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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable Christopher D. Taylor, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DONQUAIVIS McCONNELL,

APPELLANT

APPELLATE CASE NO 2026-000112

RECORD ON APPEAL

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INDEX

INDEX	i
TRANSCRIPT DATED JANUARY 5-6, 2026.....	1
JURY VOIR DIRE	12
JURY SELECTION.....	40
PRE-TRIAL MOTIONS	48
<u>NEIL V. BIGGERS</u> HEARING	78
TESTIMONY (IN-CAMERA)	
MORGAN McCLAUGHERTY	78
KENDRICK McILWAIN.....	84
COLLOQUY.....	94
RULING BY THE COURT.....	97
OPENING REMARKS BY THE COURT.....	98
OPENING STATEMENT BY MS. BURDETTE	102
OPENING STATEMENT BY MR. DAVIS	107
TESTIMONY	
CHRISTOPHER LAURENCIO	111
COLLOQUY.....	137
RULING BY THE COURT ON DEFENSE MOTION TO IMPEACH	146
COLLOQUY.....	146
RULING BY THE COURT.....	153
COLLOQUY REGARDING COURT’S RULING	154

RULING BY THE COURT.....	156
TESTIMONY	
KENDRICK McILWAIN.....	158
RENEWAL OF OBJECTION TO STATE’S EXHIBIT NO. 1	171
RULING BY THE COURT.....	171
TESTIMONY	
KENDRICK McILWAIN (CONT’D)	172
BRIAN McAFEE.....	190
TRAVIS DAILEY	205
MORGAN McCLAUGHERTY	213
BARBARA TRAYLOR	238
HOLLY TOBIAS.....	244
STATE RESTS	264
MOTION FOR DIRECTED VERDICT.....	264
RENEWAL OF ALL MOTIONS.....	265
RULING BY THE COURT.....	265
ADVICE OF RIGHTS	266
DEFENSE RESTS	271
RENEWAL OF ALL MOTIONS.....	275
RULING BY THE COURT.....	275
CHARGE CONFERENCE.....	276
CLOSING ARGUMENT BY MS. BURDETTE	281
CLOSING ARGUMENT BY MS. ROGERS	289

CHARGE ON THE LAW	295
JURY QUESTIONS	315
JURY QUESTION.....	319
RE-CHARGE ON THE LAW	320
VERDICT	324
JURY POLL.....	325
RENEWAL OF ALL MOTIONS	332
MOTION FOR NEW TRIAL.....	332
RULING BY THE COURT.....	333
SENTENCING	337
COURT’S EXHIBIT NO. 1 (EMAIL)	340
COURT’S EXHIBIT NO. 2 (LONGSHEET FROM JAIL).....	345
INDICTMENT.....	378
SENTENCE SHEET.....	380
CERTIFICATE OF COUNSEL	381

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 1 (FLASH DRIVE – BUY VIDEO)

1 STATE OF SOUTH CAROLINA }
2 COUNTY OF YORK } COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 vs.) RECORD
7 DONQUAVIS JOHONTELLE MCCONNELL,) 2024-GS-46-5218
8 DEFENDANT.)

9
10 January 5th and 6th, 2026

11
12 B E F O R E:

13 THE HONORABLE CHRISTOPHER D. TAYLOR, Judge; and a
14 jury.

15
16 A P P E A R A N C E S:

17 HEATHER C. BURDETTE and MARINA HAMILTON
18 ASSISTANT SOLICITORS
Attorneys for the State

19 MELISSA G. ROGERS AND FRED DAVIS
20 ASSISTANT PUBLIC DEFENDERS
Attorneys for the Defendant

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PAMELA E. GREEN
Circuit Court Reporter

1

I N D E X

2

WITNESSES

PAGE

3

4

Jury Selection

11

5

6

Motions

48

7

MORGAN MCCLAUGHERTY

8

Direct examination by Sol. Burdette

78

9

Cross-examination by Ms. Rogers

82

10

KENDRICK MCILWAIN

11

Direct examination by Sol. Burdette

84

12

Cross-examination by Ms. Rogers

90

13

14

Opening by the Court

98

15

Opening by Solicitor Burdette

102

16

Opening by Mr. Davis

106

17

18

CHRISTOPHER LAURENCIO

19

Direct examination by Sol. Burdette

111

20

Cross-examination by Mr. Davis

123

21

Redirect examination by Sol. Burdette

128

22

Recross examination by Mr. Davis

131

23

24

Motions

137

25

1	<u>WITNESSES</u>	PAGE
2		
3	KENDRICK MCILWAIN	
4	Direct examination by Sol. Burdette	158
5	Cross-examination by Ms. Rogers	179
6	BRIAN MCAFEE	
7	Direct examination by Sol. Burdette	190
8	Cross-examination by Mr. Davis	201
9	Redirect examination by Sol. Burdette	204
10	TRAVIS DAILEY	
11	Direct examination by Sol. Burdette	205
12	Cross-examination by Ms. Rogers	211
13	MORGAN MCCLAUGHERTY	
14	Direct examination by Sol. Burdette	213
15	Cross-examination by Mr. Davis	231
16	Redirect examination by Sol. Burdette	236
17	Recross examination by Mr. Davis	237
18	BARBARA TRAYLOR	
19	Direct examination by Sol. Burdette	238
20	Cross-examination by Ms. Rogers	242
21	HOLLY TOBIAS	
22	Direct examination by Sol. Burdette	244
23	Cross-examination by Mr. Davis	252
24		
25		

1	WITNESSES	<u>PAGE</u>
2		
3	Motions	264
4	Closing by Sol. Burdette	281
5	Closing by Ms. Rogers	289
6	Charge by the Court	295
7	Questions from the Jury	315
8	Verdict	324
9	Motions	332
10	Sentencing	337
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1		E X H I B I T S		
2	NOS.	DESCRIPTION	ID	EV
3		State's Exhibits		
4				
5	S-1	Flash Drive - Buy Video	146	171
6	S-2	Packaging Material	146	230
7	S-3	Packaging Material	146	230
8	S-4	White Powder	146	252
9	S-5	Green Rock	146	252
10	S-6	Drug Report	146	252
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1	NOS.	DESCRIPTION	<u>ID</u>	EV
2		Court's Exhibits		
3				
4	C-1	Email		82
5	C-2	Logsheet from jail		82
6	C-3	Lineup	82	99
7	C-4	Note from Jury - Foreperson's Name		157
8	C-5	Question from the Jury		319
9	C-6	Question from the Jury		322
10	C-7	Question from the Jury		323
11	C-8	Life Notice		330
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 PROCEEDINGS

2

3 (WHEREUPON, the following takes place outside the
4 presence of the jury venire.)

5 THE COURT: All right. We are going to commence the
6 -- can y'all hear me?

7 I'm --.

8 SOLICITOR BURDETTE: Yes.

9 THE COURT: Okay. Sorry.

10 Commence the trial of State versus Donquavis
11 Johontelle McConnell.

12 Is that --?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: He's present in the courtroom.

15 All right. I'll let the State call the case. It's
16 been my practice to allow -- to have the State just read
17 the indictment to the jury -- I mean to the panel I guess.
18 During introductions, I'll just do kind of a brief
19 introduction.

20 Where -- where was -- where did this offense -- I
21 know it was in York County.

22 Do you know---

23 SOLICITOR BURDETTE: Rock Hill on Glenarden Drive.

24 THE COURT: Glenarden?

25 SOLICITOR BURDETTE: Glenarden Drive, Your Honor.

1 THE COURT: Okay.

2 SOLICITOR BURDETTE: It was at The Glens Apartment
3 Complex.

4 THE COURT: All right. All right. Just as a
5 preliminary matter, I looked over the voir dire questions.
6 We had discussed briefly downstairs that -- I don't think
7 we even decided at it.

8 Any objections -- there, there was one, one question,
9 I think it was in the defense's submission, the final
10 question.

11 Has any member of the jury panel ever served on a
12 jury before in any court and, if so, what was the verdict?

13 I don't know if that's an entirely proper question to
14 ask. I'm happy to hear from the defense on it and the
15 State. But --.

16 MS. ROGERS: Your Honor, we're just trying to find
17 out whether or not they had any prior jury service and,
18 and what was going on. We weren't trying to inquire into
19 their private lives or anything like that. But we're okay
20 omitting the question if, if Your Honor decides to.

21 THE COURT: Okay. I mean I don't mind has anybody
22 served on the jury panel before. But just the part that
23 says what -- in what court and what was the verdict of the
24 case, I'm---

25 SOLICITOR BURDETTE: Yes, Your Honor.

1 THE COURT: ---uncertain---

2 SOLICITOR BURDETTE: I believe it's already been
3 covered whether they have served on a jury in the last few
4 years. If they want to know if he's ever been served on a
5 jury ever, that's fine. But what was the verdict I think
6 is irrelevant.

7 THE COURT: Okay. All right. I'll read the question
8 without the last line to it.

9 Is there any other issues regarding voir dire?

10 MS. ROGERS: No.

11 SOLICITOR BURDETTE: No objection, Your Honor.

12 THE COURT: Okay.

13 MS. ROGERS: No objection, Your Honor.

14 THE COURT: All right. And another practice I do, I
15 don't know if it helps or hurts, but I will usually go
16 through questions and ask the members of the panel not to
17 answer in open court. Sometimes -- I've heard from other
18 people that it -- sometimes you'll -- somebody may say
19 something inadvertently, not trying to create a problem,
20 and then once the panel hears that answer, hey, do you
21 know anybody, have you had a relationship with somebody,
22 that that can potentially create a problem.

23 So, what I will usually do is just have them, if you
24 answer yes to any particular question, I'll take the jury
25 number and then we bring them down and sometime we have

1 one juror that has answered one question. Sometime a
2 juror has answered four questions.

3 We just bring them down, go through whatever answers
4 they gave to any particular set of questions, and then let
5 that juror sit back down so we don't -- we don't have them
6 standing up coming back and forth.

7 Is that -- that kind of prolongs it a little bit.

8 But so far I think it's, it's worked.

9 SOLICITOR BURDETTE: That suits us, us, Your Honor.

10 THE COURT: Okay.

11 MS. ROGERS: That's fine with us, Your Honor.

12 THE COURT: Okay. All right. All right.

13 Okay. Well, if there's no other questions, I know we
14 had -- I do have some pretrial matters and I think our
15 first, our first thought was to have the jury come back at
16 2:00. I may have them come back at 2:30 just to make sure
17 we can have time to hopefully have time to work through
18 all of the issues and still give us a chance to have a
19 lunch break before they, before they come back in.

20 So, we'll see how -- I'll make a final decision. It
21 just depends on how long it takes us to get through jury
22 selection.

23 Okay.

24 SOLICITOR BURDETTE: Yes, Your Honor.

25 THE COURT: All right. Is there anything else before

1 we need to -- before we have the jury come back in?

2 THE CLERK: I do have one juror, Number 15. She came
3 to me after you qualified her and said that she actually
4 takes care of her grandmother. But she's sick and that
5 she's disabled.

6 So, I told her I would let her know. She is in -- I,
7 I kept -- and I don't know if you want to speak to her.

8 THE COURT: All right. Let me just speak with her
9 once they come in.

10 THE CLERK: Okay. Yes, sir.

11 THE COURT: All right. You have a -- do y'all have
12 a -- y'all have a copy of the indictment?

13 SOLICITOR BURDETTE: Yes, Your Honor. We do.

14 THE COURT: All right. Well, let's have the panel
15 come in.

16 (WHEREUPON, the following takes place within the
17 presence of the jury venire.)

18 THE COURT: All right. We have the full jury panel
19 in. The jurors have been sworn previously.

20 Ladies and gentlemen, we are about to begin the case
21 of state -- the State versus Donquavis Johontelle
22 McConnell. Mr. McConnell is, is present in the courtroom.

23 I will ask the State if they would please call the
24 case and read the indictment.

25 SOLICITOR BURDETTE: Yes, Your Honor.

1 This case is the State v. Donquavis Johontelle
2 McConnell. It is a distribution of Fentanyl.

3 The State alleges that on -- that the defendant,
4 Donquavis John -- Johontelle McConnell, did, on or about
5 July 18th, 2024, in York County, South Carolina,
6 manufacture, distribute, dispense, deliver, purchase, aid,
7 abet, attempt, or conspire to manufacture, distribute,
8 dispense, deliver, or purchase, or possess with the intent
9 to manufacture, distribute, dispense, deliver, or purchase
10 Fentanyl, a Scheduled II controlled substance, narcotic,
11 all in violation of Section 44-53-370, Code of Laws, South
12 Carolina.

13 The indictment was true billed by the Grand Jury on
14 August 14th, 2025.

15 THE COURT: All right. Let me have Juror Number 15
16 come forward.

17 Juror Number 15, can you come forward?

18 (WHEREUPON, a bench conference was held with Juror
19 Number 15 at this time.)

20 THE COURT: All right. Juror Number 15 is
21 transferred to another term.

22 All right. Ladies and gentlemen, you have read the
23 charge or, excuse me, the charge has been read to you
24 against Mr. McConnell, distribution of Fentanyl.

25 I remind you the fact that the defendant was

1 arrested, charged, and indicted in this case is not
2 evidence and can not be considered by you as evidence of
3 guilt in this case nor does it create any presumption or
4 inference of guilt.

5 This document, document is simply the formal, written
6 instrument which contains the charge made against the
7 defendant. It is the formal document by which this case
8 is brought into this court.

9 The defendant has pleaded not guilty to this
10 indictment and that plea puts the burden on the State to
11 prove the defendant guilty.

12 A person charged with committing a criminal offense
13 in South Carolina is never required to prove himself
14 innocent. No matter what the seriousness of the charge
15 may be, the defendant will always be presumed to be
16 innocent of the crime for which the indictment was issued
17 unless guilt has been proven by evidence satisfying you of
18 that guilt beyond a reasonable doubt.

19 As I'd indicated just a short time ago, the general
20 qualifications, those were questions related to your
21 overall qualifications to serve as jurors. You'll now --
22 we'll now go through a second process of slightly more
23 detailed questions that deal particularly with this case
24 so the attorneys can evaluate your responses, if any, and
25 determine how and -- how they wish to select the jury from

1 their prospective.

2 So, what I need for you to do -- can any -- can y'all
3 hear me in the back?

4 (WHEREUPON, the jurors nod affirmatively.)

5 THE COURT: Loud enough.

6 Okay. I want you to listen up and what, what we'll
7 do is they'll be a series of questions and I think maybe
8 the best way to do it is, if you answer yes to a
9 particular question, I'll have you stand and just give me
10 your juror number at this point. And, after we get
11 through all the questions, we may -- I'll have each juror,
12 whoever -- if you answer yes to one question or if you
13 answer yes to four questions, I'll have individual jurors
14 come down with myself and the attorneys and we can ask you
15 a few more detailed questions surrounding -- to get a
16 little bit more information.

17 The reason -- this makes it a little bit longer
18 process. But the reason I do it is sometime people may
19 inadvertently say something, and not, not in any ill
20 meaning reason, but may inadvertently say something that
21 doesn't need to be heard by the entire jury panel and it
22 can create a problem and just put us in a situation where
23 we have to do things all over again.

24 So, I'll just ask now for your patience or get
25 through it quickly and as efficiently as we can.

1 okay?

2 All right. It's my understanding that -- of course,
3 you do under -- you have been told the charge in this
4 case. This offense occurred on or about July 18th,
5 2024. It's my understanding that it occurred at the
6 Glenarden Drive or The Glen -- The Glens Apartment Complex
7 here in Rock Hill.

8 Does any member of the jury panel know anything about
9 this case or have you seen or heard anything about it from
10 any person or source including the Internet or the news?

11 If that applies to you, please stand and give me your
12 juror number.

13 (WHEREUPON, there was no response.)

14 THE COURT: All right. All right. I'll have the
15 defense attorneys stand at this time and introduce
16 themselves and they'll be followed by the State -- State's
17 attorneys.

18 MS. ROGERS: My name is Melissa Rogers and I work for
19 the Public Defender's Office and this is my co-counsel,
20 Fred Davis.

21 THE COURT: All right. And have Mr. McConnell --.

22 MS. ROGERS: And then this is our client, Donquavis
23 McConnell.

24 THE COURT: All right. Is anyone familiar with the
25 defense attorneys in this case through any family, social,

1 business, or other contact or have you or a close relative
2 ever been represented by any of these defense attorneys,
3 if so, please stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: Has anyone a close -- or you or any -- or
6 a close relative, relative familiar with the defendant in
7 this case through a family, social, business, or other
8 contact, if so, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: All right. I'll ask the State to
11 introduce themselves.

12 SOLICITOR BURDETTE: Good morning. My name is
13 Heather Burdette. I'm with the York County Solicitor's
14 office.

15 SOLICITOR HAMILTON: I'm Marina Hamilton. I'm also
16 with the York County Solicitor's Office.

17 THE COURT: All right. Has anyone -- has any member
18 of the jury panel or a close relative familiar with any of
19 the defense attorneys, excuse me, any of the prosecutors
20 in this case through any family, social, business, or
21 other contact?

22 (WHEREUPON, one juror responds at this time.)

23 THE COURT: All right.

24 THE JUROR: Your Honor?

25 THE JUROR: One forty-three.

1 THE COURT: One twenty-three?

2 THE JUROR: One forty-three.

3 THE COURT: One forty-three.

4 Okay. Thank you.

5 Anyone else?

6 (WHEREUPON, there was no response.)

7 THE COURT: And also, as a piggyback to that
8 question, anyone within the York County Public Defender's
9 Office or anyone within the York County Prosecutor's
10 Office. It's the Sixteenth Circuit Solicitor's Office.

11 (WHEREUPON, there was no response.)

12 THE COURT: And family relationship, close personal
13 contact with anyone in those two offices.

14 (WHEREUPON, one juror responds at this time.)

15 THE COURT: All right.

16 THE JUROR: One thirty.

17 THE COURT: Yes, ma'am.

18 THE JUROR: One thirty.

19 THE COURT: One thirty.

20 Okay. All right. Thank you.

21 All right. Has any -- have you -- has any member of
22 the jury panel or a member of your immediate family ever
23 been accused of, investigated for, or arrested for a drug
24 related offense?

25 If that applies to you, please stand and give me your

1 juror number.
2 THE JUROR: Sir, could you repeat that?
3 I'm sorry.
4 THE COURT: All right. Have you or any member of
5 your immediate family ever been accused of, investigated
6 for, or arrested for a drug related offense?
7 (WHEREUPON, jurors respond at this time.)
8 THE COURT: What's your juror number?
9 THE JUROR: One.
10 THE COURT: All right.
11 Yes, ma'am.
12 THE JUROR: Number 2.
13 THE COURT: I'm -- right here in the front.
14 THE JUROR: One seventy-seven.
15 THE COURT: One seventy---
16 THE JUROR: Seven.
17 THE COURT: All right. One seventy-seven.
18 THE JUROR: Yes, sir.
19 THE JUROR: Number 2.
20 THE COURT: Number 2?
21 THE JUROR: Ninety-one.
22 THE COURT: Okay.
23 THE JUROR: Fifty-one.
24 THE COURT: All right.
25 THE JUROR: Sixteen.

1 THE COURT: Okay. Okay. Sorry. Yes, ma'am.

2 THE JUROR: One sixty-nine.

3 THE COURT: Okay. Has any member of the jury panel
4 ever been convicted -- excuse me.

5 Has any member of the jury panel ever been a victim
6 of a crime?

7 Has anyone in the jury panel been a victim of a
8 crime?

9 (WHEREUPON, jurors respond at this time.)

10 THE JUROR: Twenty-five.

11 THE COURT: Okay. Thank you.

12 Anyone else?

13 THE JUROR: Sixteen.

14 THE COURT: Okay.

15 THE JUROR: Forty.

16 THE COURT: All right.

17 THE JUROR: One sixty-nine.

18 THE COURT: Okay.

19 THE JUROR: Forty-two.

20 THE COURT: All right.

21 THE JUROR: Fifty-one.

22 THE COURT: Okay. Anyone else?

23 (WHEREUPON, there was no response at this time.)

24 THE COURT: All right. All right. Are you or a
25 member of your family, immediate family, a personal friend

1 or acquaintance with any attorney who practices criminal
2 defense work?

3 If that question applies to you, please stand and
4 give me your juror number.

5 (WHEREUPON, there was no response.)

6 THE COURT: All right. All right. I'll read these
7 questions in their entirety.

8 Has any member of the jury panel, either presently or
9 in the past, ever been employed by or volunteered with any
10 city, county, state, or federal law enforcement agency or
11 law enforcement's victim witness assistance program?

12 (WHEREUPON, jurors respond at this time.)

13 THE JUROR: Twenty.

14 THE COURT: Okay. Anyone else?

15 (WHEREUPON, there was no response at this time.)

16 THE COURT: Is any member of the jury panel related
17 by blood or marriage to or close personal friends with any
18 person who is now or has ever been employed by,
19 volunteered with any city, county, state, or federal law
20 enforcement agency or law enforcement agency's victim
21 witness assistance program?

22 (WHEREUPON, jurors respond at this time.)

23 THE JUROR: Five.

24 THE JUROR: One fifty.

25 THE JUROR: Sir, can you repeat that question?

1 THE COURT: All right. Is any member of the jury
2 panel related by blood or marriage to or close personal
3 friends with any person who is now or has ever been
4 employed by or volunteered with any city, county, state,
5 or federal law enforcement agency or law enforcement
6 agency's victim witness assistance program?

7 THE JUROR: Number 44.

8 THE COURT: All right. When y'all answer, make sure
9 you stand so I can see you and hear you.

10 THE JUROR: Seven.

11 THE COURT: Seven.

12 Okay.

13 THE JUROR: One twenty-four.

14 THE COURT: All right. Anyone else?

15 (WHEREUPON, there was no response at this time.)

16 THE COURT: Okay. All right. Has any member of the
17 jury panel, either presently or in the past, ever been
18 employed by or volunteered with any city, county, state,
19 or federal prosecutor's office or prosecutor's victim
20 witness assistance program?

21 (WHEREUPON, there was no response at this time.)

22 THE COURT: All right. Is any member of the jury
23 panel related by blood or marriage to or close personal
24 friends with any person who is now or has ever been
25 employed by or volunteered with any city, county, state,

1 or federal prosecutor's office or prosecutor's victim
2 witness assistance program?

3 (WHEREUPON, there was no response at this time.)

4 THE COURT: Has any member of the jury panel ever
5 contributed to or volunteered time with the following
6 organizations:

7 MADD, also known as Mothers Against Drunk Driving.

8 SADD, also known as Students Against Drunk, Drunk
9 Driving.

10 CAVE, also known as Citizens Against Violence
11 Everywhere, or any victim witness assistance program or
12 any other similar organization which lobbies on behalf of
13 victims or lobbies for tougher sentences for criminal
14 offenders?

15 (WHEREUPON, one juror responds at this time.)

16 THE COURT: All right. Please give me your juror
17 number.

18 THE JUROR: Eight-eight.

19 THE COURT: Okay.

20 All right. Anyone else?

21 (WHEREUPON, there was no response at this time.)

22 THE COURT: Has any member of the panel, jury panel,
23 ever contributed money to the Fraternal Order of Police or
24 the South Carolina Law Enforcement Officers Association or
25 any law enforcement organization or -- organization or

1 organization -- or other organization which supports the
2 police or law enforcement?

3 (WHEREUPON, jurors respond at this time.)

4 THE COURT: Has anyone---

5 THE JUROR: Number 4.

6 THE COURT: Number 4.

7 Okay. Thank you, sir.

8 All right.

9 THE JUROR: I'm 46.

10 THE CLERK: Forty-four.

11 He's 44, Your Honor.

12 THE COURT: He's 44?

13 THE CLERK: Yes, sir.

14 THE COURT: I'm sorry, ma'am. Someone else was --.

15 THE JUROR: I was saying 176.

16 THE COURT: Okay. One seventy-six?

17 THE JUROR: Uh-huh. (Affirmative).

18 THE COURT: Okay.

19 THE JUROR: One sixteen.

20 THE COURT: Okay.

21 THE JUROR: One forty-four.

22 THE COURT: Okay. Anyone else?

23 (WHEREUPON, there was no response at this time.)

24 THE COURT: All right. Does any member of the jury
25 panel have any law enforcement or legal training?

1 Does any member of the jury panel have any law
2 enforcement or legal training?

3 (WHEREUPON, one juror responds at this time.)

4 THE COURT: Yes, ma'am.

5 THE JUROR: Eighteen.

6 THE COURT: Nineteen?

7 THE JUROR: Eighteen.

8 THE COURT: Eighteen.

9 Okay. Anyone else?

10 (WHEREUPON, there was no response.)

11 THE COURT: All right. Has any member of the jury
12 panel ever sought employment as a law enforcement officer
13 or prison official?

14 (WHEREUPON, one juror responds at this time.)

15 THE JUROR: One thirty-six.

16 THE COURT: Okay. Anyone else?

17 (WHEREUPON, there was no response at this time.)

18 THE COURT: All right. All right. Has any member of
19 the jury panel ever displayed the thin blue line or other
20 symbol that shows direct support of law enforcement or law
21 enforcement driven causes on their vehicle -- on your
22 vehicle, house, place of business, or yard, or on your own
23 personal social media page including Facebook, Twitter,
24 Instagram, TikTok, et cetera?

25 (WHEREUPON, one juror responds at this time.)

1 THE JUROR: Thirty-eight.

2 THE COURT: Okay. Thank you.

3 Anyone else?

4 (WHEREUPON, there was no response at this time.)

5 THE COURT: All right. Does any member of the jury
6 panel follow the York County Sheriff's Office or other law
7 enforcement organization on social media?

8 (WHEREUPON, jurors respond at this time.)

9 THE COURT: All right. Okay.

10 All right. We'll start in the front row and just go
11 across.

12 Yes, ma'am.

13 THE JUROR: Five.

14 THE COURT: Okay. Yeah, on the right.

15 THE JUROR: Oh, 48.

16 THE COURT: Okay.

17 THE JUROR: Thirty-six.

18 THE COURT: Okay. Behind you.

19 THE JUROR: Seventy-two.

20 THE COURT: Okay.

21 THE JUROR: Forty-two.

22 THE JUROR: One forty-nine.

23 THE COURT: All right.

24 THE JUROR: One fifty.

25 THE COURT: Okay.

1 THE JUROR: One seventy-six.
2 THE COURT: All right.
3 THE JUROR: One thirty-five.
4 THE JUROR: One forty-three.
5 THE JUROR: One sixty-three.
6 THE JUROR: One seventy-four.
7 THE JUROR: One forty-eight.
8 THE JUROR: One sixty-six.
9 THE JUROR: Four.
10 THE COURT: Okay.
11 THE JUROR: One twenty-three.
12 THE COURT: All right.
13 THE JUROR: Seventy-five.
14 THE JUROR: Sixteen.
15 THE JUROR: One fifty-nine.
16 THE COURT: Okay.
17 THE JUROR: Eighty-eight.
18 THE JUROR: One sixteen.
19 THE COURT: Okay.
20 THE JUROR: One twenty -- 124.
21 THE JUROR: Fifty-one.
22 THE COURT: All right.
23 All right. Is any member of the jury panel related
24 by blood or marriage to or close personal friends with any
25 person who is now or has ever suffered from drug addiction

1 or overdosed on illegal drugs?

2 If that applies to you, please stand.

3 (WHEREUPON, jurors respond at this time.)

4 THE COURT: Okay. All right. Yes, sir.

5 THE JUROR: Forty-four.

6 THE COURT: All right.

7 THE JUROR: One.

8 THE COURT: Number 1.

9 Okay.

10 THE JUROR: Me?

11 THE COURT: Yeah.

12 THE JUROR: One thirty-three.

13 THE COURT: Okay.

14 THE JUROR: One seventy-six.

15 THE COURT: All right. Thank you. I can't tell --

16 it's hard for me to tell which --.

17 THE JUROR: One forty-eight.

18 THE COURT: One forty-eight.

19 Okay.

20 THE JUROR: One thirty.

21 THE COURT: All right.

22 THE JUROR: Forty-two.

23 THE JUROR: Ninety-three.

24 THE JUROR: One seventy-seven.

25 THE JUROR: Sixty-one.

1 THE COURT: Okay.
2 THE JUROR: Seventy-five.
3 THE JUROR: Sixteen.
4 THE JUROR: One twenty-four.
5 THE JUROR: Eighty-eight.
6 THE JUROR: Ninety-one.
7 THE JUROR: One forty-four.
8 THE COURT: Okay.
9 THE JUROR: Ten.
10 THE COURT: Okay.
11 THE JUROR: One sixteen.
12 THE COURT: All right.
13 THE JUROR: One five eight.
14 THE JUROR: Two.
15 THE COURT: Thank you.
16 All right. Does any member of the jury panel follow
17 any true crime, true crime podcasts, wrong -- wrongful
18 conviction podcasts or belong to any Internet sleuth
19 groups?
20 If that applies to you, please stand, give your juror
21 number.
22 (WHEREUPON, jurors respond at this time.)
23 THE JUROR: One fifty.
24 THE COURT: Okay.
25 THE JUROR: One forty-eight.

1 THE COURT: All right.
2 THE JUROR: One zero five.
3 THE COURT: Okay.
4 THE JUROR: Seven.
5 THE COURT: Okay.
6 THE JUROR: Sixteen.
7 THE COURT: All right. All right. Has any member of
8 the jury panel ever served on a jury before in any court?
9 (WHEREUPON, jurors respond at this time.)
10 THE COURT: All right. Starting---
11 THE JUROR: Thirty-three.
12 THE COURT: Okay.
13 THE JUROR: Eighteen.
14 THE COURT: Ma'am?
15 THE JUROR: Eighteen.
16 THE COURT: Eighteen.
17 Okay.
18 THE JUROR: One fifty-six.
19 THE JUROR: One fifty-seven.
20 THE COURT: Okay.
21 THE JUROR: One, one thirty-six.
22 THE JUROR: One thirty-two.
23 THE COURT: All right.
24 THE JUROR: One forty-six.
25 THE COURT: Well, yeah.

1 THE JUROR: One thirty-five.
2 THE COURT: One thirty-five.
3 THE JUROR: One forty-six.
4 THE COURT: One forty-six.
5 THE JUROR: One fifty-eight.
6 THE COURT: Okay.
7 THE JUROR: Fifty-one.
8 THE JUROR: Two.
9 THE JUROR: Twenty-five.
10 THE COURT: All right.
11 All right. Let me ask one other question.
12 Does any member of the jury panel hold any moral,
13 ethical, religious -- or religious convictions or beliefs
14 that would prevent you from weighing the evidence in this
15 case and returning a fair and impartial verdict?
16 (WHEREUPON, jurors respond at this time)
17 THE COURT: All right.
18 THE JUROR: One forty-eight.
19 THE COURT: One twenty-eight.
20 THE JUROR: Forty-eight.
21 THE COURT: One forty-eight.
22 Okay.
23 THE JUROR: Forty.
24 THE COURT: Forty.
25 Okay. There are also some potential witnesses in

1 this case. So, let, let me, me ask or go through the
2 names first, and if any of these names are somebody that
3 you know or have a close personal relationship with or any
4 member of your family may have a close personal
5 relationship with the -- with any of these people, please
6 stand and give me your juror number.

7 Christopher Laurencio.

8 And these are with the York County Sheriff's Office.

9 Christopher -- again, Christopher Laurencio.

10 (WHEREUPON, there was no response at this time.)

11 THE COURT: Brian McAfee.

12 (WHEREUPON, there was no response at this time.)

13 THE COURT: Morgan McLaugherty.

14 (WHEREUPON, there was no response at this time.)

15 THE COURT: Travis Dailey.

16 (WHEREUPON, there was no response at this time.)

17 THE COURT: Holly Tobias.

18 (WHEREUPON, there was no response at this time.)

19 THE COURT: Kendrick McIlwain.

20 (WHEREUPON, there was no response at this time.)

21 THE COURT: Barbara Traylor.

22 (WHEREUPON, there was no response at this time.)

23 THE COURT: Okay. Let me have counsel come up for a
24 second.

25 (WHEREUPON, a bench conference was held out of the

1 hearing of the jury at this time.)

2 THE COURT: All right. Let me have Jurors 1, 177, 2,
3 91, 51, and 16, and 169 to line up and I'll have you come
4 down individually.

5 THE BAILIFF: Your Honor, Number 1.

6 THE COURT: Okay.

7 (WHEREUPON, a bench conference was held with Juror
8 Number 1 at this time.)

9 THE CLERK: Juror Number 177.

10 (WHEREUPON, a bench conference was held with Juror
11 Number 177 at this time.)

12 THE COURT: All right. Juror 177 is excused. Thank
13 you.

14 THE CLERK: Juror Number 16.

15 (WHEREUPON, a bench conference was held with Juror
16 Number 16 at this time.)

17 THE COURT: All right. Juror -- thank you.

18 THE JUROR: Thank you.

19 THE COURT: Juror 16 is excused.

20 THE CLERK: Juror Number 169.

21 (WHEREUPON, a bench conference was held with Juror
22 Number 169 at this time.)

23 THE CLERK: Juror Number 51.

24 (WHEREUPON, a bench conference was held with Juror
25 Number 51 at this time.)

1 THE CLERK: Juror Number 91.

2 (WHEREUPON, a bench conference was held with Juror
3 Number 91 at this time.)

4 THE COURT: Number 91 is excused.

5 THE CLERK: Juror Number 2.

6 (WHEREUPON, a bench conference was held with Juror
7 Number 2 at this time.)

8 THE COURT: All right. Let me have Jurors 40, 42,
9 20, 150, 44, 7, 124, and Juror 5.

10 Okay.

11 THE CLERK: Juror Number 40.

12 (WHEREUPON, a bench conference was held with Juror
13 Number 40 at this time.)

14 THE COURT: All right. Number 40 is excused.

15 THE CLERK: Juror Number 44.

16 (WHEREUPON, a bench conference was held with Juror
17 Number 44 at this time.)

18 THE COURT: All right. Juror Number 44 is excused.

19 THE CLERK: Juror Number 42.

20 (WHEREUPON, a bench conference was held with Juror
21 Number 42 at this time.)

22 THE CLERK: Juror Number 150.

23 (WHEREUPON, a bench conference was held with Juror
24 Number 150 at this time.)

25 THE CLERK: Juror Number 20.

1 (WHEREUPON, a bench conference was held with Juror
2 Number 20 at this time.)

3 THE CLERK: Juror Number 124.

4 (WHEREUPON, a bench conference was held with Juror
5 Number 124 at this time.)

6 THE CLERK: Juror Number 7.

7 (WHEREUPON, a bench conference was held with Juror
8 Number 7 at this time.)

9 THE CLERK: Juror Number 5.

10 (WHEREUPON, a bench conference was held with Juror
11 Number 5 at this time.)

12 THE COURT: Let me get Jurors 88, 176, 116, 144, 18,
13 136, and 38.

14 THE CLERK: Juror Number 88.

15 (WHEREUPON, a bench conference was held with Juror
16 Number 88 at this time.)

17 THE CLERK: Juror Number 176.

18 (WHEREUPON, a bench conference was held with Juror
19 Number 176 at this time.)

20 THE CLERK: Number 116.

21 (WHEREUPON, a bench conference was held with Juror
22 Number 116 at this time.)

23 THE CLERK: Juror Number 18.

24 (WHEREUPON, a bench conference was held with Juror
25 Number 18 at this time.)

1 THE CLERK: Juror Number 136.

2 (WHEREUPON, a bench conference was held with Juror
3 Number 136 at this time.)

4 THE CLERK: Juror Number 144.

5 THE COURT: Oh, sorry. Excuse me.

6 (WHEREUPON, the bench conference was continued with
7 Juror Number 136 at this time.)

8 THE CLERK: Juror Number 144.

9 (WHEREUPON, a bench conference was held with Juror
10 Number 144 at this time.)

11 THE CLERK: Juror Number 38.

12 (WHEREUPON, a bench conference was held with Juror
13 Number 38 at this time.)

14 THE COURT: Juror -- let me get Jurors 25 --.

15 THE CLERK: You need 25?

16 THE COURT: Yeah.

17 THE CLERK: Juror Number 25.

18 (WHEREUPON, a bench conference was held with Juror
19 Number 25 at this time.)

20 THE COURT: Let me get Jurors 143, 130, 93, 61, 75,
21 148.

22 THE CLERK: Juror Number 143.

23 THE COURT: Okay.

24 (WHEREUPON, a bench conference was held with Juror
25 Number 143 at this time.)

1 THE CLERK: Juror Number 130.
2 (WHEREUPON, a bench conference was held with Juror
3 Number 130 at this time.)
4 THE CLERK: Juror Number 93.
5 (WHEREUPON, a bench conference was held with Juror
6 Number 93 at this time.)
7 THE COURT: All right. Juror Number 93 is excused.
8 THE CLERK: Juror Number 61.
9 (WHEREUPON, a bench conference was held with Juror
10 Number 61 at this time.)
11 THE CLERK: Juror Number 148.
12 (WHEREUPON, a bench conference was held with Juror
13 Number 148 at this time.)
14 THE CLERK: Number---
15 THE COURT: Juror 148 is excused.
16 THE CLERK: Juror Number 75.
17 (WHEREUPON, a bench conference was held with Juror
18 Number 75 at this time.)
19 THE COURT: Let me get juror -- Jurors Number 10, and
20 158, and 105, and 16.
21 THE CLERK: We've already done 16.
22 THE COURT: We've done 16.
23 THE CLERK: Juror Number 10.
24 (WHEREUPON, a bench conference was held with Juror
25 Number 10 at this time.)

1 THE CLERK: Juror Number 158.

2 THE COURT: Okay.

3 (WHEREUPON, a bench conference was held with Juror
4 Number 158 at this time.)

5 THE CLERK: Juror Number 105.

6 (WHEREUPON, a bench conference was held with Juror
7 Number 105 at this time.)

8 THE COURT: All right. Ladies and gentlemen, I
9 promise we're gonna get to selecting the jury. Just the
10 voir dire process is important to both sides in the case
11 for them to develop how they would like to -- how they
12 would like to see the composition of the jury.

13 So, thank you for your patience.

14 There were a couple questions that -- what I'm gonna
15 do is this. I'm gonna call juror's number and I'm just
16 gonna ask the jurors to stand up. I'm not gonna ask you
17 to come down and just ask a question whether you can be --
18 whether you can be fair and impartial based on your answer
19 yes to a particular question.

20 So, let me get juror -- and this is just standing up.
21 Again, not coming forward.

22 Juror 48, 36, 72, y'all go ahead and stand up.

23 (WHEREUPON, the jurors comply.)

24 THE COURT: One forty-nine, 135, 143, 163, 174, 166,
25 4, 123, 16, and 159.

1 (WHEREUPON, the jurors stand.)

2 THE COURT: If I'm accurate, you answered yes to the
3 question that you follow York County Sheriff's Office or
4 other law enforcement organizations on social media.

5 With your answer being yes to that question, my
6 question to you is, given that information and answer yes
7 to that -- in that, that you answered yes to that
8 question, can you be fair -- is there any reason that you
9 can not be fair and impartial to both the State and the
10 defendant in this case?

11 If you think that, because of your following those --
12 following the Sheriff's Office or any other law
13 enforcement organization on social media, if you think
14 that would stop you from being fair or impartial to both
15 the State and the defendant in this case, I ask you to
16 remain standing. Everybody else can have a seat.

17 (WHEREUPON, all jurors sit down except one at this
18 time.)

19 THE COURT: All right. What's your -- and if you
20 haven't already been -- I think you've already -- were
21 excused, yes, ma'am. I'm sorry.

22 THE JUROR: So, if we're standing, does that mean
23 that we, that we can't be fair and impartial or --?

24 THE COURT: Yeah, if you're, if you're remaining
25 standing, what you're telling me is that you can not be

1 fair and impartial.

2 (WHEREUPON, the juror sits down at this time.)

3 THE COURT: Okay. And I may -- doing that all
4 backwards. So, I'm sorry.

5 All right. I'll gonna call out some other jurors'
6 numbers. If you stood up a moment ago, I apologize but
7 I'll have you stand one more time.

8 Juror 33, 156, 157, 136, 132, 135, and 146.

9 (WHEREUPON, the jurors stand at this time.)

10 THE COURT: If I'm accurate, you all answered yes,
11 that you had served on a jury before in any court. It
12 doesn't have to be in circuit court, any court, and that,
13 and that you answered yes to that question.

14 Given your answer yes to that question, if you feel
15 that you can not be fair and impartial, can not be fair
16 and impartial based on your answer to that question, I'll
17 ask you to remain standing. Otherwise, you can have a
18 seat.

19 (WHEREUPON, all jurors sit down at this time.)

20 THE COURT: All right. Anything else from the State
21 regarding voir dire?

22 SOLICITOR BURDETTE: Nothing from the State, Your
23 Honor.

24 THE COURT: From the defendant?

25 MS. ROGERS: Nothing from the defense, Your Honor.

1 THE COURT: Do y'all need a few minutes to put your
2 list together or are you ready to --?

3 SOLICITOR BURDETTE: If they have their strike sheet,
4 we'll take that. But other than that, we're ready.

5 THE CLERK: Give us just a moment, we'll have it
6 generated and printed.

7 (Pause.)

8 THE COURT: All right. The strikes in this case are
9 five and five?

10 SOLICITOR BURDETTE: Yes, Your Honor.

11 THE COURT: Okay. Defense, do y'all agree with that?

12 MS. ROGERS: Yes, Your Honor.

13 THE COURT: Okay. All right. And we will have two
14 alternates.

15 All right. All right. Let's have the jury.

16 THE CLERK: When I call your name and number, please
17 bring all your belongings and come to the front and face
18 the attorneys.

19 Juror Number 7, Justin Baldwin.

20 What say you for the State?

21 SOLICITOR BURDETTE: Please present the juror.

22 THE CLERK: And the defense?

23 MS. ROGERS: Please excuse this juror.

24 THE CLERK: You've been excused from this case.

25 Juror Number 3, Kizzy Addo.

1 What say you for the State?
2 SOLICITOR BURDETTE: Please present the juror.
3 THE CLERK: And the defense?
4 MS. ROGERS: Please seat the juror. Thank you.
5 THE CLERK: Please have a seat in the jury box.
6 Juror Number 169, Elisa Williams.
7 What say you for the State?
8 THE JUROR: Say again please.
9 SOLICITOR BURDETTE: Please excuse the juror.
10 THE JUROR: I'm sorry.
11 THE CLERK: You've been excused.
12 Juror Number 163, Paul Varnadore.
13 What say you for the State?
14 SOLICITOR BURDETTE: Please present the juror.
15 THE CLERK: And the defense?
16 MS. ROGERS: Please seat the juror.
17 THE CLERK: Please have a seat in the jury box.
18 Juror Number 25, Steven Capps.
19 What say you for the State?
20 SOLICITOR BURDETTE: Please present the juror.
21 THE CLERK: And the defense?
22 MS. ROGERS: Seat the juror.
23 THE CLERK: Please have a seat in the jury box.
24 Juror Number 89, Colbyn King.
25 What say you for the State?

1 SOLICITOR BURDETTE: Please present the juror.
2 THE CLERK: And the defense?
3 MS. ROGERS: Please seat the juror.
4 THE CLERK: Please have a seat in the jury box.
5 Juror Number 167, Lucas Whitaker.
6 What say you for the State?
7 SOLICITOR BURDETTE: Please excuse the juror.
8 THE CLERK: You've been excused.
9 Juror Number 32, Carla Cochran.
10 What say you for the State?
11 SOLICITOR BURDETTE: Please present the juror.
12 THE CLERK: And the defense?
13 MS. ROGERS: Please seat the juror.
14 THE CLERK: Please have a seat in the jury box.
15 Juror Number 48, Felicia Ervin.
16 What say you for the State?
17 SOLICITOR BURDETTE: Please present the juror.
18 THE CLERK: And the defense?
19 MS. ROGERS: Seat the juror.
20 THE CLERK: Please have a seat in the jury box.
21 Juror Number 61, Dylan Guibault.
22 What say you for the State?
23 SOLICITOR BURDETTE: Please present the juror.
24 THE CLERK: And the defense?
25 MS. ROGERS: Please excuse the juror.

