					Reg. Date 09/19/2021 08:44	Adm. Date 09/19/2021 08:44	Room ED:5-	
Allergies								

Vitals

Taken at	Taken by	Temp	Pulse	Resp	BP	Pulse Ox	Pain Scale	Wt. (kg)	Wt. Chg.	Ht. (cm)	BMI	Head Circ. (cm)	EGA	USEGA	LMP	LMP Status	Comments
09/19/2021 08:50	Crumley, Russell E	Oral 97.6	61	16	119/82	99%	0/10	71.67	0	172.72	24						O2: RA O2 Device:
09/19/2021 11:52	Crumley, Russell E		63	15	124/78	98%	0/10										O2: RA O2 Device:

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Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs		M		71.67kg	172.72cm		
Insurance PLANNED ADMINISTRATORS					Reg. Date 09/19/2021 08:44	Adm. Date 09/19/2021 08:44	Room ED:5-	
Allergies								

Clinical-InterDisciplinary Notes

Date/Time	Note Type	Clinical Note	Staff
09/19/2021 08:46	ED - TRIAGE	Triage - Emergency Department: Triage Date/Time-9/19/2021 8:46:30 AM Chief Complaint-confusion Summary of History of Present Illness/Focused Assessment-EMS reports woke up with confusion that lasted 5 to 10 minutes .Pt. Is a runner ran 8 mile yesterday . Had 2nd COVID shot on March 2nd , had palpitations after that , saw cardiologist about it. Airway Status-Open and clear Breathing status-Spontaneous and adequate Circulatory status-Warm, pink and well perfused GCS Eyes-4-Spontaneous--open with blinking at baseline GCS Verbal-5-Oriented GCS Motor-6-Obeys commands for movement GCS Total-15 Stroke Symptoms - Last time known well-N/A Transported By-EMS - PCEMS Mode-Stretcher Historian-Ambulance FD Police Custody-N/A Police Notified-N/A - No indication for reporting at present Injury Location (If applicable)-N/A Injury within 24 hours?-N/A Have you traveled to a foreign country in the last 6 months-No Is the patient's history suggestive of clinical infection?-Not at time of triage Tetanus/Immunizations-Unknown TB Screening-Patient denies night sweats, bloody sputum, unintentional weight loss Transmission precautions indicated upon Triage-Standard precautions indicated and followed PCP on Staff-No Family Physician Name-unknown Medication Reconciliation-medications reconciled with pt/family Educational Assessment-Language-English Educational Assessment-Translator-No translator needed Educational Assessment-Assessed Disability-No Disability Readiness to Learn-Motivational Level-Medium Readiness to Learn-Knowledge Level-Medium Readiness to Learn-Comprehension Ability-Medium Functional Discharge Planning - Daily Living-Independent Functional Discharge Planning - Going Home with-Family Are you being Hurt by Anyone?-Denies being hurt by anyone Patients Rights & Responsibilities Given-Offered to pt/family Patients Guide to Pain Management Given-Offered to patient/family Acuity-Category-3 - ESI III Exam Room Date/Time-9/19/2021 8:48:15 AM Waiting Room Date/Time-9/19/2021 8:48:15 AM	Crumley, Russell E

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864-878-4791

Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs		M		71.67kg	172.72cm		
Insurance		PLANNED ADMINISTRATORS		Reg. Date 09/19/2021 08:44		Adm. Date 09/19/2021 08:44		Room ED:5-
Allergies								

09/19/2021 08:52	ED - NURSING	Assessment: Medication Reconciliation-Already completed at triage ORIENTATION TO ROOM/UNIT-Patient/significant other oriented to ED environment and the initial plan of care BELONGINGS-Patient/Family maintained possessions throughout ED stay TRANSMISSION PRECAUTIONS IN PLACE-Standard precautions indicated and followed Chief Complaint:-Confusion PHYSICAL ASSESSMENT-was completed as noted below; Mental status-Awake, alert and oriented to person, place and time Respirations-Even and unlabored Skin-Pink, warm and dry - capillary refill is brisk VENOUS ACCESS DEVICE(S)-PIVL/IV line is present from field without redness or swelling (site) - 18 LAC WOUND ASSESSMENT-No wounds at present PAIN ASSESSMENT-Patient denies pain now Patient personal acceptable level of pain is?-N/A Location of pain?-N/A Type of discomfort?-N/A Comfort measures provided include?-N/A Does patient use any alternative therapies?-N/A Additional pain comments?-N/A	Crumley, Russell E
09/19/2021 11:52	ED - NURSING	INT removed cath intact. Site without redness or swelling. Pressure dressing applied.	Crumley, Russell E
09/19/2021 11:53	ED - NURSING	Discharge Amb. Meds reconciled on discharge. Pt/caregiver given list of reconciled meds & any major tests & procedures done in the ED, diagnosis, instructions r/t dx and instructions for followup care. Pt/caregiver verbalizes understanding.	Crumley, Russell E

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Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs	[REDACTED]	M		71.67kg	172.72cm	[REDACTED]	[REDACTED]
Insurance	PLANNED ADMINISTRATORS				Reg. Date	09/19/2021 08:44	Adm. Date	09/19/2021 08:44
Allergies	[REDACTED]				Room	ED:5-		

Intake

Start/End Time	Staff	Medicine/Device Type	Dosage/ Rate	Route/ Site	Amt.	Residual	Comments
09/19/2021 10:45	Crumley, Russell E	Sodium Chloride 0.9%		IV/	1000 ML		Administered BP: 119/82, Pulse: 61, Respiration: 16, Vitals Time: 09/19 08:50
09/19/2021 11:45							End Time Comments

Output

No Output Documentation

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Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs		M		71.67kg	172.72cm		
Insurance	PLANNED ADMINISTRATORS				Reg. Date	Adm. Date	Room	ED:5-
Allergies								

Discharge - Home Instructions**Discharge Diagnosis**

confusion

Confusional state (disorder)

Discharge Activity**Discharge Diet****Discharge Instructions**

HIDA scan as ordered

Discharge Prewritten Instructions

Follow Up Date/Time	Practitioner Name	Clinic Name	Address	City	State	Zip	Phone
	unknown						

Prescriptions**Print Date/Time:** 09/19/2021 11:55

Received transitional record Diagnosis, Diagnostic Results, Procedures, Follow-up/Patient Instructions, and Home Medication List

Discharge Date/Time:**Attending Physician:** Dillard MD, Michael

All patients must follow up with a doctor within 48 hours if there are still medical symptoms or problems

Nurse Signature:**Patient Signature:**

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Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs	[REDACTED]	M		71.67kg	172.72cm	[REDACTED]	[REDACTED]
Insurance PLANNED ADMINISTRATORS		Reg. Date 09/19/2021 08:44		Adm. Date 09/19/2021 08:44		Room ED:5-		
Allergies [REDACTED]								

Medication Reconciliation

Med Recon Type	Med Type	Medication	Status
DISCHARGE	HOME MEDS	No Home Medication, ,	CONTINUE

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Patient Name	Age	DOB	Gender	Race	Admitting Weight	Admitting Height	Medical Record	Account
CARRICK, SCOTT EDWARD	49 yrs	[REDACTED]	M		71.67kg	172.72cm	[REDACTED]	[REDACTED]
Insurance		PLANNED ADMINISTRATORS		Reg. Date		09/19/2021 08:44		Adm. Date 09/19/2021 08:44 Room ED:5-
Allergies		[REDACTED]						

Patient Medication List**Effective Date:** _____

Important: Only take the medications listed below. Do not take any other prescription medications, over the counter medications or herbal medications without consulting your Doctor(s)