1 THE CLERK: You've been excused from this case.
2 Juror Number 105, Sierra McDaniel.
3 What say you for the State?
4 SOLICITOR BURDETTE: Please present the juror.
5 THE CLERK: And the defense?
6 MS. ROGERS: Seat the juror.
7 THE CLERK: Please have a seat in the jury box.
8 Juror Number 2, David Adams.
9 What say you for the State?
10 SOLICITOR BURDETTE: Please present the juror.
11 THE CLERK: And the defense?
12 MS. ROGERS: Please seat the juror.
13 THE CLERK: Please have a seat in the jury box.
14 Juror Number 143, Jill Sabella.
15 What say you for the State?
16 SOLICITOR BURDETTE: Please present the juror.
17 THE CLERK: And the defense?
18 MS. ROGERS: Please excuse the juror.
19 THE CLERK: You've been excused from this case.
20 Juror Number 157, Jennifer Spivey.
21 THE JUROR: Spivey.
22 THE CLERK: What say you for the State?
23 SOLICITOR BURDETTE: Please present the juror.
24 THE CLERK: And the defense?
25 MS. ROGERS: Seat the juror.

1 THE CLERK: Please have a seat in the jury box.
2 Juror Number 10, Bryleigh Barrett.
3 What say you for the State?
4 SOLICITOR BURDETTE: Please present the juror.
5 THE CLERK: And the defense?
6 MS. ROGERS: Please excuse the juror.
7 THE CLERK: You've been excused for this case.
8 Juror Number 174, Tracy Wood.
9 What say you for the State?
10 SOLICITOR BURDETTE: Please present the juror.
11 THE CLERK: And the defense?
12 MS. ROGERS: Please seat the juror.
13 THE CLERK: Please have a seat in the jury box.
14 Juror Number 72, Mary Hoos.
15 What say you for the State?
16 SOLICITOR BURDETTE: Please present the juror.
17 THE CLERK: And the defense?
18 MS. ROGERS: Please seat the juror.
19 THE CLERK: Please have a seat in the jury box.
20 Juror Number 13, Peter Bick.
21 What say you for the State?
22 SOLICITOR BURDETTE: Please present the juror.
23 THE CLERK: And the defense?
24 MS. ROGERS: Please seat the juror.
25 THE CLERK: Please have a seat in the jury box.

1 Juror Number 132, Michael Prater.
2 What say you for the State?
3 MR. DAVIS: And, Your Honor, if I may, this one
4 should be for our alternates.
5 THE COURT: This will be for the first alternate.
6 THE CLERK: What say you for the State?
7 SOLICITOR BURDETTE: Please present the juror.
8 THE CLERK: And the defense?
9 MS. ROGERS: Please seat the juror.
10 THE CLERK: Please have a seat in the jury box.
11 Juror Number 139, Alecia Ribynski.
12 What say you for the State?
13 SOLICITOR BURDETTE: Please excuse the juror.
14 THE CLERK: You've been excused from this case.
15 Juror Number 42, Kyle Detar.
16 What say you for the State?
17 SOLICITOR BURDETTE: Please present the juror.
18 THE CLERK: And the defense?
19 MS. ROGERS: Please excuse the juror.
20 THE CLERK: You've been excused from this case.
21 Juror Number 46, Keith Dwyer.
22 THE JUROR: Dwyer.
23 THE CLERK: What say you for the State?
24 SOLICITOR BURDETTE: Please present the juror.
25 THE CLERK: And the defense?

1 MS. ROGERS: Please seat the juror.

2 THE CLERK: Please have a seat in the jury box.

3 THE COURT: Okay. All right. Any exceptions to the
4 selection of the jury by the State?

5 SOLICITOR BURDETTE: No objections from the State,
6 Your Honor.

7 THE COURT: By the defense?

8 MS. ROGERS: No objections from the defense, Your
9 Honor.

10 THE COURT: Can y'all -- counsel, can y'all approach
11 here for a second?

12 (WHEREUPON, a bench conference was held out of the
13 hearing of the jury at this time.)

14 THE COURT: All right. Members of the jury, those
15 who've been selected as jurors on the trial of this case,
16 I was just discussing with the lawyers about scheduling
17 and, and that kind of thing. Sometime Monday's a little
18 quirky.

19 But I'm gonna have you come back at three o'clock.
20 Hopefully we'll, we'll be clear with some other pretrial
21 matters we need to take up outside of your presence and
22 hopefully, by 3:00, we may be ready actually to start the
23 trial of this case.

24 I told jurors in other cases -- I tell jurors in
25 other cases to be patient. Sometime they're matters that

1 come up that are outside of my control and even sometime
2 the lawyers, things may happen and we need to discuss
3 things outside of your presence. It's not to delay you or
4 waste your time.

5 But it's the proper way to do things cause sometimes,
6 in what we discuss, I may have to say things that's not
7 proper for you to hear about my opinion about what
8 happened on a case or something like that and that's not
9 appropriate for you to hear. So, that's why we make sure
10 we do those things outside the juror's presence.

11 So, I'll have you come back at three o'clock.
12 Hopefully we'll be ready to start then.

13 Have a good lunch and I'll see you in a little bit.

14 THE CLERK: And, Your -- Your Honor, could we tell
15 them 2:45 so we have them here at 3:00 just so --?

16 THE COURT: Okay. Yeah, 2:45.

17 All right. And, and don't, even though you've been
18 picked on the case, don't discuss the case. There's
19 nothing to talk about yet. You hadn't heard anything.

20 So I'll see you back at---

21 THE JUROR: Now, we meet downstairs, right?

22 THE BAILIFF: Yes. We'll bring you up, yes.

23 THE COURT: All right. You're, you're -- y'all are
24 | excused.

25 | Thank you.

1 (WHEREUPON, the following takes place outside the
2 presence of the jury panel.)

3 THE CLERK: Kevin?

4 THE COURT: We got --.

5 THE CLERK: Tell them we got one more. Tell them we
6 got one more.

7 (Pause.)

8 THE COURT: And for counsel, we're gonna come back
9 at, just to be on the safe side, we'll come back at
10 2:00 -- let's say 2:20. So, it's an hour from now.
11 Hopefully that will give us enough time to work through
12 any motions we have.

13 Okay. All right. We'll see you back at 2:20.
14 Thanks.

15 (WHEREUPON, Court was in recess for the lunch break.)

16 THE COURT: All right. Mr. McConnell is in the
17 courtroom. The jury is set to come back in at three
18 o'clock. I think there are a handful of pretrial motions
19 that we needed to take up.

20 So, I'm happy to hear from the State first or
21 defendant. The State has fewer motions. I guess --

22 SOLICITOR BURDETTE: Yes, Your Honor.

23 THE COURT: -- y'all want to go first.

24 SOLICITOR BURDETTE: The State does request that all
25 witnesses be sequestered except with -- except for our

1 case agent, Morgan McClaugherty. She is present in the
2 courtroom. All other witnesses, we ask that they be
3 sequestered.

4 THE COURT: I think that --.

5 MS. ROGERS: No objection to that, Your Honor.

6 THE COURT: Okay. I'll grant that motion.

7 SOLICITOR BURDETTE: The State does request that the
8 defense certify that they have complied with the
9 reciprocal Rule 5 motion for discovery and disclosure of
10 evidence.

11 MS. ROGERS: We have. Yeah, we don't have anything,
12 Your Honor. We've complied with the rule.

13 SOLICITOR BURDETTE: The---

14 THE COURT: Any concerns?

15 SOLICITOR BURDETTE: No, Your Honor.

16 THE COURT: Okay. All right.

17 SOLICITOR BURDETTE: The State does request that the
18 defense refrain from referencing the potential penalties
19 of the charge in the presence of the jury.

20 MS. ROGERS: No objection, Your Honor.

21 THE COURT: Okay. And this -- Mr. McConnell's been
22 served---

23 SOLICITOR BURDETTE: Life notice, yes.

24 THE COURT: ---life?

25 Okay.

1 SOLICITOR BURDETTE: And the State does request that
2 the defense refrain from eliciting self-serving hearsay.

3 MS. ROGERS: No objection to that, Your Honor.

4 THE COURT: Okay. All right.

5 Okay. Your turn.

6 MS. ROGERS: Okay. Motion to determine if the State
7 has complied with Rule 5.

8 SOLICITOR BURDETTE: We have, Your Honor.

9 THE COURT: Any concerns?

10 MS. ROGERS: No, Your Honor.

11 THE COURT: All right. Okay.

12 MS. ROGERS: Motion to determine the prior record of
13 the defendant the State would intend to introduce should
14 he choose to testify.

15 THE COURT: Okay.

16 SOLICITOR BURDETTE: Your Honor, this defendant does
17 have a lengthy prior record. Should he choose to testify,
18 we believe we would be able to introduce a possession of
19 Oxycodone second offense. That offense date was
20 March 22nd of 2019. He was sentenced for a five year
21 sentence on that.

22 Distribution of crack cocaine third or subsequent
23 offense. That offense date was 8/24/2017. He was
24 sentenced to 12 years for that.

25 Distribution of crack cocaine within proximity.

1 Again, that is August 24th of 2017. He received 10
2 years concurrent on that.

3 He has an exposure of a private part in a lewd act on
4 December 4th, 2017. He received a sentence of six
5 months for that.

6 He had a habitual traffic offender. That carries
7 over a year. That was December 10th, 2018. He received
8 five years for that offense.

9 He has a failure to stop for a blue light from
10 February 19th of 2019. He received three years on that
11 charge.

12 He has two malicious injury to personal properties
13 less than 2,000. Both of those are from April 23rd,
14 2017.

15 He has another distribution of crack cocaine second
16 offense on September 3rd, 2010. He received a 10 year
17 sentence with that.

18 He has another proximity charge of that same incident
19 date, September 3rd, 2010, in which he received a 10 year
20 concurrent sentence on that.

21 Those are the charges we would be able to
22 cross-examine the defendant on.

23 THE COURT: All right.

24 MS. ROGERS: No objection to that, Your Honor. That
25 was our understanding of his criminal history.

1 THE COURT: Okay. All right.

2 MS. ROGERS: Motion for a list of witnesses as well
3 as the criminal histories of any of the State's non-law
4 enforcement witnesses not already disclosed by the State.

5 SOLICITOR BURDETTE: Your Honor, we have provided the
6 witness list.

7 The only non-law enforcement witness we have is
8 Kendrick McIlwain. I have allowed the defense to look
9 over his NCIC record. I can't give them a copy of it.
10 But I think it was last week they came up to my office and
11 they reviewed that.

12 We do need to hammer out which charges we will be
13 able to -- that they want to cross-examine him on. If we
14 could go ahead and do that as well.

15 THE COURT: Okay. Do you have a copy of this?

16 SOLICITOR BURDETTE: Of his NCIC?

17 THE COURT: Yeah.

18 SOLICITOR BURDETTE: Yes, Your Honor.

19 MS. ROGERS: Your Honor, we would also like to ask
20 the State -- I know they said they can not provide a copy
21 of the C -- NCIC for the C.I. and we understood, prior to
22 trial, that they couldn't provide that and we'd like to
23 ask again to see if this Court could determine if we could
24 get a copy of that now during trial.

25 THE COURT: Do you have a redacted version of that?

1 SOLICITOR BURDETTE: I don't, Your Honor.

2 Typically, what we do is we just show them on the day
3 of trial and they go through it. I've never handed over a
4 copy. I, I don't think, legally, I can provide them with
5 a copy.

6 THE COURT: So have -- have y'all had a chance --
7 you've looked at it and written down on it?

8 MS. ROGERS: We, we have looked at it. If, if we
9 can, we'd like to be able to at least look at it one more
10 time just to doublecheck.

11 SOLICITOR BURDETTE: No objection.

12 THE COURT: Okay. Well, do you think this witness
13 will testify today or tomorrow?

14 SOLICITOR BURDETTE: Tomorrow morning is our plan.

15 THE COURT: Okay. Let me -- let -- I'll let them
16 look at it and then we can come back to this evening --
17 this afternoon or first thing in the morning as far as --
18 is this a copy that I can hang onto or --?

19 SOLICITOR BURDETTE: I can print another copy, yes.

20 THE COURT: Yes.

21 SOLICITOR BURDETTE: You can keep that one.

22 THE COURT: Okay. All right. All right. And then
23 we'll see -- we'll take up that motion in the morning.

24 All right. What else do we have?

25 MS. ROGERS: I don't know.

1 Like the State, just motion to sequester the
2 witnesses for the State, Your Honor.

3 THE COURT: Okay. It's granted except for the case
4 agent.

5 MS. ROGERS: All right. Motion to determine the
6 existence and admissibility of any prior bad acts the
7 State may intend to introduce whether as *Lyle* testimony or
8 for other purposes.

9 SOLICITOR BURDETTE: Your Honor, we don't plan on
10 introducing anything other than his prior record if he
11 testifies.

12 THE COURT: Okay.

13 MS. ROGERS: We -- yeah, we -- we're fine with that,
14 Your Honor. No objection. We just wanted to ensure that
15 the State didn't intend to bring up any, any other drug
16 buys.

17 SOLICITOR BURDETTE: I have instructed all my
18 witnesses to, to not reference any other buys that they
19 have done that are currently pending.

20 THE COURT: Okay. All right.

21 MS. ROGERS: Motion to determine the admissibility of
22 statements made by the defendant pursuant to *Jackson v.*
23 *Denno*.

24 SOLICITOR BURDETTE: Your Honor, we are not intending
25 to admit any statements that the defendant has made.

1 MS. ROGERS: Okay. And then, next, motion to
2 preclude -- clude the State from using language in its
3 opening or closing regarding searching for the truth as
4 prohibited by *State v. Beatty*.

5 SOLICITOR BURDETTE: Understood.

6 THE COURT: Okay. All right.

7 MS. ROGERS: Motion to determine the out-of-court
8 identification of the defendant pursuant to *Neil v.*
9 *Biggers*.

10 THE COURT: Okay. I think -- oh, I'm sorry. Go
11 ahead.

12 SOLICITOR BURDETTE: Yes, Your Honor.

13 There was a lineup conducted in this case. We don't
14 plan on introducing in, in trial. The def -- the
15 confidential informant will be able to identify the
16 defendant in court.

17 If you would like to have a *Biggers* for you pretrial,
18 we can. The C.I. did have prior knowledge of the
19 defendant. I don't believe a *Biggers* hearing is
20 necessary. I just left it in the Court's discretion
21 whether you wanted to have one. But we don't plan on
22 introducing the actual lineup in trial.

23 THE COURT: Okay.

24 MS. ROGERS: Your Honor, at this time, our position
25 is still we'd like to have a hearing to determine how the

1 C.I. knows the --.

2 THE COURT: Okay. All right.

3 MS. ROGERS: All right.

4 THE COURT: Well, we can. I'll let you put -- I mean
5 I, I think *Biggers*, if he know -- if he knows him outside
6 of court. It's not a situation for somebody that ran
7 across somebody in a parking lot for the first time,
8 something like that. It sounds -- I don't know if it
9 sounds like this witness actually knows the defendant and
10 if he can identify him beforehand.

11 MS. ROGERS: Okay.

12 THE COURT: If you want to put something on the
13 record about it, I'll let you do that. But I don't -- I
14 haven't --.

15 MS. ROGERS: Your Honor, it's our position that we,
16 we are questioning his knowledge of our client. We don't
17 believe that he knew him very well beforehand. We think
18 that speaks to his ability to identify the -- our client.

19 SOLICITOR BURDETTE: It sounds like that is more of a
20 cross-examination question. They can bring that up with
21 the C.I. You don't really know, know him, do you.

22 But as far as *Biggers*, that's the lineup. I don't
23 know that the lineup has anything to do with it. But,
24 again, if you, if you want to have a Big -- *Biggers*
25 hearing, I have my witnesses here ready.

1 THE COURT: Okay. Well, I'll let you put -- we'll
2 put something on the record for that.

3 All right. And we can maybe -- will that be
4 necessary today before the jury comes back or is something
5 we can do --?

6 SOLICITOR BURDETTE: I mean we can do it real quick,
7 Your Honor. It's, it's just my officer here and then I
8 have the confidential informant here to testify only for
9 the *Biggers* issue. Otherwise he can leave for the day.

10 THE COURT: Okay. Okay. All right. We'll, we'll
11 try to do it before the jury comes back in.

12 SOLICITOR BURDETTE: Okay.

13 THE COURT: Okay.

14 MS. ROGERS: Yes. Your Honor, I apologize.

15 THE COURT: No, certainly.

16 MS. ROGERS: I was under the impression we were
17 waiting -- are they getting the C.I. to, to question him
18 or --?

19 THE COURT: Well, we're -- I'll -- we'll put
20 something on the record. I just want to go -- I think
21 it's just a couple more that you have.

22 MS. ROGERS: Oh, okay. Sure.

23 THE COURT: We're still on the list.

24 MS. ROGERS: Okay. The State---

25 THE COURT: Sorry.

1 MS. ROGERS: We're requesting that the State redact
2 any hearsay or unduly prejudicial statements from any
3 video it intends to introduce at trial.

4 SOLICITOR BURDETTE: Your Honor, the only video we're
5 gonna introduce is the C.I. buy video.

6 The defense had requested two redactions, one at the
7 beginning of the video where the C.I. is talking to law
8 enforcement about this house that he's in and it being a
9 trap house and things like that. We did go ahead and you
10 redact that per the defense request.

11 There was one other statement that they asked to
12 redact. It was when the defendant is sitting in the
13 vehicle with the C.I. The defendant says that his brother
14 is locked up.

15 I don't see why we need that redacted. In fact, if,
16 if we are going to redact that, I ask that you make a
17 ruling that they can't later blame the brother as the one
18 in the C.I. video. If they're gonna argue that that's not
19 the defendant in the seat, then I think the fact that the
20 brother's locked up needs to stay in.

21 It's from the defendant's mouth. It's not hearsay.
22 He's talking to the confidential informant. I don't see
23 the point to redact it. But if Your Honor feels it is
24 necessary, I would ask that you preclude the defense from
25 arguing that that's not the defendant's identity in the

1 vehicle.

2 THE COURT: All right. Let me hear from -- why is
3 that an incident statement?

4 MS. ROGERS: Your Honor, we just didn't think it was
5 relevant to the case. We -- we've just thought that it
6 would be prejudicial to our, to our client. We wanted to
7 keep out any mention of -- it's not probative of anything.
8 We wanted to keep out any mention of, of incarceration of
9 any kind.

10 THE COURT: All right. I'm -- I will -- I haven't
11 seen that portion of the video.

12 Is that something you want me to see prior to trial?

13 MS. ROGERS: Beg the Court's indulgence, Your Honor.

14 (Pause.)

15 MS. ROGERS: That -- we don't have any objection to
16 that, Your Honor.

17 THE COURT: Okay. Let me just -- if we play just
18 that portion of it.

19 SOLICITOR BURDETTE: Yes, Your Honor.

20 (WHEREUPON, a portion of the video was played at this
21 time.)

22 SOLICITOR BURDETTE: Your Honor, I apologize. I
23 think it was just before.

24 THE COURT: Okay.

25 (WHEREUPON, another portion of the video was played

1 at this time.)

2 SOLICITOR BURDETTE: That would be the statement.

3 THE COURT: Okay. All right. I'm happy to hear from
4 you again on it.

5 Any -- or if you have any -- anything to add to that?

6 MS. ROGERS: I do not have anything to add. Just an
7 echo what I said earlier.

8 THE COURT: Okay. I'll, I'll deny -- I'll take this
9 as a -- this as a motion in limine. I mean I'll, I'll
10 deny this.

11 I don't see the -- it's the defendant's -- it's the
12 defendant's own statement. I don't see the prejudicial
13 value of it in this case. Of course, I don't know all the
14 details about the case. But it looks to be a hand to hand
15 buy.

16 Allegedly this is the defendant, Mr. McConnell, who
17 is sitting in this seat and manipulating what appears to
18 be drugs and is asking questions about, about his brother
19 from the C.I. Mr. McConnell just responds that his
20 brother is locked up.

21 I'll -- I don't -- I, I just -- I don't see the
22 prejudicial value. To the extent that it is, I don't
23 think it -- I don't think it's -- I don't think it
24 weighs out -- I don't think it's outweighed by any unfair
25 prejudice, prejudice or confusion of the issues or

1 misleading the jury.

2 Again, this is my ruling. It's -- at this point in
3 the case, all I've seen so far is just this clip from the
4 video. But I don't, I don't see any effect -- prejudicial
5 effect in, in what I can tell from what this case appears
6 to be.

7 So, I'll, I'll respectfully deny that motion.

8 SOLICITOR BURDETTE: Thank you, Your Honor.

9 And as I stated, there was a redaction we made in the
10 beginning of this video. It's -- the defense and I agree
11 on it.

12 However, we would ask that Your Honor, when it comes
13 time, make a jury instruction for redactions in the jury
14 charge and I have language from prior cases if you would
15 like me to send you that language. It's just a simple
16 like don't take into account, don't try to assume what is
17 on that video because we've already made a ruling that it
18 is to be redacted.

19 THE COURT: Okay. We'll take that up at the jury---

20 SOLICITOR BURDETTE: Thank you.

21 THE COURT: ---the time for the jury instructions.

22 Just make sure the defense is provided with that.

23 All right. What's your next motion?

24 MR. DAVIS: Yes, Your Honor.

25 The next one, the motion to disqualify the Sixteenth

1 Circuit solicitor's Office. We're basing that on, on the
2 holding in *Quattlebaum*.

3 There were at least two meetings with my client when
4 he was represented by this office, and, during that time,
5 members of the D.E.U. interviewed him without informing
6 his attorney ahead of time, and, as outlined in my brief,
7 the D.E.U. -- the Solicitor's Office here is a member of
8 the D.E.U., and under Rule 5.4 as outlined -- 522 I
9 believe outlined in my brief, they can not use a
10 non-lawyer to do something that the lawyer can not do
11 themselves and certainly the lawyers can not just go down
12 and talk to my client about the matter for which he's
13 represented without my knowledge ahead of time.

14 I'd like to also hand up a couple items, Your Honor.

15 THE COURT: Okay.

16 MR. DAVIS: One is a, is a jail visitation log by law
17 enforcement. I've taken the liberty of highlighting the
18 names that are in -- indicated as D.E.U. members or known
19 to be D.E.U. members and they make up, by my rough
20 calculation, some 53 percent of the visitations to the
21 people who are in our local jail.

22 The names of the defendants are omitted in that cause
23 that was obtained through -- in a separate case, Your
24 Honor, except for one, one -- except for one inmate for
25 which the case that would -- that pertained to.

1 Nonetheless, there seems to be a system of going and
2 talking to people in the jail by D.E.U. members and we
3 have not been -- speaking for the Public Defender's
4 office, we're not being in -- informed that this is going
5 on.

6 There's also a, a memorandum of that interview that
7 they provided us from the D.E.U., Your Honor.

8 If I may approach as well?

9 THE COURT: Yes, sir.

10 MR. DAVIS: With my client indicating that they've
11 gotten some intelligence out of him and -- in the January,
12 2025 interview.

13 In the interview shortly after his arrest, after he'd
14 been appointed counsel by the bonding judge, it indicates
15 in the incident report that he also was cooperative with
16 D.E.U. and was talking to him at that time.

17 And I would submit that the, that the right to
18 counsel is to protect against situations like this where
19 he's taken advantage of when he's not allowed to -- his
20 counsel is not allowed to be there with him and then he
21 turns around and gets -- he cooperates and gives
22 information. Then, at the end of this process, he gets
23 life notice two weeks before trial, Your Honor.

24 So, we ask -- we would ask that the, the Solicitor's
25 office -- we're not asking the charges to be dismissed.

1 But we ask that, given the -- what seems to be a system of
2 talking to defendants without their counsel being aware of
3 it, we ask that the Court disqualify the solicitor from
4 this case and we continue it until such time that another
5 solicitor could be appointed to take this over.

6 THE COURT: Okay.

7 SOLICITOR BURDETTE: Your Honor, first and foremost,
8 the Solicitor's Office does not employ the York County
9 D.E.U. You can look at Investigator McLaugherty and
10 Investigator Laurencio's payroll and nothing comes from
11 the Solicitor's Office or York County government.

12 They are employed by whatever agency they work for.
13 The D.E.U. in York County has different agencies, Tega Cay
14 Police Department, York Police Department, York County
15 Sheriff's Office, Clover, Rock Hill. They all have
16 different agencies that they work for.

17 They are not a representative of our office, of our
18 office. I can't tell what -- them what to do and they
19 don't tell me what to do.

20 So, first and foremost, I would not agree that they
21 are, in any way, part of our office and I can tell you no
22 one from the Solicitor's Office told them to go down and
23 interview the defendant. It is my understanding the
24 defendant reached out to law enforcement and asked that
25 they come meet with him.

1 When I received this motion on Friday, I pulled up
2 the defendant's jail mail. There was jail mail written to
3 Morgan McClaugherty, a D.E.U. officer, by the defendant
4 asking for officers to come down there and meet with him.

5 That is the defendant's request to meet with law
6 enforcement. When -- and when they go down there, they
7 are what -- if the defendant requests them come down
8 there, they are allowed to go down there. Case law
9 supports that and says, as long as Miranda is given, you
10 can meet with a representative. He is told that he is --
11 he can have his attorney present. He waived all his
12 rights and he provided whatever statements he wanted to.

13 The issue that---

14 THE COURT: Was this mail -- this came --?

15 SOLICITOR BURDETTE: This is jail mail that he --
16 he's been in custody for maybe two -- almost two years.
17 So, this was back two years ago.

18 THE COURT: Okay.

19 SOLICITOR BURDETTE: And I just went back and
20 searched in Morgan McClaugherty into the jail mail and was
21 able to pull up any messages he wrote to D.E.U.

22 Also, if there was a violation, it is our position
23 that it would -- the remedy is to keep the statements out.
24 We do not intend to introduce any of the defendant's
25 statement besides what's -- that confidential informant

1 video. We don't intend to ask him about what he told law
2 enforcement. We don't intend to ask him about any of
3 that.

4 That remedy would be to keep those statements out,
5 not to disqualify the solicitor's Office. We have nothing
6 to do with the York County D.E.U. And also that
7 *Quattlebaum* case, if you looked at the facts of that case,
8 the facts of---

9 THE COURT: This is out of Lexington County where the
10 solicitor---

11 MR. DAVIS: I have that case---

12 SOLICITOR BURDETTE: The solicitor is---

13 MR. DAVIS: ---if you need it, Your Honor.

14 SOLICITOR BURDETTE: Eavesdropping---

15 THE COURT: Yeah.

16 SOLICITOR BURDETTE: ---over at---

17 THE COURT: I, I have a copy.

18 Mr. Davis, I have it.

19 SOLICITOR BURDETTE: ---attorney/client privileged
20 communication.

21 I agree. That is completely wrong. Where the
22 defendant is talking to his attorney, that is
23 attorney/client privilege and the solicitor shouldn't have
24 listened to that.

25 That is not what's happened here. This is a law

1 enforcement meeting where the defendant waived his right
2 to an attorney, waived his right to remain silent, and
3 decided to talk to law enforcement himself. He knows what
4 he told law enforcement. But, again, we don't plan on
5 introducing any of his statements. We have the video and
6 that's what we're going off of.

7 MR. DAVIS: Again, Your Honor, further response?

8 THE COURT: Yeah. Yes, sir.

9 MR. DAVIS: Now, first of all, the York County
10 D.E.U., in, in its own formation documents, says it's a
11 multi-jurisdictional unit, Your Honor, and we didn't force
12 the solicitor to sign onto it. But once they sign onto
13 it, they take some supervisory responsibility for the
14 people on there.

15 Just as a Tega Cay policeman who's assigned to it is
16 now operating under the York County Sheriff's Office for
17 jurisdictional purposes, they have to exercise supervisory
18 control to see if those people are not doing anything a
19 lawyer would not be -- ethically be allowed to do. And
20 certainly the lawyers would not be allowed to go down to
21 the jail and interview people.

22 And so we say, by extension, so they're part of the
23 same unit, and it's disingenuous to say oh, because we
24 don't pay them, they don't, they don't operate as a unit.
25 But they do operate as a unit.

1 They don't -- when, when you're assigned -- when
2 you're a Rock Hill or one of the other municipality police
3 officers assigned to the D.E.U., you work with the D.E.U.
4 full-time. No one forced the Solicitor's Office to become
5 a member, a member of the D.E.U.

6 But once they do that, that triggers certain
7 obligations. And if my client made a statement, that's
8 disclosable under Rule 5 and I -- it was not disclosed to
9 me if he asked to talk to law enforcement.

10 So, why wasn't that done?

11 So, this is, this is a problem -- this is -- this is
12 the problem. They think it's not a big deal. Oh, we'll,
13 just give you his Miranda. But this is not a Miranda
14 issue.

15 This is going down and talking to people and taking
16 advantage of them while they're, while they're
17 incarcerated and then turning around at the end saying
18 we're gonna give you life notice to say if you tried to
19 get information out of him because they're not represented
20 by an attorney and the attorney's not looking out for
21 their interest. And this is the types of abuses that the
22 ethics are designed to prevent, Your Honor, and that would
23 be our position.

24 They're a member of the D.E.U. They exercise
25 supervisory capacity over the U -- the D.E.U., and once

1 they become a member, they have to be aware of the ethical
2 obligations that entail, and, in this case, you can't have
3 the officers doing something you couldn't do yourself.

4 Thank you, Your Honor.

5 THE COURT: Okay. Thank you, Mr. Davis.

6 Anything else from the State on it?

7 SOLICITOR BURDETTE: No, Your Honor.

8 THE COURT: Okay. All right. I have looked at the
9 *Quattlebaum* case, and just to make sure I'm clear,
10 Mr. Davis, these are -- this note -- notations regarding
11 other defendants in York County---

12 MR. DAVIS: That's---

13 THE COURT: ---is that right?

14 MR. DAVIS: That's what I understand that -- it's,
15 it's a little confusing cause there seemed to be two logs
16 running at simultaneous times so that some dates seem to
17 overlap on different pages.

18 In other words, like June, 2024, that seems to be two
19 pages where the June, 2024 or similar dates. I mean I've
20 highlighted the ones that are either D.E.U. agents
21 self-identified in that log or we know them to be D.E.U.
22 agents and they just didn't have, didn't have them sign
23 in.

24 SOLICITOR BURDETTE: Your Honor, but it's my
25 understanding that what they passed up does not

1 necessarily reference this case. This is when D.E.U.
2 officers went to interview anyone in the jail. This is
3 not necessarily relevant to this case.

4 MR. DAVIS: That -- this -- the D.E.U., U. agents are
5 on that list for the date of the interview, Your Honor.

6 So, that -- that part, that would be on there and
7 that would be the date of January 16th, 2025, when they
8 interviewed, interviewed Mr. McConnell. Mr. McConnell's
9 name is redacted cause as I in -- as I indicated, that log
10 was obtained in other -- another case where they redacted
11 all the other inmates.

12 THE COURT: Okay.

13 MR. DAVIS: But, nonetheless, 53 percent or so of the
14 visits to the jail are being done by D.E.U. and we -- I
15 can tell you from the respect of the, the public defenders
16 who handles a large amount of those cases, we're not being
17 told that they're going down and talking to them and
18 what -- my point is this is not a Miranda test. This is,
19 this is beyond Miranda.

20 This is just a right to counsel and that's a
21 different right. It's a different test and the fact that
22 they're saying now that, that they don't have anything to
23 do with D.E.U., I mean if we want to go get the formation
24 documents for the drug enforcement unit and take a look at
25 those, that would be fine, Your Honor.

1 SOLICITOR BURDETTE: And, Your Honor, I have the
2 defendant's jail mail of him requesting to meet with
3 D.E.U. officers.

4 If you'd like, I can make that a Court's Exhibit.

5 THE COURT: I was gonna ask Mr. Davis, do, do you
6 want to make this --?

7 MR. DAVIS: We'd like to make that a Court Exhibit,
8 Your Honor.

9 SOLICITOR BURDETTE: May I approach, Your Honor?

10 THE COURT: You may.

11 Was there a written record made of this interview?

12 SOLICITOR BURDETTE: No, Your Honor.

13 MR. DAVIS: I believe that the -- talking about the
14 January interview, Your Honor?

15 (WHEREUPON, the Court nods affirmatively.)

16 MR. DAVIS: I believe I handed up the memorandum
17 prepared by the D.E.U. and that was re -- that was
18 provided to us just recently as well.

19 THE COURT: Okay. I think -- I'm sorry. I think I
20 was looking at the one from -- your motion mentioned
21 September 17th.

22 MR. DAVIS: Correct, Your Honor, and that is
23 mentioned in the incident report just in a, in a quick one
24 line of the incident report.

25 May I approach, Your Honor?

1 THE COURT: You may, uh-huh. (Affirmative).

2 MR. DAVIS: And this last paragraph, which is just I
3 think one or two sentences, it's the only mention of that
4 meeting and that it -- record that we received. There may
5 be other records. But we did not receive any separate
6 records.

7 THE COURT: Now, it's my understanding the State
8 not -- has not -- will not use any of the information and
9 the statements obtained --

10 SOLICITOR BURDETTE: No, Your Honor.

11 THE COURT: -- from---

12 SOLICITOR BURDETTE: We don't even---

13 THE COURT: ---this?

14 SOLICITOR BURDETTE: ---need to mention that they
15 interviewed him if they don't want us to.

16 THE COURT: Do you -- Mr. Davis, do you want this?
17 I don't know if you want --.

18 MR. DAVIS: I can take it back if the Court doesn't
19 want it, Your Honor.

20 THE COURT: Well, just let me read it in.

21 MR. DAVIS: Well, you can -- the Court can keep it.
22 I can always print another copy.

23 THE COURT: All right.

24 MR. DAVIS: So that's fine.

25 THE COURT: All right. And it just indicates that,

1 on September 17th, 2024, Sergeant Laurencio and
2 Investigator McClar -- McClaugherty interviewed McConnell
3 at the detention center. He was -- Miranda warnings were
4 read to him, to him and he acknowledged that he understood
5 his rights and would like to speak to investigators and
6 then was questioned about Fentanyl that Mr. McConnell was
7 purchasing and he explained how much he buys on a daily
8 basis and how much he pays for it. That's according to
9 this document itself.

10 So I'll, I'll respectfully deny the motion, Mr.
11 Davis, as to disqualifying the Solicitor's Office.

12 As this message, email message, presented by the
13 State was -- as to Mr. McConnell may of reached out to
14 investigators the day before the second interview
15 indicating he wished to speak with them about the case or
16 other matters related to the case and I do understand your
17 concern about that cooperation involved in this. And I
18 take that as a big tenor of your argument about some of
19 this taking place as Mr. McConnell's cooperation to this
20 point in the case.

21 But, but I'll, I'll -- we'll mark -- I'll mark the
22 messages as a Court Exhibit and also the log as a Court
23 Exhibit and I'll respectfully deny the motion.

24 Okay.

25 MR. DAVIS: Thank you, Your Honor.

1 THE COURT: Okay.

2 MR. DAVIS: We do have one last motion --

3 THE COURT: Okay.

4 MR. DAVIS: -- which was to reveal any agreements,
5 whether written or spoken, between the State and any law
6 enforcement testifying witnesses -- non-law enforcement
7 testifying witnesses.

8 THE COURT: Okay.

9 SOLICITOR BURDETTE: Your Honor, I -- the Solicitor's
10 Office, law enforcement, no one has promised the C.I.
11 anything. He will testify to that.

12 There's been no promises implicate -- no a -- no
13 assumptions or anything that the Solicitor's Office will
14 help him with his case and he will testify to that.

15 THE COURT: All right. Mr. Davis.

16 MR. DAVIS: Thank you, Your Honor.

17 THE COURT: All right. I think that resolves that
18 issue and one outstanding is Mr. McIlwain's criminal
19 history but he will not testify until tomorrow?

20 SOLICITOR BURDETTE: He should be first thing
21 tomorrow morning, Your Honor.

22 THE COURT: First thing tomorrow.

23 Okay. So I'll -- I think we have a copy of his
24 criminal history and I'll look at it this afternoon.

25 How many witnesses do y'all anticipate to try to do

1 today?

2 SOLICITOR BURDETTE: Today?

3 THE COURT: Yeah.

4 SOLICITOR BURDETTE: I just was gonna do opening and
5 one short witness.

6 THE COURT: Okay. All right.

7 MS. ROGERS: And, Your Honor, if I may, at this time
8 we just like to renew our motion for continuance. We
9 understand that, that, you know, we're almost at -- we are
10 in trial at this point.

11 Just wanted to put on the record -- we made a motion
12 to continue in front of Judge Kelly a couple weeks ago
13 based on the fact that we took over the case and then, our
14 client, he rejected his offer of 16 years and then the
15 Solicitor's Office served him with life notice two weeks
16 before trial.

17 We understand that it was the State's position that
18 our client was aware that he could be life noticed. We're
19 aware of that as well.

20 But our stance was that, you know, there's a big
21 difference between life eligible and then being served
22 life notice based on the fact that we took over the case
23 with, with two weeks notice and then he was served with
24 life notice after he rejected two weeks out and we'd just
25 got the case.

1 We're, again, renewing our motion---

2 THE COURT: Okay.

3 MS. ROGERS: ---for a continuance.

4 THE COURT: Okay. Anything with---

5 SOLICITOR BURDETTE: Your Honor, as she said, Judge
6 Kelly denied a motion last court term.

7 At that time the defendant was served with life.
8 Life only has to be served within 10 days of trial. That
9 was well within the 10 days. More than 10 days.

10 Also, Rule 7 says that any continuance motion --
11 motions must be made in writing. I have not received any
12 motion for a continuance in writing by -- on behalf of the
13 defense and also it says that a good and sufficient legal
14 cause must be shown and the trial judge, if you do choose
15 to continue it, can only continue it the next term. But
16 it must be approved by the chief admin judge.

17 Judge Kelly was our chief admin judge. He heard the
18 continuance motion. He denied it. The defense, I
19 understand -- so, in this case, the defendant had a P.D.
20 in the beginning. He went through a couple P.D.'s. He
21 then hired a private attorney, Jim Boyd.

22 Jim Boyd was on the case for the majority of the
23 time. Jim Boyd made a motion for a speedy trial. That
24 case was set to go forward December 8th of last year.

25 At that time, Jim Boyd had been in the hospital for a

1 few days and he was having trouble communicating with the
2 defendant and they had a breakdown in the attorney/client
3 relationship.

4 That -- at that time, Judge Kelly continued the
5 trial, set it for a date certain this term, relieved Jim
6 Boyd. There was a representative from the Public
7 Defender's Office in the courtroom. Judge Kelly spoke
8 with that representative, who is in a management position
9 at the Public Defender's Office, who told Judge Kelly this
10 case would be tried January 5th.

11 That is why we're here today. They made a motion for
12 a speedy trial. He's been in jail for almost two years.

13 We want to get this case resolved. The confidential
14 informant has now been revealed and we would like to go
15 ahead and move forward with this.

16 And on -- also, one more thing. Life notice should
17 not effect their defense. I understand it's a sentencing
18 thing. But he was facing significant time with all his
19 charges prior to being served with life.

20 If you stacked up all his cases, it was close to life
21 for him anyways. He's got four distribution cases
22 pending. He -- this was serious from the beginning, and
23 just because life notice was served on him 20 plus days
24 ago, the defense is the same for the jury trial.

25 Thank you, Your Honor.

1 THE COURT: Okay. All right. After hearing the
2 arguments of Mr. McConnell's counsel and of the state,
3 I'll respectfully deny your motion for a continuance.

4 All right. All right. Let's go back to the *Biggers*
5 time --

6 SOLICITOR BURDETTE: Yes, Your Honor.

7 THE COURT: -- issue.

8 You want to call --?

9 SOLICITOR BURDETTE: Yes, Your Honor.

10 THE COURT: Okay.

11 SOLICITOR BURDETTE: The first witness would be
12 Morgan McClaugherty.

13 THE COURT: Okay.

14 THE CLERK: Please raise your right-hand.

15 MORGAN MCCLAUGHERTY, being first
16 duly sworn, testified as follows:

17 THE CLERK: Just have a seat over there.

18 DIRECT EXAMINATION

19 BY SOLICITOR BURDETTE:

20 Q. Can you please state your name for the record?

21 A. Morgan McClaugherty.

22 Q. And how are you employed?

23 A. I work for the York County Sheriff's Office.

24 Q. You work for the drug enforcement unit?

25 A. Yes, I'm assigned to the drug unit.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 Q. Okay. Did you ever conduct a lineup for the case of
2 State v. Donquavis McConnell?

3 A. Yes, I did.

4 Q. What date did you do so?

5 A. April 3rd, 2024.

6 Q. And can you please tell us how the individuals were
7 chosen for that lineup?

8 A. So, we issue or we send the, the defendant's driver's
9 license number as well as their full name, date of birth,
10 height, weight information all to SLED and then SLED
11 creates a lineup and sends it back to us.

12 Q. And the lineup at SLED sent back to you, how many
13 persons were included in that lineup?

14 A. Six.

15 Q. Do you remember how they were dressed?

16 A. They're all dressed similarly.

17 Q. And were the persons in the lineup similar in
18 physical description?

19 A. Yes.

20 Q. Were they within the same age range?

21 A. Yes.

22 Q. Were they the same ethnicity?

23 A. Yes.

24 Q. Were they similar in height and weight?

25 A. Yes.

1 Q. And did they have the same or similar hair style?

2 A. Yes.

3 Q. Did you provide Mr. McIlwain with a lineup in this
4 case?

5 A. Yes, I did.

6 Q. And when did you show Mr. McIlwain that lineup?

7 A. April 3rd.

8 Q. And where did you do that?

9 A. At the back of Rock Hill Police Department parking
10 lot.

11 Q. Was anyone else with you when you provided that
12 lineup to Mr. McIlwain?

13 A. Yes, Investigator McAfee.

14 Q. And did you or any other officers suggest to Mr.
15 McIlwain who he should select?

16 A. No.

17 Q. Did you or any other officer threaten Mr. McIlwain in
18 any way to make a selection?

19 A. No.

20 Q. What did you say to Mr. McIlwain when handing him the
21 lineup?

22 A. If you see Donquavis McConnell in this lineup please
23 circle his face.

24 Q. And did Mr. McIlwain make a, make a selection from
25 the photo lineup?

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 A. Yes.

2 Q. Do you remember about how long it took him to make a
3 selection?

4 A. Almost instantly.

5 Q. What was his reaction when he made his selection?

6 A. I believe he just circled it.

7 Q. Did he make any comments as to who he chose or what
8 he said?

9 A. No.

10 Q. Did he sign or initial the photo he chose?

11 A. He did.

12 Q. And who was in the picture Mr. McIlwain chose?

13 A. Donquavis McConnell.

14 Q. Did Mr. McIlwain ever identify anyone else as the
15 person who sold him drugs on July 18th, 2024?

16 A. No.

17 Q. I'm now gonna show you Court's Exhibit -- I believe
18 it should be 2 at this point.

19 THE COURT: That may be three.

20 SOLICITOR BURDETTE: Oh.

21 THE COURT: We, we haven't actually marked these two.
22 Can we mark these two?

23 THE COURT REPORTER: Yes, sir.

24 THE COURT: Yeah.

25 (WHEREUPON, an email was marked as Court's Exhibit

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 No. 1. The jail records were marked as Court's Exhibit
2 No. 2. The lineup was marked as Court's Exhibit No. 3.
3 Court's Exhibit Nos. 1 and 2 were received into evidence
4 for this hearing only at this time. Court's Exhibit No. 3
5 was for identification purposes only at this time.)

6 SOLICITOR BURDETTE: I'll say Court's Exhibit 3.

7 Do you recognize that?

8 A. Yes.

9 Q. How do you recognize that?

10 A. That's Donquavis McConnell in Number 5 and that's
11 Kendrick's initials and date.

12 Q. And is that a fair and accurate depiction of the
13 lineup conducted with Kendrick McIlwain on April 3rd,
14 2024?

15 A. Yes.

16 Q. No further questions. Please answer any questions
17 that the, that the defense may have.

18 THE COURT: All right. Any cross-examination?

19 MS. ROGERS: Just a few questions.

20 CROSS-EXAMINATION

21 BY MS. ROGERS:

22 Q. Were you aware of how well the C.I. knew Mr.
23 McConnell ahead of time?

24 A. He'd known him for quite a while.

25 Q. For---

Morgan McClaugherty - Cross-examination
By MS. Rogers

- 1 A. I can't---
- 2 Q. Can you give us specifically --?
- 3 A. I don't know.
- 4 Q. Okay. But he was familiar with him?
- 5 A. Yes.
- 6 MS. ROGERS: Okay. Beg the Court's indulgence.
- 7 THE COURT: Yes, ma'am.
- 8 (Pause.)
- 9 MS. ROGERS: Your Honor, may I approach the witness?
- 10 THE COURT: Yeah. Sure.
- 11 Q. This, this lineup that has been made, been made an
- 12 exhibit given to you by the State, this is the, the copy
- 13 of the lineup that -- an exact copy of the lineup that was
- 14 shown to the C.I.?
- 15 A. Yes.
- 16 MS. ROGERS: Okay. Beg the Court's indulgence. Give
- 17 me one second.
- 18 THE COURT: Sure.
- 19 (Pause.)
- 20 MS. ROGERS: Okay. Nothing further, Your Honor.
- 21 THE COURT: Okay. Any redirect?
- 22 SOLICITOR BURDETTE: No, Your Honor.
- 23 THE COURT: Okay. You can step down. Thank you.
- 24 Any other witnesses?
- 25 SOLICITOR BURDETTE: Yes, Your Honor.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 At this time the State would call Kendrick McIlwain.

2 I'll just go get him.

3 SOLICITOR HAMILTON: I'll get him.

4 THE COURT: Okay.

5 THE CLERK: Right here.

6 Raise your right-hand and put your left-hand on the
7 Bible.

8 KENDRICK MCILWAIN, being first
9 duly sworn, testified as follows:

10 THE CLERK: Thank you. Have a seat over there.

11 DIRECT EXAMINATION

12 BY SOLICITOR BURDETTE:

13 Q. Good afternoon, Mr. McIlwain.

14 Can you please state your full name for the record?

15 A. Kendrick Damionte McIlwain.

16 Q. Did you have an opportunity to view a lineup in the
17 case of State v. Donquavis McConnell?

18 A. Yes, ma'am.

19 Q. On what date did you do so?

20 A. I think it was June 14 maybe.

21 Q. If I showed you a copy of the line, would you
22 remember?

23 A. Yes, ma'am.

24 SOLICITOR BURDETTE: May I approach the witness?

25 THE COURT: Yes, ma'am, you may.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

- 1 A. Yeah.
- 2 Q. Do you remember what date you viewed that lineup?
- 3 A. Yeah.
- 4 Q. What date was that?
- 5 A. April -- April 3rd, '24.
- 6 Q. Okay. And do you remember about what time?
- 7 A. Like late evening.
- 8 Q. Okay. And do you remember where it took place?
- 9 A. Yes, it took place at the, the Rock Hill City in
- 10 the -- like in the back parking lot.
- 11 Q. Okay. And do you remember who showed you that
- 12 lineup?
- 13 A. Yes.
- 14 Q. Who was it?
- 15 A. Morgan.
- 16 Q. Morgan McLaugherty?
- 17 A. Yes.
- 18 Q. Is she a D.E.U. officer?
- 19 A. Yes.
- 20 Q. All right. When she showed you that lineup, did she
- 21 say anything to you?
- 22 A. No.
- 23 Q. Did anyone else view that lineup at that same time as
- 24 you?
- 25 A. No.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

- 1 Q. How many persons were included in that lineup?
2 A. Just six.
3 Q. And how are they dressed?
4 A. Dark clothes. Kind of similar.
5 Q. The people in the lineup, are they similar in
6 physical description?
7 A. Uh-huh. (Affirmative).
8 Q. Are they---
9 A. Yes, ma'am.
10 Q. ---within the same age range?
11 Appear to be?
12 A. Appear to be.
13 Q. And do they appear to be the same ethnicity?
14 A. Yes, ma'am.
15 Q. Do they appear to be similar in height and weight?
16 A. Yes, ma'am.
17 Q. And do they have the same or similar hairstyle?
18 A. Yes, ma'am.
19 Q. And can you just tell us briefly how that lineup was
20 conducted?
21 What happened when you met with Morgan McClaugherty
22 to do this lineup?
23 A. On this day I think -- I don't -- got a --.
24 Q. Let me ask you specifically.
25 Did Morgan -- when -- Morgan McClaugherty, when she

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 handed you that, did she -- what did she tell you?

2 A. Oh, she just said I need you to identify, you know,
3 the person you've been buying from.

4 Q. Okay. And did the officers or anyone else present
5 suggest to you who to select?

6 A. No.

7 Q. Did you view any of these participants in the lineup
8 individually prior to the lineup?

9 A. No, ma'am.

10 Q. Were the photos of any of the persons in the lineup
11 individually shown to you prior?

12 A. No, ma'am.

13 Q. Did you have an opportunity to observe the person who
14 sold you -- who -- Fentanyl on Sept -- on July 18th,
15 2024?

16 A. Say -- can you say that one more time?

17 Q. So back, back to this incident date---

18 A. Uh-huh. (Affirmative).

19 Q. ---for State v. Donquavis McConnell, July 18, 2024,
20 did you have an opportunity to view Mr. McConnell?

21 A. Yes.

22 Q. And during that C.I. buy, how long of a period of
23 time did you see the defendant?

24 A. Probably less, less than eight minutes.

25 Q. Okay. How close were you to him?

- 1 A. We was sitting beside each other.
- 2 Q. And did you select a person in this lineup?
- 3 A. Yes.
- 4 Q. Is that the same person responsible for the
5 distribution of Fentanyl on July 18th, 2024?
- 6 A. Yes, ma'am.
- 7 Q. Who did you select?
- 8 A. Number 5, which is Donquavis.
- 9 Q. Do you see Donquavis McConnell in the courtroom
10 today?
- 11 A. Yes.
- 12 Q. Can you please point him out for the record?
- 13 A. He like behind that little thing right there.
- 14 Q. Can you see him?
- 15 A. Not too good.
- 16 Q. Do you need me to move the podium?
- 17 THE COURT: He can stand up.
- 18 Q. You can stand up.
- 19 Can you identify what he's wearing, wearing?
- 20 A. Yep. Yellow shirt.
- 21 SOLICITOR BURDETTE: Your Honor, let the record
22 reflect that the witness has identified the defendant.
- 23 THE COURT: All right. So noted.
- 24 Q. All right. You already have Court's Exhibit 3 in
25 front of you.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 Do you recognize that?

2 A. Yes.

3 Q. How are you able to do so?

4 A. By my initials on it.

5 Q. And does that exhibit accurately depict the lineup
6 from which you identified the defendant?

7 A. Yes.

8 SOLICITOR BURDETTE: Your Honor, at this time we move
9 to admit that as a Court's Exhibit into evidence.

10 And then can you identify the defendant in those
11 photos in front of you?

12 A. Like again?

13 Q. Which one is he?

14 A. Oh, Number 5.

15 Q. Okay. And is that the one -- is that the person you
16 identified on April 3rd, 2025, or 2024?

17 A. Yes.

18 Q. And did you select any other person as the person who
19 committed this crime?

20 A. No.

21 Q. Did you ever select any other person as the person
22 who committed this crime?

23 A. No.

24 Q. No further questions. But please answer any
25 questions that the defense may have.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 THE COURT: All right. Any cross-examination?

2 MS. ROGERS: Yes, Your Honor.

3 THE COURT: Okay. And I didn't -- is any objection
4 to Court's Exhibit No. 3?

5 MS. ROGERS: No, Your Honor.

6 THE COURT: Okay. Sorry.

7 (WHEREUPON, Court's Exhibit No. 3 was received into
8 evidence for this hearing only at this time.)

9 CROSS-EXAMINATION

10 BY MS. ROGERS:

11 Q. Hello, Mr. McIlwain.

12 How are you?

13 A. Hey.

14 How you doing?

15 Q. So, the State just asked you about that lineup that's
16 in front of you, correct?

17 A. Yes, ma'am.

18 Q. I'd just like to ask you again that this the -- a
19 copy of the exact lineup that you were given on April the
20 3rd?

21 A. Yes, ma'am.

22 Q. Okay. At the time around April 3rd, how, how, how
23 well did you know my client, Mr. McConnell?

24 A. I knew him pretty good.

25 Q. And can, can you define pretty good?

Kendrick McIlwain - Cross-examination
By Ms. Rogers

1 Did -- I mean had you, you met him a couple times?

2 I mean had you seen him in passing?

3 Would you consider him a --?

4 A. Yeah, we met up -- we met up like even outside of --
5 you know, sometime we'd just chill and talk, you know. So
6 --.

7 Q. Okay. And at, at the time at -- how long -- I mean
8 how long had you known him?

9 A. Since I want to say January.

10 Q. Okay. Moving to the lineup that's in front of you
11 right now, earlier the, the prosecutor had mentioned
12 that -- could you tell height and weight based off of
13 those photos?

14 Do you remember that?

15 A. Uh-huh. (Affirmative).

16 Q. Can, can you tell his -- can you tell me how -- what
17 his height and weight is from -- can you tell, any of
18 these photos, what their height and weight?

19 A. She said are they similar in like -- do they like --
20 they about similar in height and weight. From the
21 pictures, yeah, they look like it.

22 Q. Okay. So she said -- earlier you had mentioned that,
23 before the lineup, you were told I need to identify the
24 person you have been buying from.

25 A. Yes.

Kendrick McIlwain - Cross-examination
By Ms. Rogers

1 Q. At -- that's what they told you right before they
2 gave you the lineup, I need you to identify them?

3 A. No.

4 Well, right before she was like -- she told me she
5 was gon' need me to see the lineup -- view the lineup and
6 she wanted me to pick out Donquavis and I pointed at --
7 straight to number five.

8 Q. Okay. So, she said, when, when she talked to you,
9 she said I need you to pick out Mr. McConnell from this
10 lineup?

11 A. Yeah.

12 Q. So, she was suggesting to you that he was in that
13 lineup?

14 A. I already knew he was in the lineup when I looked at
15 it.

16 Q. Okay.

17 A. I don't know if she said that word for word. It was
18 some time ago.

19 Q. Okay.

20 A. But, yeah, I don't know exactly what she said word
21 for word.

22 Q. Okay. All right.

23 A. But yeah.

24 Q. Thank you.

25 Beg the Court's indulgence.

Kendrick McIlwain - Cross-examination
By Ms. Rogers

1 THE COURT: Uh-huh. (Affirmative).

2 (Pause.)

3 Q. Okay. Prior to this lineup, you told the D.E.U. that
4 you reached out to them and told them that you could get
5 information on Mr. McConnell?

6 A. What do you mean?

7 Q. Did you -- you told them that you could get
8 information. You told the D.E.U. that you could get
9 information on Mr. McConnell. You could give them
10 information about him.

11 A. Prior to this?

12 Q. Yeah.

13 A. No, that's not how it happened.

14 Q. Okay. One moment, Your Honor.

15 (Pause.)

16 MS. ROGERS: Okay. All right. Nothing further, Your
17 Honor.

18 THE COURT: All right. Any redirect?

19 SOLICITOR BURDETTE: No redirect, Your Honor.

20 THE COURT: Okay. Mr. McIlwain, you can step down.
21 Thank you.

22 SOLICITOR BURDETTE: Your Honor, we would ask that
23 this witness be excused for the day and he will come back
24 tomorrow.

25 THE COURT: All right. Mr. McIlwain, you are

1 excused, excused for the day. You're still under subpoena
2 okay.

3 THE WITNESS: Okay.

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

5 THE WITNESS: Yes, sir.

6 THE COURT: Can I look at the lineup?

7 SOLICITOR HAMILTON: May I approach, Your Honor?

8 THE COURT: Yes. Thank you.

9 (Pause.)

10 THE COURT: All right. I'm happy to hear from the
11 parties or the defendant. Happy to hear from you.

12 MS. ROGERS: Okay. Thank you, Your Honor.

13 You've got the lineup in front of you.

14 The, the photos of the six people are substantially
15 poor quality, Your Honor. There's differing levels of
16 some people's faces are, are really dark now. I mean dark
17 skinned. I mean the quality of the photos are dark.

18 There are some photos where the -- the quality of
19 them are lighter and it's our position that, that the, the
20 quality of the, the photos are so poor it'd be tough to
21 make a reliable identification of, of our client based off
22 of that, Your Honor.

23 Also, earlier when Mr. McIlwain was testifying, he
24 did say that the D.E.U. told him I need you to identify
25 the person you had been buying from prior to this lineup,

1 which we believe is unduly suggestive. You know, he's
2 saying he didn't remember. Maybe that wasn't exactly what
3 was said. But then, more than once, he said something to
4 in -- that could indicate that he was that -- told that,
5 you know, not only is this a -- the lineup of six people,
6 you know, that -- like see if can identify that somebody
7 is there. But that they, they might of suggested to him
8 that, that our client was actually in that lineup, which,
9 which violates the suggestiveness portion of *Neil v.*

10 *Biggers*, Your Honor.

11 Beg the Court's indulgence.

12 (Pause.)

13 MS. ROGERS: And that -- that's about all we have,
14 Your Honor.

15 THE COURT: Okay.

16 MS. ROGERS: Thank you.

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

18 SOLICITOR BURDETTE: Your Honor, just briefly.

19 It -- the officer testified she did not suggest who
20 to pick out of that lineup. She simply stated to identify
21 the person you can buy drugs from and Mr. McIlwain himself
22 said that he doesn't remember exactly what she said to him
23 at that time.

24 But he was able to -- regardless of what she --
25 he's -- what Investigator McLaugherty said, he was able

1 to immediately identify Donquavis McConnell. He had prior
2 dealings with him since January of that year. He knew who
3 he was. He had hung out with him as a friend prior to
4 this lineup.

5 So, it's the State's position that he had knowledge
6 of him and the lineup is not prejudicial.

7 THE COURT: Okay. All right. As originally argued
8 by the State, at least what I initially heard and did
9 not -- it sounded as though the witness knew Mr. McConnell
10 outside of this particular incident. I think that's, by
11 and large, what he testify -- what Mr. McIlwain testified
12 to in this case.

13 So, I've -- out of an abundance of caution, I allowed
14 some of this testimony in *Neil v. Neil v. Biggers* so that
15 the record can be complete.

16 However, I don't, I don't think that the defendant
17 has met his burden, which is preponderance of the
18 evidence, to show that the procedure itself was
19 impermissibly suggestive and that, under the totality of
20 the circumstances, there's a very substantial likelihood
21 of irreparable misidentification.

22 My view of the Court's Exhibit No. 3 are six
23 individuals. I do note the defense argument that these
24 are not necessarily high quality photos.

25 But I think that's overridden by the fact that Mr.

1 McIlwain, one, said he knew Mr. McConnell outside of this
2 incident taking place. And also I think he testified, as
3 well as Agent McClaugherty testified, that Mr. McIlwain
4 immediately identified Mr. McConnell from this lineup.
5 That buttresses the argument.

6 I think that he -- obviously he was familiar with Mr.
7 McConnell previously. I don't think that anything about
8 this procedure was un -- unduly suggestive or prejudicial
9 to Mr. McConnell. Particularly in light of the fact that
10 Mr. McIlwain apparently knew Mr. McConnell prior to the
11 July, 2024 sale.

12 So, for those reasons, I'll respectfully deny
13 defense's motion.

14 All right. Okay. Then we -- the -- Mr. McIlwain's
15 criminal history I'll need to look at this evening and we
16 can take that up in the morning.

17 Is there anything before we bring the jury back out?

18 I was gon' give them a really short charge and y'all
19 can do openings and get to --

20 SOLICITOR BURDETTE: Nothing from the State, Your
21 Honor.

22 THE COURT: -- one witness.

23 Okay.

24 MS. ROGERS: Nothing from the defense, Your Honor.

25 THE COURT: Okay. All right. Let's have the jury

1 back in.

2 Bring in the jury.

3 (WHEREUPON, the following takes place within the
4 presence of the jury.)

5 THE COURT: All right. We have all members of the
6 jury back in.

7 Madam Foreperson (sic), will you swear them?

8 Will you swear them, the jury?

9 THE CLERK: I do.

10 THE COURT: Okay. All right. Can you swear the jury
11 for us please?

12 (WHEREUPON, the jury was placed under oath at this
13 time.)

14 THE COURT: All right. Ladies and gentlemen of the
15 jury, what I'm gon' say now is intended to serve as an
16 introduction to the trial of this case. It is not a
17 substitute for the detailed instructions on the law which
18 I will give you at the close of the case and before you
19 retire to consider your verdict.

20 This is a criminal case commenced by the State, which
21 I will sometimes refer to as the prosecution, against
22 Mr. Donquavis Johontelle McConnell. This case is based on
23 an indictment which is already been read to you.

24 I want to reiterate you should distinctly understand
25 that the indictment is simply a charge and that it is not,

1 in any sense, evidence of the allegations contained --
2 that it contains.

3 The defendant has pled not guilty to the indictment.
4 The State, therefore, has the burden of proving each of
5 the essential elements of the indictment beyond a
6 reasonable doubt. The purpose of a trial is to determine
7 whether the State has met this burden.

8 Your purpose, as jurors, is to find and determine the
9 facts. Under our system of criminal procedure, you are
10 the sole judges of the facts. If, at any time, I should
11 make any comment regarding the facts, you are at liberty
12 to, to disregard that. It is especially important that
13 you perform your duty of determining the facts diligently
14 and conscientiously.

15 On the other hand and with equal emphasis, I instruct
16 you that the law, as given by the Court, constitutes the
17 only law for your guidance and it is your duty to accept
18 and follow it. It is your duty to follow the law as I
19 give it to you even though you may disagree with the law.
20 You are to determine the facts from the testimony you hear
21 and other evidence introduced in court. It is up to you
22 to determine the inferences which you feel may be properly
23 drawn from the evidence.

24 You must not consider anything that you may have read
25 or heard about the case outside of the -- of this

1 courtroom whether before or during the trial. Until this
2 case is submitted to you, you must not discuss it with
3 anyone, even with your fellow jurors. After it is
4 submitted to you, you must discuss it only in the jury
5 room with your fellow jurors. It is important that you
6 keep an open mind and not decide any issue in the case
7 until the entire case has been submitted to you under the
8 instructions of the Court.

9 I will ask you please not to take any notes but
10 rather listen closely throughout the course of this trial.

11 In just a moment the solicitor will make what is
12 called an opening statement in which the solicitor will
13 explain to you the issues in the -- in this case or at
14 least what the solicitor thinks the issues are in this
15 case. An attorney for the defendant may also make an
16 opening although that's not required.

17 what the attorneys tell you during their opening
18 statements is not evidence. It is only their contentions
19 as to what the issues are. The evidence in this case will
20 be presented to you by the testimony of sworn witnesses
21 from this witness stand and/or by any exhibits that may be
22 introduced into evidence.

23 From time to time during the trial you may hear one
24 of the lawyers say something like Your Honor, I believe we
25 have a question of law or a matter of law to discuss with

1 you or Your Honor, may we approach the bench or sometimes
2 I, myself, may find it necessary to excuse you from the
3 courtroom for a short while so the attorneys and I can
4 discuss a matter of law.

5 The reason for this is because you are the judges of
6 the facts in this case and sometimes, when I'm discussing
7 matters of law with the attorneys, it may be necessary for
8 me to make some comment as to the facts in connection
9 with, in connection with ruling whether or not a
10 particular law applies.

11 I am not supposed to tell you what I think the facts
12 are. So, I will excuse you from the courtroom while these
13 discussions take place so that you will, in no way, be
14 influenced by anything other -- that I might say or do in
15 connection with the facts. But I tell also -- ask -- in
16 just a moment I will recognize the parties for opening
17 statements.

18 I will also ask you to get a jury foreperson. You
19 can discuss that amongst yourselves this afternoon when
20 you go back for a minute or in the morning when you come
21 back in to hear more testimony. But, by the lunchtime
22 tomorrow, I'm -- if you can, I'd like for y'all to agree
23 on who may be the foreperson. If you can not agree, for
24 whatever reason, that's fine. I can appoint somebody to
25 fill that role. It's just been by experience so far it's

1 better to ask y'all to do it and as opposed to me doing
2 it. But, again, it's no pressure. If y'all can't decide,
3 I can do it myself.

4 Again, we will probably start somewhere between 9:00
5 and 9:30 each morning, have lunch some time around 1:00 or
6 1:30, and hopefully finish up around 5:00 or 5:30 each
7 day.

8 I don't anticipate this trial may take a long time.
9 But I, I really don't know. I -- sometimes, once we get
10 started, things may affect some of the scheduling. But,
11 in any event, as I said, we'll take breaks throughout the
12 day and that will pretty much be the schedule that we will
13 be on each day and I just say that in advance in case
14 they're any calls or stuff -- something that you may need
15 to make as far as in the afternoons for personal matters.

16 So, with that said, I will recognize the State for
17 its opening statement.

18 SOLICITOR BURDETTE: May it please the Court?

19 THE COURT: Yes, ma'am.

20 SOLICITOR BURDETTE: Good afternoon, ladies and
21 gentlemen of the jury.

22 I apologize. I don't usually stand behind a podium
23 but, unfortunately, I'm in a boot. So, I'm gonna try to
24 stay still.

25 You will hear, throughout the next day until -- today

1 and tomorrow, that officers with the York County Drug
2 Enforcement Unit conducted a controlled buy where they
3 utilized a confidential informant to purchase Fentanyl
4 from Donquavis McConnell on July 18th of 2024 in York
5 County. Four D.E.U officers will testify to -- one today
6 and some tomorrow and they will tell you their procedure
7 and how a controlled buy works.

8 They will tell you that they met with a confidential
9 informant on July 18th, how the process is set up, and
10 they will tell you that they searched that confidential
11 informant prior to going to meet with Donquavis McConnell.
12 The confidential informant is wired, monitored, and under
13 constant surveillance the entire time.

14 The D.E. -- D.E.U. officers will tell you they're all
15 in unmarked patrol vehicles. They are undercover
16 officers. They are following the confidential informant
17 to the buy. They are sitting by as the drug transaction
18 takes place and then they follow the confidential
19 informant back to their meeting point. The entire time
20 the C.I. is wired, monitored, and under surveillance of
21 officers.

22 After the C.I. gets back to the meeting point, the
23 officers will tell you they immediately recovered the
24 drugs. They put those drugs into evidence and, later, the
25 drug lab tested them by drug expert. You will hear from

1 Holly Tobias with the York County Sheriff's Office. She
2 will tell you that she has tested many drugs and she
3 tested the drugs in this case.

4 She confirmed the drugs to be a white powder,
5 Fentanyl, and like a bluish, green rock Fentanyl. Point
6 42 grams of Fentanyl total, that is what this defendant
7 sold to the confidential informant.

8 You will also hear from the confidential informant
9 himself. His name is Kendrick McIlwain. He went
10 undercover to purchase Fentanyl from this defendant on
11 July 18th, 2024. He knew officers were following,
12 following him. He was searched. He'll tell you he didn't
13 have anything illegal on him before or after the deal. He
14 provided what was given to him immediately to officers.

15 One thing you should know about Kendrick McIlwain,
16 he's not a saint. I am not here to tell you Kendrick
17 McIlwain is a saint.

18 He was a drug user. He has a prior record. You
19 should know that. You should know that up front. He's
20 not perfect.

21 But there is nothing that says that only perfect
22 people can tell the truth. You will watch Kendrick
23 McIlwain face the defendant, come up here and testify as
24 to what happened.

25 He will stand before the clerk, raise his right-hand,

1 and he will take an oath to tell the truth, the whole
2 truth, and nothing but the truth. He will get on that
3 stand and tell you exactly what happened despite the fact
4 that we are gonna bring out that he's not a saint. He's
5 gonna have to look at you and tell you he feels like a bad
6 person.

7 Unfortunately, people don't deal drugs to people in
8 bow ties. They deal drugs to drug users and that was
9 Kendrick McIlwain at this time.

10 Not only will the officers testify and tell you what
11 happened, not only will the confidential informant get up
12 there and tell you what happened, it is on video. You
13 will watch the entire video, which shows clear and
14 consistent facts that reiterate the testimony you will
15 hear.

16 You will watch this defendant, Donquavis McConnell,
17 get into the passenger seat of Kendrick McIlwain's
18 vehicle. You will watch this defendant take cash, a
19 hundred dollars. You will watch this defendant with drugs
20 handed to the confidential informant. You will get to see
21 it. The video alone speaks for itself. Every testimony,
22 every piece of evidence points to the same conclusion.

23 Now, the facts of this case are very straight
24 forward. I anticipate we'll be done tomorrow, maybe
25 wednesday at the latest, but this is rather a short trial.

1 It's pretty straightforward.

2 But that does not mean it's not important. It is
3 important to the defense and it is important to the State.
4 And you, as jurors, must lawfully, fairly, and carefully
5 decide the ultimate verdict. You will watch the crime
6 happen with your own eyes and then the judge will ask you
7 to render a verdict.

8 At the end of a closing statement, the judge will
9 give you the law to apply to everything you've just heard,
10 the facts, the evidence. The judge will tell you what law
11 you have to apply. The judge is gonna tell you that I, as
12 the State, must prove, beyond a reasonable doubt, that the
13 defendant distributed a controlled substance, which was
14 Fentanyl. It's pretty straightforward. It's just like
15 the crime suggests, distribution of Fentanyl.

16 There's two elements. Defendant distributed a
17 controlled substance of Fentanyl. That's what I must
18 prove to you to find the defendant guilty.

19 Once you have heard the law and you've heard all the
20 testimony and seen all the evidence, the judge is gonna
21 instruct you to go back into the jury room and deliberate.
22 I stand before you now and I will stand before you at the
23 end of this trial and I ask that you find Donquavis
24 McConnell guilty.

25 Thank you.

1 THE COURT: All right. Thank you.

2 Mr. Davis.

3 MR. DAVIS: Thank you, Your Honor.

4 THE COURT: Yes, sir.

5 MR. DAVIS: Good afternoon.

6 As I said -- as my client said -- my colleague, Ms.
7 Rogers introduced before, my name's Fred Davis. I'm with
8 the Public Defender's Office.

9 A little background on myself. This is my third
10 career in the law. I started out and I graduated from the
11 Naval Academy many years ago and I, I flew off carriers
12 for several years, enjoyed that, and a lot of my outlook
13 on life has come from that experience. And one of the
14 things I like to relate that to is reasonable doubt.

15 The solicitor touched on the fact they got to -- have
16 to prove each element beyond a reasonable doubt and
17 there's a lot of ways to look at it, a lot of ways to
18 define it, and, at the end of this, end of this trial, the
19 judge is gonna give you exact wording on how to consider
20 what reasonable doubt is.

21 One of the ways I, I kind of look at it is if I'm
22 sitting on my carrier -- on the carrier in my airplane on
23 a catapult and I'm getting ready to get shot off the end,
24 if I have any belief that anything's not gonna work,
25 that's reasonable doubt. Whether or not the, the wing's

1 folded properly, whether or not the engine's are gonna
2 work properly, and sometimes I took the word of a 20 year
3 old airman out there who just fixed my airplane and gave
4 me a thumbs up and said your plane's good.

5 You can bet your life that when it hit the button and
6 you take the catapult shot, you're gonna go flying, you're
7 not gonna go into the ocean and kill yourself. So that
8 was a pretty good -- it's kind of how I approach it.

9 Is there a reason for me to question one of the
10 critical things here?

11 In this case, the elements of the crime.

12 So, if there's any reason for you to question any of
13 those things, one people -- well, one definition of a
14 reasonable doubt is a hesitance to act.

15 And so, whether or not it's that 20 year old airman
16 that you can trust, what if that 21, 20 year old man --
17 airman isn't trustworthy?

18 What if he's got a history of not doing things right
19 or not -- you know, aircraft maintenance is a, is a funny
20 thing. Once you do something, someone else comes out and
21 checks it to make sure you did it, and they sign it off
22 cause, you know, when airplane gets up in the air, you
23 can't pull over and fix it.

24 So, you know, people care about their reputation and
25 whether or not they say the right thing all the time

1 cause, yeah, people bet multimillion dollar airplanes and
2 people's lives on just a -- someone's word all the time.
3 It's going on right now as we speak.

4 So, that's what you have to assess, whether or not
5 the evidence that you for -- that, that is presented is
6 credible and believable and eliminates all doubt.

7 The solicitor mentioned facts. From a legal sense,
8 there are no facts in this case until you, the jury,
9 establish what the facts are. The time has come to
10 present you with the evidence. Once they present the
11 evidence to you, then you will tell us what the facts are
12 in the case.

13 So, any declarative sentences you hear about someone
14 did this, this is a fact, that's not true. Until you
15 decide what the facts are, there are no facts in the case.

16 This is not an inquiry into what could of happened,
17 what might of happened, or what else could of happened.
18 If you have questions like that, if you feel you're trying
19 to solve the case at the end of this, that means the
20 prosecution hasn't met their burden. They haven't
21 eliminated all those doubts.

22 And so you're not -- if they don't provide enough
23 evidence that's credible, and by credible I mean
24 believable and sound, and you are willing to say that's
25 good, that meets the standard, inferences and

1 extrapolations are not a replacement for actual evidence.
2 So, if you're, you're, you're sitting in there in
3 deliberations and you have questions, it's not your job to
4 just cave and say well, everybody else seems to like it.
5 You have to talk to each other and I ask you just to
6 discuss those differences -- that hesitation, why you have
7 that.

8 Don't let go of them just cause other people, you
9 know, try to talk you out of it. Your individual opinion
10 counts in that jury room, and if they haven't met their
11 burden, then they haven't met their burden. Nearly
12 impossible to prove you weren't somewhere or you didn't do
13 something.

14 It's a terrible thing when you get accused of a
15 crime. You're brought into a courtroom. You're the only
16 person standing trial. There's not like five or six
17 people, pick which one who did it. The jury can only come
18 to one conclusion. So, that's why the burden is set up
19 that way. Just like we don't want to launch an airplane
20 into the ocean and kill crewmen, we don't want to convict
21 someone unless the burden of proof has been met.

22 At the end of this trial when you evaluate the
23 evidence put before you, I'm gonna ask -- Ms. Rogers is
24 gonna stand up here and ask that you find Mr. Mc -- Mr.
25 McConnell not guilty.

Christopher Lorencio - Direct examination
By Solicitor Burdette

1 Thank you.

2 THE COURT: All right. Thank you.

3 State may call your first witness.

4 SOLICITOR BURDETTE: Thank you, Your Honor.

5 THE COURT: Uh-huh. (Affirmative).

6 SOLICITOR BURDETTE: The State would call Christopher
7 Laurencio to the stand please.

8 CHRISTOPHER LAURENCIO, being first duly
9 sworn, testified as follows:

10 THE CLERK: Thank you. Have a seat over there.

11 DIRECT EXAMINATION

12 BY SOLICITOR BURDETTE:

13 Q. Good afternoon.

14 THE COURT: You may proceed.

15 Q. Could you please state your name for the record?

16 A. Sergeant Christopher Lorencio.

17 Q. And what is your occupation?

18 A. I'm a police officer with the York County Sheriff's
19 Office.

20 Q. How long have you been in law enforcement?

21 A. Approximately 16 years.

22 Q. And what are your present duties?

23 A. My present duty is to be the drug commander for the
24 North Office for the York County Multi-Jurisdictional Drug
25 Enforcement Unit.

1 Q. Now, that big long thing you just said --

2 A. Yes.

3 Q. -- the York County Multi-Jurisdictional Drug
4 Enforcement Unit, is that often referred to as the D.E.U.?

5 A. Yes.

6 Q. Okay. And are you currently -- you said you're
7 currently a member of the York D.E.U.?

8 A. Yes.

9 Q. What is the York County D.E.U.?

10 A. So, the drug enforcement unit is
11 multi-jurisdictional.

12 Every agency within York County sends officers to be
13 investigators to work a task force with other officers
14 from different agencies, York County Sheriff's Office, the
15 Solicitor's Office, Rock Hill City, Tega Cay, Fort Mill,
16 Clover, York. They, they all are assigned from their
17 respective agencies to work with the drug unit as a large
18 task force and that way the outside agencies, other than
19 York County and the Solicitor's Office, have
20 multi-jurisdictional enforcement within the county.

21 Q. And in your role with the D.E.U., were you in that
22 same role on July 18th of 2024?

23 A. Yes, I was the supervisor for the North Office at
24 that time.

25 Q. How many cases would you say you've been involved --

Christopher Lorencio - Direct examination
By Solicitor Burdette

1 drug cases have you been involved with?

2 A. That's difficult to quantify. I would say probably
3 close to a thousand within my career on the drug unit.

4 Q. And this case involves Fentanyl in particular.

5 Are you familiar with Fentanyl?

6 A. Yes.

7 Q. What is it?

8 A. Fentanyl is -- it started out as a, a pharmaceutical
9 grade synthetic opiate. But right now it's, it's just
10 people are buying and selling it on the streets and using
11 it as a replacement for heroin. It's, it's basically a
12 pain, pain reliever like you would get in, in
13 pharmaceutical grade pills.

14 Q. What is a confidential informant?

15 A. A confidential informant is someone who has agreed to
16 work with the drug unit to purchase or give
17 information pur -- to purchase drugs from their known drug
18 dealers, their, their -- what they call plugs or people
19 who they, they set -- get their drug supply from. They
20 can also be involved with just giving us information
21 whereas the whereabouts of someone that we're looking for
22 or just information in general that they have.

23 Q. Are confidential informants also known as C.I.'s --

24 A. Yes.

25 Q. -- for short?

Christopher Lorencio - Direct examination
By Solicitor Burdette

1 A. Yes.

2 Q. Okay. And why does the D.E.U. utilize confidential
3 informants?

4 A. Because it's much more effective for, for us to work
5 with a confidential informant who has the street smarts
6 and the ability and the knowledge to go to drug dealers
7 and buy drugs from them whereas I wouldn't be able to do
8 that without extensive, I guess, research on how to do it
9 on the streets and then I'd have to know the people, the
10 people involved whereas the C.I. already knows these
11 people.

12 Q. Can you explain to the jury what controlled buys are?

13 A. Yes.

14 Controlled buys are a, are a structured process that
15 we do. Of course, there could be different parameters
16 that change it. But we try to make it as consistent as we
17 can.

18 What a controlled buy can -- is, is basically us
19 giving our identifiable funds to a C.I., having them go
20 purchase drugs from a known drug dealer or a drug dealer
21 that they know, and then providing us back the drugs.

22 Q. Okay. And when you meet with confidential informants
23 or a C.I., you said you provided them with money?

24 A. Yes.

25 Q. Is that identifiable?

Christopher Lorencio - Direct examination
By Solicitor Burdette

1 A. Yes.

2 So, the process -- if I, if I continue with it?

3 Q. Yeah. Go ahead.

4 A. The, the entire process would be where any
5 investigator within the drug unit would be in contact with
6 their assigned C.I. They come up with a plan or meeting
7 to discuss who they're gonna buy from, how much they're
8 gonna buy, and what type of drug they're going to buy.

9 They meet that person at a predetermined location.
10 Other investigators, along with that investigator that's
11 assigned to the, to the case, would search the C.I.'s
12 person. That's part of the deal. They have to search it
13 before the deal and they also have to search the C.I.'s
14 vehicle.

15 They search the interior of the vehicle. They search
16 the floorboard. They search the center console. They
17 search the glove compartment, the trunk, anywhere someone
18 would be -- have reasonable possession of, of drugs. We
19 don't go under the undercarriage or in the hood or
20 anything like that.

21 We give the C.I. identifiable funds from our -- what
22 we consider -- what we call buy money. It's, it's money
23 that we have to purchase these illegal drugs. We have a
24 record of the serial numbers before we give it to the C.I.
25 and we provide the C.I. with equipment to record the

1 transaction.

2 That equipment typically involves having a recording
3 device that will record the audio, the video on realtime.
4 It records the GPS location while the C.I. is either
5 traveling or by foot or in vehicle and it provides us the
6 ability to, to monitor it realtime.

7 There are, there are occasions where it could
8 possibly -- we would lose signal for a couple minutes or
9 something like that. But we're also doing physical
10 surveillance at the same time. So, it's redundant.

11 we have the phone that shows the GPS location. We
12 can hear the person. We can -- if they're having a
13 conversation. We can see what they're doing by video.
14 But we're also watching them from a distance.

15 When I say a distance, it would be safe -- a safe
16 distance so that that C.I.'s identity is not compromised
17 when they go into these neighborhoods or to meet with the
18 drug dealer cause they'll know if, A, the police are
19 following them or something like that so that the C.I.
20 would go to the deal. They would make the deal with the,
21 with the, with the target, with the drug dealer, and
22 they're already instructed, once the deal is done, to come
23 back to a predetermined meet location, meet with the
24 investigators.

25 As soon as they get on location, they provide the,

Christopher Lorencio - Direct examination
By Solicitor Burdette

1 the investigator with the drugs that they purchased and/or
2 any money that's left over, or if the deal didn't happen,
3 they give the money back. The subject -- the C.I. is
4 searched again and the vehicle is searched again so that
5 we can ensure that there's no illegal drugs before the
6 deal or after the deal on the C.I.'s person.

7 Q. Now, the officers that are following the C.I., is
8 that a surveillance team?

9 A. Yes.

10 Q. And you said their purpose is to monitor the entire
11 drug transaction?

12 A. Yes.

13 And, and also to, to make sure that the C.I. is safe.
14 We -- if something's going wrong and we have to rescue the
15 person. There's always that possibility.

16 Q. And how many officers are typically a part of the
17 surveillance team?

18 A. That's another thing that's hard to quantify. It
19 just depends on if we know the, the whole situation of the
20 deal beforehand, where -- are they going into a very --
21 area that's violent or they're dealing with someone -- a
22 drug dealer that's violent, we may have more people on
23 hand. I would say anywhere from three investigators all
24 the way up to the entire drug unit.

25 Q. Okay. And can you -- you mentioned that you guys are

1 listening to a live audio feed.

2 Can you explain that?

3 A. Sure.

4 So, the recording device is on, on a peripheral like
5 a cellphone and we -- the, the per -- the phone that there
6 are -- they're holding that's recording, it doesn't have
7 any -- it, it has no indication that it's actually doing
8 this.

9 But, on our end, it's like a, it's like a live video
10 feed like if you were watching the news. We're able to,
11 to watch wherever the, the peripheral is pointed to and
12 we're able to hear what's going on during the deal.

13 Q. Did the York County Drug Enforcement Unit utilize a
14 confidential informant on Don -- Donquavis McConnell on
15 July 18th, 2024?

16 A. Yes, ma'am.

17 MR. DAVIS: Objection, Your Honor.

18 May we approach?

19 THE COURT: You may.

20 (WHEREUPON, a bench conference was held out of the
21 hearing of the jury at this time.)

22 THE COURT: All right. I will overrule the defense's
23 objection.

24 Q. Did the York County D.E.U. utilize a confidential
25 informant against Donquavis McConnell for July 18th,

Christopher Lorencio - Direct examination
By Solicitor Burdette

1 2024?

2 A. Yes, ma'am.

3 Q. And were you there for the entire meeting point
4 before drug deal and meeting point after on July 18th,
5 2024?

6 A. Yes.

7 Q. And what was your role on that day?

8 A. I was the supervisor. But it's a, it's a hands-on
9 position. So, I'm there with them doing whatever they're
10 doing.

11 Q. Did you observe officers search the confidential
12 informant prior to the drug deal?

13 A. Yes.

14 Q. And, that search, was it the same as you testified
15 earlier --

16 A. Yes.

17 Q. -- how it was -- how it occurred?

18 A. Yes.

19 Q. So, did you observe the officers search the C.I.'s
20 person?

21 A. Yes.

22 Q. Did you observe the officers search the C.I.'s car --

23 A. Yes.

24 Q. -- prior to the drug deal?

25 A. Yes.

Christopher Lorencio - Direct examination
By Solicitor Burdette

1 Q. And, during those searches, was anything located?

2 A. No, ma'am.

3 Q. And did you ever make any promises to Mr. McIlwain to
4 get him to work as a confidential informant?

5 A. No, I did not.

6 Q. Did you ever threaten him in any way to get him to
7 work as a confidential informant?

8 A. No, I did not.

9 Q. Now, you said you were present during that drug deal.
10 what vehicle were you in?

11 A. I believe I was in my -- in -- the vehicle assigned
12 to me was a 2016 red Mustang or Ruby red Mustang.

13 Q. Was anyone with you in that Mustang?

14 A. I don't believe so. I, I don't recall but I don't
15 think so.

16 Q. Okay. And the vehicle you were driving and the --
17 all the other vehicles that D.E.U. officers are driving to
18 follow the confidential informant, are those marked patrol
19 vehicles?

20 A. No, they're not.

21 Q. why?

22 A. Because that would blow our cover. That, that
23 would -- that would make the investigation impossible to
24 do.

25 Q. So, if I'm driving down the road and I see your

Christopher Lorencio - Direct examination
By Solicitor Burdette

1 Mustang, am I gonna know it's a police vehicle?

2 A. No, unless you look really close. You may be able to
3 see the blue lights behind the tinted windows. But no.

4 Q. Okay. Now, was anyone in the vehicle with Kendrick
5 McIlwain during this drug transaction?

6 A. Absolutely not. If -- they would have to be an
7 informant, a signed confidential informant to be with him.

8 Q. But there was no one with him on this day?

9 A. No, ma'am.

10 Q. Okay. And can you explain to the jury what you
11 observed on July 18th, 2024, when Kendrick McIlwain met
12 with Donquavis McConnell?

13 A. I recall McConnell getting in the vehicle, in the
14 C.I.'s vehicle, at the apartment complex parking lot. He
15 instructed him where to park. They -- I believe they were
16 arriving at the same time if I recall.

17 They had some conversation within the vehicle. They
18 were talking about different things, and while this was
19 going on, Mr. McConnell was, was, I guess, working his
20 drugs. He was, he was separating them and packaging them
21 up into individual packaging.

22 You can see in the video his hands and his face every
23 once in a while with the drugs and then there was a, a
24 transaction between him and the C.I.

25 Q. Now, the apartment complex you said, what apartment

- 1 complex was that?
- 2 A. I want to say it's called Glenarden --
- 3 Q. Okay.
- 4 A. -- I believe.
- 5 Q. Is that in Rock Hill?
- 6 A. Yes.
- 7 Q. Is it---
- 8 A. It's near like -- by that big intersection of
- 9 Albright and Mt. Holly and all that.
- 10 Q. Okay. And that is in York County?
- 11 A. Yes, ma'am.
- 12 Q. Okay. Now, after Mr. McConnell provides the drugs to
- 13 Kendrick, can you explain what happens?
- 14 A. So, eventually Mr. McConnell gets out of the vehicle
- 15 and the C.I. leaves the parking lot, drives back to the
- 16 predetermined meet location, and meets with us. This
- 17 also -- surveillance both physical and virtual on the
- 18 phone, realtime, is occurring just like as, as we went to
- 19 the deal.
- 20 Q. So, you testified earlier that controlled buys have
- 21 GPS equipment.
- 22 Did you have GPS equipment for Kendrick McIlwain on
- 23 this incident?
- 24 A. Yes.
- 25 Q. And you had the live audio feed --

Christopher Lorencio - Direct examination
By Solicitor Burdette

1 A. Yes.

2 Q. -- on this incident?

3 And you had provided, or someone -- an officer, while
4 you were present, had provided Mr. McIlwain with
5 identifiable money?

6 A. Yes.

7 Q. Okay. Was the entire deal captured on video?

8 A. Yes.

9 Q. No further questions. Please answer any questions
10 the defense may have.

11 THE COURT: All right. Any cross-examination?

12 MR. DAVIS: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. DAVIS:

15 Q. All right. So, how long -- deputy, is it Lorencio?

16 A. Yes, sir.

17 Q. And thank you.

18 For -- deputy or is it --?

19 A. It's sergeant now.

20 Q. Sergeant?

21 A. Yes.

22 Q. Okay. That's fine --

23 A. Yes.

24 Q. -- Sergeant Lorencio?

25 How long have you been in law enforcement?

1 A. Since 2009.

2 Q. Since 2009.

3 A. Yes, sir.

4 Q. And you've been through the, the academy?

5 A. Yes.

6 Q. And you get yearly training?

7 A. Yes.

8 Q. And so you've, you've learned your -- you've learned
9 to follow your police procedures every time you, you do
10 whatever operation you might be doing.

11 Is that correct?

12 A. Yes.

13 Q. And one of those is proper documentation of, of
14 everything that you do and put in your reports.

15 Is that correct?

16 A. Yes.

17 Q. Can you explain why your name is not listed in the
18 incident report for the night of July 18th, 2024?

19 A. It's not common practice for the drug enforcement
20 unit to list their names in the drug entertainment -- in,
21 in the initial report other than the primary investigator
22 and the evidence technician.

23 Q. So, the fact that the investigator and listed
24 themselves and at least one other D.E.U. agent -- well,
25 tell -- I'm sorry. They asked -- they listed four D.E.U.

Christopher Lorencio - Cross-examination
By Mr. Davis

1 agents.

2 How many, how many were, were, you know, in the
3 write-up -- in the incident report, they listed four.
4 They listed McClaugherty, McClaugh -- no. Excuse me for
5 mispronouncing her name. McAfee, Dailey, and Regan all in
6 the incident report. But they didn't list your name.