Medication

Physician Name

Patient Name	Date of Birth	Gender	ID Number	ID Number Type	Address	Phone
CARRICK, SCOTT EDWARD		M		Medical Record Number		
Physician Name	Date of Visit					
Dillard MD, Michael	09/19/2021 08:44					

Problem List

MD Name	Type	ICD-9 Code	Patient Problem	Status	Date Diagnosed
Dillard MD, Michael			Confusional state (disorder)	Active	09/19/2021 00:00
Dillard MD, Michael	DIAGNOSIS	298.9	confusion	Active	09/19/2021 08:53

Medication List

Rx Norm Code	Product	Generic Name	Brand Name	Strength	Dose	Route	Frequency	Date Started	Status
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Medication Allergies List

Type	Code	Medication / Agent	Reaction	Status	Date Recorded
Ingredient	3675		Hives	ACTIVE	09/19/2021 08:49

Diagnostic Test Results

Type	LOINC Code	Test Name	Normal Range	Result	Date Performed
LABORATORY		LAB URINALYSIS			09/19/2021 09:11
RADIOLOGY	CT77020	CT HEAD WO C		ACCESSION: C220242 CLINICAL HISTORY: Confusion COMPARISON: None. TECHNIQUE: Sequential axial scans were obtained from the foramen magnum to the skull vertex. Coronal and sagittal reformations were constructed. PROCEDURE RADIATION DOSE: All CT scans are performed using radiation dose reduction techniques. Technical factors are evaluated and adjusted to ensure appropriate moderation of exposure. Automated dose management technology is applied to adjust the radiation dose to minimize exposure while achieving a diagnostic quality image. FINDINGS: There is preservation of the normal gray-white differentiation. There is no focal extra-axial collection, acute intracranial hemorrhage, focal mass effect or midline shift. There are no secondary findings to suggest an acute ischemic event. The ventricles and basal cisterns are within normal limits. The visualized paranasal sinuses and mastoid air cells are clear. The calvarium and orbital structures are unremarkable. IMPRESSION: 1. No acute intracranial findings. Dictated by: Carey Venturella on 09/19/2021 9:32 AM Transcribed by: on 09/19/2021 9:32 AM Electronically verified by: Carey Venturella on 09/19/2021 9:34 AM Dictating Physician: SAMUEL C. VENTURELLA, MD Date: 09/19/2021 09:34	09/19/2021 09:36
LABORATORY	WBC	LAB CBC	4.0-11.0	5.5 thousand/uL	09/19/2021 09:47
LABORATORY	RBC	LAB CBC	4.27-5.49	4.89 million per uL	09/19/2021 09:47
LABORATORY	HGB	LAB CBC	13.0-16.0	15.5 g/dL	09/19/2021 09:47
LABORATORY	HCT	LAB CBC	37.7-46.5	45.2 %	09/19/2021 09:47
LABORATORY	MCV	LAB CBC	79.3-94.8	92.4 fL	09/19/2021 09:47

Patient Name	Date of Birth	Gender	ID Number	ID Number Type	Address	Phone
CARRICK, SCOTT EDWARD		M		Medical Record Number		
Physician Name						
Dillard MD, Michael			Date of Visit			
			09/19/2021 08:44			

LABORATORY	MCH	LAB CBC	26.8-33.2	31.7 pg	09/19/2021 09:47
LABORATORY	MCHC	LAB CBC	32.0-36.0	34.3 g/dL	09/19/2021 09:47
LABORATORY	RDW-CV	LAB CBC	12.0-15.1	13.2 %	09/19/2021 09:47
LABORATORY	PLT	LAB CBC	150-450	236 thousand/uL	09/19/2021 09:47
LABORATORY	MPV	LAB CBC	9.9-12.7	10.0 fL	09/19/2021 09:47
LABORATORY	UATYPE	LAB UA W/MICROSCOPIC EXAM			09/19/2021 10:01
LABORATORY	UACOLOR	LAB UA W/MICROSCOPIC EXAM	YELLOW		09/19/2021 10:01
LABORATORY	UACLARITY	LAB UA W/MICROSCOPIC EXAM	CLEAR		09/19/2021 10:01
LABORATORY	UAGLUC	LAB UA W/MICROSCOPIC EXAM	NEGATIVE		09/19/2021 10:01
LABORATORY	UABILI	LAB UA W/MICROSCOPIC EXAM	NEGATIVE		09/19/2021 10:01
LABORATORY	UAKETONES	LAB UA W/MICROSCOPIC EXAM	NEGATIVE		09/19/2021 10:01
LABORATORY	SG2	LAB UA W/MICROSCOPIC EXAM	1.005-1.030		09/19/2021 10:01
LABORATORY	UABLOOD	LAB UA W/MICROSCOPIC EXAM	NEGATIVE		09/19/2021 10:01
LABORATORY	UAPH2	LAB UA W/MICROSCOPIC EXAM	5.0-7.0		09/19/2021 10:01
LABORATORY	UAPROTEIN	LAB UA W/MICROSCOPIC EXAM	NEGATIVE		09/19/2021 10:01
LABORATORY	URO2	LAB UA W/MICROSCOPIC EXAM	0.2-1.0	0.2 E.U./dL	09/19/2021 10:01
LABORATORY	UANITRITE	LAB UA W/MICROSCOPIC EXAM	NEGATIVE		09/19/2021 10:01
LABORATORY	LEUKEST	LAB UA W/MICROSCOPIC EXAM	NEGATIVE		09/19/2021 10:01
LABORATORY	MICUA	LAB UA W/MICROSCOPIC EXAM			09/19/2021 10:01
LABORATORY	UAWBC	LAB UA W/MICROSCOPIC EXAM			09/19/2021 10:01
LABORATORY	EPI	LAB UA W/MICROSCOPIC EXAM			09/19/2021 10:01
LABORATORY	UABAC	LAB UA W/MICROSCOPIC EXAM			09/19/2021 10:01
LABORATORY	UAMICRO	LAB UA W/MICROSCOPIC EXAM			09/19/2021 10:01
LABORATORY	AMP	LAB URINE DRUG SCN ER PANEL	NOT DETECTED		09/19/2021 10:09
LABORATORY	BARBIT	LAB URINE DRUG SCN ER PANEL	NOT DETECTED		09/19/2021 10:09
LABORATORY	BENZOS	LAB URINE DRUG SCN ER PANEL	NOT DETECTED		09/19/2021 10:09
LABORATORY	COCAINE	LAB URINE DRUG SCN ER PANEL	NOT DETECTED		09/19/2021 10:09
LABORATORY	METHADONE	LAB URINE DRUG SCN ER PANEL	NOT DETECTED		09/19/2021 10:09

Patient Name	Date of Birth	Gender	ID Number	ID Number Type	Address	Phone
CARRICK, SCOTT EDWARD		M		Medical Record Number		
Physician Name	Date of Visit					
Dillard MD, Michael	09/19/2021 08:44					