7 Was there anybody else that they omitted or just your
8 name?

9 A. Can you clarify?

10 Are you re -- referring to the incident report or the
11 case summary?

12 Q. The, the incident report that I received, the case
13 summary.

14 A. Okay. That's not in the---

15 Q. So here.

16 A. That's the case summary, the word document.

17 Q. All right. So, do you, do you review these before
18 they get approved --

19 A. Yes.

20 Q. -- a supervisor?

21 A. Yes.

22 Q. And, and so when you reviewed them and you did not
23 correct this when they -- it finally gets released just to
24 show that you were there. You did not do that.

25 Is that correct?

Christopher Lorencio - Cross-examination
By Mr. Davis

1 A. If, if -- if my name's not there, that's correct.

2 Q. Okay.

3 A. I did see it.

4 Q. Okay. Did you guys -- you said -- you went through
5 this long procedures you guys do.

6 Did you, did you record, with your body cameras or
7 anything, the search of the, the, the suspect?

8 A. No, we do not do that.

9 Q. Did you record the search of the vehicle?

10 A. No.

11 Q. Now, you also said that Mr. McConnell got out of a
12 car and into another car.

13 Did you observe him do that?

14 A. I observed him getting in the car via the video.

15 Q. Via the video.

16 A. Yes.

17 Q. So, you didn't -- you weren't -- you couldn't see
18 anything more than what's in the video.

19 Is that correct?

20 A. Correct.

21 Q. Okay. So, the -- and the jury's gonna get to see
22 that video.

23 Is that correct?

24 That gets introduced into evidence.

25 A. Yes.

Christopher Lorencio - Cross-examination
By Mr. Davis

1 Q. Okay. Fine.

2 So, nobody saw the car -- whoever got in the car with
3 Mr. McIlwain, nobody saw where that person came from, from
4 a car, the apartments, or anything?

5 Nobody besides---

6 A. That's correct.

7 Q. ---Mr.---

8 A. What we---

9 Q. ---McIlwain?

10 A. Right.

11 What we heard was a conversation between Mr. McIlwain
12 and Mr. McConnell that they were---

13 Q. So---

14 A. ---they were simultaneously getting -- arriving at
15 the same time.

16 Q. Okay. So besides Mr. McIlwain, nobody else has any
17 direct, personal knowledge of where that other person came
18 from?

19 A. I can't speak---

20 Q. Is that correct?

21 A. ---for the other investigators. But I do not know.

22 Q. You do not know?

23 A. No.

24 Q. But you don't have any direct, personal knowledge?

25 A. Correct.

Christopher Lorencio - Cross-examination
By Mr. Davis

1 Q. Okay. So you just -- you're going based on what the
2 video and what Mr. McIlwain is -- says is in the video.

3 Is that correct?

4 A. Yes.

5 Q. Okay. Thank you.

6 Did you take anything into evidence in this case?

7 A. No, sir.

8 Q. Yourself?

9 A. No, sir.

10 Q. So you didn't handle anything in the chain of
11 evidence or anything like that?

12 A. No, sir.

13 Q. Okay. All right. No further questions, Your Honor.

14 THE COURT: Okay. Thank you.

15 Any redirect?

16 SOLICITOR BURDETTE: Just briefly, Your Honor.

17 THE COURT: Just one moment.

18 THE WITNESS: Sorry. Sorry.

19 SOLICITOR BURDETTE: Sorry.

20 REDIRECT EXAMINATION

21 BY SOLICITOR BURDETTE:

22 Q. Sergeant Laurencio --

23 A. Yes, ma'am.

24 Q. -- when you do a controlled buy in all your cases, do
25 you have a confidential file?

Christopher Lorencio - Redirect examination
By Solicitor Burdette

1 A. Yes.

2 Q. And that confidential file, what does it include?

3 A. It includes a statement from the C.I. where they,
4 they tell us what occurred. We typically prepare it, type
5 it up, provide it to them. They read it. They cross out
6 any blank spaces on the front page where this -- where the
7 statement will do so that nobody can alter it. They
8 initial over the spot where they're blanking out and then
9 they sign and date the second page.

10 Q. Does it include whether or not you, yourself, are
11 present on that drug transaction?

12 A. No.

13 Q. Would it tell what vehicle you were in?

14 A. It -- if -- so, I take you back.

15 For me, as the supervisor, I typically don't search
16 either the C.I. or the C.I.'s vehicle. What I'm doing is
17 I'm supervising.

18 If, if the statement -- if the, the deal -- whenever
19 officers was there that searched the vehicle or searched
20 the person, that would be in the statement.

21 Q. If you're part of the surveillance team, will it
22 include that you're there in a certain vehicle?

23 A. It will be on buy notes. It should be on the buy
24 notes, which is basically -- and it's not one size fits
25 all. But it's, it's basically a format that we use that

1 we document the time, where each part of the deal
2 happened. Like we met the C.I., put a time and date. We
3 put when the person was searched, a time, the vehicle, the
4 time the government funds were issued.

5 Everything is all documented chronologically. At the
6 bottom of the page it is common practice for us to put all
7 the investigators that were present as well as what
8 vehicle they were driving.

9 Q. Now, the buy notes, is that part of the confidential
10 file?

11 A. Yes, ma'am.

12 Q. And we don't release -- you don't release
13 confidential files in your incident report, do you?

14 A. No.

15 Q. Why?

16 A. Because it -- they're confidential.

17 It would, it would, it would put the, the C.I. in, in
18 a certain danger because now people would know who he is
19 or she is and it would also compromise our investigation
20 if our investigation's not over. Typically, when we do
21 drug investigations, we do multiple controlled buys,
22 multiple surveillance operations, things like that.

23 Q. Now, on this occasion of July 18th, 2024, did you do
24 buy notes?

25 Were, were there buy notes included in the

Christopher Lorencio - Redirect examination
By Solicitor Burdette

1 confidential file?

2 A. Yes.

3 Q. And was it listed that you were in a Mustang on those
4 buy notes?

5 A. I don't know if it had that on there.

6 Q. But you wouldn't necessarily do an incident report or
7 case summary?

8 You're the supervisor. You review what your other
9 officers do.

10 Is that correct?

11 A. Yes, ma'am. And, and this -- the same reason why we
12 don't record on our body cameras the search of the C.I. or
13 the C.I.'s vehicle because what we try to do is control
14 the confidentiality of that deal and the informant. And
15 if we recorded it, then it would be just one more layer
16 where that could get leaked out accidentally or prior to
17 the, the necessity to leak it out.

18 Q. Thank you. No further question.

19 THE COURT: All right.

20 RECROSS EXAMINATION

21 BY MR. DAVIS:

22 Q. And, Sergeant Laurencio, is there a problem with body
23 camera video leaking out of your department?

24 A. Not that I'm aware of.

25 Q. Okay. So, I mean your body camera videos are

1 controlled within the law enforcement agency who has the
2 body camera, correct?

3 A. Yes.

4 Q. And so -- and that's on a secure server, correct?

5 A. It -- is it a secure server?

6 Q. In other words, that's not in a location that I can
7 hack into for you from the outside, is it --

8 A. No, I don't think so.

9 Q. -- those videos?

10 Okay. And you, you said you were the supervisor in
11 this, in this---

12 A. Yes.

13 Q. ---case?

14 Now, just for clarity sake, does the supervisor make
15 the decisions during this investigation as what test to do
16 and what evidence to, to work up or does the case agent
17 make those decisions?

18 A. It's a -- it's a, a joint -- it's a, it's a shared
19 process.

20 Q. Okay. So, would, would you make the decision as to
21 whether or not to request fingerprints or DNA or anything
22 like that?

23 A. Not necessarily, no. It just depends on the, on the
24 case.

25 Q. So, would they -- would you -- would the case agent

Christopher Lorencio - Recross examination
By Mr. Davis

1 originate that request and talk to you about it?

2 A. Yes.

3 Q. So, so, it'd be more the case agent saying we need to
4 do this?

5 A. No, it, it just -- again, it depends on the case. I,
6 I may want it because of a certain situation. Maybe there
7 was more, there was more individuals during the deal, more
8 suspects, more targets and we want to be able to say that
9 it came from that person.

10 Q. Okay.

11 A. But, in this case, it was just one person in the
12 vehicle with him.

13 Q. So, is, is -- so, would you evaluate the evidence in
14 a case and say we need to get more before we go to trial,
15 we need to get -- we need to get something more
16 substantial?

17 Is that your call?

18 Is that the case agent or is it -- how -- how's that
19 done?

20 A. Can you clarify more?

21 Q. Well, if you're looking at taking a case to trial --

22 A. Uh-huh. (Affirmative).

23 Q. -- and you're looking at the ev -- what you have in
24 evidence --

25 A. Uh-huh. (Affirmative).

1 Q. -- and who makes the determination that this is good
2 enough or we need more or we -- this is what we have, we
3 need to have --- we need to have some, some, more --
4 something more substantial or this may -- this evidence
5 might have a problem, who makes that decision?

6 A. I, I don't understand your question.

7 When you say more, the, the, the case, the evidence,
8 I believe, for this case, if I remember, is two items,
9 the---

10 Q. Okay. And, and so my question---

11 A. ---packaging---

12 Q. My question is when you take things into evidence --

13 A. Uh-huh. (Affirmative).

14 Q. -- and you get ready to go to trial, what do you
15 decide to test?

16 what do you decide not to test?

17 what do you decide to leave behind and not take into
18 evidence?

19 SOLICITOR BURDETTE: Your Honor, objection.

20 Q. Those things---

21 SOLICITOR BURDETTE: This is beyond the scope of
22 redirect.

23 THE COURT: Uh-huh. (Affirmative).

24 MR. DAVIS: well, it's -- it goes to his supervision,
25 Your Honor. It's not -- I'm not asking him for the

Christopher Lorencio - Recross examination
By Mr. Davis

1 specific samples. I'm asking who makes that decision.

2 It's supervision and he---

3 THE COURT: I'll let him answer that question and
4 then---

5 Q. Well---

6 A. Again, it depends on the complexity of the case. If
7 there was more suspects or targets at the location, I may
8 say hey, you need to get that tested for DNA or
9 fingerprints or, or whatnot. If, if the drug -- if we
10 feel that the illegal substance that we purchased may be a
11 mixed drug, we may have that tested in the lab immediately
12 before we make the charges.

13 MR. DAVIS: Okay. And one true follow-up, Your
14 Honor.

15 And so in, in this particular case, did you ask for
16 any follow-up or additional evidence that might be
17 required?

18 A. That may be required, no. It's, it's the typical,
19 standard evidence submission. We process it. We
20 photograph it. We separate it between the packaging
21 material and the actual substance. We weigh it. We
22 photograph the weight and we, we put it in specific
23 evidence packaging that, that the Sheriff's Office and the
24 York County Drug Unit requires us to do and then we submit
25 it into evidence and we label it and document the time and

Christopher Lorencio - Recross examination
By Mr. Davis

1 the place where we submitted that evidence.

2 Q. Thank you, sergeant.

3 No further questions, Your Honor.

4 THE COURT: Okay.

5 SOLICITOR BURDETTE: Nothing further from the State,
6 Your Honor.

7 THE COURT: Okay.

8 THE WITNESS: Thank you, sir.

9 THE COURT: You can step down.

10 SOLICITOR BURDETTE: We ask that this witness be
11 excused.

12 THE COURT: Any objection?

13 MR. DAVIS: No objection, Your Honor.

14 THE COURT: Okay. He's excused. Thank you.

15 Did you have another one?

16 SOLICITOR BURDETTE: Your Honor, our next witness is
17 going to be quite lengthy. If Your Honor would like to
18 take a break for the afternoon and reconvene tomorrow
19 morning.

20 THE COURT: Okay. What we'll do, ladies and
21 gentlemen, we'll start back at -- we'll start back at
22 9:30. I'll ask you to be in your jury room by 9:15 just
23 so y'all will be there. We'll be back before then.

24 But when you go home tonight, don't discuss the case.
25 You heard a little bit of evidence, one witness. Hadn't

1 really seen anything yet. But don't discuss the case.
2 Don't look up anything on the Internet. Don't Google
3 anything.

4 Everything that you'll need to find out on how you
5 need to decide this case will come from this witness stand
6 and any exhibits and I emphasize don't do any research
7 because it's not fair to either the State or the defendant
8 for them -- for you to look up things or have information
9 that they don't have a chance to evaluate, challenge, ask
10 questions about. So, everything you need will come from
11 inside this courtroom.

12 Okay. So, we'll see you back. We'll start back
13 about 9:30. But I will ask you to be back in your jury
14 room about 9:15.

15 Okay. All right. Y'all have a good night.

16 (WHEREUPON, the jurors respond thank you.)

17 THE COURT: Okay.

18 (WHEREUPON, the following takes place outside the
19 presence of the jury panel.)

20 THE COURT: All right. The jury is out of the
21 courtroom.

22 Is there anything y'all want to take up?

23 Anything we need to take up before tomorrow?

24 I was gon' have y'all come back at 9:00 just so we'll
25 be here. I know I need to look at the convictions.

1 Are -- can y'all email us to -- is anyone that, that
2 are contested?

3 I, I haven't -- I can see it's lengthy for Mr.
4 McIlwain. I haven't looked at it yet. But any that y'all
5 may agree on or --?

6 SOLICITOR BURDETTE: Well, I think the State's
7 position is the involuntary manslaughter does come in. I
8 think that's the only conviction that comes in.

9 We do plan on asking him about his pending charges in
10 York County. He has a pending possession with intent to
11 distribute Fentanyl third offense. He has a possession of
12 methamphetamine third offense and I believe a proximity
13 and we do ask him what he's facing on those charges, which
14 is up to 30 years.

15 The only other convictions I think he has is two
16 prior possession charges. The State will probably bring
17 those up as well cause he's gonna say he's got a third
18 offense. So, the State will have him testify that he's
19 got a prior possession of marijuana and a prior possession
20 of Ecstasy and Alprazolam.

21 Now, one thing is he's got a pending PWID Fentanyl
22 third offense. But he isn't actually a third offense
23 because the Ecstasy and Alprazolam come from the same
24 incident date.

25 So, in reality, he is only a second offense. But it,

1 it carries the same, up to 30. So, he, he -- if he
2 testifies to a second offense or a third offense, I don't
3 think it really matters. It carries --

4 THE COURT: Okay.

5 SOLICITOR BURDETTE: -- up to 30.

6 THE COURT: All right. What you just said to me,
7 those are the convictions that you want to bring out?

8 SOLICITOR BURDETTE: Yes, Your Honor.

9 THE COURT: Okay.

10 MS. ROGERS: Your Honor, we have no objection to
11 that. He does also have a pending charge in Lancaster
12 County for armed robbery with a deadly weapon. I'm
13 assuming, since the, the State didn't bring that up, that,
14 that they're gonna be contesting us asking about it. But
15 we'd still like to -- the Court to make a determination
16 that we can ask about it.

17 THE COURT: Okay. When, when was that?

18 SOLICITOR BURDETTE: In 2021, Your Honor---

19 MS. ROGERS: Yeah.

20 SOLICITOR BURDETTE: ---and it is still pending.
21 It's not a conviction.

22 MS. ROGERS: Yes, Your Honor, and I apologize if I
23 mixed that up. I did, I did think we were talking about
24 what charges that we could bring up.

25 But as to the convictions that he has, that was our

1 understanding as well. We're okay with that. But we're
2 also wanting to ask about the manslaughter, which the
3 State says that they're gonna ask about as well. But as
4 to -- yeah, and, and the fact that he is on probation for
5 that currently.

6 But we also wanted to make sure that we brought up
7 that he also has a pending charge in another county of
8 South Carolina and we think that's relevant as well.

9 THE COURT: Okay. And the State -- some of these
10 charges are pending that you want to bring up as well?

11 SOLICITOR BURDETTE: The only---

12 THE COURT: The drug cases?

13 SOLICITOR BURDETTE: ---pending charges that I am
14 gonna bring up are the York County pending charges because
15 that is how he became a confidential informant was the
16 York County charges.

17 THE COURT: Okay. Okay. So, the dispute is about
18 the armed robbery in Lancaster that's still pending and
19 the defense also wants to mention, mention that he's on
20 probation now?

21 MS. ROGERS: Yes, Your Honor, for the manslaughter
22 charge.

23 THE COURT: Why is that?

24 Why do you want to mention that?

25 MS. ROGERS: Your Honor, we think that it's relevant

1 because he is -- he's had, as far as I know, the State can
2 correct me if I'm wrong, but he's had two prior violations
3 while he's on probation. He could be facing another
4 violation now and we believe that, just like the, the
5 charge itself, it goes to the Lancaster charge as well,
6 and it goes to his motivation to lie, his bias.

7 You know, he's facing a significant amount of time.
8 Just on the York County charges alone, you have potential
9 probation violation plus the, I believe, up to 30 that the
10 armed robbery deadly weapon adds. You know, he may -- may
11 be operating under the impression, whether the State told
12 him that or not, that, that he could be offered some kind
13 of deal and they could help him out with all those
14 charges.

15 So, we think, for that reason, everything that he is
16 facing, an aggravate of time, is relevant to this case.

17 THE COURT: Okay. All right. Anything from the
18 State?

19 SOLICITOR BURDETTE: Your Honor, I don't think they
20 should be able to bring up that he's on probation or that
21 he's got violations of probation. Those aren't
22 convictions.

23 There's nothing pending. There's nothing on his
24 record saying that he's got pending probation violations.
25 I don't think -- I think that's prejudicial and they

1 shouldn't be able to bring that up.

2 THE COURT: Okay. All right. Let me -- I'll look at
3 the armed robbery and probation part of it this afternoon
4 and we will reconvene tomorrow at nine o'clock just in
5 case we have anything that we need to put on the, put on
6 the record.

7 We'll be here -- if he happen -- if the jurors happen
8 to be here at 9:15 and we get clear of what we're talking
9 about, you know, we can start earlier than 9:30. But if
10 there's anything you want to send me in regards to these
11 prior convictions and cases or anything you want me to
12 look at, I'll be -- email them to my clerk and she can get
13 them to me. This---

14 SOLICITOR BURDETTE: Your Honor, I'm looking at the
15 probation website and it doesn't look like Mr. McIlwain is
16 on probation. It says --.

17 MR. DAVIS: North Carolina probation.

18 SOLICITOR BURDETTE: That's irrelevant, North
19 Carolina probation. We don't---

20 MR. DAVIS: So that's from his -- that's from his
21 manslaughter conviction, Your Honor. He's still on
22 probation for that manslaughter conviction.

23 THE COURT: From involuntary?

24 MS. ROGERS: For the invol -- correct, Your Honor.

25 SOLICITOR BURDETTE: That's a conviction from 2022,

1 Your Honor.

2 MR. DAVIS: I believe it was a 2020 event and he pled
3 in or he had a bench trial in 2022.

4 THE COURT: All right. Okay. Let me, let me look at
5 it and we'll hopeful -- I'll have -- well, not hopefully.
6 I'll have a decision in the morning at the latest. You
7 may get an email -- you may get an email this evening.
8 But it's one reason I want, want us just to come back at
9 9:00 in case we need to put anything on the record in
10 regards to the priors for Mr. McIlwain.

11 Okay. Anything else or --?

12 SOLICITOR BURDETTE: Nothing from the State, Your
13 Honor.

14 THE COURT: All right. Anything from the defense?

15 MS. ROGERS: Nothing from the defense, Your Honor.

16 THE COURT: Okay. I'll see y'all---

17 THE POLICE OFFICER: Your Honor, can we address their
18 client talking to the community and all, and all?

19 I can't keep telling him over and over when the
20 jury's in the room.

21 THE COURT: I, I --.

22 THE POLICE OFFICER: Talking to the community.

23 THE COURT: You mean the defendant?

24 THE POLICE OFFICER: Yes, sir.

25 THE COURT: Oh.

1 All right. Mr. McConnell, you need -- don't talk to
2 anybody in the, in the gallery. All the witnesses are
3 under sequestration.

4 THE DEFENDANT: I apologize.

5 THE COURT: Okay. So, don't worry about it but just
6 don't communicate with them. Anything you need to say,
7 just make sure you say it to your lawyers, not anybody in
8 the, in the gallery.

9 Okay?

10 THE DEFENDANT: All right.

11 THE COURT: Okay. All right. You have a good night.

12 THE DEFENDANT: All right.

13 THE COURT: All right. I'll see y'all tomorrow at
14 9:00.

15 MR. DAVIS: Thank you, Your Honor.

16 SOLICITOR HAMILTON: Thank you, Your Honor.

17 THE COURT: Thank you. I'll see -- I will probably
18 be back in chambers at 8:30 and -- 8:35 anyway if y'all
19 need to talk to me about anything.

20 Okay?

21 MR. DAVIS: Thank you, Your Honor.

22 MS. ROGERS: Thank you.

23 THE COURT: All right. Thanks.

24

25

(WHEREUPON, Court was in recess for the evening.)

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1 Tuesday, January 5th, 2026

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3 (WHEREUPON, State's Exhibit Nos. 1 through 5 were
4 marked for identification purposes only at this time.)

5 THE COURT: All right. Mr. McConnell is here along
6 with his counsel.

7 I did a little bit of research last night on the
8 priors for Mr. McIlwain who's going to testify, and, after
9 looking at it, I'm going to respectfully deny the defense
10 request.

11 I was looking at 608 and 609 and 608 relates to
12 specific acts and I would assume these are for impeachment
13 purposes. But this will be specific acts for impeachment.

14 The way I understand it, it's an armed robbery
15 conviction. It's still pending. Well, actually it's not
16 even a conviction on top of that. But a case pending in
17 Lancaster County from 2021 and then there was probation.

18 I think there was some confusion, at least on my
19 part, there was some confusion about whether there was
20 actually a probation violation or not related to the
21 involuntary manslaughter charge.

22 But after looking at just a couple of cases, whether
23 under 608 or 609, I'll, at least preliminary -- at least
24 now I will deny the defense's request to impeach, which
25 is, I'm assuming, that that's what the intention was to

1 impeach Mr. McIlwain with a pending armed robbery, pending
2 armed robbery case in Lancaster, or the probation
3 violation.

4 I don't know. We may -- if they want to renew that
5 --?

6 MS. ROGERS: Your Honor, if I may?

7 THE COURT: Yeah. Sure.

8 MS. ROGERS: As to the probation violations is that
9 they have been adjudicated. I didn't want to ask too much
10 about them, Your Honor. Just to point out that he has
11 had -- he's had those. Those are no longer pending.

12 I certainly understand that I can't bring up, you
13 know, potentially future violations. But as to, as to him
14 being on probation, those have been adjudicated.

15 THE COURT: And how does that -- well, let me hear
16 from the State on it.

17 MS. ROGERS: Yes, sir.

18 THE COURT: I'll -- once you finish, I'll hear from
19 the State.

20 MS. ROGERS: Okay. And as to the armed robbery,
21 it -- yeah, I would just like, if possible, a finding on
22 the record as to why.

23 I know you said a little bit about it, it being
24 improper to question him about that. I didn't want to ask
25 him too much about it. Just bring up that he has that and

1 that he's facing a ton of time on the armed robbery as
2 well and I don't know if I spoke much on this yesterday.

3 THE COURT: Uh-huh. (Affirmative).

4 MS. ROGERS: But the, the State mentioned that it
5 would be -- they want me to bring up the armed robbery
6 because it'd be prejudicial to the C.I. He's not on trial
7 today and the standard is not whether it's prejudicial to
8 the C.I.

9 It definitely goes to his bias and his motivation to
10 lie. They may not have offered him any kind of deal.
11 They can say that until they're blue in the face to be
12 honest with you. However, that doesn't mean that he's not
13 hoping that they'll also help him out with a charge that
14 carries up to 30 years.

15 I mean it's been pending since 2021. He still has
16 that over his head, Your Honor.

17 THE COURT: Uh-huh. (Affirmative).

18 MS. ROGERS: So, I just wanted to put that on the
19 record as to why I wanted to ask about it. I don't want
20 to, you know, beat a dead horse so to speak on it. I
21 just---

22 THE COURT: No, no. Yes. No, I wanted, I wanted to
23 hear --.

24 MS. ROGERS: I just feel that it is relevant, because
25 in the aggregate, he's facing, you know, at least 30 years

1 and then, you know, at least 30 years on the armed robbery
2 alone.

3 So, that's the only reason I wanted to ask about
4 that.

5 THE COURT: Okay. And what -- would that be under
6 608 or --?

7 MS. ROGERS: Yes, Your Honor, the -- 608 and I
8 apologize. Give me just one second and it's just a
9 conviction.

10 Yeah, yeah, yeah.

11 Did -- I think, just based on Rule 608, that it very
12 much goes to the -- his credibility, his -- yeah, we're
13 not attempting to impeach, you know, because of the, the,
14 the crime. Just that -- it is just going to his
15 motivation to, to lie and his bias and his desire to be
16 helpful to the State in, in hopes that they'll be able to
17 help him out with a very serious offense that carries a
18 significant amount of time.

19 THE COURT: All right. Let me hear anything you have
20 in response.

21 Again, that was a preliminary -- that was my
22 preliminary decision about it and I'll -- let me hear from
23 the State on that.

24 Is that 608(c) that --?

25 MS. ROGERS: Yes, Your Honor, 608(c), evidence,

1 evidence of bias.

2 THE COURT: All right.

3 MS. ROGERS: And then -- and I apologize for my
4 spaciness here, Your Honor.

5 THE COURT: No, you're okay.

6 MS. ROGERS: It says, in the discretion of the Court,
7 of the Court, specific instances of conduct, and I don't
8 know if that goes to this, but then, you know, while they
9 can't be proved by extrinsic evidence, they can, in the
10 discretion of the Court if probative of truthfulness and
11 untruthfulness, be inquired into on cross-examination of
12 the witness concerning specifically the witnesses'
13 character for truthfulness or untruthfulness.

14 Yeah.

15 And, Your Honor, I always intended to just limit the
16 questioning as to, you know, does, does he know what he's
17 facing on that. You're facing up to 10 to 30 on this
18 offense. Yeah, not the specifics of it or anything to
19 that effect.

20 THE COURT: All right.

21 SOLICITOR BURDETTE: Your Honor -- Your Honor, we
22 fully contend that the York County charges that are
23 pending are allowed to come in because those may represent
24 bias. We agree that the York County charges, the PWID
25 Fentanyl and the prox, the possession, those are York

1 County charges and they may show bias because he's got
2 those pending in our county.

3 A 2021 armed robbery that happened way before our
4 incident, it's not in our county, no one from our office
5 has talked to that solicitor's Office up there to tell
6 them to do anything with it. I mean it was pending for
7 three years before this incident even happened. That's
8 Lancaster County.

9 There's no bias on that. Rule 608 says specific
10 incidents of misconduct which are clearly probative of
11 truthfulness or untruthfulness. And if you look up those
12 crimes or specific incidents, those are forgery, robbery,
13 false pretenses. It's not armed robbery. That is not --
14 armed robbery is not a crime of dishonesty.

15 And, under 608(c) or 608(b) or 608 at all, you can't
16 prove -- you can't bring up a pending case. I don't
17 believe that they would even be able to bring up the York
18 County charges if we weren't gonna bring them up and agree
19 that it's biased. But a Lancaster charge that was pending
20 three years before this incident is not relevant and there
21 is nothing to -- for that charge to go with a York County
22 case that we're here for today.

23 THE COURT: All right. Anything lastly in response?

24 MS. ROGERS: Just briefly, Your Honor.

25 THE COURT: Sure.

1 MS. ROGERS: I believe that the State was referencing
2 Rule 608 or 609, not 608.

3 I still submit that a pending charge is a pending
4 charge, Your Honor. I mean it -- even though it happened
5 prior to these York County charges, it's still open.
6 There may be a backlog in Lancaster County. I don't know.
7 I don't want to tell you something that I'm not for sure
8 of.

9 However, I do know, again, that a pending charge is a
10 pending charge. I mean we're not inside the, the witness'
11 head. But I do think that if he's facing a crime that
12 carries 10 to 30 years and it's still pending, that it
13 could go to his motivation to lie, his bias, his desire to
14 be helpful no matter what so he can avoid prison.

15 We're not talking about an insignificant amount of
16 time here, Your Honor, and it -- yes, it may be more
17 relevant, according to the State, York County charges.
18 But it's still in South Carolina, Your Honor.

19 I mean it, it -- it could still go to his, his desire
20 to be, to be helpful no matter what. And, and we, we
21 would be trying to bring it in under Rule 608, Your Honor.

22 THE COURT: All right. I think the State did mention
23 608 I think.

24 SOLICITOR BURDETTE: It -- it's under 608 and 609.
25 Both I believe use that language that Ms. Rogers herself

1 quoted in her argument with specific incidents of
2 misconduct. And those specific incidents of misconduct
3 are forgery, robbery, false pretenses, and embezzlement.

4 MS. ROGERS: And, Your Honor, lastly, it's still see
5 evidence of bias, Rule 608. Bias, prejudice, any motive
6 to misrepresent may be shown to impeach the witness. I
7 think that that applies to Lancaster charges as well just
8 as much as they apply to the, to the York charges.

9 THE COURT: All right. I will still respectfully
10 deny that motion at this time.

11 Okay.

12 SOLICITOR BURDETTE: Thank you, Your Honor.

13 THE COURT: All right. Thank you.

14 I'm not sure if all the jurors are present yet.

15 Do we know if the -- do we know if the jury is
16 present, all of them?

17 THE BAILIFF: You want me -- pardon?

18 THE COURT: Do we know if the jury is present?

19 THE BAILIFF: Yes.

20 THE COURT: All of -- all the jurors are here?

21 THE BAILIFF: I think. I'll check.

22 THE COURT: Okay.

23 MR. DAVIS: And, Your Honor, if we could just have a
24 brief recess so my client can change his shirt?

25 THE COURT: Yeah. Yeah, that's fine.

1 MR. DAVIS: Appreciate it.

2 THE COURT: Yeah.

3 We'll be in recess about five minutes though.

4 MR. DAVIS: All right. Thank you, Your Honor.

5 THE COURT: Yeah.

6 THE BAILIFF: Your Honor, it's two short.

7 THE COURT: Two short.

8 Okay.

9 (WHEREUPON, a short recess was taken at this time.)

10 THE COURT: All right. You can take a seat. I'm
11 sorry about that. I had to catch a phone call on an
12 entirely different case. So sorry.

13 Are all the jurors in?

14 THE BAILIFF: Yes.

15 MS. ROGERS: Your Honor?

16 THE COURT: Yeah.

17 MS. ROGERS: And if I may?

18 THE COURT: Sure.

19 MS. ROGERS: I'm not trying to belabor the point. I
20 understand---

21 THE COURT: Uh-huh. (Affirmative).

22 MS. ROGERS: ---that you denied our motion.

23 I just wanted, for the, for the record, for you to
24 clarify to -- for you to clarify your ruling, yeah, and,
25 and who -- who's motion -- I understand that you're,

1 you're telling us we can't -- you're ruling that we can't
2 bring up the armed robbery charge.

3 I just wanted a clarification as to why and then also
4 I don't believe that we made a -- that it was a motion
5 that we're making. I think the State wanted to hammer out
6 what charges that, that we could talk about and we were
7 asking if we could bring that up for impeachment purposes
8 to go to motivation to lie and bias. But I don't believe
9 that we made up -- any kind of motion about it.

10 But thank you.

11 THE COURT: Okay. Well, I'm denying it for reasons
12 set out by the State.

13 In -- 608(b) deals with specific instances of
14 truthfulness. I don't think those -- that charge relates
15 to that. And as to 608(c), there might -- there's
16 latitude given to show bias in the case.

17 I think Mr. McConnell will already be questioned
18 about several other charges that are pending against him
19 and I do -- I understand the defense's argument that this
20 armed robbery case is still pending. It could be in, in
21 the mind of Mr. McIlwain as to whether or not he hopes to
22 get help on that particular case.

23 And, initially, to make y'all more confused,
24 initially I had said I preliminarily denied the motion
25 because I haven't heard Mr. McIlwain's testimony yet and I

1 don't know exactly how that will play out.

2 But for the reasons that were cited by the State, at
3 this time I'll deny, whether it's a motion or an
4 explanation as to what y'all can get into on
5 cross-examination, I'll deny your request at this time and
6 make this determination at this time.

7 MS. ROGERS: Oh, and, Your Honor, I promise I'll stop
8 talking real quick.

9 THE COURT: No, you're fine.

10 MS. ROGERS: But I, I wanted to also clarify that,
11 that you denied us being able to bring up the probation
12 violations---

13 THE COURT: Right.

14 MS. ROGERS: ---as well?

15 THE COURT: Right.

16 MS. ROGERS: Is that correct?

17 And for the same reasons?

18 THE COURT: For the same reasons.

19 MS. ROGERS: Okay.

20 THE COURT: Yeah.

21 MS. ROGERS: Thank you.

22 THE COURT: Okay. All right. Are we ready for the
23 jury?

24 MS. ROGERS: Yes.

25 SOLICITOR BURDETTE: The State is ready, Your Honor.

1 THE COURT: Okay. Let's have the jury in.

2 All right. I'll have this marked. I think this is
3 the jury's indication that Juror 163 is going to be the
4 foreperson. It just has juror's name and then 163. And
5 so I'm gonna assume that that's what this note is.

6 Can we just mark this?

7 THE COURT REPORTER: Yes, sir.

8 (WHEREUPON, the note from the jury was marked as
9 Court's Exhibit No. 4 and received into evidence at this
10 time.)

11 (WHEREUPON, the following takes place within the
12 presence of the jury.)

13 THE COURT: All right. The entire jury is present.

14 I hope y'all had a good night. I think we're ready
15 to resume the trial of this case.

16 I'll recognize the State to call your next witness.

17 SOLICITOR BURDETTE: May it please the Court.

18 The State would call Kendrick McIlwain to the stand.

19 THE COURT: Okay. I'm gonna have him sworn again.

20 THE CLERK: Yes.

21 Left-hand on the Bible. Please raise your
22 right-hand.

23 KENDRICK MCILWAIN, being first duly
24 sworn, testified as follows:

25 THE CLERK: Thank you. Have a seat in the witness

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 box.

2 THE COURT: You may proceed.

3 DIRECT EXAMINATION

4 BY SOLICITOR BURDETTE:

5 Q. Good morning, Mr. McIlwain.

6 Can you please state your full name for the record?

7 A. Kendrick Damionte McIlwain.

8 Q. And how old are you?

9 A. I'm twenty-nine -- twenty-eight.

10 Q. And where are you from?

11 A. I'm from Lancaster. But I was born and raised in
12 like Fort Mill, Indian Land.

13 Q. And where do you currently live?

14 A. Rock Hill.

15 Q. Okay. Is it fair to say you're familiar with drugs?

16 A. Yes, ma'am.

17 Q. In 2017, you were convicted of possession of a
18 controlled substance 1 through 5.

19 Is that right?

20 A. Yes, ma'am.

21 Q. Was that controlled substance marijuana?

22 A. Yes, ma'am.

23 Q. And then, in 2018, you were convicted of two counts
24 of possession of a controlled substance, 1 through 5.

25 Is that right?

Kendrick McIlwain - Direct examination
By Solicitor Burdette

- 1 A. Yes, ma'am.
- 2 Q. And, those drugs, was that Ecstasy and Alprazolam?
- 3 A. Yes, ma'am.
- 4 Q. Is it fair to say you have a drug addiction?
- 5 A. Previously, yes, ma'am.
- 6 Q. Are you currently under the influence of drugs today?
- 7 A. No, ma'am.
- 8 Q. All right, Mr. McIlwain. Have you been convicted of
- 9 involuntary manslaughter in 2022?
- 10 A. Yes, ma'am.
- 11 Q. Can you please tell me what that was about?
- 12 A. Well, it was a car accident and it ended as a
- 13 fatality with my best friend.
- 14 Q. Okay. Was that in York County?
- 15 A. No, that was in Union County.
- 16 Q. Okay. Union County in North Carolina?
- 17 A. Yes, ma'am.
- 18 Q. And you said it was a car accident.
- 19 Were you drinking?
- 20 A. No, ma'am.
- 21 Q. Were you under the influence at that time?
- 22 A. No, I was sober.
- 23 Q. And what caused the car accident?
- 24 A. It was kind of like spot raining and the brakes went
- 25 out in the car. I was going a little bit over the speed.

1 But really what caused it was more so the brakes going out
2 in the car.

3 Q. And you said the person that was killed in that was
4 your best friend.

5 Is that right?

6 A. Yes, ma'am.

7 Q. I'm sorry to hear about that.

8 A. Yes, ma'am. Thank you.

9 Q. Do you currently have pending charges in York County?

10 A. Yes, ma'am.

11 Q. Do you know what those charges are?

12 A. Possession of Fentanyl and possession of
13 methamphetamine third and then I think the last one is --
14 it's like in a school zone.

15 Q. Okay.

16 A. I can't remember---

17 Q. Is that possession of Fentanyl -- is that possession
18 with intent to distribute Fentanyl third offense?

19 A. No, not to distribute.

20 Is it?

21 Q. Is that what you're charged with?

22 A. It -- I -- it might be. I thought it was simple
23 possession but it could be possession with intent to
24 distribute.

25 Q. Okay. Do you know what that charge carries?

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 A. Yes.

2 well, overall, all the charges will carry 30 plus
3 years.

4 Q. Up, up to 30 years?

5 A. Yes, ma'am.

6 Q. Okay. And that possession with intent to distribute
7 within proximity of a park or school, does that sound
8 right?

9 A. Yeah, that's it.

10 Q. And then said possession of methamphetamine third
11 offense.

12 A. Yes, ma'am.

13 Q. All right. And so you said you're facing up to 30
14 years --

15 A. Yes, ma'am.

16 Q. -- for those charges?

17 All right. How is it that you became a confidential
18 informant?

19 A. I was really just trying to like find a way to see if
20 I could like get some grace on my sentencing.

21 Q. Okay. Has anyone from the Solicitor's Office
22 promised you anything to get you to testify?

23 A. No, ma'am.

24 Q. Has anyone from law enforcement promised you anything
25 to get you to testify?

Kendrick McIlwain - Direct examination
By Solicitor Burdette

- 1 A. No, ma'am.
- 2 Q. Has anyone made any implications to you that we were
3 gonna help you out on those charges?
- 4 A. No, ma'am.
- 5 Q. So, you're here on your own free will.
6 Is that right?
- 7 A. Yes, ma'am, I'm still---
- 8 Q. And you're hoping to get a benefit but --
- 9 A. Yes.
- 10 Q. -- no one has told you you would get a benefit?
- 11 A. No.
- 12 Q. Okay. Has anyone threatened you in any way?
- 13 A. No, ma'am.
- 14 Q. How many different cases have you worked on for the
15 D.E.U.?
- 16 A. I want to say three.
- 17 Q. And are you still working for the D.E.U.?
- 18 A. No, ma'am.
- 19 Q. why?
- 20 A. Everything just went -- we did everything that we
21 needed to and it's just closed.
- 22 Q. Okay. Now, I want to take you to July 18th, 2024.
23 were you the confidential informant that bought
24 Fentanyl from Donquavis McConnell on July 18th, 2024?
- 25 A. Yes, ma'am.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 Q. How did that -- how was that drug deal set up?

2 A. I, I hit him up on his phone and asked him could I
3 buy from him.

4 Q. Okay. And what were you going to be buying from him?

5 A. Fentanyl.

6 Q. How much were you going to be buying?

7 A. A hundred dollars worth.

8 Q. How long had you known Donquavis McConnell at that
9 point?

10 A. You said this was July?

11 Q. Uh-huh. (Affirmative).

12 A. So six months. About six months.

13 Q. Now, your relationship with Mr. McConnell, how many
14 times in that six months did you meet up with him?

15 You can give a rough estimate.

16 A. Fifteen -- 15 to 20.

17 Q. Fifteen to 20 times in six months?

18 A. Uh-huh. (Affirmative).

19 Q. And how did you first meet him?

20 A. At a -- we were at a hotel room and that's when I was
21 like supporting my habit and he was there and I was
22 getting from, I guess, like a mutual friend of ours and
23 then he kind of like offered himself to me.

24 Q. Okay. How did you usually get in touch---

25 MS. ROGERS: Objection---

1 Q. ---with the defendant?

2 MS. ROGERS: ---Your Honor.

3 May we approach please?

4 THE COURT: Yeah.

5 (WHEREUPON, a bench conference was held out of the
6 hearing of the jury at this time.)

7 THE COURT: All right. I'll sustain the defense's
8 objection.

9 Q. How did you usually get in touch with the defendant?

10 A. Through text message or call.

11 Q. Okay. On July 18th, 2024, did you already have it
12 arranged with the defendant to meet up that evening?

13 A. Yes, ma'am.

14 Q. Okay. And before you left for the drug deal, did you
15 meet up with D.E.U. officers?

16 A. Yes, ma'am.

17 Q. Do you remember which officers were there?

18 A. It was Officer Morgan and I think his name is Mc, Mc
19 something.

20 Q. McAfee maybe?

21 A. Yes.

22 And just three other officers were there --

23 Q. Okay.

24 A. -- if I---

25 Q. And where did you meet up with those officers?

Kendrick McIlwain - Direct examination
By Solicitor Burdette

- 1 A. Say that one more time.
- 2 Q. Where did you meet those officers before the drug
3 deal?
- 4 A. In the back parking lot behind the Rock Hill Police
5 Department, City.
- 6 Q. Now, what did you tell the officers you were planning
7 to do?
- 8 A. Go buy a hundred dollars worth of Fentanyl from Mr.
9 McConnell.
- 10 Q. Who was the one that gave you the money for the drug
11 deal?
- 12 A. Morgan.
- 13 Q. Is that Investigator Morgan McClaugherty?
- 14 A. Yes, ma'am.
- 15 Q. And were you searched by the D.E.U. before you went
16 to the drug deal?
- 17 A. Yes, ma'am.
- 18 Q. Did you have anything illegal on you?
- 19 A. No, ma'am.
- 20 Q. Did they search your car?
- 21 A. Yes, ma'am.
- 22 Q. Did you have anything illegal in your car?
- 23 A. No, ma'am.
- 24 Q. And how did you get to The Glens Apartment Complex?
- 25 A. I drove my car and they followed me.

1 Q. And was anyone in that vehicle with you that evening?

2 A. No, ma'am.

3 Q. Did anybody ever get in your vehicle during the drug
4 deal?

5 A. Well, yes, during the drug deal. But not on the way
6 there.

7 Q. Okay. And were you aware that officers were
8 following you to and from the deal?

9 A. Yes.

10 Q. All right. Now, when you left the meeting point with
11 officers, and you're headed to meet with Mr. McConnell,
12 where are you first headed to on July 18th, 2024?

13 A. It was his house on this road called Chestnut,
14 Chestnut Street I think.

15 Q. Why were you headed to Chestnut Street?

16 A. Because he -- prior to me coming, you know, he said
17 it was cool. But then once I, I was about to call him --
18 well, once I called him on the phone -- once I called him
19 on the phone when I was like leaving, he didn't answer.
20 So, I was like well, I know I usually meet him there. So
21 I'm a just go over there and try to see if he's there
22 okay.

23 Q. Okay. Did those plans change at some point while
24 you're driving?

25 A. Yes.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

- 1 Q. What happened?
- 2 A. He actually ended up calling me and told me to come
3 to The Glens.
- 4 Q. Okay. The Glens, what is that?
- 5 A. An apartment complex.
- 6 Q. And is that in York County?
- 7 A. Yes, ma'am.
- 8 Q. Now, when you hung up with him and he told you to
9 meet you at the Glens, what did you do?
- 10 A. I called Officer Morgan.
- 11 Q. Okay. And what'd you tell her?
- 12 A. Told her that he said come to The Glens.
- 13 Q. Okay. It -- now, on your way to -- so you started
14 towards Chestnut Street and then did you pull over or
15 anything?
- 16 A. Yeah, I made it to Chestnut Street. I was actually
17 in front of the house.
- 18 Q. Okay. So you stopped in front of the house?
- 19 A. Uh-huh. (Affirmative).
- 20 Q. Did you get out of your car?
- 21 A. No.
- 22 Q. Did anyone ever come up to your car on Chestnut
23 Street?
- 24 A. No.
- 25 Q. For the entire time you're driving, did you make any

1 other stops besides normal traffic pattern?

2 A. No, ma'am.

3 Q. Did you stop at the gas station?

4 A. No, ma'am.

5 Q. Did anyone -- before Donquavis McConnell gets in your
6 car, did anyone else ever get in the car from the time you
7 left officers to the time you met with Donquavis?

8 A. No, ma'am.

9 Q. Okay. And you said you went to The Glens Apartment
10 Complex in York County.

11 who did you meet with?

12 A. I met with Donquavis.

13 Q. And where exactly did you meet with him?

14 A. It was like some apartment buildings on the right
15 side when he turn -- when you turn to the neighborhood,
16 it's like a little section to the right.

17 Q. Okay. Can you please tell the jury what happened
18 once you met with Donquavis McConnell on July 18th?

19 A. Yeah.

20 Well, when I met with him, he, when -- once me got
21 there, we was like talking and stuff and then he told me
22 he had some, some new stuff that was fire and it was like
23 some blue stuff. I'm sorry about that.

24 He said he had some new stuff, that it was fire, and
25 it was like blue and he was like every -- he was -- I

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 think he was -- he said everybody was liking that stuff
2 like that and then -- yeah, he set me up two little
3 baggies and then we might of had a little bit of chat and
4 then that's it.

5 Q. Okay. What was in those two little baggies?

6 A. Fentanyl to my knowledge.

7 Q. Okay. What -- was it the same Fentanyl in each bag?

8 A. No, it was different.

9 Q. Can you describe the difference?

10 A. One was white and one was like a blue or bluish
11 green.

12 Q. Okay. Was one a white powder?

13 A. Yes, ma'am.

14 Q. And the bluish green, you said it -- was that a
15 powder?

16 A. No, it was like rock form.

17 Q. Okay. Now, when he gave you the Fentanyl, did you
18 give him anything?

19 A. Yes, I gave him a hundred dollars.

20 Q. Where did you get that hundred dollars from?

21 A. I'm pretty sure it was in my cup holder.

22 Q. Was it your money?

23 A. No, ma'am.

24 Q. Whose money was it?

25 A. The investigator.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 Q. Okay. Okay. So, once the drug deal was over, what
2 happened?

3 A. I, I called the investigators and they told me to go
4 back to like their meeting point.

5 Q. Okay. When you were headed back to the meeting
6 point, did you stop anywhere?

7 A. No, ma'am.

8 Q. Did you stop at a gas station?

9 A. No, ma'am.

10 Q. Anybody get in your car from the time you left
11 Donquavis McConnell back to the meeting point?

12 A. No, ma'am.

13 Q. And you were by yourself in the car the entire time
14 besides when Mr. McConnell got in there.

15 Is that right?

16 A. Yes, ma'am.

17 Q. All right. Now, when you went to the drug deal, were
18 you equipped with a hidden camera?

19 A. Yes, ma'am.

20 Q. Have you watched that video since then?

21 A. Yes, ma'am.

22 Q. Okay. I'm gonna show you what has been previously
23 marked for identification as State's Exhibit 1.

24 May I approach, Your Honor?

25 THE COURT: You may.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 Q. Do you recognize this?

2 A. Yes, ma'am.

3 Q. How do you recognize this?

4 A. Cause I initial and dated it.

5 Q. Is that a fair and accurate reflection or what is on
6 that?

7 A. The video of the transaction.

8 Q. And is that a fair and accurate reflection of the
9 night of July 18th, 2025, when you met with Donquavis
10 McConnell?

11 A. Yes, ma'am.

12 SOLICITOR BURDETTE: Your Honor, at this time the
13 State would ask to admit State's Exhibit 1 into evidence.

14 THE COURT: Okay.

15 MS. ROGERS: No objection as to that. We just renew
16 our pretrial---

17 THE COURT: Ma'am?

18 MS. ROGERS: We just renew our previous pretrial
19 objection.

20 THE COURT: Okay. All right. I'll admit State's
21 Exhibit No. 1 over any previous objection.

22 (WHEREUPON, State's Exhibit No. 1 was received into
23 evidence at this time.)

24 SOLICITOR BURDETTE: Permission to publish, Your
25 Honor?

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 THE COURT: You may.

2 Q. While he's pulling this up, you -- but when you were
3 at the meeting point in the beginning with officers, they
4 searched your person, right?

5 A. And my car.

6 Q. Both of -- your --?

7 A. Yeah.

8 Q. They searched your body?

9 A. Yes, ma'am.

10 Q. And then they searched your car as well?

11 A. Yes, ma'am.

12 Q. Did they find any -- anything illegal on your body or
13 in your car?

14 A. No, ma'am.

15 Q. Okay. And then, afterwards, you said you went back
16 to the meeting point.

17 what did they do back at that meeting point?

18 A. They did another search.

19 Q. A search of your person?

20 A. Uh-huh. (Affirmative).

21 Q. And did they find anything -- thing illegal on your
22 person?

23 A. No, ma'am.

24 Q. Did they search your car again?

25 A. Yes, ma'am.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 Q. And did they find anything illegal on the --?

2 A. No, ma'am.

3 Q. -- in the car?

4 Okay. When you got back to -- we'll come back to
5 that. Let's watch the video.

6 Can you see it?

7 A. (WHEREUPON, the witness nods affirmatively.)

8 (WHEREUPON, a portion of State's Exhibit No. 1 was
9 published to the jury at this time.)

10 Q. I'm gonna pause it right here.

11 You heard yourself and some other people talking.

12 who are those people that are with you?

13 A. Me and the officers.

14 Q. And, at this point in the video, where are you at?

15 A. I'm sitting in my car.

16 Q. Where is your car?

17 A. Oh, behind the Rock Hill Police Department.

18 Q. So, this was the meeting point before you went for
19 the drug deal?

20 A. Yes, ma'am.

21 Q. And you're getting everything set up with the
22 officers?

23 A. Yes, ma'am.

24 Q. Okay.

25 (WHEREUPON, another portion of State's Exhibit No. 1

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 was published to the jury at this time.)

2 Q. Mr. McIlwain, who are you talking to during that
3 call?

4 A. Mr. McQuavy (phonetic) -- Mr. McConnell. Donquavis.

5 Q. Donquavis McConnell?

6 A. Yes, ma'am.

7 (WHEREUPON, another portion of State's Exhibit No. 1
8 was published to the jury at this time.)

9 Q. Who were you talking to in that phonecall?

10 A. Officer Morgan.

11 Q. Officer Morgan McClaugherty?

12 A. Uh-huh. (Affirmative).

13 Q. Thank you.

14 (WHEREUPON, another portion of State's Exhibit No. 1
15 was published to the jury at this time.)

16 Q. Mr. McIlwain, who was on that phonecall?

17 A. Mr. McConnell.

18 (WHEREUPON, another portion of State's Exhibit No. 1
19 was published to the jury at this time.)

20 Q. You heard him say I got some of that blue shit, that
21 blue shit's good, what is he referencing?

22 A. The Fentanyl.

23 Q. Okay. And who is that in the video?

24 A. Mr. McConnell.

25 Q. And where is he sitting?

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 A. Right there.

2 Q. Like on, on that -- on the incident date --

3 A. Oh beside me.

4 Q. -- in the video, where is he sitting at?

5 A. On the right side of me.

6 Q. Okay. Is that your passenger seat?

7 A. Yes, ma'am.

8 Q. Okay.

9 (WHEREUPON, another portion of State's Exhibit No. 1
10 was published to the jury at this time.)

11 Q. Mr. McIlwain, what is in Donquavis McConnell's at --
12 hand at this point?

13 A. A glove.

14 Q. What is in that glove?

15 A. Fentanyl.

16 Q. What kind of Fentanyl?

17 A. The blue.

18 Q. Is this the bluff or this is the white?

19 A. The blue. I have -- I can't really remember which
20 one came out first.

21 Q. Okay. Do you see anything blue in this glove?

22 A. No. So, it must be the white then.

23 (WHEREUPON, another portion of State's Exhibit No. 1
24 was published to the jury at this time.)

25 Q. Okay. That's a better image right there.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 Do you remember now what Fentanyl that was?

2 A. Uh-huh. (Affirmative).

3 Q. What Fentanyl was that?

4 A. The white.

5 (WHEREUPON, another portion of State's Exhibit No. 1
6 was published to the jury at this time.)

7 Q. Okay. Who is that you see on that video?

8 A. Mr. McConnell.

9 Q. Donquavis McConnell?

10 A. Uh-huh. (Affirmative).

11 (WHEREUPON, another portion of State's Exhibit No. 1
12 was published to the jury at this time.)

13 Q. What is in Mr. McConnell's lap at this point?

14 A. The blue.

15 Q. The blue what?

16 A. The blue Fentanyl.

17 Q. Blue Fentanyl.

18 (WHEREUPON, another portion of State's Exhibit No. 1
19 was published to the jury at this time.)

20 Q. What did you just hand Mr. McConnell?

21 A. Money.

22 Q. Was that your money?

23 A. No, it was the money from the detective.

24 (WHEREUPON, the remaining portion of State's Exhibit
25 No. 1 was published to the jury at this time.)

Kendrick McIlwain - Direct examination
By Solicitor Burdette

1 Q. All right. Mr. McIlwain, when that video ended, were
2 you back at the meeting point with officers?

3 A. Yeah, I was headed back.

4 Q. Okay. And when you got back, you said you were
5 searched again?

6 A. Yes, ma'am.

7 Q. And nothing illegal was found on you?

8 A. No, ma'am.

9 Q. Did you -- did you provide the officers with the
10 drugs that Mr. McConnell gave you?

11 A. Yes, ma'am.

12 Q. And how was that tied up?

13 A. It was like two little bags tied together.

14 Q. Okay. And you handed that immediately to which
15 officer?

16 A. Morgan.

17 Q. Okay. All right. I'm now gonna show you what's been
18 previously marked as State's Exhibit 4 and 5.

19 May I approach, Your Honor?

20 THE COURT: You may.

21 Q. Take a look at that for me.

22 Okay?

23 A. (WHEREUPON, the witness complies.)

24 Q. Do you recognize those items?

25 A. Yes, ma'am.

Kendrick McIlwain - Direct examination
By Solicitor Burdette

- 1 Q. What's in State's Exhibit 4?
- 2 A. The white -- the white Fentanyl.
- 3 Q. And what's in State's Exhibit 5?
- 4 A. The blue.
- 5 Q. Do those appear to be in the same condition as when
- 6 you bought them from Donquavis McConnell on July 18th,
- 7 2024?
- 8 A. Yes.
- 9 Q. All right. Mr. McIlwain, do you recognize the person
- 10 you bought from on July 18th, 2024, in the courtroom
- 11 today?
- 12 A. Yes, ma'am.
- 13 Q. Can you please point him out?
- 14 A. Right there.
- 15 Q. What is he wearing?
- 16 Can you see?
- 17 A. Looks like a blue shirt and a tie.
- 18 Q. Okay. And what is his name?
- 19 A. Donquavis McConnell.
- 20 Q. And is that the same person that entered your vehicle
- 21 the evening of July 18th, 2024, and provided that
- 22 Fentanyl to you?
- 23 A. Yes, ma'am.
- 24 Q. All right. No further questions. Please answer any
- 25 questions that the defense may have.

Kendrick McIlwain - Cross-examination
By Ms. Rogers

1 THE COURT: Okay. Any cross-examination?

2 MS. ROGERS: Yes, Your Honor.

3 THE COURT: Okay.

4 CROSS-EXAMINATION

5 BY MS. ROGERS:

6 Q. During direct examination you talked about how long
7 you had known Mr. McConnell, correct?

8 A. Uh-huh. (Affirmative).

9 Q. And you said about six months?

10 A. Yes, ma'am.

11 Q. But you didn't grow up with him?

12 A. No, ma'am.

13 Q. Didn't go to school with him?

14 A. No, ma'am.

15 Q. And you've only known him for about six months?

16 A. Yes, sir.

17 Q. So, you didn't really know him that well?

18 A. I knew him on like friend level.

19 Q. Okay. And, and you -- you don't live in York County,
20 correct?

21 You live, live in North Carolina, correct?

22 A. No, I live in York County right now.

23 Q. You -- you're living there now.

24 But, at the time, were you living in North Carolina?

25 A. I was kind of living in both. My mom stays in

Kendrick McIlwain - Cross-examination
By Ms. Rogers

1 Waxhaw. But my baby mama stay in Rock Hill.

2 Q. Okay. You went to the D.E.U. and you told them that
3 you knew somebody that you could buy drugs from, correct?

4 A. Yes, you can say that.

5 Q. Okay. And the particular incident in question, you
6 said you offered to set it up -- to set up this deal, this
7 controlled buy.

8 Is that correct?

9 A. Say that again.

10 Q. Did you -- you reached out to the D.E.U. and you said
11 that you knew somebody that you could buy drugs from,
12 correct?

13 A. Yes.

14 Q. Okay. And on the day in question, the particular
15 person hadn't been answering the phone. You'd been trying
16 to call to set something up.

17 Is that correct?

18 A. Uh-huh. (Affirmative).

19 Q. So, you had the idea, when you told D.E.U. this, that
20 you would just show up and knock on the door and see if
21 that person was home?

22 A. I don't -- no, no, no.

23 Re, re---

24 Q. Okay.

25 A. Can you go back to that last one, what you asked me?

Kendrick McIlwain - Cross-examination
By Ms. Rogers

1 Q. You were telling the D.E.U., and it was just on the
2 video, that your plan was to just show up and knock on the
3 door because the person you were gonna buy drugs from
4 hadn't been answering the phone?

5 A. Yeah, I was gon' buy from Donquavis. But sometime he
6 go a little stint without answering the phone.

7 Q. Okay. The reason that you're setting this whole
8 thing up is, is because you have pending charges.

9 Isn't that right?

10 A. Yes.

11 Q. Okay. And, and pending charges that the State went
12 over with you, three here in York County.

13 Is that right?

14 A. Yes.

15 Q. Okay. And, and there was a little bit of confusion
16 when you were discussing it with the State on what
17 specifically you were charged with, correct?

18 A. I know what I'm charged with. It just -- I just get
19 it mixed up sometimes.

20 Q. Okay. Would it help clear things up if I just showed
21 you your indictments?

22 A. Yeah.

23 Q. All right. All right. If you would, read these
24 three. Let me know when you're good.

25 A. Uh-huh. (Affirmative).

Kendrick McIlwain - Cross-examination
By Ms. Rogers

- 1 Q. Okay.
- 2 A. Uh-huh. (Affirmative).
- 3 Q. All right. Okay. So you just read over your
- 4 indictments and what you were -- what you're charged with,
- 5 correct?
- 6 A. Right.
- 7 Q. Okay. And those are possession with intent to
- 8 distribute Fentanyl?
- 9 A. Uh-huh. (Affirmative).
- 10 Q. Possession of methamphetamine---
- 11 (WHEREUPON, a phone starts ringing.)
- 12 THE WITNESS: I'm sorry.
- 13 THE COURT: Okay. Make sure you have to -- cut your
- 14 phone off.
- 15 THE WITNESS: I'm just cut it off cause I keep
- 16 turning it down but it's still---
- 17 THE COURT: Yeah, just turn it off.
- 18 THE WITNESS: I'm sorry about that, ma'am.
- 19 MS. ROGERS: That's okay.
- 20 THE WITNESS: All right.
- 21 Q. Okay. So, let me just go over those again.
- 22 Possession with intent to distribute Fentanyl?
- 23 A. Uh-huh. (Affirmative).
- 24 Q. Possession of methamphetamine?
- 25 A. Uh-huh. (Affirmative).

Kendrick McIlwain - Cross-examination
By Ms. Rogers

1 Q. And then possession with intent to distribute
2 Fentanyl within the proximity of a park or school?

3 A. Yes.

4 Q. Does that sound right?

5 Okay.

6 A. But I wasn't -- can I speak?

7 Q. Yes.

8 A. I wasn't necessarily distributing. I was a user.

9 Q. Okay. But you were charged -- you are currently
10 charged with---

11 A. Yes, ma'am, I was charged with---

12 Q. ---possession---

13 A. ---yes.

14 Q. ---with intent to distribute Fentanyl?

15 A. Yes, ma'am.

16 Q. Okay. So, on -- and these were all arrests on
17 June 22nd of 2022?

18 Does that sound right?

19 A. Yes, ma'am.

20 Q. Okay. So let's just go over your charges in terms
21 of -- just to make sure because now we're clear on what
22 you're charged with.

23 Just make sure, you know, that I'm sure you're aware
24 that, in the -- taken together, they carry a significant
25 amount of time---

Kendrick McIlwain - Cross-examination
By Ms. Rogers

- 1 A. Uh-huh. (Affirmative).
- 2 Q. ---correct?
- 3 Okay. Possession of less than a gram of meth or
- 4 cocaine base carries up to five years in prison.
- 5 Are you aware of that?
- 6 A. Yes, ma'am.
- 7 Q. Okay. Possession with intent to distribute Fentanyl
- 8 carries up to 30 years?
- 9 A. Okay.
- 10 Q. And possession, possession within -- possession to --
- 11 with intent to distribute within a proximity of a school
- 12 or a park carries up to 10 years?
- 13 A. Uh-huh. (Affirmative).
- 14 Q. Okay. So, you're facing, you know, just on these
- 15 York County charges, more than 40 years.
- 16 Does that sound right?
- 17 A. Well, you just read it 35.
- 18 Q. Okay.
- 19 A. But I said 30 plus---
- 20 Q. Yeah.
- 21 A. ---earlier.
- 22 Q. Yeah, math isn't my -- exactly my thing.
- 23 But it is a sig -- significant amount of time?
- 24 A. Yes.
- 25 Q. Okay. And you are currently out on bond for all

Kendrick McIlwain - Cross-examination
By Ms. Rogers

1 these charges?

2 A. Yes, ma'am.

3 Q. All right. So, as I mentioned earlier -- and I
4 apologize if I was being unclear.

5 But as I mentioned earlier, you know, the -- you're
6 aware that these charges carry significant amount of time,
7 correct?

8 A. Yes, ma'am, I'm aware.

9 Q. Okay. You don't want to go to prison at all?

10 A. Nobody wants to go to prison.

11 Q. Right.

12 But, in, in this particular instance, you're facing a
13 ton of time. You don't want to go to prison.

14 A. No.

15 Q. And you would do anything to, to keep from having to
16 go there?

17 A. I wouldn't say anything but --.

18 Q. Okay. You have a family?

19 A. Yes.

20 Q. And kids?

21 A. Yes.

22 Q. And you want to be out and you don't want to be there
23 for them.

24 So you're -- you would -- you'd like to avoid having
25 to go do any time?

1 A. Yes.

2 Q. Okay. And that includes, you know, anything includes
3 working for the D.E.U. helping them out?

4 A. Not anything. But, yeah, I guess if you want to put
5 it that way.

6 Q. You're hoping that the D.E.U. and the State will help
7 you out with your charges in York?

8 A. Yes.

9 Q. And, again, that's why you set this up. That's why
10 you, you were offering to work because you---

11 A. Uh-huh. (Affirmative).

12 Q. ---have these pending charges?

13 A. Yes.

14 Q. And I believe earlier, in direct examination, you
15 said that you're hoping for -- your specific wording I
16 think is that you're hoping for grace on your charges.

17 Does that sound right?

18 A. Yeah, grace on my sentencing.

19 Q. Uh-huh. (Affirmative).

20 Okay. And, again, because you're gonna do anything
21 to stay out of prison and, just anything, referring to and
22 in terms of, you know, trying to work off your charges?

23 A. Yeah, I don't want to keep answering that though.

24 Q. Okay. No, I understand. I'm just trying to make
25 sure---

Kendrick McIlwain - Cross-examination
By Ms. Rogers

1 A. Okay.

2 Q. ---that that's clear.

3 But in order to do that -- in order to get some kind
4 of grace on your charges, you got to give them Mr.
5 McConnell, correct?

6 A. Well, in this case, yeah.

7 Q. You got to help them get a conviction?

8 A. Yeah, he was selling Fentanyl to me.

9 Q. And you asked D.E.U. on the phone -- on the video if
10 you did all right?

11 A. Yeah.

12 Q. You're hoping that you did enough?

13 A. No, I'm hoping that the video was clear.

14 Q. And -- but you were -- you are still hoping that
15 today. You're hoping that you did enough.

16 You're hoping that, you know, you're gonna get some
17 grace on the things that you're charged with in terms of
18 your sentencing?

19 A. Say that again.

20 Q. You're hoping to get some grace on your charges in
21 terms of your sentencing?

22 A. From the get go, yes.

23 MS. ROGERS: Okay. All right. Beg the Court's
24 indulgence---

25 THE COURT: Sure.

Kendrick McIlwain - Cross-examination
By Ms. Rogers

- 1 MS. ROGERS: ---Your Honor.
2 (Pause.)
3 MS. ROGERS: Just a few more questions.
4 Helping the D.E.U and then eventually hopefully
5 getting, you know, grace on your charges doesn't just
6 involve the controlled buy, correct?
7 A. What do mean---
8 Q. It---
9 A. ---by that?
10 Q. It doesn't just involve you setting up this, this
11 controlled buy where you buy drugs and it's on camera.
12 A. I feel like you trying to stumble me.
13 Q. No, there's -- I'm not. There's just -- there's more
14 to it than that. It also involves you testifying today
15 in, in front of the jury.
16 A. I mean, yes, if, if it has to get to that point.
17 Q. It is at that point but --
18 A. Yeah.
19 Q. -- it, it doesn't just involve you setting that up.
20 It involves you being here to testify.
21 A. Yes.
22 Q. Okay.
23 A. I knew what I was doing.
24 MS. ROGERS: Okay. Beg the Court's indulgence, Your
25 Honor.

1 THE COURT: Yes.
2 (Pause.)
3 MS. ROGERS: Nothing further, Your Honor. Thank you.
4 THE COURT: Okay. Any redirect?
5 SOLICITOR BURDETTE: No redirect, Your Honor.
6 We ask that this witness be excused.
7 THE COURT: All right. Any objection?
8 MS. ROGERS: No, Your Honor.
9 THE COURT: Okay. Mr. McIlwain, you can step down.
10 You're excused. Thank you.
11 THE WITNESS: All right.
12 THE COURT: Let's take a -- we're gonna take a few
13 minutes break. Let's take about a 10 minute stretch
14 break.
15 Y'all've heard testimony. Again, don't discuss the
16 case. You haven't heard the entire case and you
17 haven't -- you don't have any instructions from me about
18 how to evaluate what you've seen and hearing yet.
19 Okay. So, we'll be at recess for about 10 minutes.
20 Okay. Thank you.
21 (WHEREUPON, the following takes place outside the
22 presence of the jury.)
23 THE COURT: We'll be at recess about 10 minutes.
24 MS. ROGERS: Ten minute break?
25 THE COURT: Yes.

1 MS. ROGERS: Thank you.

2 MR. DAVIS: Thank you, Your Honor.

3 THE COURT: Thank you.

4 (WHEREUPON, a short recess was taken at this time.)

5 MR. DAVIS: My apologies, Your Honor. My, my a --

6 Ms. Rogers is on her way up.

7 THE COURT: Okay.

8 (Pause.)

9 THE COURT: All right. Are we ready for the jury to
10 come back?

11 SOLICITOR BURDETTE: The State's ready to proceed,
12 Your Honor.

13 MS. ROGERS: The defense is ready to proceed, Your
14 Honor.

15 THE COURT: Okay. All right. Let's bring the jury
16 in.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: All right. The jury's back in the
20 courtroom.

21 I will recognize the State. You can call your next
22 witness.

23 SOLICITOR BURDETTE: Your Honor, at this time the
24 State would call Investigator Brian McAfee to the stand.

25 BRIAN MCAFEE, being first duly sworn,

Brian McAfee - Direct examination
By Solicitor Burdette

1 testified as follows:

2 THE CLERK: Thank you. You can have a seat right
3 there.

4 THE COURT: Okay. You may proceed.

5 DIRECT EXAMINATION

6 BY SOLICITOR BURDETTE:

7 Q. Good morning.

8 Can you please state your full name for the record?

9 A. My full name is Brian Hunter McAfee.

10 Q. And how are you employed?

11 A. I am currently employed with York County Sheriff's
12 office.

13 Q. And how long have you been in law enforcement?

14 A. August will be 10 years.

15 Q. Okay. What are your present duties?

16 A. I am currently assigned to the York County
17 Multi-Jurisdictional Drug Enforcement Unit.

18 Q. Is that often referred to as the D.E.U.?

19 A. Yes, it is.

20 Q. Okay. What is your role as an investigator on the
21 D.E.U.?

22 A. I'm currently assigned to the north office. Work the
23 Fort Mill, Tega Cay. I also work the reservation area of
24 York County.

25 Q. How many drug cases have you been involved with?

Brian McAfee - Direct examination
By Solicitor Burdette

1 A. Hundreds.

2 Q. Okay. And your role that you're in today, was that
3 the same role on July 18th, 2024?

4 A. Yes, ma'am.

5 Q. All right. Going to that incident date, July 18th,
6 2024, were you one of the officers involved in a
7 controlled buy with Donquavis McConnell?

8 A. Yes, I was.

9 Q. And did you meet with the C.I., Kendrick McIlwain,
10 before the deal?

11 A. Yes, I did.

12 Q. Did you ever make any promises to Mr. McIlwain?

13 A. No, ma'am.

14 Q. Did you ever tell him you would help him out on his
15 charges?

16 A. No, ma'am.

17 Q. Did you ever threaten him in any way?

18 A. No, ma'am.

19 Q. And where did you meet with Kendrick before he went
20 to the deal?

21 A. I believe it was the Rock Hill Law Center parking
22 lot.

23 Q. And what was the point of meeting up with him before
24 the deal?

25 A. We have to meet with informants to search the

Brian McAfee - Direct examination
By Solicitor Burdette

1 informants, make sure they have no contraband prior to
2 going and meeting with the suspect.

3 Q. Do you remember who all was there when you met up
4 with Kendrick McIlwain?

5 A. In terms of law enforcement?

6 Q. Yes.

7 A. I believe it was myself, Investigator McClagherty,
8 Sergeant Lorencio, Investigator Dailey. I also think
9 Investigator Regan was there as well.

10 Q. Are those all members of the York County D.E.U.?

11 A. Yes, they are.

12 Q. Was anyone with Kendrick?

13 A. Yes.

14 Q. Was -- did he have someone with him besides---

15 A. No.

16 Q. ---an officer?

17 A. No.

18 Q. Were any other---

19 A. No, no one else, no.

20 Q. Okay. And who searched Kendrick before the deal?

21 A. I did.

22 Q. How thorough was your search of his person?

23 A. It was very thorough.

24 Q. What were you searching for?

25 A. Contraband, drugs, guns.

- 1 Q. And did you locate any drugs on him?
- 2 A. No, ma'am.
- 3 Q. Did you locate any guns on him?
- 4 A. No, ma'am.
- 5 Q. And did you locate anything illegal on him?
- 6 A. No, ma'am.
- 7 Q. And did you also search Kendrick's vehicle before the
- 8 deal?
- 9 A. Yes, I did.
- 10 Q. How thorough was that search?
- 11 A. It was very thorough.
- 12 Q. And what areas of the vehicle did you search?
- 13 A. Passenger compartment and the trunk.
- 14 Q. Okay. Did you search anywhere that drugs could be
- 15 located?
- 16 A. Yes, ma'am.
- 17 Q. And what are you looking for?
- 18 A. Drugs and guns.
- 19 Q. Did you locate any drugs or guns on him?
- 20 A. No, ma'am.
- 21 Q. In his vehicle?
- 22 A. No, ma'am.
- 23 Q. After you searched Mr. McIlwain's vehicle, can you
- 24 tell the jury what happened?
- 25 A. After we searched Mr. McIlwain and his vehicle, he

Brian McAfee - Direct examination
By Solicitor Burdette

- 1 was then issued audio/video surveillance equipment. He
2 was then ready to go to do the deal.
- 3 Q. Okay. And were you a member of the surveillance team
4 that followed Mr. McIlwain on July 18th, 2024?
- 5 A. Yes, ma'am.
- 6 Q. And what vehicle were you in?
- 7 A. I believe I was in the -- a Nissan Altima.
- 8 Q. Who was with you in that vehicle?
- 9 A. Investigator McClaugherty.
- 10 Q. Is that a marked patrol vehicle?
- 11 A. No, ma'am.
- 12 Q. Is there anything on the outside of that vehicle to
13 say that you're law enforcement?
- 14 A. No, ma'am.
- 15 Q. If I'm driving down the road and I see you -- you
16 said it was a Kia?
- 17 A. A Nissan Altima.
- 18 Q. Nissan.
- 19 If I see that Nissan you're in, am I gonna know that
20 you're a police officer?
- 21 A. No, ma'am.
- 22 Q. Okay. But it does have blue lights, right?
- 23 A. It does.
- 24 Q. But can you see those on the outside?
- 25 A. No, ma'am.

1 Q. And did you maintain visual on Kendrick's vehicle
2 during the entire duration of the deal?

3 A. I had, physically, eyes on him for most of it and I
4 had a GPS and realtime audio and video through the whole
5 deal.

6 Q. What is the point of the GPS?

7 A. So I know where he's at at all times.

8 Q. Okay. And did -- while you're watching that, as a
9 member of the surveillance team, did Mr. McIlwain make any
10 stops anywhere?

11 A. No.

12 Q. Did anyone ever get into his vehicle before the deal?

13 A. No.

14 Q. Did anyone get in his vehicle after the deal?

15 A. No.

16 Q. The only person that entered his vehicle was
17 Donquavis McConnell?

18 A. Correct.

19 Q. Okay. And are you listening to the live audio feed
20 the entire time?

21 A. Yes, I was.

22 Q. Where did the deal take place?

23 A. I believe it was The Glenarden Apartments.

24 Q. Is that in Rock Hill?

25 A. It is.

Brian McAfee - Direct examination
By Solicitor Burdette

1 Q. Is that in York County?

2 A. It is.

3 Q. All right. And can you tell the jury what you
4 observed on July 18th, 2024, when Mr. McIlwain went to
5 meet with this defendant?

6 A. Mr. McIlwain went -- drove. He was going to -- I
7 believe he was going to Chestnut Street to show up because
8 he had not heard from Mr. McConnell. He was going to
9 his -- where he was staying at the time.

10 While there, I believe the -- Mr. McConnell had
11 called the -- Mr. McIlwain and said he was not there, that
12 he was at the or heading to The Glenarden Apartments. At
13 that point, Mr. McIlwain drove to the Glenarden Apartments
14 to meet with Mr. McConnell so he could do the drug
15 transaction at the apartments.

16 Q. Okay. And what happened when Mr. McIlwain got to The
17 Glens Apartments?

18 A. When he got to the apartments, he actually called Mr.
19 McConnell and they kind of got there at the same time and
20 then he pulled up and then Mr. McConnell got into Mr.
21 McIlwain's vehicle and that is where the drug transaction
22 actually took place.

23 Q. Now, have you watched that video?

24 A. I have, yes, ma'am.

25 Q. And were you able to see a white powder Fentanyl in

1 the defendant's hand in that video?

2 A. Yeah, I believe there was some white powder and there
3 was also some blue---

4 MR. DAVIS: Objection, Your Honor.

5 A. ---at some point.

6 MR. DAVIS: May we approach?

7 (WHEREUPON, a bench conference was held out of the
8 hearing of the jury at this time.)

9 THE COURT: All right. I'll sustain the defendant's
10 objection to that question.

11 Q. You said you saw a white powder.

12 In your training and experience -- training and
13 experience, what did you believe that white powder to be?

14 A. Fentanyl.

15 Q. Okay. And then you saw the defendant with -- did you
16 see the defendant with anything else?

17 A. I believe there, at some point, there was some blue
18 Fentanyl that was presented.

19 Q. And you -- based on your training and experience, you
20 believe that to be Fentanyl?

21 A. Yes, ma'am.

22 Q. Okay. And then -- so the defendant has the drugs.

23 Did Kendrick McIlwain have any money given by the
24 D.E.U.?

25 A. Yes, ma'am, we did give him some governmental funds,

Brian McAfee - Direct examination
By Solicitor Burdette

- 1 yes, ma'am.
- 2 Q. Okay. And how do you guys identify that that's the
3 same money that Donquavis McConnell got?
- 4 A. We -- so we've -- make a copy of the money. We have
5 the serial numbers so we can compare the note -- what
6 money we -- exact money we gave him.
- 7 Q. Okay. And after the drug transaction occurred, did
8 you follow the C.I. back to the meeting point?
- 9 A. Yes, ma'am, we did.
- 10 Q. Did he make any stops at any point?
- 11 A. No, ma'am.
- 12 Q. Did anyone get in his vehicle afterwards?
- 13 A. No, ma'am.
- 14 Q. And when you got back to the meeting point, were you
15 there?
- 16 A. Yes, ma'am.
- 17 Q. And all the other officers that were there in the
18 beginning were there at the end?
- 19 A. Yes, ma'am.
- 20 Q. And what, what did Mr. McIlwain hand an officer?
- 21 A. He handed the officer the drugs that he had purchased
22 from Mr. McConnell.
- 23 Q. And who did he hand that to?
- 24 A. I believe it was Investigator McLaugherty.
- 25 Q. Okay. And so he's back. He hands the drugs off.

1 Was it long after he got back that he handed the
2 drugs off or was it like immediately as soon as he got
3 back he handed the drugs off?

4 A. It was immediately---

5 Q. Okay.

6 A. ---yes, ma'am.

7 Q. And how were those drugs packaged when Mr. McIlwain
8 gave them to Investigator McLaugherty?

9 A. I don't remember.

10 Q. Okay. That's fine.

11 And -- but after he gave the drugs, did an officer
12 search his person?

13 A. Yes, ma'am.

14 Q. Was that you?

15 A. Yes, ma'am.

16 Q. Okay. And what were you looking for at that time?

17 A. Drugs and guns, yes, ma'am. Mainly drugs.

18 Q. And did you locate anything on his person at that
19 time?

20 A. No, ma'am.

21 Q. And did someone search his vehicle?

22 A. Yes.

23 Q. Was that you?

24 A. No.

25 Q. Okay. But you were present?

Brian McAfee - Direct examination
By Solicitor Burdette

1 A. Yes, I was.

2 Q. And you observed another officer search his vehicle?

3 A. Yes.

4 Q. Do you know if anything was located in his vehicle?

5 A. I don't believe there was, no, ma'am.

6 Q. So, the entire drug transaction, you were part of the
7 surveillance team. You watched and, based on your
8 training and experience, you observed the defendant, Mr.
9 McConnell, get into Kendrick McIlwain's vehicle and
10 distribute Fentanyl.

11 Is that right?

12 A. Yes, ma'am.

13 Q. No further questions. But please answer any
14 questions that the defense may have.

15 THE COURT: All right. Any cross-examination?

16 MR. DAVIS: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. DAVIS:

19 Q. All right. Investigate -- Investigator McAfee, how
20 long have you been a police officer?

21 A. Almost 10 years.

22 Q. Almost 10 years.

23 And your testimony today was that you searched the,
24 the -- Mr. McIlwain and his vehicle when he first arrived.

25 Is that correct?

- 1 A. Correct.
- 2 Q. Did you have a, a body camera on at that time?
- 3 A. No.
- 4 Q. You, you are -- are you issued a body camera though?
- 5 A. I am.
- 6 Q. You have access to it?
- 7 A. Yeah.
- 8 Q. But you did not record that event at all?
- 9 A. No.
- 10 Q. Okay. Did you take anything into evidence in this
- 11 case?
- 12 You personally.
- 13 A. No.
- 14 Q. Did you sign anything into evidence?
- 15 A. I don't believe so.
- 16 Q. Okay. You -- would there -- you, you say you don't
- 17 believe so.
- 18 would there -- anything you might have taken into
- 19 evidence?
- 20 A. I do hundreds of drug, you know, deals every year. I
- 21 don't remember every, every case. But I don't believe I
- 22 did.
- 23 Q. Okay. But you have reviewed this case prior to
- 24 trial, correct?
- 25 A. Yes.

Brian McAfee - Cross-examination
By Mr. Davis

1 Q. And so you don't, you don't recall coming across
2 anything that you would of taken into evidence personally?

3 A. I don't believe so.

4 Q. Okay. Did you have -- you, you, you -- you've,
5 you've given some testimony regarding you had the C.I.
6 under surveillance the entire time.

7 Could you visually see when he, when he pulled into
8 the parking lot?

9 Was it Glen -- Glenarden Drive?

10 Could you see him when he pulled in?

11 A. I observed him pulling in. I didn't follow him into
12 Glenarden.

13 Q. So, you didn't see -- you didn't actually see anybody
14 yourself, I'm not talking about the video, but yourself
15 get into the car?

16 A. Correct.

17 Q. So you, you -- you're, you're basing that on the live
18 stream, correct?

19 A. Yes.

20 Q. So, you didn't see the exterior of the car?

21 You didn't see the other car that person came from?

22 A. Correct.

23 MR. DAVIS: Okay. All right. I have no further
24 questions, Your Honor.

25 THE COURT: Okay. Any redirect?

Brian McAfee - Redirect examination
By Solicitor Burdette

1 SOLICITOR BURDETTE: Just briefly Your Honor.

2 THE COURT: Okay.

3 REDIRECT EXAMINATION

4 BY SOLICITOR BURDETTE:

5 Q. What is the purpose of -- you said you didn't see Mr.
6 McConnell in his -- you saw the vehicle pull in.

7 But you didn't see Mr. McConnell up close and
8 personal that night, right?

9 A. Physically, no.

10 Q. You watched him through the video?

11 A. Yes.

12 Q. And what is the purpose of not being up close where
13 you can see the defendant?

14 A. I didn't want him to see law enforcement there and
15 get spooked and not do the drug transaction.

16 Q. Thank you.

17 No further questions.

18 THE COURT: All right. You can step down. Thank
19 you.

20 Do you want to release this witness or --?

21 SOLICITOR BURDETTE: Yes, Your Honor. We ask that he
22 be excused.

23 THE COURT: All right. Any objection?

24 MR. DAVIS: No objection, Your Honor.

25 THE COURT: All right. He's excused.

Travis Dailey - Direct examination
By Solicitor Burdette

1 Thank you.

2 You may call your next witness.

3 SOLICITOR BURDETTE: Your Honor, the State would call
4 Travis Dailey to the stand.

5 THE CLERK: Please raise your right-hand and
6 left-hand on the Bible.

7 TRAVIS DAILEY, being first duly
8 sworn, testified as follows:

9 THE CLERK: Thank you. You may have a seat.

10 THE COURT: You may proceed.

11 DIRECT EXAMINATION

12 BY SOLICITOR BURDETTE:

13 Q. Good morning.

14 Can you please state your name for the record?

15 A. Travis Dailey.

16 Q. And how are you employed?

17 A. I'm sorry.

18 Can you say it again?

19 Q. How are you employed?

20 A. I'm employed with the Tega Cay Police Department.

21 Q. Okay. How long have you been in law enforcement?

22 A. Approximately 10 and a half years.

23 Q. What are your present duties?

24 A. I am currently a patrol sergeant at the Tega Cay
25 Police Department.

Travis Dailey - Direct examination
By Solicitor Burdette

1 Q. Okay. How many drug cases have you been involved
2 with?

3 A. Quite a few. I would say at least a hundred.

4 Q. Have you -- are you currently a member of the York
5 County D.E.U.?

6 A. I'm not currently a member.

7 Q. Okay. Were you on July 18th, 2024, a member of the
8 York County D.E.U.?

9 A. Yes, I was.

10 Q. And what were your -- what was your role as a
11 investigator with the York County D.E.U.?

12 A. I was assigned part-time investigator position with
13 the D.E.U. and I just supported the office wherever they
14 needed assistance.

15 Q. Okay. Now, let's go to July 18th, 2024.

16 Were you one of the officers that was involved in a
17 controlled buy against Donquavis McConnell?

18 A. Yes.

19 Q. And did you meet with the C.I., Kendrick McIlwain,
20 before the deal?

21 A. Yes, I met at the location. I did not deal with him
22 directly at -- before the deal.

23 Q. Okay.

24 A. But I was at the location.

25 Q. Okay. At the location.

Travis Dailey - Direct examination
By Solicitor Burdette

1 And did you ever make any promises to Mr. McIlwain
2 that you would help him with any pending charges he had in
3 York County?

4 A. No.

5 Q. Did you ever threaten him in any way to get him to
6 testify?

7 A. No.

8 Q. Did you threaten him in any way to get him to
9 cooperate with you?

10 A. No.

11 Q. Did you ever imply that you were gonna help out in
12 any way?

13 A. No.

14 Q. Now, before the drug deal on July 18th, 2024, where
15 did you and other officers meet with the def -- with the
16 C.I.?

17 A. We met at the -- in the parking lot of the Rock Hill
18 Law Center.

19 Q. Okay. And what officers were present with you at
20 that time?

21 A. It was Investigator McClougherty, McAfee, Lorencio,
22 Regan, and myself.

23 Q. And do you remember who searched Kendrick McIlwain?

24 A. Before the deal, it was Investigator McAfee.

25 Q. And who searched the vehicle?

- 1 A. Investigator McAfee.
- 2 Q. Were you present while McAfee was searching Kendrick
- 3 and the vehicle?
- 4 A. I arrived during the time that he was searching. I
- 5 did not witness everything with the search.
- 6 Q. Okay.
- 7 A. But I was --.
- 8 Q. Do you know if anything illegal was located on
- 9 Kendrick McIlwain?
- 10 A. Nothing was located.
- 11 Q. Did -- what -- do you know if anything was, was -- if
- 12 anything illegal was located in his vehicle?
- 13 A. Nothing was located.
- 14 Q. Did you see anyone besides Kendrick in his vehicle?
- 15 A. No.
- 16 Q. Okay. And were you a part of the surveillance team
- 17 for July 18th, 2024?
- 18 A. Yes, I was.
- 19 Q. What vehicle were you in?
- 20 A. I was in a Kia Stinger.
- 21 Q. Okay. And is that a marked patrol vehicle?
- 22 A. It's an unmarked patrol car.
- 23 Q. Okay. Is there any indication on the outside that
- 24 you're law enforcement?
- 25 A. No.

Travis Dailey - Direct examination
By Solicitor Burdette

1 Q. Okay. And was anyone with you?

2 A. No.

3 Q. Now, did you maintain visual on Kendrick's vehicle
4 during the entire, entire duration of the deal?

5 A. I had eyes on his vehicle during portions of the
6 transport to and from the deal and relied on surveillance
7 equipment for the rest.

8 Q. Okay. Did you see Kendrick make any stops before
9 meeting with Donquavis McConnell?

10 A. No.

11 Q. And are you listening to the live audio feed during
12 the investigation?

13 A. Yes.

14 Q. Where did the deal take place?

15 A. The Glens Apartment off of Glenarden Drive.

16 Q. Is that in Rock Hill, York County?

17 A. Yes.

18 Q. And can you tell the jury what you observed during
19 the controlled buy on July 18th, 2024?

20 A. When the informant arrived at that location, the
21 defendant got into the vehicle. They conversed. He --
22 the defendant provided the or the informant provided the
23 defendant with currency, money, that was provided by the
24 D.E.U. and, in exchange, he received a quantity of
25 narcotics, Fentanyl, from the defendant.

Travis Dailey - Direct examination
By Solicitor Burdette

1 Q. Now, based on your training and experience, you
2 believe that substance that Kendrick McIlwain recovered
3 was Fentanyl?

4 A. From what I saw, yes.

5 Q. Okay. And after the drug deal occurred, what
6 happened?

7 A. After the deal, the informant drove away. He
8 returned directly to the original meet location at the
9 Rock Hill -- the Law Center and he didn't make any stops
10 along the way.

11 Q. Did he meet---

12 A. That's my---

13 Q. ---with the same officers that he had met with prior
14 to the deal?

15 A. Yes, we all arrived back at that location.

16 Q. Okay. When he got back to that location, was his
17 person searched again?

18 A. Yes.

19 Q. Who searched him?

20 A. I'm not sure which if -- which officer was the one
21 that searched his person.

22 Q. Okay. Did you search his vehicle?

23 A. Yes.

24 Q. And what areas of his vehicle were you searching?

25 A. I searched all the passenger compartment areas within

Travis Dailey - Direct examination
By Solicitor Burdette

1 the vehicle, under seats, glove compartment, center
2 console, everything. And I also searched the trunk of the
3 vehicle.

4 Q. How thorough was your search?

5 A. It was very thorough.

6 Q. What were you looking for?

7 A. Any narcotics, weapons, any contraband.

8 Q. And that -- during that search, did you locate
9 anything in Kendrick McIlwain's vehicle?

10 A. No.

11 Q. No further questions. Please answer any questions
12 that the defense may have.

13 THE COURT: Okay. Any cross-examination?

14 MS. ROGERS: Yes, Your Honor.

15 THE COURT: All right.

16 CROSS-EXAMINATION

17 BY MS. ROGERS:

18 Q. You didn't take anything into evidence during the
19 course of this, correct?

20 A. No, I did not handle the evidence.

21 Q. Okay. And at the scene right before the meet, you
22 didn't personally observe the defendant getting out of his
23 car and into the C.I.'s car, correct?