LABORATORY	OPIATES	LAB URINE DRUG SCN ER PANEL	NOT DETECTED		09/19/2021 10:09
LABORATORY	PCP	LAB URINE DRUG SCN ER PANEL	NOT DETECTED		09/19/2021 10:09
LABORATORY	THC	LAB URINE DRUG SCN ER PANEL	NOT DETECTED		09/19/2021 10:09
LABORATORY	H DRUG SC	LAB URINE DRUG SCN ER PANEL			09/19/2021 10:09
LABORATORY	TBIL	LAB LIVER PANEL	0.30-1.20	1.00 mg/dL	09/19/2021 10:09
LABORATORY	DBILI	LAB LIVER PANEL	0.1-0.5	0.1 mg/dL	09/19/2021 10:09
LABORATORY	INBILI	LAB LIVER PANEL	0.00-1.10	0.90 mg/dL	09/19/2021 10:09
LABORATORY	AST	LAB LIVER PANEL	15-41	30 IU/L	09/19/2021 10:09
LABORATORY	ALT	LAB LIVER PANEL	17-63	21 IU/L	09/19/2021 10:09
LABORATORY	ALKP	LAB LIVER PANEL	30-120	64 IU/L	09/19/2021 10:09
LABORATORY	TP	LAB LIVER PANEL	6.3-8.2	7.2 g/dL	09/19/2021 10:09
LABORATORY	ALB	LAB LIVER PANEL	3.5-5.1	4.5 g/dL	09/19/2021 10:09
LABORATORY	LIPASE	LAB LIPASE	<=52	29 U/L	09/19/2021 10:09
LABORATORY	AMY	LAB AMYLASE	28-100	44 U/L	09/19/2021 10:09
LABORATORY	GLUC	LAB BASIC METABOLIC PANEL	70-99	115 mg/dL	09/19/2021 10:09
LABORATORY	BUN	LAB BASIC METABOLIC PANEL	8-26	15 mg/dL	09/19/2021 10:09
LABORATORY	CREAT	LAB BASIC METABOLIC PANEL	0.8-1.3	1.1 mg/dL	09/19/2021 10:09
LABORATORY	NA	LAB BASIC METABOLIC PANEL	136-144	137 mmol/L	09/19/2021 10:09
LABORATORY	K	LAB BASIC METABOLIC PANEL	3.5-4.7	4.6 mmol/L	09/19/2021 10:09
LABORATORY	CL	LAB BASIC METABOLIC PANEL	99-108	102 mmol/L	09/19/2021 10:09
LABORATORY	CO2	LAB BASIC METABOLIC PANEL	22-32	26 mmol/L	09/19/2021 10:09
LABORATORY	CA	LAB BASIC METABOLIC PANEL	8.3-10.0	9.4 mg/dL	09/19/2021 10:09
LABORATORY	ANION GAP	LAB BASIC METABOLIC PANEL	3.0-11.0	9.0 mEq/L	09/19/2021 10:09
LABORATORY	TROPHS	LAB TROPONIN HIGH SENSITIVITY		5 pg/mL	09/19/2021 10:13
LABORATORY	H TROPHS	LAB TROPONIN HIGH SENSITIVITY			09/19/2021 10:13
LABORATORY	TSH	LAB TSH	0.45-5.33	2.14 uIU/mL	09/19/2021 10:19

Procedures List

Type	ICD-9 Code	Procedure	Status	Date Performed
------	------------	-----------	--------	-------------------

AnMed Health Cannon

123 W. G Acker Dr., Pickens, SC 29671

Printed 09/19/2021 11:54

Patient Name **Age** **DOB** **Gender** **Race**
 CARRICK, SCOTT 49 yrs [REDACTED] M
 EDWARD
Allergies: [REDACTED]

Insurance
 864-878-4791
 PLANNED

Admitting Weight **Admitting Height** **Medical Record** **Account**
 71.67kg 172.72cm [REDACTED] [REDACTED]

Reg. Date 09/19/2021 8:44**Room** ED:5-**Adm. Date** 09/19/2021 8:44

Discharge-Home Instructions

Discharge Diagnosis

confusion

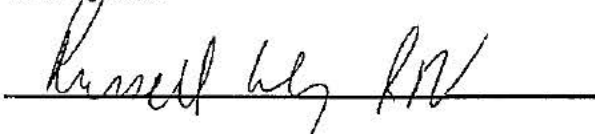
Confusional state (disorder)

Discharge Activity**Discharge Diet****Discharge Instructions**

HIDA scan as ordered

Discharge Prewritten Instructions

Follow Up Date/Time	Practitioner Name	Clinic Name	Address	City	State	Zip	Phone
	unknown						

Comments**Prescriptions****Print Date/Time:** 9/19/2021 11:54:49 AM ✓**Discharge Date/Time:** 9/19/2021 11:35:00 AM**Attending Physician:** Dillard MD, Michael**Language:** English**Nurse Signature:**


Received transitional record: Diagnosis, Diagnostic Results, Procedures,
 Follow-up/Patient Instructions, and Home Medication List

All patients must follow up with a doctor within 48 hours if
 there are still medical symptoms or problems.

Patient Signature:


ANMED HEALTH
PHYSICIAN REFERRAL RADIOLOGY
 AnMed Health Cannon
 123 WG Acker Drive, Pickens, South Carolina 29671

Location of Exam:
 123 WG Acker Drive
 Pickens, SC 29671



FAXED

Scheduling: (864) 898-1153

SEP 19 2021

Sched. Date:

Sched. Time:

PATIENT NAME (LAST)		(FIRST)	(MI)	LABEL
SEX	AGE	DATE OF BIRTH	PATIENT PHONE NO.	 100340619 UNKNOWN_ROOM UNKNOWN_BED CARRICK, SCOTT EDWARD DILLARD, MICHAEL
ORDERING PHYSICIAN SIGNATURE		PHYSICIAN PHONE NO.		
				ORDER DATE

CALL REPORT TO (FIRST/LAST NAME): FAX REPORT TO:

COPY REPORT TO:

Diagnosis/Code:

Clinical History:

Wing
CB mump 1-21

Has the patient had a prior reaction to Contrast? Yes No
 Does the patient need a Creatinine? Refer to back for protocol Yes No
 RECENT CREATININE DRAWN DATE OF LAB

PREGNANCY STATUS _ PREGNANT _ NOT PREGNANT _ UNKNOWN

COMPUTERIZED TOMOGRAPHY (CT): With and / or without contrast per Radiology Department protocol unless otherwise noted

ROUTINE
 _ HEAD _ SINUS (NO CONTRAST GIVEN)
 _ ORBIT
 _ IAC-TEMPERATURES _ SOFT TISSUE-NECK (Contrast)
 _ FACIAL BONES
 _ CHEST
 _ ABDOMEN
 _ PELVIS
 _ SPINE C-SPINE T-SPINE L-SPINE
 EXTREMITY _ RIGHT _ LEFT
 PLEASE SPECIFY
 CT GUIDED BIOPSY
 PLEASE SPECIFY

CTA
 CTA HEAD (WITH CONTRAST)
 CTA NECK (WITH CONTRAST)
 CTA CHEST FOR PULMONARY EMBOLUS (WITH CONTRAST)
 CTA ABDOMEN AND PELVIS (WITH CONTRAST)
 CTA RUN- OFF LOWER EXT (WITH CONTRAST)

MRI: With and / or without contrast per Radiology Department protocol unless otherwise noted

_ ABDOMEN / MROP
 _ BRAIN
 _ PITUITARY
 _ ORBITS
 _ IAC
 _ MRA BRAIN / COW
 _ MR CAROTID / VERTEBRALS
 _ MRV
 OTHER- PLEASE SPECIFY
 EXTREMITY (SPECIFY) L R
 _ HIPS
 _ PELVIS
 _ SOFT TISSUE NECK
 C-SPINE T-SPINE L-SPINE

_ FLUOROSCOPY / IVP

_ AIR CONTRAST BARIUM ENEMA
 _ BARIUM ENEMA
 _ BARIUM SWALLOW
 _ SMALL BOWEL
 _ UPPER GI

_ IVP
 _ ARTHROGRAM L R

_ CHEST FLUORO
 (Bring recent images and report)

_ MYELOGRAM _ LUMBAR
 _ MRT FOLLOWUP _ CT FOLLOWUP

INVASIVE VASCULAR

Special Procedure:

MAMMOGRAM / WOMEN'S HEALTH (SCHEDULING REQUIRED)

_ SCREENING SPECIFY
 _ DIAGNOSTIC _ BILATERAL _ STATE
 _ BREAST ULTRASOUND _ UNILATERAL _ BCN
 _ MAMMOGRAM AND BREAST ULTRASOUND
 Mammogram abnormal or palpable lump
 _ NEEDLE BIOPSY Ultrasound Guided
 _ BONE DENSITOMETRY
 _ OTHER _ SGK

NUCLEAR MEDICINE

_ BONE SCAN _ LUNG SCAN PERF./VENT.
 _ TOTAL BODY
 LIMITED TO _ LIVER / SPLEEN
 _ TRIPLE PHASE
 L _ GASTRIC EMPTYING
 _ HEPATOBILIARY
 _ WITH INJECTION FRACTION
 OTHER- PLEASE SPECIFY
 _ PAFATHYROID SCAN
 _ THYROID SCAN
 _ UPTAKE AND SCAN
 _ VEC SCAN

RADIOLOGY EXAMINATIONS

_ ABDOMEN
 _ BONE SURVEY
 _ CHEST
 _ EXTREMITIES AND JOINTS
 PLEASE SPECIFY
 _ FACIAL BONES
 _ KUB
 _ PELVIS
 _ RIBS RT LT Bilateral
 _ SQUID SURVEY
 _ SKELETAL SURVEY
 _ SINUS
 _ SOFT TISSUE NECK
 _ SPINE
 _ CERVICAL
 _ THORACIC
 _ LUMBAR
 OTHER- PLEASE SPECIFY

ULTRASOUND

NPO Studies OTHER
 _ ABDOMEN (COMPLETE) _ THYROID
 _ AORTA _ NECK/HEAD SOFT TISSUE
 _ SPLEEN _ EXTREMITY (NON-VASCULAR)
 _ GALLBLADDER _ CARDIO ECHO
 _ F/U HIDA IF NEGATIVE _ CAROTID ARTERIES
 _ LIVER _ LOWER EXTREMITY VENUE
 _ PANCREAS _ UNILATERAL (SPECIFY R L)
 _ KIDNEY _ BILATERAL
 _ ABI LIMITED (IF ABNORMAL DUFLEX)

NON OB Studies

_ TRANSVAGINAL ONLY
 _ PELVIC/ TRANSVAGINAL
 _ PELVIC ONLY
 _ TESTICULAR
 OB Studies
 _ PELVIC/ TRANSVAGINAL PREGUTER
 _ OB COMPLETE
 _ AMNIOTIC FLUID INDEX
 _ BIOPHYSICAL PROFILE
 _ TRANSVAGINAL PREGUTER
 _ CERVICAL LENGTH ONLY

CARRICK, SCOTT

ID [REDACTED]

19-Sep-2021 09:38:08

AH Cannon Memorial--* ROUTINE RECORD

49 yr
Male

Vent. rate	55	BPM
PR interval	134	ms
QRS duration	88	ms
QT/QTcB	446/426	ms
P-R-T axes	31 68 37	

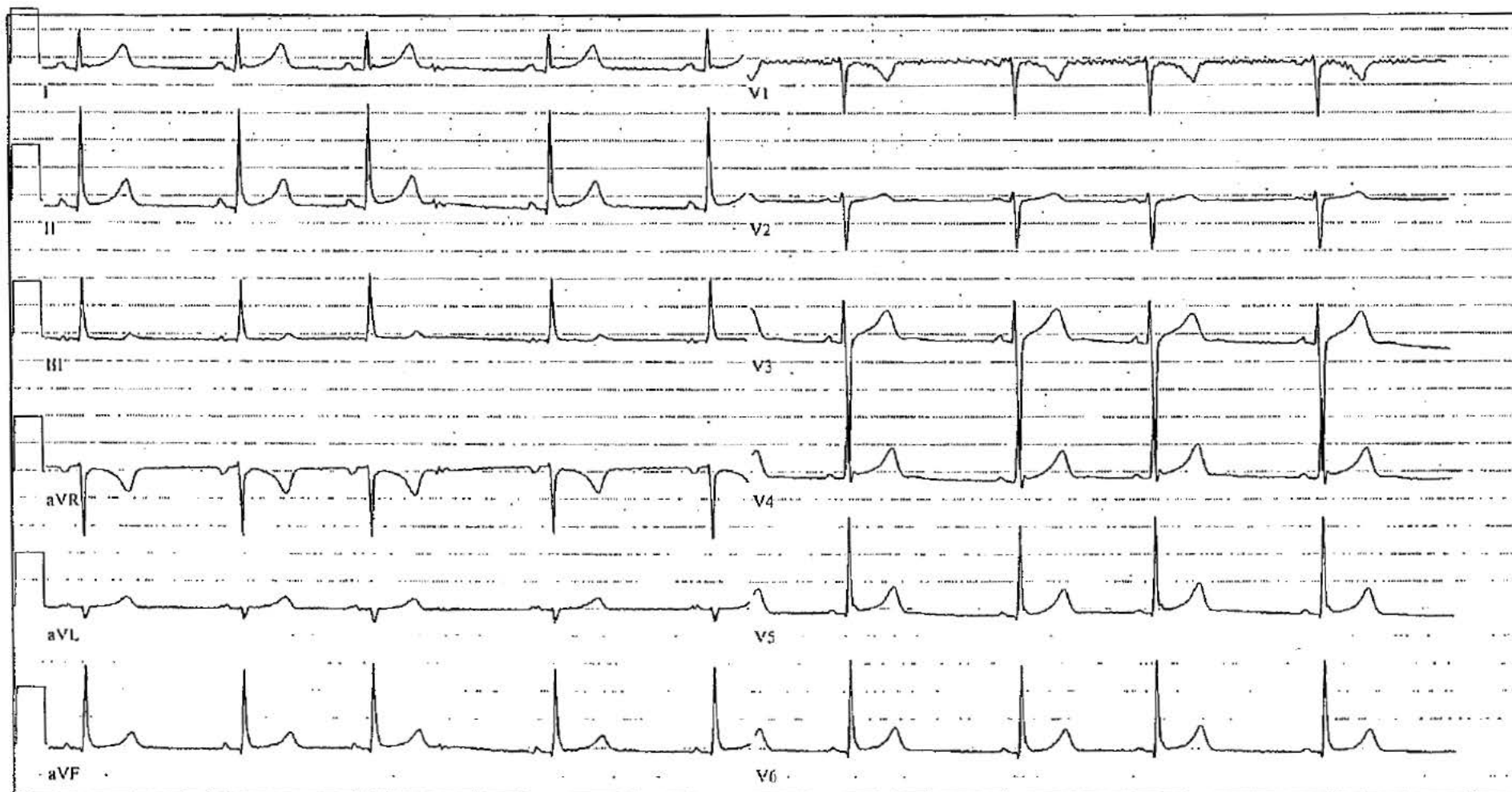
Sinus bradycardia with sinus arrhythmia
Otherwise normal ECG

Room:
Loc:167

Confirmed by Stoll, Brett (908) on 9/20/2021 5:14:19 AM

Technician: LEARNHARDT
Test ind:

Confirmed By: Brett Stoll



25mm/s 10mm/mV 150Hz 10.1.3 12SL 241 CID: 1

EID: 908 EDT: 05:14 20-Sep-2021 ORDER:

Page 1 of 1

CARRICK, SCOTT

ID: [REDACTED]

19-Sep-2021 9:38:08

Anmed Health Cannon

49years
Male

Vent. rate 55 bpm
 PR interval 134 ms
 QRS duration 88 ms
 QT/QTc 446/426 ms
 P-R-T axes 31 68 37

Sinus bradycardia with sinus arrhythmia
 Otherwise normal ECG

Loc: 167

Technician: LEARNHARDT

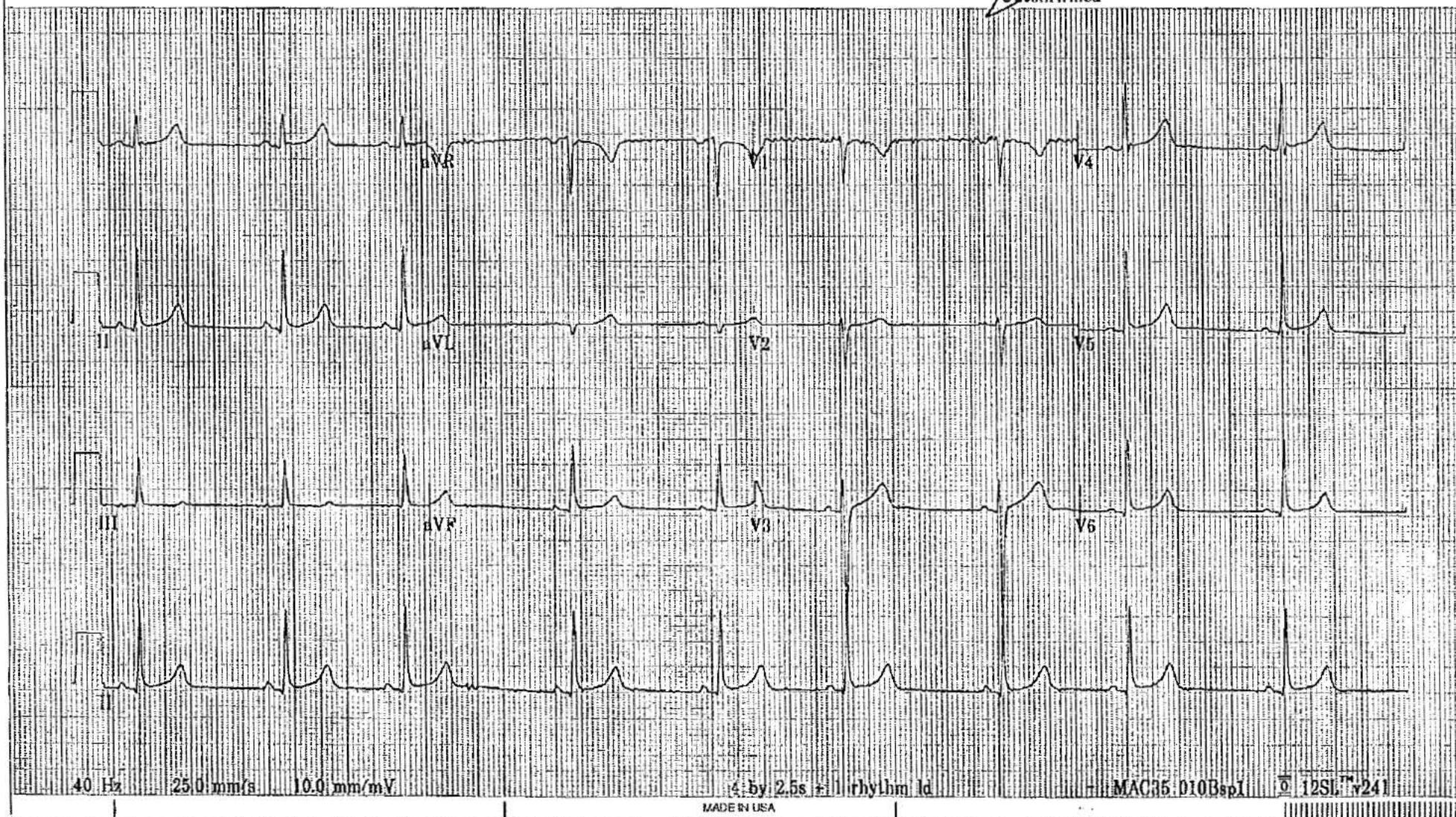
[REDACTED]
 UNKNOWN ROOM UNKNOWN BED

CARRICK, SCOTT EDWARD

DILLARD, MICHAEL

09/19/2021 08:44

Upconfirmed



09/19/2021 16:00:58

Page 1 of 3

CANNON MEMORIAL HOSPITAL LABORATORY
123 W.G. ACKER DRIVE PICKENS, SC 29671
PHONE: 864-898-1164 FAX: 864-898-1049

Final Cumulative Report

Patient Name: **CARRICK, SCOTT EDWARD**

Visit ID: [REDACTED]

Birth Date: [REDACTED] 49Y Male

Med Rec No: [REDACTED]

Admit Date: 09/19/2021 08:44

Discharge Date: 09/19/2021 11:54

Patient Type: EMERGENCY

Service: EMERGENCY MED

Location: ER BED 03

OP Location: EMERGENCY DEPT

Admit Phys: DILLARD MD, MICHAEL L

Attend Phys: DILLARD MD, MICHAEL L

***** HEMATOLOGY *****

Collected	09/19/2021 09:31	REFERENCE RANGE
WBC	5.5	4.0-11.0 thousand/uL
RBC	4.89	4.27-5.49 million per uL
HEMOGLOBIN	15.5	13.0-16.0 g/dL
HEMATOCRIT	45.2	37.7-46.5 %
MCV	92.4	79.3-94.8 fL
MCH	31.7	26.8-33.2 pg
MCHC	34.3	32.0-36.0 g/dL
RDW-CV	13.2	12.0-15.1 %
PLATELETS	236	150-450 thousand/uL
MPV	10.0	9.9-12.7 fL

***** URINALYSIS *****

Collected	09/19/2021 09:28	REFERENCE RANGE
URINE TYPE	RANDOM	
URINE COLOR	Yellow	YELLOW
URINE CLARITY	Clear	CLEAR
PH	5.5	5.0-7.0
SPEC GRAVITY	>=1.030	1.005-1.030
GLUCOSE	Negative	NEGATIVE
KETONES	Negative	NEGATIVE
BILIRUBIN	Negative	NEGATIVE
BLOOD	Negative	NEGATIVE
PROTEIN	Negative	NEGATIVE
UROBILINOGEN	0.2	0.2-1.0 E.U./dL
NITRITE	Negative	NEGATIVE
LEUK EST	Negative	NEGATIVE
MICROSCOPIC	SEE BELOW	
WBC	0-5	
EPI CELLS	0-3	
BACTERIA	TRACE	

Patient Name: **CARRICK, SCOTT EDWARD**

CATHERINE S. JEFFORDS, MD, MEDICAL DIRECTOR

Visit ID: [REDACTED]

MR No: [REDACTED]

Legend: L = Low, H = High, C = Critical, A = Abnormal, ^ = Corrected, P = Preliminary

09/19/2021 16:00:58

Page 2 of 3

CANNON MEMORIAL HOSPITAL LABORATORY
123 W.G. ACKER DRIVE PICKENS, SC 29671
PHONE: 864-898-1164 FAX: 864-898-1049

Final Cumulative Report

Patient Name: **CARRICK, SCOTT EDWARD**
Birth Date: [REDACTED] 49Y Male
Admit Date: 09/19/2021 08:44
Patient Type: EMERGENCY
Location: ER BED 03
Admit Phys: DILLARD MD, MICHAEL L

Visit ID: [REDACTED]
Med Rec No: [REDACTED]
Discharge Date: 09/19/2021 11:54
Service: EMERGENCY MED
OP Location: EMERGENCY DEPT
Attend Phys: DILLARD MD, MICHAEL L