24 A. Can you, can you say that again?

25 Q. You were -- you could see somebody getting into

1 the -- out of their car and into the C.I. car through the
2 video but you didn't -- you weren't there?

3 A. I was not at---

4 Q. All right.

5 A. ---that location, no.

6 Q. And you said that you -- and just to clarify, you
7 weren't present the entire time when the C.I. and the C.I.
8 vehicle were being searched prior to the deal, correct?

9 A. I showed up---

10 Q. Yeah.

11 A. ---at some point --

12 Q. Okay.

13 A. -- during that process but --.

14 Q. Okay. After the deal when the C.I. was being
15 searched, you participated in that?

16 A. I part -- I participate in the search of the vehicle.

17 Q. The search of the vehicle?

18 A. (WHEREUPON, the witness nods affirmatively.)

19 Q. Now, was that recorded?

20 A. No, it was not.

21 Q. Okay. But you conducted a thorough search of the
22 vehicle after the deal---

23 A. Yes.

24 Q. ---and in -- and, and, again, that wasn't recorded?

25 A. Yes.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 MS. ROGERS: Okay. Nothing further, Your Honor.

2 Thank you.

3 THE COURT: Okay. Any redirect?

4 SOLICITOR BURDETTE: No redirect, Your Honor. We ask
5 that this witness be excused.

6 THE COURT: All right. Any objection?

7 MS. ROGERS: No, Your Honor.

8 THE COURT: Okay. You---

9 MS. ROGERS: Thank you.

10 THE COURT: You can step down. You're excused.
11 Thank you.

12 All right. You may call your next witness.

13 SOLICITOR BURDETTE: Your Honor, at this time the
14 State would call Morgan McClaugherty to the stand.

15 MORGAN MCCLAUGHERTY, being first duly
16 sworn, testified as follows:

17 THE CLERK: Okay. Have a seat.

18 THE COURT: Okay. You may proceed.

19 DIRECT EXAMINATION

20 BY SOLICITOR BURDETTE:

21 Q. Good morning.

22 Can you please state your name for the record?

23 A. Morgan McClaugherty.

24 Q. What is your occupation?

25 A. I work for York County Sheriff's Office.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

- 1 Q. How long have you been in law enforcement?
- 2 A. About six years.
- 3 Q. Okay. And what are your present, present duties?
- 4 A. I am assigned to the York County Drug Enforcement
- 5 Unit.
- 6 Q. What is the Drug Enforcement Unit?
- 7 A. We're a unit comprised of people all over the county.
- 8 We've got local municipalities as well as people that work
- 9 for the Sheriff's Office and our general goal is to get
- 10 illegal drugs off the street.
- 11 Q. And what is your role on the Drug Enforcement Unit?
- 12 A. I make drug cases.
- 13 Q. Okay. And how many drug cases have you been involved
- 14 with?
- 15 A. Hundreds.
- 16 Q. And were you in the same role on July 18th, 2024?
- 17 A. Yes, ma'am.
- 18 Q. And this case involves Fentanyl in particular.
- 19 Are you familiar with Fentanyl specifically?
- 20 A. Yes, ma'am.
- 21 Q. Did you utilize a confidential informant against
- 22 Donquavis McConnell?
- 23 A. I did.
- 24 Q. Who was your confidential informant?
- 25 A. Kendrick McIlwain.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 Q. Okay. And how is it that the D.E.U. began to use
2 Kendrick McIlwain as an informant?

3 A. So, originally his information was passed onto us
4 from the commander of the drug unit at the time which was
5 D.J. Kennedy. I believe he was in contact with Kendrick's
6 defense attorney and he -- they told our commander that he
7 wanted to work with the drug unit and that he had
8 information about people selling illegal drugs in York
9 County.

10 Q. Okay. And since you began working him as a
11 confidential informant, how much work has he done for the
12 D.E.U.?

13 A. Multiple buys.

14 Q. Did you ever make any promises to Mr. McIlwain?

15 A. No, ma'am.

16 Q. Did you ever make any promises that you'll help him
17 out on his charge?

18 A. No, ma'am.

19 Q. Did you ever tell him any implication that you would
20 help him?

21 A. No, ma'am.

22 Q. Did you ever tell him that you would ask the
23 solicitor to give him grace?

24 A. No, ma'am.

25 Q. Did you ever threaten him in any way?

1 A. No, ma'am.

2 Q. To your knowledge, did anyone in law enforcement
3 threaten him or make any promises to him?

4 A. No, ma'am.

5 Q. Did anyone from the solicitor's office threaten him
6 or promise him to get him to testify?

7 A. No, ma'am.

8 Q. All right. Can you please take (sic) the jury how
9 the July 18th deal was set up in the beginning?

10 A. So, Kendrick wasn't able to get in touch with
11 McConnell at the time. He called him but his -- I guess
12 his phone was off or he wasn't answering it.

13 So, when Kendrick arrived to the deal, we started as
14 we usually do by searching his person and searching his
15 vehicle and Kendrick was just gonna show up at the house
16 that he knew McConnell to stay at and see if he was there.
17 We didn't know for sure if the deal was gonna go to start
18 with.

19 So, we searched him. We searched his vehicle. We
20 gave him the electronic recording equipment and we gave
21 him money and he sets off to go do the deal.

22 Q. The money you gave him, is that identifiable?

23 A. Yes, ma'am.

24 Q. Were you the one that gave him the money?

25 A. I am.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 Q. And what did you do with that money to make it
2 identifiable?

3 A. We photocopy it so that we've got copies of the
4 serial number.

5 Q. And what is the purpose of that?

6 A. So that we can say for sure that this was the money
7 that was given to the defendant.

8 Q. So, before the C.I. heads to the deal, you stated the
9 C.I. himself, his person, was searched?

10 A. Yes, ma'am.

11 Q. How thorough was that search?

12 A. Thorough.

13 Q. And do you know which officers searched his person?

14 A. Investigator McAfee.

15 Q. Was his vehicle also searched?

16 A. Yes, ma'am.

17 Q. And do you remember who searched his vehicle?

18 A. Investigator McAfee.

19 Q. And was anything located in either searches?

20 A. No, ma'am.

21 Q. And after the -- after you had give him the live
22 audio recording, and the video, the identifiable funds,
23 can you tell the jury what happened?

24 A. Yes.

25 So, at that point, he left the meet location and

1 started driving towards Chestnut Street. When he was on
2 his way, he was finally able to get in contact with
3 McConnell over a phonecall and he told him to go meet him
4 at The Glens, which is the Glens Apartments off of
5 Glenarden Drive.

6 Q. Are you familiar with that area?

7 A. Yes, ma'am.

8 Q. And is that in Rock Hill?

9 A. Yes.

10 Q. Is that in York County?

11 A. It is.

12 Q. Okay. Now, as to actual deal, are you a member of
13 the surveillance team?

14 A. Yes, ma'am.

15 Q. Were any other officers part of that surveillance
16 team?

17 A. Yes, ma'am.

18 Q. Who?

19 A. Myself, Investigator McAfee, Investigator Dailey,
20 Sergeant Lorencio, and Investigator Regan.

21 Q. And did you follow Kendrick McIlwain's vehicle to the
22 deal and after?

23 A. Yes, ma'am.

24 Q. What vehicle were you in?

25 A. I was in a Nissan Altima.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 Q. Who was with you?

2 A. Investigator McAfee.

3 Q. Okay. And were you guys listening to live audio feed
4 during the entire investigation?

5 A. Yes, ma'am.

6 Q. In fact, Mr. McIlwain called you before the deal.

7 What was the point of that call?

8 A. He was just letting us know that Mr. McConnell had
9 called him and asked him to go to The Glens. He was
10 basically clearing it with us that he could go to a
11 different location.

12 Q. Okay. And the vehicle you were in, is that a marked
13 patrol vehicle?

14 A. No, ma'am.

15 Q. Is there anything on the outside to say you're law
16 enforcement?

17 A. No, ma'am.

18 Q. Why?

19 A. That would prevent us from being able to, to do our
20 job. I mean we have to follow C.I.'s to the meet
21 location, and if a marked vehicle was following them, it
22 would ruin the entire cover.

23 Q. Now, you're unmarked.

24 Are you staying directly behind the C.I.'s vehicle
25 the whole time?

1 A. Not directly behind but within like eye shot. We can
2 see.

3 Q. Okay. Why are you not following him directly?

4 A. We don't want to make it obvious that we're law
5 enforcement.

6 Q. Okay. Cause there's what, three cars following one
7 vehicle?

8 A. It's suspicious.

9 Q. Okay. And was anyone in the vehicle with Kendrick
10 McIlwain as he drove to the drug deal?

11 A. No, ma'am.

12 Q. After he met with Mr. McConnell, did anyone else get
13 in his vehicle?

14 A. No, ma'am.

15 Q. Did he ever make any stops before the drug deal?

16 A. No, ma'am.

17 Q. Did he stop at the gas station?

18 A. No.

19 Q. Did he get out of his vehicle at any point before
20 meeting with Mr. McConnell?

21 A. No, ma'am.

22 Q. Now, after the drug deal took place, did he drive
23 directly back to the meeting point?

24 A. Yes, ma'am.

25 Q. Did he make any stops?

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 A. No, ma'am.

2 Q. Did anyone get in his vehicle?

3 A. No, ma'am.

4 Q. Did you have GPS tracking on the confidential
5 informant's car?

6 A. Yes, we have GPS that's running for the entirety of
7 the deal.

8 Q. And why?

9 A. So that we can make sure that we know where he's at
10 at all times.

11 Q. All right. Can you please tell the jury what you
12 observed during the July 18th, 2024, drug deal?

13 A. Yes.

14 So he pulls into the apartment complex and he is on
15 the phone with McConnell at the time and they're pulling
16 in basically at the same time and he's asking him where to
17 park or where he's going so that they can meet.

18 So, he parks in the parking lot and then McConnell
19 gets out of his vehicle and gets in the front passenger
20 seat of the C.I.'s vehicle. The C.I. provides him the
21 money and McConnell fishes around for a -- it looks like
22 a -- with the Latex glove, like a clear glove that's got
23 white -- what I believe to be white powdered Fentanyl and
24 he bags that up. And then he retrieves a separate bag
25 from a separate location it appears and it has what I

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 believe to be a blue Fentanyl substance. Bags it in
2 another bag and then puts them together in the original
3 bag.

4 Q. Did -- okay.

5 A. And hands, and hands it back to the C.I.

6 Q. Okay. Did the C.I. give him anything?

7 A. The C.I. gives McConnell a hundred dollars.

8 Q. And was that the hundred dollars that you had
9 provided?

10 A. Yes, ma'am.

11 Q. And you know that because you have wrote down the
12 serial numbers and photocopied that money before?

13 A. Yes, ma'am.

14 Q. Okay. And, and I know the defense is probably gonna
15 ask you this. So, I'll go ahead and get it out of the
16 way.

17 Did you personally see the defendant's vehicle pull
18 up to the drug deal?

19 A. No, ma'am.

20 Q. And did you see anyone -- in this mysterious vehicle
21 that pulled up, did you, that night, see anybody get out
22 of that vehicle and into Mr. McIlwain's vehicle?

23 A. No, ma'am.

24 Q. But you've watched the video?

25 A. Yes.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 Q. And, in that video, there was a man sitting in the
2 front passenger seat of Mr. McConnell's vehicle.

3 A. Yes, ma'am.

4 Q. Do you know who that person was?

5 A. Yes.

6 Q. Who?

7 A. Donquavis McConnell.

8 Q. Donquavis McConnell was sitting in Kendrick
9 McIlwain's vehicle for this drug deal?

10 A. Yes, ma'am.

11 Q. Okay. Now, once McConnell provided the drugs to the
12 C.I., what did the C.I. do?

13 A. He returned back to the predetermined meet location,
14 which was at the back of Rock Hill Police Department.

15 Q. Why did you do that?

16 A. Why did---

17 Q. What was the point of him going back there?

18 A. Because we have to search him after the deal as well
19 as collect the evidence.

20 Q. And did you collect the evidence?

21 A. Yes, ma'am.

22 Q. And you personally collected the evidence from where?

23 A. From the C.I.'s hand.

24 Q. So, he handed it to you?

25 A. Yes, ma'am.

1 Q. How long after, and once he got back to the meeting
2 point, did he give you those drugs?

3 A. Immediately.

4 Q. And how were those drugs packaged?

5 A. So the same way that McConnell had packaged them in
6 the vehicle. So, you had the outer bag that had the white
7 powder -- what I believe to be is the white powder,
8 Fentanyl. And then, inside that, you had a blue rocky
9 substance that I believe to be Fentanyl.

10 Q. When you recovered those drugs from Mr. McIlwain, did
11 it appear to have been tampered with in any way?

12 A. No, ma'am.

13 Q. Did it look like the bag had been opened at any
14 point?

15 A. No, ma'am.

16 Q. Was it tied -- from your experience and watching that
17 video, did it appear to be tied the exact same way as when
18 you recovered it?

19 A. Yes, ma'am.

20 Q. Okay. And the entire time you guys have live audio
21 feed. You're listening and watching the drug deal take
22 place.

23 A. Yes, ma'am.

24 Q. Now, you're equipped with body cam---

25 A. Yes.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 Q. ---right?

2 why aren't you guys wearing body cam?

3 A. So, a couple of reasons.

4 We are searching the C.I.'s pretty much out in a
5 parking lot where, if somebody drives by, they can see us.
6 We don't have the body cam, you know, mounted on us like
7 we're -- we're not wearing uniforms or anything like that.
8 The point is to not be noticed. So, that's one reason.

9 And we also don't wear body cams -- it's not our
10 general practice to use them with C.I.'s. Once the body
11 camera is docked, it has -- it's available for everyone in
12 law enforcement to look at videos. We can look at
13 patrol's video that happens and C.I.'s information is very
14 confidential. We don't want their information to get out.
15 We don't want to know who's working with us.

16 So, that includes other police officers. So, patrol
17 officers on the street wearing a uniform every day, they
18 don't even know who it is that are C.I.'s.

19 Q. Now, a member of the public can't access this?

20 You're just meaning law enforcement can -- if you
21 upload a video, law enforcement can access this video?

22 A. Correct.

23 Q. And you only want members of the York County D.E.U.
24 to see this because it's confidential?

25 A. Correct.

1 Q. And so -- okay. So you didn't have body cams on that
2 day?

3 A. No, ma'am.

4 Q. Okay. Now, when you got back to the meeting point,
5 was Mr. McIlwain searched?

6 A. Yes, ma'am.

7 Q. Was his vehicle searched?

8 A. Yes, ma'am.

9 Q. Was anything located during those searches?

10 A. No, ma'am.

11 Q. Did you recover -- you recovered the drugs in this
12 case?

13 A. I did.

14 Q. And you said you got it from his hand -- from Mr.
15 McIlwain's hand?

16 A. Yes.

17 Q. What did you do with the drugs once you recover them?

18 A. We take them back to the police department and we
19 take photos of them. We separate the drugs from the bags.
20 We weigh them and we field test them and submit them into
21 evidence.

22 Q. Okay. And you said you submitted into evidence.

23 Where do you submit the drugs -- like where's the
24 evidence at?

25 A. So, it's either submitted at Moss Justice Center here

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 at the evidence locker or we've got a -- several, several
2 other ones throughout the county at different -- like
3 different branches.

4 Q. Do you remember, in this case, where you submitted
5 the drugs?

6 A. I believe I submitted them at District 4.

7 Q. Okay. Now, the evidence that you submit it into, can
8 anyone access that evidence locker?

9 A. No, ma'am.

10 Q. How do you access it?

11 A. So, it's locked. I mean only other law enforcement
12 is even allowed in that section of the building, and then
13 once we're in, it -- it's like a slot and you can't --
14 once you drop it it can't be retrieved unless you're an
15 evidence technician.

16 Q. Okay. So, only evidence technician on the other side
17 of that drop box can recover what you submitted?

18 A. Yes, ma'am.

19 Q. Okay. Is it secured?

20 A. Yes, ma'am.

21 Q. All right. I'm now showing you what's been
22 previously marked for identification as State's Exhibit 4
23 and 5. Well -- and let's go ahead and do two and three --
24 two, three, four, and five.

25 May I approach the witness?

- 1 THE COURT: You may.
- 2 Q. All right. You can look at the front two if you'd
- 3 prefer.
- 4 A. Okay.
- 5 Q. Will you take a look at those items?
- 6 A. Yes, ma'am.
- 7 Q. Have you had contact with those items before?
- 8 A. Yes.
- 9 Q. Now let's go through each one.
- 10 State's Exhibit 2, what is that?
- 11 A. So this is the packaging material, like the outer
- 12 packaging material, that I seized from the C.I.'s hand.
- 13 Q. Okay. State's Exhibit 3, what is that?
- 14 A. I'm sorry. This is the other bag that was -- that
- 15 the Fentanyl was located in.
- 16 Q. Okay. State's Exhibit 4, what's in that evidence
- 17 bag?
- 18 A. This is the white Fentanyl.
- 19 Q. Okay. And State's Exhibit 5, what is in that bag?
- 20 A. The blue Fentanyl.
- 21 Q. Do you recognize those items?
- 22 A. Yes, ma'am.
- 23 Q. How do you recognize them?
- 24 A. These are the illegal drugs that Kendrick purchased
- 25 from McConnell on this date.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 Q. How do you know that that is the specific case those
2 drugs in that plastic baggie?

3 Did you write anything?

4 A. So, it's signed and dated and the time is marked for
5 that day by me.

6 Q. Okay. So your signature is on those?

7 A. Yes, ma'am.

8 Q. And when you place them into evidence, are they
9 sealed?

10 A. Yes, ma'am.

11 Q. And do they appear the same way as when you submitted
12 them into evidence?

13 A. Yes, ma'am.

14 Q. Have they been altered in any way since you submitted
15 them into evidence?

16 A. No, ma'am.

17 SOLICITOR BURDETTE: Your Honor, at this time, the
18 State moves to admit State's Exhibit -- I believe it's
19 just three and four into evidence. Just the plastic
20 baggies.

21 THE COURT: Okay. State's 3 and 4.

22 SOLICITOR BURDETTE: Two and three. Sorry. I
23 apologize.

24 THE COURT: Two and three.

25 SOLICITOR BURDETTE: Two and three.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 MR. DAVIS: Without objection, Your Honor.

2 THE COURT: All right. State's 2 and 3 admitted
3 without objection.

4 (WHEREUPON, State's Exhibit Nos. 2 and 3 were
5 received into evidence at this time.)

6 Q. All right. Lastly, you watched the video of the buy
7 that happened?

8 A. Yes, ma'am.

9 Q. And do you know the person who sold Fentanyl to
10 Kendrick McIlwain from that video?

11 A. Yes, ma'am.

12 Q. What is his name?

13 A. Donquavis McConnell.

14 Q. Do you see Donquavis McConnell here today?

15 A. Yes, ma'am.

16 Q. Can you please point him out?

17 A. (WHEREUPON, the witness points.)

18 Q. What is he wearing?

19 A. Light blue or white dress shirt with a red tie.

20 Q. And is that the person who sold Fentanyl to Mr.
21 McIlwain on July 18th, 2024?

22 A. Yes, ma'am.

23 SOLICITOR BURDETTE: Your Honor, let the record
24 reflect that the witness has identified the defendant.

25 THE COURT: All right. So noted.

Morgan McClaugherty - Direct examination
By Solicitor Burdette

1 Q. No further questions. Please answer any questions
2 that the defense may have.

3 THE COURT: All right. Any cross-examination?

4 MR. DAVIS: Thank you, Your Honor.

5 THE COURT: Uh-huh. (Affirmative).

6 CROSS-EXAMINATION

7 BY MR. DAVIS:

8 Q. All right. Investigator McClaugherty?

9 A. McClaugherty.

10 Q. McClaugherty?

11 A. Close enough.

12 Q. I would never say that properly.

13 All right. You were the, the case agent on this
14 case.

15 Is that correct?

16 A. Yes, sir.

17 Q. So, it -- the duties of the case agent, does -- that
18 means you're -- you have overall responsibility for the
19 case?

20 A. Yes, ma'am.

21 Q. And so you're the person who prepares the case for
22 trial if anything additional is needed to get ready to go
23 to trial?

24 A. That and the Solicitor's Office.

25 Q. Okay. So you -- but you would be the primary law

Morgan McClaugherty - Cross-examination
By Mr. Davis

1 enforcement personnel that works with the solicitor's
2 office in preparing this case for trial.

3 Is that correct?

4 A. Yes, sir.

5 Q. Thank you.

6 And it's your testimony today that you took the, the
7 drugs in this case?

8 You personally took those into evidence, correct?

9 A. Yes, sir.

10 Q. And you weighed those drugs?

11 A. Yes, sir.

12 Q. And what was the weight of those drugs when you took
13 those into evidence?

14 A. I'd have to check to make sure I get the exact---

15 Q. Okay. If you could.

16 A. ---weights.

17 Q. Yeah.

18 A. Okay.

19 Q. If you want to -- if you'd like to go through your
20 notes, please do.

21 A. Together, the white and the blue weighed
22 approximately .66 grams whenever I weighed it.

23 Q. Okay. Do you have a breakdown for the white and the
24 blue?

25 A. Not in the summary. I've got photos of it.

Morgan McLaugherty - Cross-examination
By Mr. Davis

1 Q. Okay. All right. So, in, in -- you collected into
2 evidence -- we just entered into evidence the packing
3 material for this case for both types of -- were they
4 separate packing material?

5 A. Yes. We had two packaging materials and then two
6 drugs.

7 Q. All right. And I believe they just entered those as
8 State's Exhibit 2 and 3.

9 Is that correct?

10 A. Yes.

11 Q. And is -- no one's done any additional testing on
12 those packaging materials?

13 A. Not to my knowledge.

14 Q. No one's done any DNA testing on those packaging
15 materials?

16 A. No, sir.

17 Q. Okay. No one's done any fingerprint testing on any
18 of those packaging materials?

19 A. No, sir.

20 Q. Typically, in drug cases, do you generally get search
21 warrants in order to gain evidence before going to trial?

22 A. Can you rephrase?

23 Q. Is it out of the ordinary for you to get a search
24 warrant in a drug case?

25 A. It depends on the circumstances.

Morgan McClougherty - Cross-examination
By Mr. Davis

1 Q. But how often -- say how often during your time
2 and -- working drug cases, how often do you get search
3 warrants?

4 A. Relatively frequently depending on the circumstances.

5 Q. Okay. You -- did you get a search warrant in this
6 case?

7 A. There was no need for a search warrant in this case.

8 Q. And so, you, you testified that you had taken
9 pictures of the money that you provided to the C.I.

10 Is that correct?

11 A. Yes, sir.

12 Q. And I don't believe -- that -- that's not been
13 entered into evidence.

14 Is that correct?

15 A. That is in the confidential file of the folder.

16 Q. Okay. Did you recover that money?

17 A. The C.I. spends that money.

18 Q. Okay. So it -- it's not -- you, you can't prove
19 where it was spent. You, you just -- you can show that
20 you gave him some money.

21 Is that correct?

22 A. So we watched him spend the money. We watched the
23 transaction between himself and McConnell. We watched him
24 hand over the money and then McConnell count out the
25 money.

Morgan McClaugherty - Cross-examination
By Mr. Davis

1 Q. Okay. But can we see the serial numbers there?

2 A. No, sir.

3 Q. So, you didn't recover the money from Mr. McConnell
4 at a later date?

5 A. No, sir.

6 Q. Okay. When you -- when you put the equipment on
7 the -- on Mr., Mr. McIlwain, he knew where the, where the,
8 where the video was, correct?

9 A. Yes, sir.

10 Q. And he was the only one who knew where the camera was
11 in the car at the time and he knew what he needed to do to
12 not block the camera.

13 Is that correct?

14 A. So, Mr. McConnell -- I'm sorry.

15 Kendrick, he knows where the camera is on the
16 recording equipment. He does not know how to access
17 the -- he doesn't know how to turn it on or off. He
18 doesn't know how to adjust it or flip which side of the
19 recording device the camera comes out of.

20 Q. Okay. That, that -- at that time, this is back in,
21 in 2024, how much Fentanyl would a hundred dollars buy?

22 A. It depends on who you are and where you're purchasing
23 it from.

24 Q. Okay. So what would the range be?

25 A. I mean it's really hard to say.

Morgan McClaugherty - Redirect examination
By Solicitor Burdette

1 Q. Okay. I mean---

2 A. I can't put a quantity on it because it really
3 depends. It varies.

4 Q. In other words, how much were you expecting -- in, in
5 this particular case, how much, by weight, were you,
6 you -- were you expecting to buy for a hundred dollars?

7 A. I feel anywhere between a half gram to a gram and a
8 half.

9 Q. Okay.

10 A. And that's just a ballpark.

11 MR. DAVIS: I have no further questions, Your Honor.

12 THE COURT: Okay. Any redirect?

13 SOLICITOR BURDETTE: Just briefly, Your Honor.

14 REDIRECT EXAMINATION

15 BY SOLICITOR BURDETTE:

16 Q. Investigator McClaugherty, why did you not DNA those
17 plastic baggies?

18 A. Because, in this case, there was only one defendant.
19 There was one person in the vehicle with the C.I. There
20 was no need to get fingerprints or DNA.

21 Q. Was the C.I.'s fingerprint gonna be on that bag?

22 A. Yes.

23 Q. And was Mr. McConnell's -- if he had touched the bag,
24 his fingerprints would of been on it as well?

25 A. Yes.

Morgan McClaugherty - Redirect examination
By Solicitor Burdette

1 Q. And -- but you watched the deal go down.

2 Did you -- was there a reason to DNA test?

3 A. No, ma'am.

4 Q. Okay. And the amount that you saw Mr. McConnell hand
5 Mr. McIlwain, in your training and experience, are those
6 considered user amounts of drugs?

7 A. Yes, ma'am.

8 Q. No further questions.

9 MR. DAVIS: Just one -- a few questions, Your Honor.

10 THE COURT: All right.

11 RECROSS EXAMINATION

12 BY MR. DAVIS:

13 Q. And just, just to reiterate, the, the, the baggy --
14 the packing materials weren't tested for fingerprints or
15 DNA.

16 Is that correct?

17 A. That's correct.

18 Q. So you don't even -- you don't -- you have no
19 knowledge whose fingerprints or DNA is on that packaging
20 materials?

21 A. No.

22 Q. Okay.

23 A. No, sir.

24 Q. Thank you.

25 No further questions, Your Honor.

Barbara Traylor - Direct examination
By Solicitor Burdette

1 THE COURT: Okay. Anything further?

2 SOLICITOR BURDETTE: No -- nothing further from the
3 State, Your Honor.

4 THE COURT: Okay. You can step down. Thanks.

5 All right. You can call your next witness.

6 SOLICITOR BURDETTE: Your Honor, at this time the
7 State would call Barbara Traylor to the stand.

8 BARBARA TRAYLOR, being first duly
9 sworn, testified as follows:

10 THE CLERK: Okay.

11 THE WITNESS: Thank you.

12 THE COURT: You may proceed.

13 Thank you.

14 DIRECT EXAMINATION

15 BY SOLICITOR BURDETTE:

16 Q. I think it's afternoon. Good afternoon.

17 A. Afternoon.

18 Q. Can you please state your name for the record?

19 A. My name is Barbara Traylor.

20 Q. And what is your occupation?

21 A. I'm an evidence technician at the York County
22 Sheriff's Office.

23 Q. How long have you been with the York County Sheriff's
24 Office?

25 A. Almost 24 years.

Barbara Traylor - Direct examination
By Solicitor Burdette

1 Q. Have you been in evidence the entire time?

2 A. Most of the time. About two or three years I was
3 not.

4 Q. Okay.

5 A. I worked upstairs.

6 Q. And what are your duties as an evidence technician?

7 A. I bring in evidence, log it in the computer system,
8 and then we store it until we either send it to a lab or
9 it comes to court.

10 Q. Around July 18th of 2024, were you an evidence
11 technician?

12 A. Yes.

13 Q. And I'm gonna show you State's Exhibit 4 and 5.
14 May I approach?

15 THE COURT: You may.

16 Q. If you would, please take a look at those items.

17 A. Okay.

18 Q. Have you had contact with those items before?

19 A. I have.

20 Q. And how did those exhibits come in the, the evidence
21 department's possession?

22 A. They were deposited at one of your district office
23 drops and I picked them up there.

24 Q. And how do you know that?

25 A. My signature's on here with the date and time.

1 Q. And once -- what is the standard procedure once you
2 recover evidence from the evidence locker?

3 A. We bring it in. We inspect it to make sure that it's
4 sealed properly, that all the information is correct, and
5 then we log it in our computer system, and then we store
6 it in its proper location within our evidence room.

7 Q. Was this evidence, when it was entered into the
8 evidence locker and in your custody, was it sealed?

9 A. Yes.

10 Q. And if, if it had been sealed or tampered with in any
11 way, what would you have done?

12 A. If it had been tampered with?

13 Q. (WHEREUPON, Solicitor Burdette nods affirmatively.)

14 A. We would have contacted the officer and we would not
15 of accepted it in.

16 Q. Okay. But this -- the drugs you see were not
17 tampered with in any way?

18 A. No. No, not with me when I had them.

19 Q. Okay. And is that the policy for all evidence coming
20 through your facility?

21 A. It is.

22 Q. And when did the bags come into your possession?

23 A. These were picked up on July 23rd at 9:20 in the
24 morning.

25 Q. And where did you get that evidence from?

Barbara Traylor - Direct examination
By Solicitor Burdette

1 A. From our District 4 office which is over in Fort
2 Mill.

3 Q. And you said they were completely sealed once you
4 received them?

5 A. Yes.

6 Q. Okay. While the evidence was with you in the
7 evidence department, did any other people have access to
8 it?

9 A. Just the evidence personnel.

10 Q. What did you do with the evidence once you retrieved
11 it?

12 A. I brought it in. I inspected it to make sure it was
13 sealed and everything was filled out properly. I signed
14 it, put in in the computer system, and then put it into
15 storage.

16 Q. Did those bags ever leave your possession?

17 A. No.

18 Q. Would -- were they ever given to a drug lab for
19 testing?

20 A. Yes.

21 Q. Okay. And who took those bags to the drug lab?

22 A. They were taken out of our storage area by David
23 Bond.

24 Q. Who is David Bond?

25 A. He is my supervisor.

- 1 Q. He works in the drug -- in the evidence --?
- 2 A. Yes.
- 3 Q. Okay.
- 4 A. Yes.
- 5 Q. And he's your supervisor?
- 6 A. Yes.
- 7 Q. And you recognize his signature?
- 8 A. I do.
- 9 Q. Okay. And was the bag un-tampered with and
- 10 completely sealed when it left the evidence department on
- 11 October 29th, 2024?
- 12 I believe that's the date---
- 13 A. If, if it was, yes. I mean --.
- 14 Q. The day David took it out of evidence --
- 15 A. Yes. Yes.
- 16 Q. -- was it sealed?
- 17 A. Yes.
- 18 Q. Okay.
- 19 A. Uh-huh. (Affirmative).
- 20 Q. No further questions. Please answer any questions
- 21 the defense may have.
- 22 THE COURT: All right. Any cross-examination?
- 23 MS. ROGERS: Yes, Your Honor.
- 24 CROSS-EXAMINATION
- 25 BY MS. ROGERS:

Barbara Traylor - Cross-examination
By MS. Rogers

1 Q. You were just going over the standard procedure of
2 the -- of getting -- receiving the evidence and then
3 logging in everything like that, right?

4 A. Yes.

5 Q. At no point do you open it up or manipulate it in any
6 way?

7 A. Oh no.

8 Q. Okay. You just -- you receive it, you log it, it's
9 stored in a secured location, and then it's taken out and
10 then signed out, correct?

11 A. Correct.

12 Q. Okay. But, again, not manipulated in any way?

13 A. No.

14 Q. Okay.

15 A. No.

16 Q. I -- thank you.

17 Nothing further.

18 THE COURT: All right. Any redirect?

19 SOLICITOR BURDETTE: No, Your Honor. We ask this,
20 this witness be excused.

21 THE COURT: All right. Any objection?

22 MS. ROGERS: No, Your Honor.

23 THE COURT: Okay. You can step down.

24 THE WITNESS: Okay.

25 THE COURT: You are excused.

Holly Tobias - Direct examination
By Solicitor Burdette

1 THE WITNESS: Thank you.

2 SOLICITOR BURDETTE: Just gonna get the drugs for a
3 moment.

4 THE COURT: Call your next witness.

5 SOLICITOR BURDETTE: Your Honor, at this time the
6 State would call Holly Tobias to the stand.

7 HOLLY TOBIAS, being first duly sworn,
8 testified as follows:

9 THE CLERK: Thank you. Have a seat.

10 THE COURT: All right. You may proceed.

11 DIRECT EXAMINATION

12 BY SOLICITOR BURDETTE:

13 Q. Good afternoon.

14 Could you please state your name for the record?

15 A. My name is Holly Tobias.

16 Q. And what is your occupation?

17 A. I'm a forensic drug chemist.

18 Q. Where do you currently work?

19 A. Currently I'm working at York County Sheriff's
20 office.

21 Q. How long have you worked at York County?

22 A. Right over seven years.

23 Q. Were you a chemist the entire time in York County?

24 A. I have been.

25 Q. And does that mean you work in what's sometimes

Holly Tobias - Direct examination
By Solicitor Burdette

1 referred to as the drug lab?

2 A. That is correct.

3 Q. Okay. And what are your duties in the drug lab?

4 A. In the drug lab, any substance believed -- that is
5 believed to be a controlled substance, such as powder,
6 crystal, tablets, anything that patrol -- any officer
7 gets, it comes to us. It's our job to analyze it and
8 determine if a controlled substance is present.

9 Q. And prior to working as a chemist in York County,
10 were you a chemist anywhere else?

11 A. I was a chemist for right under three years at
12 Spartanburg County.

13 Q. And what sort of education and training do you have
14 to be able to qualify you to be able to identify illegal
15 drugs?

16 A. I went to Wofford College where I received a Bachelor
17 of Science Degree in Chemistry and then, from there, once
18 I got the job, I did on-the-job training conferences,
19 classes for my education, continuing education.

20 Q. Have you ever, ever analyzed substances to determine
21 whether or not the substance were Fentanyl?

22 A. Yes.

23 Q. How many times?

24 A. Hundreds of times.

25 Q. Have you ever been qualified in Court as an expert in

Holly Tobias - Direct examination
By Solicitor Burdette

1 drug identification and analysis?

2 A. Yes, I have.

3 Q. How many times?

4 A. Eighteen times.

5 SOLICITOR BURDETTE: Your Honor, at this time the
6 State would seek to qualify Holly Tobias as an expert in
7 the field of chemistry and the analysis of illicit drugs.

8 MR. DAVIS: No objection, Your Honor.

9 THE COURT: All right. This witness will be
10 qualified in the field of drug I.D. and analysis.

11 You may proceed.

12 SOLICITOR BURDETTE: Thank you, Your Honor.

13 Ms. Tobias, I'm gonna show you what's been marked for
14 identification as State's Exhibit 4 and 5. Take a look at
15 those.

16 A. Okay.

17 Q. Do you recognize those items?

18 A. I do.

19 Q. How do you recognize them?

20 A. I have my initials on the items.

21 Q. And when did you receive those items?

22 A. I received these items on -- in October. Yeah,
23 October of 2024.

24 Q. How did these items get into your possession?

25 A. They were brought to me by David Bond who is over---

Holly Tobias - Direct examination
By Solicitor Burdette

1 Q. who is that?

2 A. ---over evidence.

3 Q. who is David Bond?

4 A. David Bond is the supervisor over evidence.

5 Q. And what -- are those bags signed by the person that
6 delivered it to you?

7 A. Yes, they were.

8 Q. When you first received those bags, did they appear
9 to have been tampered with in any way?

10 A. No, they had not.

11 Q. Were they completely sealed?

12 A. They are sealed. If they appear to be tampered with,
13 we will not accept them in the drug lab.

14 Q. That's my next question.

15 while the evidence was with you in the drug lab, did
16 other people have access to it?

17 A. No, it stays in my particular cabinet that only I
18 have a key for.

19 Q. Was it continuously in your custody and control while
20 you had it?

21 A. Yes.

22 Q. Okay. And what was contained in each bag when you
23 received it?

24 A. In each bag there was a Ziploc bag containing a
25 substance in it depending which item you wanted to

- 1 discuss.
- 2 Q. So, Item Number 4, what was in that bag?
- 3 A. Item 4, I have Ziploc bag contained powder substance.
- 4 Q. And what was in State's Exhibit 5?
- 5 A. Ziploc bag containing crushed rock like substance.
- 6 Q. Did you analyze the substances in those bags?
- 7 A. Yes, I did.
- 8 Q. Did you make a determination of what substances were
- 9 inside the bags and their weight?
- 10 A. Yes, I did.
- 11 Q. Now, if the officer weighed the drugs back on
- 12 July 19th, 2024, would you expect the weight to be the
- 13 exact same as when you weighed it?
- 14 A. After analysis, there would be a difference in the
- 15 weight.
- 16 Q. Okay. And when you weighed it, you weighed it after
- 17 analysis?
- 18 A. I took it -- I, I took the weight after I took
- 19 samples for analysis.
- 20 Q. Okay. So the weights may be a little off?
- 21 A. Correct.
- 22 Q. Okay. And did you determine what the substance was
- 23 in State's Exhibit 4?
- 24 A. I did.
- 25 Q. What did you determine that substance to be?

Holly Tobias - Direct examination
By Solicitor Burdette

1 A. For State's Exhibit 4, I determined it to contain
2 Fentanyl at a weight of 0.25 grams.

3 Q. Okay. Did you determine the substance in Exhibit 5?

4 A. Yes.

5 Q. What did you determine that substance to be?

6 A. For State's Exhibit 5, I determined it to contain
7 Fentanyl weighing 0.17 grams.

8 Q. Now, can you please explain to the jury your
9 procedure when testing these items?

10 A. When we receive the items we log it in. As analysis
11 goes, we open one item at a time. That'd be one bag.
12 That way there's no chance of contamination or anything
13 else.

14 From there I would take, I'll just use this for
15 example, the insides of that bag. Let me clarify it.

16 We get this blue bag inside is what we get. The
17 Ziploc bag inside, we take that out. We have a clean work
18 station. Each chemist has their own work station. We
19 don't share work stations.

20 I would have my sanitized station. I dump out the
21 substance, take my sample for a color test or also
22 presumptive test, same thing. That gives us an idea. It
23 is not a confirmatory test. It just gives us an idea of
24 what it could be.

25 From there, I will take a sample and it is put into a

Holly Tobias - Direct examination
By Solicitor Burdette

1 test tube, which is put on the GCMS, also known as a
2 gas -- gas chromatograph, mass spectrometer and that is
3 our confirmatory test and that let's us know what it is.

4 From there, we take the data. We -- as the chemist,
5 we look at the data. We confirm, yes, that's what it is
6 and we write our report.

7 Q. How many times have you performed that type of test?

8 A. Thousands.

9 Q. Are there quality control measures associated with
10 this test to ensure that no contamination from prior
11 samples or any other evidence tested?

12 A. Yes.

13 Q. And once you finalize your testing procedures, what
14 do you do with the evidence?

15 A. Once the evidence has been analyzed, it is sealed in
16 this clear outside bag and it is locked up back with our
17 stuff until it is time to transfer it back to where it
18 needs to go.

19 Q. When did you transfer it back to evidence?

20 A. I transferred it back on February 3rd of '25.

21 Q. And, today, are the bags in the same condition as
22 when you submitted them on February 3rd of 2025?

23 A. They appear to be so.

24 Q. And based on your testing, what were the final
25 results of the evidence you analyzed?

Holly Tobias - Direct examination
By Solicitor Burdette

- 1 A. Can you repeat that?
- 2 Q. What were the final results of that evidence?
- 3 What were the substances?
- 4 A. Both of them were determined to contain Fentanyl.
- 5 Q. And what were the weights again?
- 6 A. 0.25 grams for the first one and 0.17 grams for the
- 7 other one.
- 8 Q. Is Fentanyl a controlled substance narcotic?
- 9 A. Fentanyl is a Controlled 2 substance.
- 10 Q. And did you make a written report of your findings?
- 11 A. Yes, I did.
- 12 Q. I'm now showing you what's been previously marked for
- 13 identification as State's Exhibit 6.
- 14 Do you recognize that?
- 15 A. I do.
- 16 Q. What is it?
- 17 A. This is my official drug report.
- 18 Q. And what does it say?
- 19 A. It shows the descriptions of the items, what I -- my
- 20 results were, what it was determined to be and the weight.
- 21 It has my signature and, at the top, it has the case
- 22 information with it.
- 23 Q. And does that reflect your -- the results of your
- 24 testing that you testified to a few moments ago?
- 25 A. Yes, it does.

Holly Tobias - Direct examination
By Solicitor Burdette

1 SOLICITOR BURDETTE: Your Honor, at this time, the
2 State would ask to seek State's Exhibits 4, 5, and 6 into
3 evidence.

4 THE COURT: All right.

5 MR. DAVIS: No objection, Your Honor.

6 THE COURT: Okay. State's 4, 5, and 6 admitted
7 without objection.

8 Thank you.

9 (WHEREUPON, State's Exhibit Nos. 4, 5, and 6 were
10 received into evidence at this time.)

11 Q. No further questions. Please answer any questions
12 the defense may have.

13 THE COURT: All right. Any cross-examination?

14 MR. DAVIS: Thank you, Your Honor.

15 THE COURT: Uh-huh. (Affirmative).

16 CROSS-EXAMINATION

17 BY MR. DAVIS:

18 Q. All right. Ms. Tobias, you mentioned that you do a,
19 a precursor test before you put it in the, the final test.

20 What's the -- what type of the -- test is that?

21 A. It's a presumptive test. It's a color test.

22 Q. When you say color test, what's the, what's the -- I
23 mean what's the -- is it also refute, refute -- referred
24 to as an amuno (phonetic) -- an amunoassay (phonetic)
25 test?

Holly Tobias - Direct examination
By Solicitor Burdette

1 A. It's a chemical test. It changes if the---

2 Q. Is that like a pH strip?

3 A. Kind of. It's not quite a pH test.

4 It's -- you take a piece of the sample and there's
5 different reagents we have depending on what substances
6 you're looking for that can -- it'll change certain
7 colors. That's what gives us an idea.

8 Q. So, to a layman, it would be similar to a pH test?

9 A. PH, yeah.

10 Q. But basically it is a chemical -- there's a chemical
11 reaction and there's a change of color and you observed
12 that, and, based on that, you---

13 A. Yes.

14 Q. ---identify a substance --

15 A. Yes.

16 Q. -- is that correct?

17 And is, is there a reason why that test isn't
18 introduced in Court?

19 A. That test is not a confirmatory test.

20 Q. And what does that mean it's not confirmatory?

21 A. That means, for example, a color test, if you do
22 caffeine, it can give a false positive. It, it does
23 change a color which matches other things. So, we do it
24 just to get an idea. But that does not -- we still run it
25 like we would with the other stuff.

Holly Tobias - Direct examination
By Solicitor Burdette

1 Q. Okay. And, at one time, there were other tests
2 besides the current test you're using for a confirmatory
3 test.

4 Is that correct?

5 If y'all -- if I went back in history for a little
6 while, there'd be something called a, a thin layer
7 chromatography test.

8 Is that correct?

9 A. Yes.

10 Q. And that's no longer used.

11 Is that correct?

12 A. I have not used that in my career, no.

13 Q. And it's -- do you know why it's not used?

14 A. I'm not a hundred percent sure. We just -- since
15 I've been doing this, it's been the gas chromatograph is
16 the main one.

17 Q. Okay. Do you know, at one time, whether or not
18 the -- what you used now is a, is a pretest was introduced
19 in Court as a, as a positive identification at one time?

20 A. Honestly I have no idea.

21 Q. Okay. Do you know what the error rate of your
22 confirmatory test is?

23 A. The error rate, I do not know off the top of my head.
24 But we do have peer reviews for everything and it also has
25 to match percentages in our libraries. We have on-site

Holly Tobias - Direct examination
By Solicitor Burdette

1 standards that it has to match over a certain percentage
2 for it to be called. It has to have all the ions. It has
3 to have everything.

4 Q. Okay. But you don't know what the error rate is?

5 A. The error rate is, as far as the peaks or what -- it
6 calls something wrong?

7 I'm trying to follow, sir.

8 Q. Any, any -- if, if, if your testimony -- I -- I'm
9 trying to find out if there's any error rate in the test
10 that you administered -- the gas chromatography, the mass
11 spectrometry test, is there an error rate associated with
12 that?