***** CHEMISTRY *****

Collected	09/19/2021 09:31	REFERENCE RANGE
BUN	15	8-26 mg/dL
CREATININE	1.1	0.8-1.3 mg/dL
SODIUM	137	136-144 mmol/L
POTASSIUM	4.6	3.5-4.7 mmol/L
CHLORIDE	102	99-108 mmol/L
CO2	26	22-32 mmol/L
CALCIUM	9.4	8.3-10.0 mg/dL
TOTAL BILI	1.00	0.30-1.20 mg/dL
AST	30	15-41 IU/L
ALT	21	17-63 IU/L
ALKP	64	30-120 IU/L
TOTAL PROTEIN	7.2	6.3-8.2 g/dL
ALBUMIN	4.5	3.5-5.1 g/dL
ANION GAP	9.0	3.0-11.0 mEq/L
DIRECT BILI	0.1	0.1-0.5 mg/dL
INDIRECT BILI	0.90	0.00-1.10 mg/dL
AMYLASE	44	28-100 U/L
GLUC	115 H	70-99 mg/dL
LIPASE	29	<=52 U/L
TROPONIN HS	5	pg/mL

Reference Ranges: Males < 20 pg/ml
Females < 12 pg/ml

***** SPECIAL CHEMISTRY *****

Collected	09/19/2021 09:31	REFERENCE RANGE
TSH	2.14	0.45-5.33 uIU/mL

Patient Name: **CARRICK, SCOTT EDWARD**
Visit ID: [REDACTED]
MR No: [REDACTED]

CATHERINE S. JEFFORDS, MD, MEDICAL DIRECTOR

Legend: L = Low, H = High, C = Critical, A = Abnormal, ^ = Corrected, P = Preliminary

09/19/2021 16:00:58

Page 3 of 3

CANNON MEMORIAL HOSPITAL LABORATORY
123 W.G. ACKER DRIVE PICKENS, SC 29671
PHONE: 864-898-1164 FAX: 864-898-1049

Final Cumulative Report

Patient Name: **CARRICK, SCOTT EDWARD**
Birth Date: [REDACTED] 49Y Male
Admit Date: 09/19/2021 08:44
Patient Type: EMERGENCY
Location: ER BED 03
Admit Phys: DILLARD MD, MICHAEL L

Visit ID: [REDACTED]
Med Rec No: [REDACTED]
Discharge Date: 09/19/2021 11:54
Service: EMERGENCY MED
OP Location: EMERGENCY DEPT
Attend Phys: DILLARD MD, MICHAEL L

***** TDM AND TOXICOLOGY *****

09/19/2021

Collected

09:28

REFERENCE RANGE

THC	POSITIVE A ^	NOT DETECTED
-----	--------------	--------------

Corrected Results Previously Reported As:

09/19/2021 09:28 - (THC) NOT DETECTED Released: 09/19/2021 10:03 By: MARTI WARD Corrected: 09/19/2021 10:07 By: MARTI WARD

Reason: entry error

COCAINE	NOT DETECTED	NOT DETECTED
OPIATES	NOT DETECTED	NOT DETECTED
AMPHETAMINES	NOT DETECTED	NOT DETECTED
PCP	NOT DETECTED	NOT DETECTED
BARBITURATES	NOT DETECTED	NOT DETECTED
BENZOS	POSITIVE A ^	NOT DETECTED

Corrected Results Previously Reported As:

09/19/2021 09:28 - (BENZOS) NOT DETECTED Released: 09/19/2021 10:03 By: MARTI WARD Corrected: 09/19/2021 10:07 By: MARTI WA

RD Reason: entry error

METHADONE	NOT DETECTED	NOT DETECTED
-----------	--------------	--------------

Patient Name: CARRICK, SCOTT EDWARD

CATHERINE S. JEFFORDS, MD, MEDICAL DIRECTOR

Visit ID: [REDACTED]

MR No: [REDACTED]

Legend: L = Low, H = High, C = Critical, A = Abnormal, ^ = Corrected, P = Preliminary

CANNON MEMORIAL HOSPITAL

Patient Profile

Allscripts Paragon Clinician Hub

CARRICK, SCOTT E.

Location: Emergency Room Station ER ROOM ER BED 03

[REDACTED] (49Y) Male

Admit: 19-Sep-2021

MRN: [REDACTED]

Visit ID: [REDACTED]

Demographics

Unverified

Calling Name:

Primary Address

Phone Numbers

Phone Type	Phone Number
[REDACTED]	[REDACTED]

United States of America (the)

Contacts

Name	Type	Next of Kin	Emergency Contact	Guardian	Agent	Phone	Phone Type
CARRICK, CHRISTINA	Spouse	N	Y	N	N	[REDACTED]	Home Telephone Number

Driver's License:

Marital Status:

Married

Social Security:

XXX-XX-XXXX

Nationality:

Race:

White

Religion:

Ethnicity:

Not Hispanic or Latino

Status:

Preferred Language:

English

Communication Barrier:

Language Ability Mode Expressed:

Language Mode Received:

Special Needs:

Education Level:

Birth Sex:

Sexual Orientation:

Gender Identity:

Notes:

Patient Details

Unverified

Admit Complaint:

Confusion

Admit Diagnosis:

Isolation Order Codes:

Service:

EMERGENCY MED

Code Status:

Fin Class:

BLUE CROSS

Admit Weight:

Patient Type:

EMERGENCY

Admit Height:

Discharge Date:

09/19/2021

Current Weight:

Discharge Status:

DC TO HOME

Current Height:

Visit Status:

Discharge

BMI:

Age:

49 YEARS

BSA:

Organ Donor:

N

Smoking Status:

Preferred Pharmacy Name:

Pharmacy City:

Pharmacy Phone:

Pharmacy State:

Pharmacy Fax:

Pharmacy Zip:

Advance Directives

Unverified

No Advance Directive Data

Allergies

Unverified

No Allergy Data

Created on: 20-Sep-2021 02:15

Created by: MCKESSON CLOSINGPC

Page 1 of 3

CANNON MEMORIAL HOSPITAL

Patient Profile

Allscripts Paragon Clinician Hub

CARRICK, SCOTT E.

Location: Emergency Room Station ER ROOM ER BED 03

(49Y) Male

Admit: 19-Sep-2021

MRN:

Visit ID:

Family History

Unverified

Adopted: N

No Family History Data

Health Concern & Goals

Unverified

No Health Concern & Goals Data

Immunizations

Unverified

No Immunizations Data

Implants

Unverified

No Implant Data

Home Medications

Unverified

No Home Medication Data

Pre-arrival Medications

Unverified

No Pre-Arrival Medication Data

Patient Reported Problems

Unverified

No Patient Reported Problem Data

Patient Reported Procedures

Unverified

No Patient Reported Procedure Data

Personal History - Education

Unverified

No Personal History Education Data

Personal History - Occupation

Unverified

No Personal History Occupation Data

Problem List - Current Visit

Unverified

No Current Visit Problem and Procedure Data

Entry Date:

ICD Code:

Type:

Start Date/Time:

Status:

End Date/Time:

Treating Provider:

Informant Source:

Laterality:

Informant Name:

Severity:

Note:

Problem List - Full

Unverified

No Full Problem and Procedure Data

Social History - Tobacco Use

Unverified

Created on: 20-Sep-2021 02:15

Created by: MCKESSON CLOSINGPC

Page 2 of 3

CANNON MEMORIAL HOSPITAL

Patient Profile

Allscripts Paragon Clinician Hub

CARRICK, SCOTT E.

Location: Emergency Room Station ER ROOM ER BED 03

(49Y) Male

Admit: 19-Sep-2021

MRN: [REDACTED]

Visit ID: [REDACTED]

No Social History - Tobacco Use Data

Social History - Alcohol Use

Unverified

No Social History - Alcohol Use Data

Social History - Recreational Drug Use

Unverified

No Social History - Recreational Drug Use Data

Social History Daily Activities

Unverified

No Social History Daily Activities Data

Patient Education

Unverified

No Patient Education Data

Physicians

Admitting	- MICHAEL L. DILLARD MD
Attending	- MICHAEL L. DILLARD MD
Family Physician	- OTHER PRIMARY CARE MD
Ordering	- MICHAEL L. DILLARD MD
Radiologist	- SAMUEL C. VENTURELLA MD

Documentation

BMI:

Calculated field

BSA:

Calculated field

;

Cannon Memorial Hospital
Radiology Department
 123 W. G. Acker Drive
 Pickens, SC 29671
 (864) 898-1161

Patient Name: CARRICK, SCOTT EDWARD

Procedure #: 220242

Med Rec #: [REDACTED]

Visit ID: [REDACTED]

Patient Location:

Patient Type: EMERGENCY

DOB: [REDACTED]

Gender: M

Age: 49Y

Phone: [REDACTED]

Exam Reason: confusion

Order Phys: DILLARD MD, MICHAEL L

Read By: VENTURELLA MD, SAMUEL CAREY

Procedure: 09/19/21 08:59 CT HEAD WO C

Final

ACCESSION: C220242

CLINICAL HISTORY: Confusion

COMPARISON: None.

TECHNIQUE: Sequential axial scans were obtained from the foramen magnum to the skull vertex. Coronal and sagittal reformations were constructed.

PROCEDURE RADIATION DOSE:

All CT scans are performed using radiation dose reduction techniques. Technical factors are evaluated and adjusted to ensure appropriate moderation of exposure. Automated dose management technology is applied to adjust the radiation dose to minimize exposure while achieving a diagnostic quality image.

FINDINGS:

There is preservation of the normal gray-white differentiation. There is no focal extra-axial collection, acute intracranial hemorrhage, focal mass effect or midline shift. There are no secondary findings to suggest an acute ischemic event. The ventricles and basal cisterns are within normal limits.

The visualized paranasal sinuses and mastoid air cells are clear. The calvarium and orbital structures are unremarkable.

IMPRESSION:

1. No acute intracranial findings.

Dictated by: Carey Venturella on 09/19/2021 9:32 AM

Transcribed by: on 09/19/2021 9:32 AM

Electronically verified by: Carey Venturella on 09/19/2021 9:34 AM

Dictating Physician: SAMUEL C. VENTURELLA, MD

Date: 09/19/2021 09:34

Transcribed: 09/19/2021 09:36 By: VENTURELLA MD, SAMUEL C.

Visit ID: [REDACTED]

Confidentiality Notice: The information contained in this facsimile may be privileged and confidential. It is intended only for the use of the individual or entity to whom it was sent. If the recipient of this transmittal is not the intended recipient, employee, or agent responsible to deliver it to the intended recipient, any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via U.S. Postal Service.



TIME _____ FAMILY DOCTOR _____ ?

NAME SCOTT CARRICK DATE OF BIRTH _____

REASON FOR VISIT Confusion

ADDRESS _____ P _____

PHONE NUMBER _____

Please be advised that the phone number you give may be used to call you back to evaluate the service you received or to notify you of any abnormal lab or x-ray results.

EMAIL ADDRESS _____

Have you recently traveled out of the country? Yes _____ No X

QSF-REG-0002 (CMH-775) Rev 4 3/16/21

**ANMED HEALTH
NON-COVERED SERVICES**

AnMed Health Cannon
123 WG Acker Drive, Pickens, South Carolina 29671

Patient Name: CARRICK, SCOTT
08:44

Date of Service: 09/19/2021

Visit ID: [REDACTED]

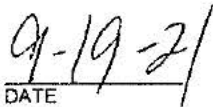
Type of Services: EMERGENCY MED

Your services at AnMed Health Cannon may not be covered by your insurance carrier. If this facility is considered by your insurance carrier as an out-of-network provider, they will either pay your claim at a reduced rate or could possibly not pay at all. You have the right to select to have your services performed at AnMed Health Cannon---understanding that you will be responsible for any amount your insurance does not pay. You also have the right to select a facility that is in-network. Your insurance company and your employer can assist you with determining which facilities are in-network.

Also, items or services furnished to you, or your dependent, without prior authorization from your insurance company (if required) will not be paid. Every effort will be made by the hospital staff, in cooperation with your physician's office, to obtain the authorization prior to your services.

"I understand that I am 100% financially responsible for all charges associated with the services rendered to me or my dependent that are not covered by my insurance company."


PATIENT SIGNATURE


DATE


WITNESS

ANMED HEALTH
RELEASE OF INFORMATION FORM
 AnMed Health Cannon
 123 WG Acker Drive, Pickens, South Carolina 29671



I HEREBY AUTHORIZE AnMed Health Cannon 340619

TO RELEASE RECORDS TO SELF
 (Receiving Entity)

COPIES OF MEDICAL RECORDS ON CARRICK, SCOTT
 (Patient's name)

SS# _____ DATE OF BIRTH [REDACTED]

I understand that this information may include reference to alcohol/drug abuse, psychiatric care, sexual assault, or HIV, and/or AIDS and I specifically authorize the release of this information. My decision to sign this authorization will not affect my ability to get treatment provided to me by AnMed Health Cannon, payment, enrollment or eligibility for benefits

If the information is released to the patient, confidentiality of the information is the patient's responsibility.

DOCUMENTS RELEASED

<u>Description</u>	<u>Dates</u>	<u>Purpose</u>		
		Personal	MD Appt	Other
<u>CD-x-ray</u>	<u>09/19/2021</u>	<u>X</u>		
Lab				
ERs				
Inpatient				

This authorization is subject to revocation at any time and will automatically expire ninety (90) days from the date hereof.

[Signature]
 Patient or legal representative

Sept 21, 2021
 Date

[Signature]
 Witness

9/21/21
 Date

Facsimile copy of this authorization is the same as the original.

☒ ID Verified

☐ Recipient on HIPAA form, if other than patient

QSF-HIM-ROI-0108
 4-11-2017

REV 4

09/19/2021 - Lab Requisition in AnMed Medical Center Laboratory

Visit Information

Provider Information

Encounter Provider

Orders, Transcribe

Department

Name	Address	Phone
AnMed Medical Center Laboratory	800 North Fant Street Anderson SC 29621	800-868-5877

Labs

Lab

Benzodiazepine, urine, medical [62824081] (Final result)

Ordering date: 09/19/21 1415
 Authorized by: Orders, Transcribe
 Frequency: Routine -
 Quantity: 1

Ordering provider: Orders, Transcribe
 Ordering mode: Standard
 Class: Clinic Collect
 Lab status: Final result

Specimen Information

ID	Type	Source	Collected By
21MC-262C0578	Urine	—	09/19/21 0928

Benzodiazepine, urine, medical [62824081] (Normal)

Resulted: 09/19/21 1748, Result status: Final result

Ordering provider: Orders, Transcribe 09/19/21 1415
 Filed by: Lab, Background User 09/19/21 1748
 Resulting lab: ANMED HEALTH MEDICAL CENTER
 LABORATORY

Order status: Completed
 Collected by: 09/19/21 0928
 CLIA number: 42D0252730

Components

Component	Value	Reference Range	Flag	Lab
Benzodiazepine	Negative	Negative	—	AnMed Medical Center Laboratory

Comment:

This screening assay provides only a preliminary analytical test result. A more specific alternate chemical method must be used in order to obtain a confirmed analytical result. GC/MS is the preferred confirmatory method.