13 A. Can the instrument call it something else?

14 Yes, it can. But that's why us, as a chemist, it's
15 our job to go in and make sure that everything matches
16 before it just calls it.

17 Q. All right. So, how many different varieties of
18 Fentanyl are there that you know of?

19 A. There are several analogues of Fentanyl. I don't
20 know the exact amount of different types of Fentanyl there
21 are. But there's definitely over 20 easy.

22 Q. And do, do each one of them have the same profile on
23 that -- on your confirmatory test?

24 A. As far as the profile of the -- every compound would
25 have its own identification.

1 Q. Okay. So, if there's, if there's -- say -- let's use
2 20 just for argument sake.

3 If there's 20 compounds---

4 A. Uh-huh. (Affirmative).

5 Q. ---and they all have the same identification in that
6 machine --?

7 A. Yes, they would each have their own, yes.

8 Q. And it'd be 20 separate ones---

9 A. Yes.

10 Q. ---for Fentanyl?

11 A. That is correct.

12 Q. And so you could have 20 different results, but each
13 one of those 20 would be considered Fentanyl?

14 A. They'd all be -- there's particular, particular type
15 of Fentanyl.

16 Q. Okay.

17 A. So it does separate out the different types of
18 Fenylys that there are.

19 Q. Okay. When you were -- when you're testing this
20 particular sample, do you recall if any other -- if the
21 machine identified any other possible compounds besides
22 Fentanyl?

23 A. One, I don't have my data in front of me. But as far
24 as any other controlled substances that were determined to
25 be what it matched, no.

Holly Tobias - Direct examination
By Solicitor Burdette

1 Q. When you say determined to be what it matched, what
2 does that mean for the jury?

3 A. So, the instrument will give -- if it matches
4 elaborate -- it might give other ideas of hey, it could be
5 this. But it might be a one percent chance that it's
6 that. Like it doesn't fully match. We go in and confirm
7 the 90 percent, you know, yes, this has all the ions. It
8 matches at the time. This is what it is.

9 So, could the instrument try to call it something
10 else?

11 Yes.

12 But that's why it's our job, as a chemist, to go in
13 and make sure, yes or no, that's what it is.

14 Q. All right. So the -- when the instrument comes out
15 with one answer, you'll go, you'll go in and change that
16 based upon what you, you feel is the correct answer?

17 A. We will go in and check what it says, and if it's not
18 what it says it is, then we will still have the data
19 present, check the ions, and show that that's why this is
20 what it should be.

21 Q. All right. Are there any other noncontrolled
22 substances, any other compounds, possible that, that would
23 share a similar profile of Fentanyl in that machine?

24 A. In that machine, no, cause every compound should have
25 its own fingerprint I guess would be the way to put it.

1 Q. And how many possible compounds are there?

2 A. There's a lot. There are --.

3 Q. Would you say it's infinite?

4 A. Yeah.

5 Almost everything in the world, you know, paints,
6 pesticides, anything is a chemical compound of some type.

7 Q. And so how many chemical compounds are in your local
8 library that machine relies on?

9 A. Our on-site library's about 200 around about
10 standards that we have.

11 Q. And that's, that's just -- and you're looking just --
12 those are 200 controlled substances.

13 Is that correct?

14 A. That is correct.

15 Q. And so cause you're just looking for controlled
16 substances?

17 A. We are only looking for controlled substances. We
18 might have, you know, some binders in there like caffeine
19 that you might see occasionally.

20 Q. So, if there was a compound that is, is unknown or
21 hasn't been tested and it runs through the machine and it
22 has a similar profile, it's gonna call it Fentanyl.

23 Is that correct?

24 A. It can call it Fentanyl.

25 Q. And you would have no other way to determine except,

Holly Tobias - Direct examination
By Solicitor Burdette

1 you know, it passed the test and the machine think it's
2 Fentanyl?

3 A. We would take it and -- so, when it goes through the
4 instrument, the first part, the G.C. part, is -- there's
5 retention times, and the M.S. part is -- there is ions.

6 So think about y'all have fingerprints all different
7 from each other. We each have our own fingerprint. So,
8 every compound has its own fingerprint.

9 So, the Fentanyl analogues can all be similar. But
10 there's gon' be some part of it that is different and the
11 retention times could be different. So that's how we can
12 match and say yes, it's very similar to this one but it's
13 not lining up. So, there might be another component on
14 this ring or it might be slightly different.

15 Q. But you could also have a compound that's not
16 Fentanyl at all and it---

17 A. Correct.

18 Q. ---isn't even made up of the, you know, I believe
19 cart -- you know, Fentanyl is carbon, hydrogen, nitrogen,
20 and oxygen, correct?

21 A. Correct.

22 Q. And you could have a compound that doesn't have any
23 of those elements that behaves like Fentanyl on the
24 machine.

25 Is that correct?

1 A. It would still give the fingerprint and the com --
2 like it would still go specifically for that one. So, I
3 mean it could have a similar structure as you're saying
4 with the carbons and the hydrogens and everything. But it
5 would still differ as far as how the ions are in the---

6 Q. But you're not looking at the I -- you're not looking
7 at the bonds themselves?

8 You're not -- you don't visually see them, right?

9 A. We don't look at the bonds specifically. When I'm
10 referring to the ions, it's fragmentation of the compound,
11 and depending how the compound is also arranged also
12 affects how it is.

13 Q. But, but you're not seeing those fragments either.
14 You're just measuring the weight of those fragments.

15 Is that correct?

16 A. Yes.

17 Q. So, you could have a compound with similar fragment
18 weights --

19 A. Yes.

20 Q. -- that also has a similar retention time that
21 wouldn't -- and you could -- that would register as
22 Fentanyl.

23 Is that correct?

24 A. It would be close but you'd still be able to
25 determine the -- it's---

Holly Tobias - Direct examination
By Solicitor Burdette

1 Q. What would you determine it on if you had the same
2 retention time, same weights, same fragmentations?

3 A. If it's the same on everything---

4 Q. How would you determine that it's---

5 A. ---then it should be what Fentanyl is.

6 Q. But what if we -- what if -- and, and, and I'm
7 saying -- well, you already said there's an infinite
8 number of compounds, correct?

9 A. Yes.

10 Q. The -- we've had testimony that the -- when the
11 material -- the drugs were taken into evidence, they
12 weighed .66 grams and I believe your drug report, if you
13 add those two together, it comes to .42 grams.

14 Is that correct?

15 A. That is correct.

16 Q. And, by my math, it's -- that's over one-third of the
17 sample that is now no longer there.

18 Is that correct?

19 A. Approximately, yes.

20 Q. You know, cause .24 missing. You know, I hate to do
21 math in public. But I did over there.

22 So, that's a little bit more than one-third?

23 A. Yes.

24 Q. Is that unusual to consume that much during testing?

25 A. So, since these are two separate items, each item had

1 a sample taken for the color or presumptive test and a
2 sample taken for the instrument. So, combining the weight
3 does make it seem like only one sample would be taken when
4 it's multiple samples have been taken which would result
5 in a lower weight.

6 Q. Did, did you run the test more than once?

7 A. On these items, I believe I ran -- one second. I ran
8 each one one time I believe.

9 Q. So you only ran the test once and you still used
10 one-third of the sample weight?

11 A. So, you have a color test --

12 Q. Uh-huh. (Affirmative).

13 A. -- for each one and then you also have samples taken
14 for the instrument.

15 Q. Uh-huh. (Affirmative).

16 A. Fentanyl is not an -- extremely potent as far as on
17 the instrument. So, you take a representative sample to
18 have -- so it will show up on the instrument, especially
19 if it's cut, but it's not, you know -- some things are
20 more potent and they come out and they have massive peaks
21 while other things aren't as strong. But there's not --.

22 Q. So you were trying to take a sample in order to get
23 a, a desired result.

24 Is that correct?

25 A. I took a sample to show if something was present or

Holly Tobias - Direct examination
By Solicitor Burdette

1 not.

2 Q. And you were trying to show that Fentanyl was
3 present.

4 Is that correct?

5 A. I did not know if it was or was not.

6 Q. But you did your pretest, right?

7 A. Yes.

8 Q. And so you suspected Fentanyl and so you wanted to
9 get that result in a confirmatory test.

10 Is that correct?

11 A. I know a presumptive test might not always be
12 accurate. That's why I just run it on the instrument and
13 it runs it compared to all standards we have.

14 Q. And then you will go in and check -- modify that
15 depending on what, what the result was, correct?

16 A. That is correct.

17 Q. And you work for the York County Sheriff's Office,
18 correct?

19 A. That is correct.

20 Q. Okay. Is your lab an accredited lab?

21 A. We are not accredited.

22 MR. DAVIS: No further questions, Your Honor.

23 THE COURT: All right. Any redirect?

24 SOLICITOR BURDETTE: No redirect. We ask that this
25 witness be excused.

1 MR. DAVIS: No objection, Your Honor.

2 THE COURT: Okay. You can step down and you are
3 excused.

4 THE WITNESS: Thank you.

5 THE COURT: Thank you.

6 All right. You may call your next witness.

7 SOLICITOR BURDETTE: Your Honor, at this time the
8 State would rest.

9 THE COURT: Okay. Ladies and gentlemen, I'll have
10 you step back in your jury room for a moment.

11 I don't want you to begin discussing the case yet.
12 I'll let you know when it's proper for you to do that. I
13 have to take up a matter of law outside of your presence
14 with the attorneys. So, I'll come back in the courtroom
15 shortly.

16 Okay. All right. Thank you.

17 (WHEREUPON, the following takes place outside the
18 presence of the jury.)

19 THE COURT: All right. The jury is out of the
20 courtroom.

21 Any motions by defense?

22 MS. ROGERS: Yes, Your Honor.

23 THE COURT: Okay.

24 MS. ROGERS: At this time the defense moves for a
25 directed verdict. We don't believe that the State has met

1 their burden. They haven't met all of the elements.

2 And so, again, we're just asking that the Court --
3 yeah. And -- and we renew our pretrial motions.

4 Thank you.

5 THE COURT: Okay.

6 All right. Anything from the State?

7 SOLICITOR BURDETTE: Your Honor, it is the State's
8 position we have met all the elements.

9 The officers testified that this occurred in York,
10 South Carolina. The officer and the C.I. testified that
11 there was a purchase, a distribution, and they identified
12 the drugs as Fentanyl through the chemist and the
13 officer's training and experience. They were able to
14 identify the defendant as Donquavis McConnell.

15 In the light most favorable to the State, we believe
16 all elements have been met.

17 THE COURT: All right. After considering the
18 arguments of the defense and by the State, I'll
19 respectfully deny the Rule 19 motion. I do think that, or
20 at least at this point, the Court is only considered --
21 concerned with the existence or nonexistence of evidence
22 and not its weight.

23 I do think that there has been evidence put forth,
24 put forth on the date that this incident took place that
25 the defendant was the one involved in the incident and

1 that this did place in York County, that the transaction
2 involving Mr. McIlwain and Mr. McConnell, in fact,
3 involved Fentanyl. At least that's the testimony of the
4 chemist in this case at this point.

5 So, for the -- those reasons and reasons cited by the
6 State, I'll respectfully deny defendant's motion.

7 Okay. Let me -- I didn't cover this yesterday. I'm
8 sorry. I'm -- I was under the impression it may go a
9 little bit longer today.

10 So, have y'all discussed with Mr. McConnell whether
11 or not he may wish to testify or do -- do the defense have
12 a case they plan to put up?

13 MS. ROGERS: We have discussed it with our client.
14 He's ready for the colloquy.

15 THE COURT: Okay.

16 All right. If we can put Mr. McConnell under oath.

17 (WHEREUPON, the defendant was placed under oath at
18 this time.)

19 THE COURT: All right. Mr. McConnell, McConnell,
20 have you discussed with your lawyer about whether or not
21 you wish to testify?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you understand that the State has the
24 burden of proof in this case and that it must prove its
25 case beyond a reasonable doubt?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You do not have to prove anything.

3 You understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You have an absolute right to testify or
6 decide not to testify. But that decision whether to
7 testify is yours and yours alone. Your lawyer or lawyers
8 can not make that decision for you.

9 Do you understand that?

10 THE DEFENDANT: Right.

11 THE COURT: If you do not testify, I will instruct
12 the jury that they can not consider that in any way in
13 determining whether or not you are guilty or not guilty.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions of me at this
17 point?

18 THE DEFENDANT: No, sir, that's what I'm saying
19 though like.

20 My case, right?

21 THE COURT: Regarding your---

22 THE DEFENDANT: Oh.

23 THE COURT: ---testifying?

24 THE DEFENDANT: Oh, yes, sir.

25 THE COURT: You do?

1 THE DEFENDANT: No.

2 THE COURT: You don't.

3 Okay. Have you had enough time to speak with your
4 lawyers or will you need additional time to speak with
5 them based on what I've just told you?

6 THE DEFENDANT: No, sir.

7 THE COURT: All right. Given that information, what
8 is your decision about whether or not you will testify in
9 this case?

10 THE DEFENDANT: Oh, I don't want to testify.

11 THE COURT: Okay. All right. Thank you.

12 Does the defense -- do you want -- is any witnesses
13 you --?

14 MS. ROGERS: No.

15 At this time, the defense rests, Your Honor.

16 MR. DAVIS: We still need to do that on the record.

17 MS. ROGERS: Yeah, we'll---

18 MR. DAVIS: Do you want to put that on the record?

19 Do you want to do that in front of the jury, Your
20 Honor, or --?

21 THE COURT: Yeah, we can.

22 Before I bring them out---

23 MR. DAVIS: Do you want to break and just bring
24 them -- you do want to bring -- we---

25 THE COURT: Well----

1 MR. DAVIS: ---finish up?
2 THE COURT: ---yeah. I think maybe -- it may be
3 better to -- we'll bring them out and let --
4 MR. DAVIS: Okay.
5 THE COURT: -- let the defense rest and --.
6 MR. DAVIS: Then renew our motions when they leave?
7 MS. ROGERS: Yes.
8 THE COURT: You can renew your motions.
9 MS. ROGERS: Yes.
10 THE COURT: And I'll -- I'm -- and, again---
11 MS. ROGERS: For the record---
12 THE COURT: ---I'll deny your renewed motions as well
13 for purposes of the---
14 MR. DAVIS: Just, just---
15 THE COURT: Yes.
16 MR. DAVIS: ---for the record, Your Honor.
17 THE COURT: Just to kind of---
18 MS. ROGERS: Okay.
19 THE COURT: But I'll -- we'll go through that again.
20 MR. DAVIS: Do the little dance.
21 THE COURT: But as far as scheduling is concerned, we
22 still -- we, we sent out -- my law clerk sent out some
23 proposed jury instructions. Unfortunately she's not here
24 today. So, that puts the computer in my hand, which may
25 not be the best thing to do.

1 But I'm thinking about maybe having the jury go out
2 for a longer lunch and we come back in. We'll -- maybe
3 we'll take a short lunch as well. We can go over the jury
4 charges and, once they come back, we can argue at that
5 point and charge the jury.

6 So, y'all should have a proposed -- some of them I
7 think need to come out. Just -- we, we kind of put them
8 all in. And so some of those may need to come out at this
9 point. But that's sort of my plan.

10 I -- again, it's -- my apologies. I thought we might
11 run a little bit longer today or would of discussed it
12 with y'all late yesterday or early this morning. But
13 that's sort of my thinking as far as the scheduling is
14 concerned and --.

15 SOLICITOR BURDETTE: That suits the State, Your
16 Honor.

17 MS. ROGERS: That's fine with the defense, Your
18 Honor.

19 THE COURT: All right. We'll bring the jury back
20 out. We'll let the defense rest and we'll renew the
21 motions and I'll send them away for -- I'll have them --
22 I'll have them come back at 2:15.

23 All right.

24 SOLICITOR BURDETTE: Your Honor, if we could say like
25 2:30 just to---

1 THE COURT: Yeah.

2 SOLICITOR BURDETTE: ---prepare ourselves for closing
3 arguments.

4 THE COURT: Sure.

5 All right. I'll, I'll bring them back in. I know
6 Ms. Hamilton stepped out though.

7 SOLICITOR BURDETTE: Yeah, you're, you're good.

8 THE COURT: Okay.

9 All right. Can you bring the jury back in?

10 THE BAILIFF: They're in the restroom.

11 THE COURT: Okay. Do y'all have an estimation about
12 how long your closing is gonna take?

13 You don't have to -- I'm not going to hold it to
14 right this second but --.

15 SOLICITOR BURDETTE: I would say around 20 minutes.

16 THE COURT: Okay.

17 MS. ROGERS: Probably about the same, Your Honor.

18 THE COURT: Okay.

19 (WHEREUPON, the following takes place within the
20 presence of the jury.)

21 THE COURT: All right. All the jurors are present in
22 the courtroom.

23 I recognize the defense.

24 MS. ROGERS: Your Honor, at this time the defense
25 rests.

1 THE COURT: Okay.

2 All right. Ladies and gentlemen, that may seem a
3 little bit confusing to you. But it's a procedure that we
4 have to follow at the conclusion of trials.

5 There are some other matters I need to take up
6 outside of your presence with the lawyers.

7 And so what I'm going to do, instead of having you
8 kind of sit around as we work through this, I'm gonna give
9 you kind of a long lunch today. I'll have you come back
10 at 2:30. Hopefully we'll have the matters we need to take
11 care of done before you come back.

12 Once you come back, the attorneys will give you their
13 closing statements. You'll get instructions from me,
14 finally, about how to evaluate what you've seen and heard
15 and you'll have the case to deliberate.

16 I would -- if you need to make a call this after --
17 for anything personal related, I'd do that now at
18 lunchtime. We may get the case hopefully -- I mean it
19 should be before 5:00. But it may be a little bit late
20 this afternoon just depending on how long it takes us to
21 get through closings and some other stuff.

22 So, if, if -- anything you need to do as far as
23 arrangements this afternoon, I'd ask you, ask you to go
24 ahead and do that now.

25 Okay. But, again, I thank you for your patience.

1 I'll let you go to lunch now and we'll see you back at
2 2:30.

3 Okay. Don't -- even though both sides have rested,
4 don't discuss the case cause you haven't heard
5 instructions from me yet about how to view what you've
6 heard and seen to this point.

7 Okay. All right. Thank you. See you back at 2:30.

8 (WHEREUPON, the following takes place outside the
9 presence of the jury.)

10 THE COURT: Okay. Have y'all had a chance to go
11 through the jury instructions yet or do you need some time
12 to do that.

13 MS. ROGERS: We need a little bit of time---

14 THE COURT: Okay.

15 MS. ROGERS: ---to look over it, Your Honor.

16 THE COURT: Okay.

17 MR. DAVIS: If, if we want to get say, back together,
18 about -- a little before 2:30, Your Honor, and just to --
19 we'll send you an email obviously. If you want us back
20 before then, we'll be in the building. We'll go through
21 it and send you an email and we'll be back here if we need
22 to hash anything out at 1:45, two o'clock. It shouldn't
23 take long.

24 THE COURT: All right.

25 MR. DAVIS: I don't think there's too many

1 instructions that are gonna be controversial to be honest
2 with you.

3 THE COURT: Yeah, and some of the stuff in -- like
4 --.

5 MR. DAVIS: Yeah.

6 THE COURT: In the -- there's some things I -- you
7 and I know I think we need to probably take out. But,
8 yeah, let's do that. We can send, send an email -- copy,
9 copy my clerk as well.

10 MR. DAVIS: Okay.

11 THE COURT: She may still be where she can assemble
12 some of this and get it back to me.

13 MR. DAVIS: We'll discuss things with the State
14 before we bring it to Your Honor---

15 THE COURT: Yeah.

16 MR. DAVIS: ---just to make it quicker---

17 THE COURT: Sure.

18 MR. DAVIS: ---cause I think---

19 THE COURT: Yeah, I'd -- yeah, I'd appreciate that.

20 MR. DAVIS: If we have an issue, then the Court can
21 decide that and explain---

22 THE COURT: Okay.

23 SOLICITOR BURDETTE: Your Honor, did you receive the
24 State's request for the redactions?

25 THE COURT: The redaction, I did.

1 SOLICITOR BURDETTE: Okay.

2 THE COURT: All right. Well, let's plan to reconvene
3 at, at 2:00 maybe. Let's say, let's say 2:15. I think---

4 MS. ROGERS: And, Your Honor, before we go, I'd just
5 like to renew my motions and objections.

6 THE COURT: Sure. Yeah.

7 MS. ROGERS: The motions -- thank you.

8 THE COURT: Okay. I will -- I'll---

9 MS. ROGERS: And my motion for directed verdict.

10 THE COURT: Got you.

11 MS. ROGERS: Thank you.

12 THE COURT: All right. For the reasons previously
13 stated, I'll respectfully deny defendant's motion for
14 directed verdict and also deny the previous motions as
15 indicated on the record already.

16 Okay. Let's, let's plan on maybe coming back at
17 2:15. I'm (sic) kind of, kind of agree with Mr. Davis. I
18 think, I think this will be a -- this will be able to be
19 worked out relatively easy I think.

20 So, we'll plan on that, and, for some reason, I'll be
21 back in my chamber by 1:30 at the latest. I may just head
22 out for a minute.

23 And so, if there is any issues, come back, see me.
24 I'm right at the hallway and we can talk about it and
25 then, if we need to come out and put something on the

1 record, we can, you know, we can do that.

2 okay?

3 SOLICITOR BURDETTE: Yes, Your Honor.

4 THE COURT: All right.

5 MR. DAVIS: Thank you, Your Honor.

6 THE COURT: All right. Appreciate it. Thank y'all.

7 MR. DAVIS: And do you -- Your Honor, do you do the
8 argue and then charge or do you charge and argue?

9 It's perfectly up to the Court. Just for planning
10 purposes.

11 THE COURT: Usually argue and charge.

12 MR. DAVIS: Okay. Thank you, Your Honor.

13 THE COURT: Uh-huh. (Affirmative).

14 (WHEREUPON, Court was in recess for the lunch hour.)

15 THE COURT: All right. Sorry about that. Please
16 take your seats.

17 All right. Y'all should have a copy of -- that my
18 law clerk just sent a few minutes ago. That is the -- I
19 try to compile the charges. There were some requested
20 charges as well.

21 All right. So, I was giving you a few minutes to go
22 over that.

23 MR. DAVIS: And, and, Your Honor, I think both the,
24 the State and the defense believe that they can -- the
25 prior inconsistent statements --

1 THE COURT: Okay.

2 MR. DAVIS: -- and statement of defendant sections
3 can be omitted.

4 THE COURT: Okay. All right. Prior record of a
5 witness, is that fine for both sides?

6 SOLICITOR BURDETTE: That's fine with the State, Your
7 Honor.

8 THE COURT: Okay.

9 MS. ROGERS: Your Honor, we have no objection to
10 that.

11 THE COURT: Okay. All right. And then there's also
12 the actual distribution of Fentanyl charge itself and we
13 merged in some stuff into what we had originally where we
14 just lay out, lay out the elements in a little bit more
15 detail. This was proposed by the State from Ralph King
16 Anderson's request to charge.

17 I'm assuming that's---

18 SOLICITOR BURDETTE: Yes, Your Honor.

19 THE COURT: ---where this came from?

20 MS. ROGERS: Your Honor, we have no objection to that
21 change.

22 THE COURT: Okay. All right. What about the mere
23 presence charge?

24 Any objections to that?

25 MS. ROGERS: Defense doesn't have any objection to

1 it.

2 SOLICITOR HAMILTON: No objection from the State,
3 Your Honor.

4 THE COURT: Okay. Okay. And I think we are editing
5 the --.

6 Oh. And there also is a charge of redactions that
7 were submitted by the State. I sort of read that as it
8 was by both parties. But I know the State forwarded it to
9 us.

10 Do y'all have any objections to that from the
11 defense?

12 That's on Page, Page 6 I think.

13 MS. ROGERS: No, Your Honor. We don't have any
14 objection to that.

15 THE COURT: All right. Okay. I think we have a
16 completed version of it. We'll email that back out to the
17 parties in just a second.

18 Okay. And as far as the verdict form?

19 SOLICITOR BURDETTE: No objections from the State,
20 Your Honor.

21 MS. ROGERS: And no objections from the defense, Your
22 Honor.

23 THE COURT: Okay. All right.

24 SOLICITOR BURDETTE: We have no objections to the
25 jury instructions.

1 THE COURT: Okay.

2 All right. Well, the defendant has the final
3 argument?

4 SOLICITOR BURDETTE: I'm sorry?

5 THE COURT: Will the defendant have the final
6 argument on this?

7 SOLICITOR BURDETTE: Yes.

8 THE COURT: Okay. All right. And will -- the
9 defendant, will you open or --?

10 MR. DAVIS: Close.

11 MS. ROGERS: Yeah, close, Your Honor.

12 THE COURT: Okay.

13 All right. Any objections to the final draft of the
14 jury instructions from the defense?

15 MS. ROGERS: No objections---

16 THE COURT: Okay.

17 MS. ROGERS: ---from the defense, Your Honor.

18 THE COURT: Okay. Okay. Sorry.

19 All right. Anything from the State before we bring
20 the jury?

21 SOLICITOR BURDETTE: Nothing from the State, Your
22 Honor.

23 THE COURT: Anything from the defense?

24 MS. ROGERS: Nothing from the defense, Your Honor.

25 THE COURT: Okay. And y'all estimate, roughly, 20

1 minutes or so?

2 SOLICITOR BURDETTE: I believe so.

3 THE COURT: Roughly.

4 MS. ROGERS: Yes, sir.

5 THE COURT: Roughly.

6 Okay. All right. Let's have the jury back in.

7 (WHEREUPON, the following takes place within the
8 presence of the jury.)

9 THE COURT: All right. All the members of the jury
10 are present.

11 Ladies and gentlemen, we are now at the time of the
12 trial where the attorneys will be allowed to give their
13 closing arguments.

14 I will remind you that closing arguments are not the
15 law. That's what I will give to you momentarily once both
16 sides have presented their closing arguments.

17 We also -- closings are not evidence. You've heard
18 the evidence in the case. But this is the time when the
19 attorneys will tell you how they hope that you view what
20 you've seen and heard.

21 Okay. I'd ask that you please listen carefully to
22 the attorneys. When they are done, at that point, I will
23 give you the law and instructions on the case and I'll
24 give you a -- brief instructions about when you can start
25 deliberating.

1 Okay. But it may be a point that I have to send you
2 back for a moment before you start deliberating. But
3 don't start deliberating until you hear from me that it's
4 okay to do so.

5 Okay. With that, I'll recognize the State.

6 SOLICITOR BURDETTE: May it please the Court, Your
7 Honor?

8 THE COURT: Yes, ma'am.

9 SOLICITOR BURDETTE: Can we please publish?

10 THE COURT: You may.

11 SOLICITOR BURDETTE: Good afternoon, ladies and
12 gentlemen.

13 Over the last day and a half you had heard -- you
14 have heard evidence and testimony that this defendant,
15 Donquavis McConnell, distributed Fentanyl on July 18th,
16 2024, in York County by a confidential informant.

17 Now, after the defense's closing argument, the judge
18 is gonna tell you the law that you have to apply. The
19 judge is going to tell you that I, as the State, must
20 prove every element beyond a reasonable doubt.

21 Beyond a reasonable doubt, what does that mean?

22 Us, as lawyers, have many different definitions of
23 what that means. We often like to argue about what that
24 means. But it's not about what I think it means or what
25 the defense thinks it means. It's what the judge, judge

1 will tell you it means. You have to go by what the judge
2 tells you the law is.

3 The judge will tell you that there are -- is -- that
4 it is not absolute certainty. There is a hesitation to
5 act.

6 What does that mean, that hesitation to act?

7 Does that mean, if you go back in the jury room and
8 you don't immediately find the defendant guilty, that he's
9 innocent?

10 No.

11 You have a duty to deliberate. You have a duty to
12 take all the evidence that you've heard, the testimony,
13 look at the drugs, look at the plastic bags, watch the
14 video again, watch it again if you need to, pause it,
15 rewind, play.

16 That is the point of a deliberation. That does mean
17 the defendant is innocent because you guys are
18 deliberating. It means that you are doing your duty of
19 deliberations.

20 At the end of your deliberations, you will find the
21 defendant guilty when you are firmly convinced that he
22 distributed Fentanyl.

23 Now, firmly convinced, what does that mean?

24 There are very few things in life that I told you
25 that you're gonna know with absolute certainty. It's

1 almost an impossible standard to know anything with
2 absolute certainty. You will find the defendant guilty
3 when you are firmly convinced that he distributed
4 Fentanyl.

5 Now, as I stated in the beginning, distribution of
6 Fentanyl is rather a simple charge. It requires three
7 things. The substance has to be, in fact, Fentanyl, which
8 is a controlled narcotic, controlled substance narcotic.
9 The defendant had to have had possession of that Fentanyl
10 and the defendant had to have distributed that Fentanyl to
11 someone else.

12 Now, distribute, what does that mean?

13 The judge is going to tell you that it means to
14 deliver or transfer the drugs from one person to another.

15 Here, you heard from four separate D.E.U. officers.
16 You heard from Kendrick McIlwain himself, all who
17 testified that this defendant transferred the drugs, the
18 drugs that he had in his possession.

19 That video shows the defendant's face, Donquavis
20 McConnell. It shows the blue Fentanyl in his lap. It
21 shows the white Fentanyl in his hand. That is possession.

22 Again, you heard from the officers. You heard from
23 Kendrick and you have the video to show that this
24 defendant transferred that Fentanyl to the C.I.

25 The judge will also tell you that a transfer can

1 involve an exchange of money. That's exactly what we have
2 here.

3 You see the video. You see Donquavis with that
4 hundred dollars that the D.E.U. has identified they have
5 wrote down their serial numbers. They know that that is
6 the money given to Donquavis McConnell. You see that in
7 the video.

8 Lastly, a controlled substance. Holly Tobias is a
9 drug expert. She told you the procedure she goes through.
10 This is her drug report. It's in evidence. You help --
11 have -- will have a copy of it. You can look it over.

12 This tells you that there was a white powder that was
13 confirmed to be Fentanyl and there was a blue rock
14 substance that was confirmed to be Fentanyl. The white
15 powder was .25 grams of Fentanyl and the blue rocks was
16 .42 grams of Fentanyl.

17 We know that this defendant transferred that Fentanyl
18 to the confidential informant because we have those drugs
19 here in evidence.

20 How else would we have gotten them?

21 We got them because they were transferred. They were
22 distributed. We have them. You can hold them. I
23 wouldn't open the bag. It's Fentanyl. You have it
24 though. You can look at it for yourself.

25 You will see that white powder in State's Exhibit 4.

1 You will see that same blue Fentanyl that the defendant
2 had in his possession that he gave to Kendrick McIlwain.
3 We have it here because he gave it to a confidential
4 informant.

5 Now, as the State, I must go first. I must
6 anticipate what the defense is going to get up here and
7 tell you next. I have to go ahead and put all my
8 arguments out there because I don't really know what
9 they're gonna get up here and say.

10 I used to be a defense attorney for a number of
11 years. I used to be a public defender.

12 So, I anticipate they're gonna do a couple things.
13 The first thing, as a defense attorney, is you distract
14 the jury, take away from the important facts of the case,
15 throw in all these other questions to distract, throw up a
16 cloud to distract from the important facts.

17 You attack the police work. Police could of done
18 this. They could of done that. Of course, everybody can
19 always do more. And then you attack the credibility of
20 the witnesses.

21 Now, I'm sure most of you have watched some crime
22 television, television show over your course of your life.
23 I'm sure, on TV, you have seen there's DNA and
24 fingerprints everywhere. All these investigators come in
25 and they're collecting evidence and they're taking that

1 and they're submitting it to all these tests.

2 That's television. That's not reality. Officers in
3 York County have to do what's practical, efficient, and
4 relevant.

5 We have a video.

6 Why do we need to take this bag and see if it's got
7 DNA on it?

8 We have the defendant on video.

9 We don't have all the resources that they have on
10 television to do all these things especially with this
11 type of case.

12 We have it on video. We have the C.I.'s testimony.
13 We have officer's testimony. That is enough.

14 The defense may bring up that officers had body cams.
15 These are undercover officers. Every single officer told
16 you that they are undercover. They're not wearing police
17 outfits. They're searching the C.I. out in the open
18 behind the Rock Hill Law Center. Anyone can drive by and
19 see this. You don't want to see a C.I. being searched by
20 four fully suited law enforcement officers.

21 They have body cams on them in case that confidential
22 informant goes to a drug deal and something goes sideways,
23 in case there's an emergency they need to respond to.

24 They have to protect their confidential informant.

25 Sure. They could of recorded the searches. But you

1 heard from Investigator Morgan McLaugherty. They don't
2 do that because every video in every criminal case gets
3 uploaded to a database. Investigator McLaugherty told
4 you that all of law enforcement in their facility has
5 access to this system. I can not stress to you enough
6 that this is a confidential informant case.

7 Most of the time we don't even know who the C.I. is
8 in a confidential informant case because it is very
9 strict, very under lock that no one knows who this
10 confidential informant is because the moment he gets on
11 the stand and identifies himself he's a snitch. He's a
12 snitch to all of York County. Everyone now knows his
13 name.

14 That's dangerous. That is very dangerous for him.
15 But, yet, he put himself up here to testify because he
16 knew what was wrong, which leads me to credibility of
17 witnesses.

18 The defense is going to say that Kendrick McIlwain
19 has all these pending charges. He's facing significant
20 time. He's a bad guy.

21 Well, I told you from the beginning he's not a saint.
22 I would not tell you that he's a saint. I told you he's
23 been convicted of involuntary manslaughter. He is. He
24 was. He's had a prior record of possession of drugs.

25 He sat on the stand and had to face you and face the

1 defendant and say that. It was hard for him. You could
2 see that he was nervous. But he owned up to it.

3 No one promised him anything. No one threatened him
4 in any way. Officers testified to that. Kendrick
5 McIlwain testified to that.

6 He's hoping he may receive some grace. He doesn't
7 know that he will. He's facing up to 30 years in prison
8 himself. We don't know that he will get grace.

9 But he did what was right. He took it -- an oath to
10 tell the truth, the whole truth, and nothing but the
11 truth. He told you himself he's not willing to do
12 anything to get out of prison. He's not willing to get up
13 there and lie.

14 Even if you don't fully trust Kendrick, you have the
15 video. Like I said, watch the video again. Stop it where
16 you need to. Play it where you need to. You have the
17 video. That is the purpose of a controlled buy is to make
18 sure it's captured on video and that is what we have
19 presented to you.

20 I submit to you that the evidence in this case has
21 been consistent and credible. When you strip away the
22 noise, when you take away all the distractions, the
23 evidence will point in one direction.

24 Your duty is not to be swayed by the distractions
25 that occur. Your duty is to take the testimony and the

1 evidence and apply it to the law that the judge gives you.
2 That is your duty as jurors and we ask that you follow
3 that and do that.

4 I submit to you that the State has met its burden of
5 proof and I ask that you find the defendant, Donquavis
6 McConnell, guilty of distribution of Fentanyl.

7 Thank you.

8 THE COURT: All right. Thank you.

9 I'll recognize the defense.

10 MS. ROGERS: Just a moment, Your Honor.

11 THE COURT: Yes, ma'am.

12 MS. ROGERS: Thank you, Your Honor.

13 THE COURT: Uh-huh. (Affirmative).

14 MS. ROGERS: This may come as a surprise to all of
15 you, after listening to the State so eloquently put, that
16 basically all we're gonna try to do is distract you.

17 Nothing could be further from the truth, ladies and,
18 ladies and gentlemen of the jury. We don't want you to be
19 distracted. We want you to take a look at everything, all
20 the evidence. We want you to take a look at what the
21 State has.

22 But, most importantly, we want you to look at,
23 included in everything, is what they didn't give you and
24 that's important too.

25 What's not in evidence?

1 We have to talk about that.

2 The Puma track suit that the person in the controlled
3 buy was wearing.

4 The bracelet that the person in the controlled buy
5 was wearing.

6 A grill that the person in the controlled buy was
7 wearing.

8 The hair is different.

9 They didn't take any fingerprints from the packaging
10 material. They didn't take any DNA. They didn't get a
11 phone.

12 Nobody but the C.I. sees the car or the person gets
13 out of. They didn't see the license plate. They didn't
14 get any of that and they tried to act like not getting a
15 search warrant wasn't a big deal. But that could have led
16 to other evidence. We don't know cause they didn't give
17 it to us.

18 The money wasn't recovered, and if you're wondering,
19 most people know what a grill is. But pulled from the
20 video, the C.I. video, you can see up there that the
21 person in the video is, is wearing a grill and I'll play
22 it for you, the clip, so you could see it a little bit
23 better.

24 (WHEREUPON, a portion of State's Exhibit No. 1 was
25 played for the jury at this time.)

1 MS. ROGERS: You see it right there.

2 All they give you is the C.I. and then the State was
3 right. That is what we're gonna talk about because that
4 is basically all the State gave you.

5 So, why wouldn't we?

6 All they're giving you is the C.I., the word of a
7 convicted felon, a person who has been convicted of
8 manslaughter facing multiple South Carolina charges.
9 There's a little bit of, of a disparity in what he could
10 potentially be facing. But, either way, it's a lot. It's
11 multiple decades in prison and that is a long time and
12 there is no way around it.

13 He's only known Mr. McConnell for six months. It's
14 not a long time. He didn't know him very well and he
15 admits that he is working with the D.E.U. to stay out of
16 prison.

17 Next, the drugs. It changed weight. We want to
18 gloss over that. But the State wants to call it
19 distracting you. It's not a distraction. We need you to
20 focus on that. The drugs changed weight. They lost over
21 one-third of their weight. We got to point that out to
22 you.

23 The drugs changed color?

24 How?

25 They didn't explain that. They talk a lot about --

1 everybody that you heard from said the drugs were blue.

2 The drugs they have in evidence are green.

3 Did they test the right evidence?

4 I don't know.

5 What else was detected?

6 Not sure.

7 And what's the error rate of the test?

8 They didn't tell you.

9 And, lastly, the technician intervenes to produce a
10 result. They wanted it to be Fentanyl.

11 Guess what?

12 It came back as Fentanyl.

13 Here's a picture of the drugs from the video.

14 There's a picture of the drugs that are in evidence, and
15 like the State said, you'll get the evidence. You'll get
16 to take that back and look at it and we want you to look
17 at it.

18 In conclusion, there's just simply not enough. They
19 haven't given you enough. No matter what they say, they
20 haven't and the burden is on the State. Like they told
21 you, they have to prove to you, beyond a reasonable doubt,
22 that our client, Mr. McConnell, is guilty.

23 We're not saying it's beyond all doubt. But it's
24 still a very big burden that they have to prove and they
25 haven't proven it to you.

1 They are -- their case is hinging on the word of a
2 convicted felon who is facing multiple decades in prison.
3 It's not enough. He didn't like that I was asking him so
4 many questions about it. But it's the truth.

5 Wasn't trying to be mean. Wasn't trying to just make
6 the focus on he's a bad guy. The State's entire case
7 hinges on that.

8 A person who is working, because they feel like they
9 have to and the State can tell you until they're blue in
10 the face over and over and over again he wasn't promised
11 anything. He wasn't threatened. He's doing this of his
12 own free will. Fine. But he is still hoping that
13 something can be done about his charges.

14 When asked does he want to go to prison, he said who
15 would.

16 Okay. That's fair.

17 Who would?

18 Exactly.

19 But we're not just talking about who. We're talking
20 about Mr. McIlwain in specific, a person that is charged
21 with multiple drug offenses who does not want to go to
22 prison, and, in order to do that, in order to even get a
23 hope and a prayer of getting any kind of help on his
24 charges, he is got to give you something. He's got to
25 give the State something.

1 What's that something?

2 Mr. McConnell.

3 The State, again, said a lot to you about how we're
4 gonna try to distract you. Oh, the bells and whistles.
5 Look at that. Don't look at this.

6 No, we want a -- we want you to look at that and the
7 thing that comes to mind when I think about a case like
8 this, and the State's case in specific, is a perfectly
9 wrapped present. We're just coming off of the holidays.

10 You know, all of the stores, right before the
11 holidays, they have all of their holiday displays.
12 They've got Christmas trees. They have everything, the
13 whole nine yards.

14 Underneath those display trees are display presents.
15 They're wrapped beautifully. They look perfect. That's
16 all great.

17 But if you were to open up any of them, what would
18 they have inside?

19 Nothing.

20 Sometimes you have to look at not only what somebody
21 is telling you is there but what's not there, what they
22 haven't given you. That is what you need to look at.

23 We're not trying to distract you. We want you to go
24 back there and really think about all of the evidence.
25 Think about what's not there. Think about who the State

1 is hinging their case on and you are the decider of the
2 facts in this case and we want you to really think about
3 it.

4 That's all we ask and, once you've thought about it,
5 we submit to you that you should find our client, Mr.
6 McConnell, not guilty because there just isn't enough.

7 Thank you.

8 THE COURT: All right. Members of the jury, it is
9 now my duty, as the trial judge, to instruct you on the
10 law applicable to this case. In that regard, it is your
11 duty, as jurors, to accept and apply the law as I now
12 state it to you.

13 Furthermore, it is your exclusive duty to decide all
14 the issues of fact in this case and to determine the
15 effect, value, and weight of the evidence. All the
16 parties have the right to expect that you will carefully
17 consider and evaluate the evidence and apply the law of
18 this case to it so that, in the end, all parties will
19 receive a fair and impartial trial.

20 As I instructed you in my preliminary comments, the
21 indictment charges the defendant with distribution of
22 Fentanyl. I remind you of the fact that the defendant was
23 arrested, charged, and indicted in this case is not
24 evidence in this case. It can not be considered by you as
25 evidence of his guilt nor does it create any presumption

1 or inference of guilt.

2 This document is simply the formal, written
3 instrument containing the charge made against the
4 defendant. It is the formal document by which this case
5 is brought into this court.

6 The defendant has pled not guilty to this indictment
7 and to -- and that puts the plea -- excuse me -- and that
8 plea puts the burden on the state to prove the defendant
9 guilty.

10 The person charged with committing a criminal offense
11 in South Carolina is never required to prove himself
12 innocent. I charge you that it is an important rule of
13 the law, of the law that the defendant, in a criminal
14 trial, no matter what the seriousness of the charge may
15 be, will always be presumed innocent of the crime for
16 which the indictment was issued unless guilt has been
17 proven by evidence satisfying you of that guilt beyond a
18 reasonable doubt.

19 The presumption of innocence does not end when you
20 begin your deliberations. But it accompanies the
21 defendant throughout the trial until you reach a verdict
22 of guilt or not guilty based on evidence satisfying you of
23 that guilt beyond a reasonable doubt.

24 The presumption of innocence is like a robe of
25 righteousness placed about the shoulders of the defendant

1 which remains with the defendant until it has been
2 stripped from the defendant by evidence satisfying you of
3 the defendant's guilt beyond a reasonable doubt.

4 The presumption of innocence is not mere legal
5 theory, theory. It's not just a legal phrase. It is a
6 substantial right to which every defendant is entitled
7 unless you, the jury, are satisfied, from the evidence, of
8 the defendant's guilt beyond a reasonable doubt.

9 The State has the burden of proving the defendant
10 guilty beyond a reasonable doubt. In addition, the State
11 has the burden of proving each element beyond a reasonable
12 doubt.

13 Some of you may have served as jurors in civil, civil
14 cases where you were told that it is only necessary that a
15 fact is more likely true than not true such as by the
16 greater weight or preponderance of the evidence. In
17 criminal cases, the State's proof must be more powerful
18 than that. It must be beyond a reasonable doubt.

19 Reasonable doubt is the kind of doubt that would make
20 a reasonable person hesitate to act. Proof beyond a
21 reasonable doubt is proof that leaves you firmly convinced
22 of the defendant's guilt. There are very few things in
23 this world that we know with absolute certainty, and, in
24 criminal cases, the law does not require proof that
25 overcomes every possible doubt.

1 If, based on your consideration of the evidence, you
2 are firmly convinced that the defendant is guilty of the
3 crime charged, you must find the defendant guilty. If, on
4 the other hand, you think there is a real possibility that
5 the defendant is not guilty, you must give the defendant
6 the benefit of the doubt and find the defendant not
7 guilty.

8 Facts and circumstances that merely place upon the
9 defendant a grave suspicion of the crime charged or that
10 merely raises a speculation or conjecture of the
11 defendant's guilt are not sufficient to authorize a
12 conviction of a defendant.