This assay is specific for Nordiazepam. The positive threshold concentration is 200 ng/mL. In addition this urine benzamine assay is designed to detect the following: Alproazolam, Alpha-Hydroxyalprozolam, Alpha-Hydroxyprazolam glucuronide, Alpha-Hydroxytriazolam, 3-Hydroxyflunitrazepam, 4-Hydroxyalprozolam, 4-Hydroxytriazolam, 7-aminoclonazepam, 7-aminoclonazepam, 7-aminonitrazepam, 7-aminoflunitrazepam, Bentazepam, Bromazepam, Clobazam, Clorazepate, Clonazepam, Clonazepam, Deschloroetizolam, Diazepam, Diclazepam, Demoxepam, Desmethyflunitrazepam, Estazolam, Etizolam, Flubromazepam, Flubromazolam, Flunitrazepam, Flurazepam, Halazepam, Lorazepam, Meclonazepam, Medazepam, Midazolam, Nifoxipam, Nitrazepam, Oxazepam, Prazepam, Pryazolam, Temazepam, and Triazolam.

*Note: 7-acetamidonitrazepam, Temazepam glucuronide and Lorazepam glucuronide may cause cross reactivity, if they are present in very high concentrations.

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
124 - AnMed Medical Center Laboratory	ANMED HEALTH MEDICAL CENTER LABORATORY	Dodds, Russell E, MD	800 North Fant Street Anderson SC 29621	01/14/21 1515 - 02/24/22 0953

Lab Requisition

Ordered by: Beaker, Cpoe Beaker From Sunquest



AH MC Hospital
800 N Fant Street
Anderson SC 29621-5708

Carrick, Scott Edward
MRN: 1353212, DOB [REDACTED] Sex: M
Visit date: 9/19/2021

09/19/2021 - Lab Requisition in AnMed Medical Center Laboratory (continued)

Labs (continued)

Entered on behalf of: Orders, Transcribe (NPI:)
Signed at: 2:15 PM

09/19/2021 - Lab Requisition in AnMed Medical Center Laboratory Lab Requisition

Lab Requisition 9/19/2021
Status: Completed
RQ27683

Provider: Orders, Transcribe (Internal Medicine)
Submitter: AnMed Cannon Hospital-1152

Orders Placed

Benzodiazepine, urine, medical (Resulted 9/19/2021)

Additional Documentation

Flowsheets: Vital Signs IP

Visit Diagnoses

None

09/19/2021 - Lab Requisition in AnMed Medical Center Laboratory (continued)

Flowsheets

Vital Signs IP

Row Name 09/19/21 1415

OTHER

AH AMB PDMP 000 -DI

STIMULANTS

AH AMB PDMP 010 -DI

SEDATIVES

AH AMB PDMP 010 -DI

NARCOTICS

AH AMB PMP STIM_000^SED_01

NXCMPND 0^NX_010 NARxCHECK scores -DI

User Key

(r) = Recorded By, (t) = Taken By, (c) = Cosigned By

Initials	Name	Provider Type	Discipline
DI	Interface, Doc Flowsheet In	—	—

WITNESSES

Tye E Nalley

Pickens Police Department

4/18/2023

10/6/2021

ARREST WARRANT NUMBER

2021A3920700310

ACTION OF GRAND JURY

TRUE BILL

Date: 8 APR 2023

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date:

11/9/23

DOCKET NO. 2022-GS-39-

CMB

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

APR 18 2023

TERM 2022

THE STATE

vs.

PAUL ELBERT LAMBERTH JR JR

Indictment for

0089

MALICIOUS TAMPERING WITH HUMAN DRUG
PRODUCT

VIOLATION § 16-03-0075

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

INDICTMENT FOR
MALICIOUS TAMPERING WITH HUMAN DRUG PRODUCT

At a Court of General Sessions, convened on **APR 18 2023** the Grand Jurors of Pickens
County present upon their oath:

That PAUL ELBERT LAMBERTH JR., did in Pickens County, on or about the 18th day of September,
2021, willfully and unlawfully tamper with a human drug product or food item, with the intent to do
bodily harm to a person. This is in violation of § 16-13-0470 of the South Carolina Code of Laws
(1976) as amended.

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


SOLICITOR

BAR # 102919

STATE OF SOUTH CAROLINA

COUNTY OF Pickens

STATE

VS.

Paul Elbert Lamberth Jr Jr

AKA:

Race: WHITE Sex: M Age: 54DOB: 69 SS#: Address: PO BOXCity, State, Zip: EASLEY, SC 29641DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 39 - 00602A/W#: 2021A3920700310Date of Offense: 9/18/2021S.C. Code § 16-03-0075CDR Code #: 0089

SENTENCE SHEET

0-20 years*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Food / Unlawful, Malicious Tampering Witin violation of § 16-03-0075 of the S.C. Code of Laws, bearing CDR Code # 0089
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, Recommendation by the State.
 ATTEST:
Stolarski, Wes

102843

SC Bar #

Defendant

GRAVLEE, JOHN MAXWELL
Attorney for Defendant

101214

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,
 for a determinate term of 5 days/months/years Time Served ☐ Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of TS days/months/years Time Served and or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 4

 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
 SCDOC. 94 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.
 Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or
 § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Paul Elbert Lamberth Jr Jr INDICTMENT/CASE#: 2022 - GS - 39 - 00602**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☒ Substance Abuse Counseling ☐ Completion of GED ☒ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☒ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: Hold for inpatient treatment
Wave probation fees

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$	Beginning	\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$		
§14-1-206 (Assessments 107.5 %)	\$100		\$ 100.00
§14-1-211(A)(1) (Conv. Surcharge)	\$100		\$
§14-1-211(A)(2) (DUI Surcharge)	\$12		\$
§56-5-2995 (DUI Assessment)	\$25		\$
§56-1-286 (DUI Breath Test)	\$25		\$ 25.00
§14-1-212 (Law Enforce. Funding)	\$150		\$
§14-1-213 (Drug Court Surcharge)	\$41		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50		\$
§50-21-114(BUI Breath Test Fee)	\$40/ea		\$
§56-5-2942(J) (Vehicle Assessment)	TBD		\$ 18.75
3% to County (if paid in installments)			
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500		\$ 500.00
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$

TOTAL \$643.75

Clerk of Court/ Deputy Clerk: Handeld K. Wellborn
 Court Reporter: Apni Hemm

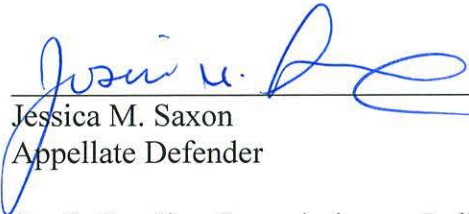
Presiding Judge: [Signature]
 Judge Code: 2713
 Sentence Date: 11/2/2023

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,

RECEIVED
Aug 14 2026
SC Court of Appeals



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 4th day of April, 2025.

RECEIVED

Aug 14 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

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

THE STATE,

RESPONDENT,

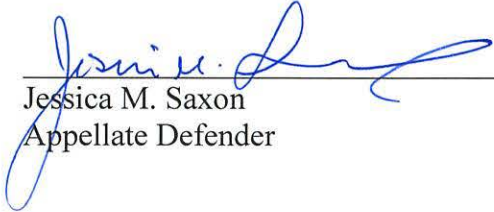
V.

PAUL E. LAMBERTH,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS) this 4th day of April, 2025.



Jessica M. Saxon
Appellate Defender