13 I remind you that, during this trial, you and I have
14 certain duties to perform. As the trial judge, it is my
15 responsibility to preside over the trial of this case and
16 I also have the duty to rule on the admissibility of
17 evidence offered during this trial.

18 You are only -- you are to consider only the
19 competent evidence before you. You are to consider only
20 the testimony which has been presented from the witness
21 stand and any exhibits which have been made a part of the
22 record in this case.

23 I have the additional duty to charge you -- to charge
24 you the law applicable, applicable to this case.

25 As the presiding judge, I am the sole judge of the

1 law of this case and it is your duty, as jurors, to accept
2 and apply the law as I now state it to you. If you
3 already have an idea as to what the law is or what the law
4 ought to be, and it does not agree with what I now tell
5 you the law is, you must abandon this idea because you are
6 sworn to accept the law and apply the law exactly as I
7 state it to you.

8 In every case tried in this Court before a jury, the
9 jury is the sole and exclusive judge of the facts in a
10 case. The trial judge can not intimate, state, comment
11 on, or make any statements to a trial jury about the facts
12 in a case.

13 Since you, the jury, are the sole judges of the facts
14 in this case, you are not to infer from what I have said
15 during the progress of this trial and ruling upon the
16 admissibility of evidence or otherwise or anything that I
17 now say during this instruction to you that I have any
18 opinion about the facts in this case. The law does not
19 allow me to give an opinion about the facts in this case.

20 This is a matter solely for you, the jury, to
21 determine. As jurors, it is your duty to determine the
22 effect, the value, weight, and truth of the evidence
23 presented during this trial.

24 The evidence from which you are to decide what the
25 facts consist of in this case are the sworn testimony of

1 the witnesses both on the direct and cross-examination and
2 the exhibits which have been admitted into evidence.

3 The following things are not evidence and you must
4 not consider them in deciding the facts of this case:

5 Statements and arguments of the attorneys and
6 questions and objections of the attorneys.

7 While argument of counsel is a beneficial part of
8 every trial, you should remember that the statements made
9 by counsel are not evidence.

10 In presenting arguments, counsel often, often refer
11 to evidence. However, you should base your verdict on the
12 evidence as you remember it. Therefore, if there are any
13 conflicts between the recollection of counsel about the
14 evidence and your own recollection, recollection, you
15 should rely on your own understanding of the evidence.

16 During the presentation of this case, you may have
17 noticed that certain sections of the audio, video, and
18 paper, or electronic documents that were presented in this
19 trial were redacted or edited out. This was by mutual
20 agreement of the parties and is due to the rules of Court
21 and that was a decision made by me.

22 Please do not speculate as to what you may or may not
23 have been -- what may or may not have been contained in
24 those portions and you are not to hold those portions
25 against either party.

1 There are two types of evidence which are generally
2 presented during the trial, direct evidence and
3 circumstantial evidence.

4 Direct evidence is the testimony of a person who
5 claims to have actual knowledge of a fact such as an eye
6 witness, such as an eye witness. Circumstantial evidence
7 is a -- proof of a chain of facts and circumstances
8 indicating the existence of a fact.

9 The law makes no distinction between the weight or
10 value to be given to either direct or circumstantial
11 evidence nor is any greater degree of certainty required
12 of circumstantial evidence than of direct evidence.

13 You should weigh all the evidence in this case.
14 After weighing all the evidence, if you are not convinced
15 of the guilt of the defendant beyond a reasonable doubt,
16 you must find the defendant not guilty.

17 The State has the burden of proving the defendant
18 guilty beyond a reasonable doubt. The burden rests with
19 the State regardless of whether the State relies on direct
20 evidence, circumstantial evidence, or some combination of
21 the two.

22 Necessarily, you must determine the credibility of
23 witnesses who have testified in this case. Credibility
24 simply means believability. It become your duty, as
25 jurors, to analyze and to, and to evaluate the evidence

1 and determine which evidence convinces you of its truth.

2 In determining the believability of witnesses who
3 have testified in this case, you may believe one witness
4 over several witnesses or several witnesses over one
5 witness. You may, you may believe a part of the testimony
6 of a witness and reject the remaining part of the
7 witness -- of the testimony of that same witness. You may
8 believe the testimony of a witness in its entirety or
9 reject the testimony of a witness in its entirety.

10 You may consider whether any witness has exhibited to
11 you any interest, bias, bias, prejudice, or any other
12 motive in this case. You may also consider the appearance
13 and the manner of a witness while on the witness stand.

14 The rules of evidence ordinarily do -- ordinarily do
15 not permit witnesses to testify to opinions or
16 conclusions. An exception to this rule exists for
17 witnesses we call expert witnesses.

18 A witness, who by education and experience, has
19 become expert in some art, science, profession, or, or
20 calling may state an opinion as to relevant and material
21 matter in which the witness claims to be an expert and may
22 also state the reasons for that opinion. You should
23 consider any expert opinion received in evidence in this
24 case and, like any other evidence, give it the weight you
25 think it deserves.

1 If you decide that the opinion of an expert witness
2 is not -- witness is not based on sufficient, sufficient
3 education and experience or if you conclude that the
4 reasons given in support of the opinion are not sound or
5 that the opinion is outweighed by other evidence, you may
6 disregard the opinion entirely. An expert witnesses'
7 testimony is to be given no greater weight than that of
8 other witnesses simply because the witness is an expert.
9 Further, you're not required to accept an expert's opinion
10 even though it's not contradicted.

11 A person who has a past criminal record is competent
12 to testimony during a, during a trial. A past record does
13 not effect the ability of that witness to testify. Past
14 record may only be considered by you, if at all, in
15 determining the witnesses' believability. Remember, you
16 are the sole judges of the facts in this case and, and of
17 the believability of any and all witnesses.

18 I instruct you and emphasize the fact that the
19 defendant did not testify is not a factor to be considered
20 by you in any way in your deliberation and in your
21 consideration on the question of the guilt or innocence of
22 the defendant. It must not be considered by you in any
23 manner whatsoever.

24 The defendant has a constitutional right to remain
25 silent and the assertion of this right must not be

1 considered by you in your deliberations. I repeat, under
2 your oath, you are to draw no conclusion whatsoever from
3 the fact that the defendant in this case did not testify.

4 The fact that the defendant -- excuse me. The fact
5 that this defendant did not testify should not even be
6 discussed in the jury room. The burden of proof, as I
7 have stated to you, is on the State. A defendant is not
8 required to prove his innocence. The burden of proof
9 remains on the State to prove guilt beyond a reasonable
10 doubt.

11 The State must also prove that the defendant is the
12 person who committed the crime charged. The State has the
13 burden of proving the -- excuse me -- of proving identity
14 of the defendant beyond a reasonable doubt.

15 You must be satisfied, beyond a reasonable doubt, of
16 the accuracy of the identification of the defendant before
17 you may convict, convict the defendant. Identification
18 testimony is an expression of belief or impression by a
19 witness. You must determine the accuracy of the
20 identification of the defendant. You must consider the
21 believability of each identify -- identification witness
22 in the same way as any other witness.

23 You may consider whether the witness had an op -- an
24 adequate -- excuse me -- an adequate opportunity to
25 observe the defendant at the time of the offense. This

1 will be affected by things like how long or how -- how
2 long or short a time was available, how far or close the
3 witness was, the lighting conditions, and whether the
4 witness had a chance to see or know the person in the
5 past.

6 Once again, I instruct you the burden of proof on the
7 State extends to every element of the crime charged and
8 this specifically includes the burden of proving, beyond a
9 reasonable doubt, the identity of the defendant as the
10 person who committed the crime. If, after examining the
11 testimony, you have a reasonable doubt as to the accuracy
12 of the identification, you must find the defendant not
13 guilty.

14 In order to establish criminal liability, criminal
15 intent is required. For example, the mental state
16 required to be proven by the State for a particular crime
17 might be purpose, intent, knowledge, recklessness, or
18 criminal negligence.

19 Criminal intent must be proven by the State beyond a
20 reasonable doubt. Criminal intent is always a matter that
21 must be determined by the jury from the circumstances
22 surrounding the situation.

23 There's no way to prove intent to a mathematical
24 certainty. There's no way medical science can dissect a
25 person's brain and determine what the person had in mind.

1 So the law says that criminal intent may be inferred from
2 the circumstances shown to have existed.

3 This is how you make a determination of whether or
4 not the element requiring intent was present. It is not
5 necessary to establish intent by direct and positive
6 evidence. But intent may be established by inference in
7 the same way as any other fact by taking into -- taken
8 into -- taking into consideration the acts of the parties
9 and all the facts and circumstances of the case.

10 Criminal intent is a mental state, a conscious
11 wrongdoing. It is up to you to determine what the
12 defendant intended to do based on the circumstances shown
13 to have existed.

14 Criminal intent can arise, arise from action or a
15 failure to act. It may arise from negligence,
16 recklessness, or indifference to duty or the consequences
17 that is considered by the law to be the equivalent of
18 criminal intent.

19 Intentionally means willfully, intending the result
20 which actually occurs, not accidentally or involuntarily.
21 Intent may be shown by the acts and conduct of the
22 defendant and other circumstances from which you may
23 naturally and reasonably infer intent.

24 The defendant is charged with distribution of
25 Fentanyl. There are three elements to this offense of

1 distribution of Fentanyl that the State must prove beyond
2 a reasonable doubt.

3 One, that the substance involved was, in fact,
4 Fentanyl.

5 Two, that the defendant had possession of that
6 Fentanyl meaning either actual possession or constructive
7 possession.

8 And, three, that the defendant distributed or sold,
9 at the time and place and in the manner alleged, the
10 controlled substance in this case, Fentanyl.

11 There are two kinds of possession recognized in the
12 law of this state, actual possession and constructive
13 possession.

14 Actual possession occurs when the controlled
15 substance is found to be in the actual physical custody of
16 the person charged with possession. Constructive
17 possession is when a person has dominion or control or the
18 right to exercise dominion or control over either the
19 object or the premises upon which the object is located.

20 Distribute means to deliver or to actually
21 constructively or attempt to transfer a drug other than by
22 administering it or dispensing it.

23 Deliver means to actually constructively or attempt
24 to -- or attempt to transfer a drug. The transfer can
25 involve an exchange for money, a barter, or a gift.

1 There does not have to be anything given in exchange
2 for the drugs or a transfer to constitute distribution.

3 Mere presence at the scene is not sufficient to prove
4 someone guilty of a crime. The burden is on the State to
5 prove every element of the crime charged. If you find,
6 after reviewing all the evidence, that the State -- excuse
7 me -- that the State has proved that the defendant was
8 only present at the scene of the crime, and that they have
9 not proved, beyond a reasonable doubt, any other
10 participation in the crime, then you must find the
11 defendant not guilty. The law is that proof -- the law is
12 that proof someone was at the scene of a crime is not
13 sufficient to find that person guilty.

14 In rendering your verdict, you can not consider any
15 possible penalty for which -- for any particular crime.
16 Punishment for a crime is a matter for the Court to
17 determine and you should never be considered -- and should
18 never be considered by you in any way whatsoever in
19 arriving at an impartial verdict.

20 I hope that each of you are mindful of the importance
21 of your responsibility. You are not often called to serve
22 as jurors and the proper performance of the duty requires
23 each of you to reach the height of freeing your mind of
24 all improper influences.

25 As a presiding officer of this Court, I am vitally

1 concerned that whatever verdict you find will be a result
2 of your going into the jury room and confining your
3 consideration to the evidence and the law that you have
4 heard in this courtroom weighing it fairly and impartially
5 as I have every confidence you will do.

6 Your verdict in this case can not be based on
7 sympathy, compassion, prejudice, or emotion, or some other
8 consideration not found in the evidence. Remember, your
9 verdict must be unanimous.

10 Let me say something about deliberations.
11 Deliberations is defined as a careful consideration
12 weighing up with a view to decision. The genius of our
13 jury system is, is that it allows 12 good men and women
14 from 12 different backgrounds, life experiences, and
15 prospectives to consider the evidence, talk about it, and
16 ultimately reach a verdict.

17 We call them deliberations for a reason. You are to
18 consider the evidence in this case carefully and
19 deliberately and discuss it in a calm, thorough, and
20 courteous manner. Listen to the views of all your fellow
21 jurors. Consider other people's points and points of view
22 and talk through and discuss the evidence and remember, if
23 you are doing something deliberately, you are not in a big
24 hurry and you should not be in a big hurry here. This
25 case is very important to both sides and it is their only

1 day in Court.

2 when you retire to the jury room, you would -- you
3 should discuss the case with your fellow jurors to reach
4 agreement if you can do so. Again, your verdict must be
5 unanimous.

6 Each of you must decide the case for yourself but you
7 should do so only after you have impartially considered
8 all the evidence, discussed it fully with other jurors,
9 and listened to the views of your fellow jurors.

10 Do not be afraid to change your opinion if the
11 discussion persuades you that you should. But do not come
12 to a decision simply because the other jurors think that
13 it is right. It is important that you attempt to reach a
14 unanimous verdict, but, of course, only if each of you can
15 do so after having made your own decision.

16 Do not change an honest belief about the weight or
17 effect of the evidence simply to reach a verdict. In
18 other words, do not change your opinions solely for the
19 sake of reaching a unanimous verdict.

20 All right. Ladies and gentlemen, there are two
21 possible verdicts for the charge which you may find in
22 this case. There's no significance whatsoever in the
23 order which I state the possible verdicts. It is simply
24 that one must be stated first.

25 I'll direct this to the foreperson of the Grand Jury

1 (sic).

2 Question one is whether you find the defendant guilty
3 or not guilty of the charge of distribution of Fentanyl.
4 Again, there's no -- one has to be -- one has to be one
5 and the second is the other. But there's no significance
6 in the way that they're stated on the verdict, verdict
7 form.

8 I'll ask the foreperson, once the jury reaches a
9 unanimous decision, to sign it and also put your juror
10 number and also the date of the jury -- jury's decisions.

11 When the jury agrees on the verdict, you write the
12 verdict on the form -- on the verdict form and then sign
13 your name as foreperson. Then knock on the jury room door
14 and inform the bailiff that you have reached a verdict.
15 At that time we will receive you back into the courtroom.

16 To the foreperson, if the jury has any questions,
17 please write the questions on a piece of paper, not on the
18 verdict form, and give it to the bailiff.

19 In the event that you all encounter a division in
20 the -- in coming to a unanimous decision, decision, please
21 do not disclose the numerical split.

22 All right. I will now ask you to return to your jury
23 room. But do not begin deliberations until you are told
24 to do so by the clerk or by the bailiff. There are a few
25 matters which I have to discuss with the attorneys before

1 you begin your deliberations and I also make one
2 statement.

3 There are packages of alleged drugs in this case.

4 Are those packages sealed?

5 SOLICITOR BURDETTE: Yes, Your Honor.

6 THE COURT: Okay. All right. I'll ask that you
7 leave those packages sealed in the jury room. If you have
8 particular questions about those packages, I'd ask that
9 you submit a question, let me discuss it with the
10 attorneys, and, if anything, further advise you be --
11 because I -- because of the nature of what's in those
12 packages, I ask that you just leave them sealed in those
13 packages.

14 All right. So, I will ask you to step back in your
15 jury room. At this time, I do not want you to begin any
16 deliberations just yet. Just give us a few minutes. I'll
17 ask that the two alternates remain in the courtroom.

18 Okay. And I'll let you know when you can start
19 deliberations.

20 All right. Thank you.

21 Have -- excuse me. Have them step back. Y'all step
22 back just a minute.

23 Okay.

24 (WHEREUPON, the following takes place outside the
25 presence of the jury.)

1 THE COURT: All right. The jury's out of the
2 courtroom.

3 Any exceptions to the jury instructions from the
4 State?

5 SOLICITOR BURDETTE: No objections from the State,
6 Your Honor.

7 THE COURT: From the defendant?

8 MS. ROGERS: No objection from the defense, Your
9 Honor.

10 THE COURT: Okay. Do y'all have the exhibits already
11 put together?

12 SOLICITOR BURDETTE: We'll check, check and make sure
13 everything's there.

14 MS. ROGERS: We'll check.

15 THE COURT: Okay. Let me get the two alternates to
16 come out.

17 THE BAILIFF: Yes, sir.

18 THE COURT: And tell them, tell them to bring their
19 stuff with them.

20 THE BAILIFF: Bring their stuff?

21 THE COURT: Yeah, they're, they're not going back in
22 there.

23 SOLICITOR BURDETTE: Do you want the evidence put in
24 there?

25 THE COURT: Yes.

1 SOLICITOR HAMILTON: I just want to make sure that
2 they have pen and paper back there. I don't know who does
3 that.

4 SOLICITOR BURDETTE: An alternate is back.

5 THE COURT: Oh, alternate is back.

6 Okay.

7 (WHEREUPON, the alternates come into the courtroom at
8 this time.)

9 THE COURT: All right. Appreciate it.

10 You will not be required to deliberate on this case.
11 We pick two alternates cause sometimes we never know what
12 will happen in a case. We may lose jurors throughout the
13 course of the trial. But everybody has stayed on the
14 case.

15 So, I'll release you from the trial of this case.
16 You'll go back in the jury pool. I think y'all have to
17 call back this afternoon and report -- so call back after
18 5:00 and we'll have instructions on what you need to do
19 for tomorrow.

20 Okay. But I do appreciate it.

21 Thank you.

22 THE JUROR: Thank you.

23 SOLICITOR BURDETTE: Nothing from the State, Your
24 Honor.

25 THE COURT: Oh, okay. I thought you had a question.

1 SOLICITOR BURDETTE: Oh, I'm sorry, Your Honor.

2 THE COURT: Mr. Bailiff, here's the verdict form.

3 THE BAILIFF: Is that all the evidence?

4 THE COURT: Yeah, I think that's all there.

5 THE BAILIFF: This is it?

6 SOLICITOR BURDETTE: It's all there, yes, sir.

7 THE COURT: All right. You can tell them they can
8 start.

9 THE BAILIFF: Yes, sir.

10 THE COURT: All right. We'll be at ease while the
11 jury is deliberating.

12 SOLICITOR HAMILTON: Thank you, Your Honor.

13 THE COURT: All right. Thank you.

14 MR. DAVIS: Thank you.

15 (WHEREUPON, the jury began deliberations at 3:36PM
16 and sent out a question at 4:06PM.)

17 THE COURT: All right. Let me -- can I see y'all
18 over here for just a second?

19 SOLICITOR BURDETTE: Yes, Your Honor.

20 (WHEREUPON, a bench conference was held at this
21 time.)

22 THE COURT: All right. Mr. McConnell is present in
23 the courtroom along with the -- his counsel and the
24 solicitors in this case.

25 We got a question from the jury. Actually it's two

1 questions from the jury. This is -- I'll have this marked
2 as a Court Exhibit. It was signed by the foreperson,
3 Juror 163, and also dated.

4 The first question is can we verify the scar on his
5 left-hand.

6 The second question is can we watch the video again.

7 THE COURT: Oh, I'm sorry. Ms. Hamilton is not---

8 SOLICITOR BURDETTE: She's in the bathroom. You can
9 go ahead, Your Honor.

10 THE COURT: You -- okay.

11 All right. I'm happy to hear from y'all about it.

12 I mean the first question, I think there's, there's
13 no evidence -- I mean it -- I think it was a scar -- I
14 think I saw a scar on the -- somebody's hand. But there's
15 no evidence put in about that. Nobody's drawn any
16 attention to that.

17 So I don't -- we just may have to tell them they have
18 to make their -- let me hear from the parties. I don't
19 want to step on --.

20 SOLICITOR BURDETTE: Your Honor, I think you just
21 have to instruct them that they have to go off of the
22 testimony and evidence that was presented.

23 THE COURT: Yeah.

24 SOLICITOR BURDETTE: And then as far as the video,
25 there should be a computer back there and they should be

1 able to plug it in and play it.

2 THE COURT: Okay. Any --?

3 MS. ROGERS: I -- we agree with that, Your Honor.

4 THE COURT: Okay. All right. Does somebody go back
5 there with them to show them how to do it or --?

6 THE CLERK: If they need me to go, I can go back
7 there.

8 THE COURT: Okay.

9 SOLICITOR BURDETTE: The, the computer is suppose to
10 be in custody of the clerk so that none of us have access
11 to it.

12 THE COURT: Uh-huh. (Affirmative).

13 SOLICITOR BURDETTE: So if a clerk wants to go back
14 there or bailiff, we're fine with that.

15 THE COURT: All right. All right. I'll bring the
16 jury back out and we'll address these two questions.

17 Okay.

18 SOLICITOR BURDETTE: Yes, Your Honor.

19 THE COURT: All right. Let's have the jury back in.

20 (WHEREUPON, the following takes place within the
21 presence of the jury.)

22 THE COURT: All right. All the jurors are present.

23 The foreperson has sent a note from the jury signed
24 by the foreperson, Juror Number 163, dated on 1/6/26.

25 Two questions. First is can we verify the scar on

1 his left-hand.

2 Ladies and gentlemen, you will -- you can only
3 consider, at this point, evidence that's been presented to
4 you either through testimony or exhibits, which leads me
5 into the second, into the second question is can we watch
6 the video again.

7 Yes, you can.

8 I asked before you came out, not really good with
9 technology, so I wasn't sure but the clerk if -- can come
10 back to play that if needed. I, I don't know about what,
11 what the computer's like back there. But if y'all need
12 somebody to come in to actually play the video, you can
13 watch the video in its entirety if you wish. But that
14 will be available for you to watch.

15 But as to the first question, you'll have to be
16 limited to the testimony and evidence that you've seen and
17 heard in the case.

18 Okay?

19 (WHEREUPON, the jurors nod affirmatively.)

20 THE COURT: All right. I'll ask you to go back and
21 I'll -- if y'all want to start the video or if you have
22 trouble with it or something, let one of the bailiffs know
23 and I'll ask the clerk to step back and help you get that
24 started.

25 Okay. All right. Thank you.

1 (WHEREUPON, the following takes place outside the
2 presence of the jury.)

3 THE COURT: Any exceptions from what I told you --
4 the jurors?

5 SOLICITOR BURDETTE: Nothing from the State, Your
6 Honor.

7 THE COURT: From the defendant?

8 MS. ROGERS: Nothing---

9 THE COURT: Okay.

10 MS. ROGERS: ---from the defense, Your Honor.

11 THE COURT: Okay. All right. We'll mark this as
12 Court Exhibit.

13 (WHEREUPON, the note from the jury was marked as
14 Court's Exhibit No. 5 and received into evidence at this
15 time.)

16 THE COURT: All right. We'll be at ease while the
17 jury deliberates.

18 (WHEREUPON, the jury began deliberations again at
19 4:16PM and sent out another note at 4:50PM.)

20 THE COURT: All right. Mr. McConnell is present with
21 his attorneys as well as the solicitors are present.

22 We have another note from the jury foreperson, Number
23 163, signed, signed by the jury foreperson dated 1/6/26.

24 Can we have a copy of the law itself that con -- that
25 contains the three elements?

1 SOLICITOR BURDETTE: Your Honor, the State has no
2 objection to you sending back the jury charge.

3 MS. ROGERS: Yeah.

4 Your Honor, we would object to that. They, they got
5 the jury charge and we maintain that that should be
6 enough.

7 THE COURT: Well---

8 SOLICITOR BURDETTE: Your Honor, if they don't want
9 it back there with the jury, you can bring them out and
10 you can recharge them on that specific --.

11 THE COURT: Well, that was my thought just to read
12 that specific portion.

13 MS. ROGERS: No objection to that, Your Honor.

14 THE COURT: Okay.

15 All right. We'll have -- let's have the jury come
16 back in.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: All right. All members of the jury are
20 present.

21 We have another note signed by the fore --
22 foreperson, Juror 163, dated with today's date.

23 Can we have a copy of the law itself that contains
24 the three elements?

25 Ladies and gentlemen, what I will do is I will reread

1 you the portion, portion of the jury charge related to
2 distribution of Fentanyl and then I will let you retire
3 again to your jury room to deliberate, deliberate. Excuse
4 me.

5 The defendant is charged with distribution of
6 Fentanyl. There are three elements to the offense of
7 distribution of Fentanyl that the State must prove beyond
8 a reasonable doubt.

9 First, that the substance involved was, in fact,
10 Fentanyl.

11 Second, that the defendant had possession of that
12 Fentanyl meaning either actual possession or constructive
13 possession.

14 And, third, that the defendant distributed or sold,
15 at the time and the place and in the manner alleged, the
16 controlled substance. In this case, Fentanyl.

17 There are two kinds of possession recognized in the
18 law of this state, actual possession and constructive
19 possession.

20 Actual possession occurs when the controlled
21 substance is found to be in the actual physical custody of
22 the person charged with possession. Constructive
23 possession is when a person has dominion or control or the
24 right to exercise dominion or control over either the
25 object or the premises upon which the object is located.

1 Distribute means to deliver or to actually,
2 constructively, or attempt to transfer a drug other than
3 by administering or dispensing.

4 Deliver means to actually, constructively, or attempt
5 to transfer a drug. The transfer can involve an exchange
6 for money, a barter, or a gift. There does not have to be
7 anything given in the exchange for the drugs or the
8 transfer to constitute distribution.

9 That is the charge originally given to you in regards
10 to distribution of Fentanyl.

11 So, I'll ask you to retire to your jury room and
12 continue your deliberations.

13 Thank you.

14 (WHEREUPON, the following takes place outside the
15 presence of the jury.)

16 THE COURT: All right. The jury is out of the
17 courtroom.

18 I'll have the note marked as a Court Exhibit.

19 (WHEREUPON, the note from the jury was marked as
20 Court's Exhibit No. 6 and received into evidence at this
21 time.)

22 THE COURT: All right. We'll be in -- at ease while
23 the jury deliberates.

24 (WHEREUPON, the jury began deliberations again at
25 5:02PM and returned with a verdict at 5:19PM.)

1 THE COURT: Is Ms. Rogers close by?

2 MR. DAVIS: She should be on her way up, Your Honor.

3 THE COURT: Okay.

4 All right. Mr. McConnell is present with his
5 attorneys and the solicitors in the case.

6 Got a note from the foreperson, Juror 163, that they
7 have reached a verdict. I'm assuming that they indicated
8 that on the verdict form. But let's -- that's the only
9 reason I was waiting for Ms. Rogers to come back so we
10 can -- if they've done that, we can go ahead and take the
11 verdict now.

12 Any issue?

13 SOLICITOR BURDETTE: Nothing, nothing from the State,
14 Your Honor.

15 THE COURT: Just -- we can mark that.

16 (WHEREUPON, the note from the jury was marked as
17 Court's Exhibit No. 7 and received into evidence at this
18 time.)

19 THE COURT: All right. Have the -- are both sides
20 ready to receive the verdict?

21 SOLICITOR BURDETTE: Yes, Your Honor.

22 MS. ROGERS: Yes, Your Honor.

23 THE COURT: Okay. All right. Have the jury come
24 back in and ask the foreperson to have the verdict form
25 with him.

1 THE BAILIFF: Did you say that you want the jury back
2 in?

3 THE COURT: Yeah, I want the jury back in. Yeah.

4 (WHEREUPON, the following takes place within the
5 presence of the jury.)

6 THE COURT: All right. All the members of the jury
7 are present in the courtroom. Mr. McConnell's present
8 with his attorneys as well as attorneys for the State.

9 It's my understanding that the jury has reached a
10 verdict in this case?

11 THE FOREMAN: Yes, we have.

12 THE COURT: Is it a unanimous verdict?

13 Is it a unanimous verdict?

14 THE FOREMAN: Yes, sir.

15 THE COURT: Okay. Have you indicated it -- the
16 verdict -- the decision of the jury on the verdict form?

17 Is it marked on the verdict form?

18 THE FOREMAN: Yes.

19 THE COURT: Okay. I'll ask you to hand that to the
20 bailiff.

21 (WHEREUPON, the foreman complies.)

22 THE COURT: All right. All right. Madam Clerk, you
23 can publish the verdict.

24 THE CLERK: State of South Carolina versus Donquavis
25 Johontelle McConnell. Indictment Number 2024-GS-46-5218.

1 We, the jury, unanimous -- unanimously find the
2 defendant, Donquavis Johontelle McConnell, as to the
3 charge of distribution of Fentanyl, guilty. Signed and
4 dated by the foreperson.

5 Ladies and gentlemen of the jury, if that be your
6 verdict to say you all by raising your right-hand.

7 (WHEREUPON, all jurors raise their hands at this
8 time.)

9 THE CLERK: Let the record show all jurors affirm
10 this verdict.

11 THE COURT: Okay. Do you want the jury individually
12 polled?

13 MS. ROGERS: Yes, we do, Your Honor.

14 THE COURT: All right.

15 THE CLERK: If you all stand.

16 (WHEREUPON, the jurors comply.)

17 THE CLERK: Juror Number 163, is this your verdict?

18 THE JUROR: Yes, ma'am.

19 THE CLERK: Is this still your verdict?

20 THE JUROR: Yes, ma'am.

21 THE CLERK: You may be seated.

22 Juror Number 3, is this your verdict?

23 THE JUROR: Yes. Yeah. Yes, ma'am.

24 THE CLERK: Is this still your verdict?

25 THE JUROR: Yes, ma'am.

1 THE CLERK: You may be seated.
2 Juror Number 25, is this your verdict?
3 THE JUROR: Yes, it is.
4 THE CLERK: Is this still your verdict?
5 THE JUROR: It still is.
6 THE CLERK: You may be seated.
7 Juror Number 89, is this your verdict?
8 THE JUROR: Yes.
9 THE CLERK: Is this still your verdict?
10 THE JUROR: Yes.
11 THE CLERK: You may be seated.
12 Juror Number 32, is this your verdict?
13 THE JUROR: Yes.
14 THE CLERK: Is this still your verdict?
15 THE JUROR: Yes.
16 THE CLERK: You may be seated.
17 Juror Number 48, is this your verdict?
18 THE JUROR: Yes.
19 THE CLERK: Is this still your verdict?
20 THE JUROR: Yes.
21 THE CLERK: You may be seated.
22 Juror Number 105, is this your verdict?
23 THE JUROR: Yes.
24 THE CLERK: Is this still your verdict?
25 THE JUROR: Yes.

1 THE CLERK: You may be seated.
2 Juror Number 2, is this your verdict?
3 THE JUROR: Yes.
4 THE CLERK: Is this still your verdict?
5 THE JUROR: Yes.
6 THE CLERK: You may be seated.
7 Juror Number 157, is this your verdict?
8 THE JUROR: Yes.
9 THE CLERK: Is this still your verdict?
10 THE JUROR: Yes.
11 THE CLERK: You may seated.
12 Juror Number 174, is this your verdict?
13 THE JUROR: Yes.
14 THE CLERK: Is this still your verdict?
15 THE JUROR: Yes.
16 THE CLERK: You may be seated.
17 Juror Number 72, is this your verdict?
18 THE JUROR: Yes.
19 THE CLERK: Is this still your verdict?
20 THE JUROR: Yes.
21 THE CLERK: You may be seated.
22 Juror Number 13, is this your verdict?
23 THE JUROR: Yes, ma'am.
24 THE CLERK: Is this still your verdict?
25 THE JUROR: Yes, ma'am.

1 THE CLERK: You may be seated.

2 THE COURT: All right.

3 All right. Ladies and gentlemen, that will conclude
4 your jury service. I do appreciate your patience this
5 week.

6 I do commend both the State and the defense for a
7 good presentation put on by their respective cases in
8 front of you.

9 You are -- we have, we have another case to be tried
10 tomorrow. But since you all deliberated on a case today,
11 I'm gonna excuse you from jury service.

12 Now, you don't -- you can come back tomorrow. We're
13 having the panel come back in at ten o'clock. If you wish
14 to come back to the panel to serve, you're welcome to do
15 that. But if you don't want to, you don't have to.

16 Okay. That's in -- entirely up to you.

17 The prohibition -- I think I mentioned it before not
18 to discuss the case with anybody. You're free to talk to
19 whoever you'd like to about the case, look up whatever
20 you'd like to.

21 I know, in some cases, the lawyers may reach out to
22 you individually to kind of get a taste of how you were
23 thinking on a particular case or about something. You
24 don't have to speak to anybody about it. But I think
25 sometimes that, that does happen.

1 So, with that, again, I thank you for your jury
2 service. You can -- we may take up sentencing shortly.
3 So, you're welcome to stay for that but you don't have to.

4 But, again, thank you for your service and you're
5 excused.

6 Okay. Thank you.

7 (WHEREUPON, the following takes place outside the
8 presence of the jury.)

9 THE COURT: All right. Let's be in recess for about
10 15 minutes.

11 Do you have the sentence sheets prepared?

12 SOLICITOR BURDETTE: Yes, Your Honor. The defense is
13 looking it over right now.

14 THE COURT: All right. We'll be in recess for about
15 15 minutes.

16 SOLICITOR BURDETTE: And I also have the Court's
17 Exhibit.

18 THE COURT: Yeah.

19 SOLICITOR BURDETTE: Do you want me to --?

20 Do you want me to admit it on the record during
21 sentencing or --?

22 THE COURT: You can. I just want to take a look at
23 it.

24 SOLICITOR BURDETTE: Oh, yes, sir.

25 (WHEREUPON, a short recess was taken at this time.)

1 (WHEREUPON, the life notice was marked as Court's
2 Exhibit No. 8 and received into evidence at this time.)

3 THE COURT: All right. Take your seats. Thank you.
4 Okay. Solicitor.

5 SOLICITOR BURDETTE: Your Honor, prior to the
6 commencement of this trial, the defendant was served with
7 life without the possibility of parole notice on
8 December 17th, 2025. His attorneys were Melissa Rogers
9 and Fred Davis of the Public Defender's Office.

10 He appeared in Court and was notified that he did
11 have two prior serious convictions, 2018-GS-46-01769,
12 distribution of crack cocaine second offense with an
13 incident date of August 24th, 2017, 2011-GS-46-00808,
14 possession with intent to distribute crack proximity --
15 within proximity of a park or school with the incident
16 date of September 3rd, 2010. Those are separate and
17 distinct offenses.

18 I have certified copies of the life without the
19 possibility of parole notice and of the two prior serious
20 convictions that Your Honor has before you. I would like
21 to submit those as Court's Exhibit No. 6 I believe.

22 THE COURT: All right. And the first one was
23 2018-GS-46-01769?

24 SOLICITOR BURDETTE: Yes, Your Honor.

25 THE COURT: Okay. All right.

1 All right. I have reviewed the sentence sheets for
2 the previous convictions as outlined by the solicitor.
3 They do appear to be serious offenses and the dates
4 indicated by the solicitor. And there's notice that was
5 given to Mr. McConnell more than 10 days prior to this
6 trial.

7 At least the copy I'm looking at, it was served on
8 December 17th in front of Judge Kelly?

9 SOLICITOR BURDETTE: Yes, Your Honor.

10 THE COURT: Okay.

11 SOLICITOR BURDETTE: Your Honor, the defendant was
12 just convicted of distribution of Fentanyl third offense,
13 which is a serious offense, making this his third
14 straight. The State would respectfully ask Your Honor to
15 sentence the defendant to life without the possibility of
16 parole.

17 THE COURT: All right. Mr. -- excuse me.

18 Ms. Rogers and Mr. Davis, I'd be happy to hear from
19 you.

20 MR. DAVIS: Thank you, Your Honor.

21 Since these are being made Court's Exhibits, Your
22 Honor, if we could just briefly look at those copies since
23 we've not seen those exact copies that were handed up --

24 THE COURT: Okay.

25 MR. DAVIS: -- of the, the prior conviction --

1 | convictions.

2 | THE COURT: Okay. Is this the -- these are the
3 | certified copies?

4 | SOLICITOR BURDETTE: Yes, Your Honor.

5 | THE COURT: All right.

6 | MR. DAVIS: If I could take -- just glance at them
7 | with the clerk here, Your Honor, and hand them back to see
8 | if they're the same ones that we had received. That's
9 | all.

10 | THE COURT: I think the clerk actually has the
11 | certified copies if you want to -- I'm sorry. The court
12 | reporter. I'm sorry.

13 | MR. DAVIS: May, may I approach, Your Honor?

14 | THE COURT: Yeah.

15 | Okay. All right. This -- I'm sorry. I do. I, I --
16 | actually I have them. Sorry.

17 | MR. DAVIS: Thank you, Your Honor.

18 | THE COURT: Okay. Thank you.

19 | MR. DAVIS: And, Your Honor, even though the, the,
20 | the State has complied with the requirements of the, of
21 | the, of the law -- first of all, out of an abundance of
22 | caution, I'd like to re -- renew all my trial -- pretrial
23 | and trial motions, Your Honor---

24 | THE COURT: All right.

25 | MR. DAVIS: ---and also make a motion now for a new

1 trial since we believe a, a reason -- no reasonable jury
2 could of found the evidence provided that, that the, the
3 defendant was guilty of the crime.

4 THE COURT: All right. I'll respectfully deny the
5 previous motions. Also I'll deny your motion for a new
6 trial.

7 I think there was substantial evidence pointing
8 toward Mr. McConnell's guilt. The jury deliberated for
9 some time about the circumstances of the case. They
10 wished to see video and some other questions pertinent to
11 what Mr. McConnell was charged with.

12 So, I think the jury definitely deliberated and
13 thoughtfully came to their verdict and I will not stand --
14 step in place of that and deny your motion.

15 MR. DAVIS: Thank you, Your Honor.

16 On, on the LWOP, I would ask the Court to not impose
17 that given the fact that there were issues brought up and
18 that Mr. McConnell attempted to cooperate and then they
19 turned around and LWOP'ed him after he had received --
20 after his one counsel was relieved and he was reassigned
21 to the Pubic Defender's Office and with very short notice.

22 And, at that point, after talking to him and trying
23 to get him, you know, get him -- actually getting
24 information from him, the, the solicitors -- just because
25 they can do something doesn't mean they should do

1 something. The power to do it doesn't mean that the, the
2 power shouldn't be reviewed and we ask the Court to not
3 impose, impose a life without parole even though he may
4 meet, meet the definitions and the requirements might be
5 met.

6 We ask the Court to exercise the discretion that they
7 surely -- certainly can and, and sentence him as if he had
8 committed a, a, a -- the normal possession -- distribution
9 third, Your Honor.

10 THE COURT: Okay.

11 All right. Anything from Mr. McConnell?

12 Be happy to hear from him.

13 THE DEFENDANT: Yeah, like my case was real messed
14 up. My paperwork was messed up. Like they been a lot of
15 errors in my case. Like I mean the indictment's not right
16 and then they charged me with heroin on, on -- in my
17 paperwork.

18 So I mean my indictments ain't right or none of that
19 ain't right. You hurt me.

20 THE COURT: Okay. All right. Is that all, Mr.
21 McConnell?

22 THE DEFENDANT: So, I just ask you to be light on me.

23 THE COURT: All right. Anything from the State in
24 regards to sentencing?

25 SOLICITOR BURDETTE: Your Honor, I would just like to

1 say that I don't take this lightly. It is very hard for
2 me to stand up here and get life without the possibility
3 of parole on a defendant.

4 Like I said in my closing, I, myself, was a defense
5 attorney. I've been there. I've done it.

6 I don't LWOP every single case I have. I have
7 several of them that are LWOP'able that I can serve life
8 on them and I don't.

9 The reason we served life on this defendant is
10 because it is been nonstop behavior. He has went to
11 prison for 10 years, then got out and did---

12 THE DEFENDANT: But I ain't never had no Fentanyl
13 charge. No.

14 THE COURT: Mr. McConnell.

15 SOLICITOR BURDETTE: He then got out---

16 THE DEFENDANT: So---

17 SOLICITOR BURDETTE: ---and did---

18 THE DEFENDANT: And then they didn't never say---

19 THE COURT: Mr. McConnell.

20 THE DEFENDANT: ---I got -- see. Man, I don't care.
21 This been the---

22 SOLICITOR BURDETTE: He then got out and did 12 years
23 --

24 THE DEFENDANT: So, indictment ain't wasn't right
25 though.

1 SOLICITOR BURDETTE: -- on distribution of drugs.

2 THE DEFENDANT: So who -- so who---

3 SOLICITOR BURDETTE: He was---

4 THE DEFENDANT: And I was using drugs though.

5 THE COURT: Mr. McConnell, if you don't stop I'm gon'
6 have you taken out.

7 THE DEFENDANT: You can put me back out. I don't
8 care at this point. So --.

9 SOLICITOR BURDETTE: He was out. He was released
10 from prison in December of 2023.

11 The next case I have on him is a buy from March of
12 2024 that is still pending. He immediately got out of
13 prison and continued to sell drugs.

14 Fentanyl is such a dangerous drugs (sic). You can
15 look it up. You can look up the statistics. People are
16 dying right now as we speak over Fentanyl, and this little
17 bit amount, people are dying over. It is a serious
18 offense -- serious offense and there's nothing we can do
19 to stop Mr. McConnell from this behavior except keep him
20 behind bars.

21 It is the State's position that -- we had offered him
22 16 years. I wish he would of made better choices. I wish
23 he wouldn't of sold Fentanyl that day. But that's not my
24 decision. That was Mr. McConnell's.

25 THE DEFENDANT: So, I wasn't selling it.

1 SOLICITOR BURDETTE: He turned down the plea offer.
2 We tried to work with him. He was not willing to work
3 with us, Your Honor. We served life on him and I believe,
4 in this case, it is necessary that Mr. McConnell serve
5 life.

6 THE COURT: All right. Have him step back for a
7 second. I want to look at something. You can step back
8 out.

9 Y'all have a seat just a second.

10 (WHEREUPON, a short recess was taken at this time.)

11 THE COURT: All right. Have him come back in.

12 (WHEREUPON, the defendant comes into the courtroom at
13 this time.)

14 THE COURT: All right. I've listened to the
15 arguments of the State. Also as to Mr. McConnell and
16 as -- I've heard his take on the case and looked at the
17 recidivist statute, 17-25-45.

18 In this case, I believe the State is served proper
19 notice that prior convictions fall in the parameters of
20 the recidivist statute as outlined by the Legislature,
21 Legislature, Legislature in this case and I will follow
22 that statute.

23 So, the State versus Donquavis Johontelle McConnell,
24 two -- 2024-GS-46-05218, sentence of the Court is you be
25 committed to the Department of Corrections for a period of

1 life.

2 (WHEREUPON, the defendant laughed at this time.)

3 THE COURT: All right. Good luck to you.

4 THE DEFENDANT: All right. I love you.

5 UNIDENTIFIED INDIVIDUALS: Love you.

6 THE DEFENDANT: Fuck y'all.

7

8 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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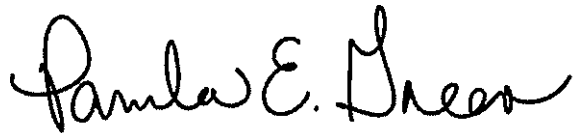
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for York County, South Carolina, on the 5th and 6th day of January, 2026.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

February 10th, 2026

A handwritten signature in cursive script that reads "Pamela E. Green". The signature is written in black ink and is positioned above a horizontal line.

PAMELA E. GREEN, Court Reporter

Messages - Message Viewer: hey

Activity Log

Info

Reference #: 227,260,594

Subject: hey

From: DONQUAVIS MCCONNELL (114812)

To: Morgan McClaugherty

Sent: 01/15/2025 1:09 PM

Delivered: 01/15/2025 1:09 PM

Status: Recipient Read

Message

hey im ready to do what i have to do i have i few people that have ounces. let me kno something i will work for yall do what yall want me to thank you

Translate to English

There are other messages associated with this conversation.

[View Next Message](#) →



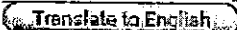
Activity Log

Info

Reference #:	227,319,722
Subject:	RE: hey
From:	Morgan McClaugherty •
To:	DONQUAVIS MCCONNELL  (114812) •
Sent:	01/15/2025 8:40 PM
Delivered:	01/15/2025 8:40 PM
Status:	Deleted (Read)

Message

Okay, I will come talk to you tomorrow or Friday.

 Translate to English

There are other messages associated with this conversation.

 [View Previous Message](#)

 Messages - Message Viewer: Hey

Activity Log

Info

Reference #:	245,415,104
Subject:	Hey
From:	DONQUAVIS MCCONNELL  (114812) •
To:	Morgan McClaugherty. •
Sent:	05/30/2025 1:22 PM
Delivered:	05/30/2025 1:22 PM
Status:	Recipient Read

Message

I do have the name but you don't never get back at me to lmk anything he have the same thing you want but he's waiting for me to get out but I need to kno can y'all help me get out or a bond and I kno for show that he have ounces of dope his name is Daniel worthyman he doesn't trust a lot of people but I can have him move for me I don't have a number for him because ever 30 day he gets a different number.

[Translate to English](#)

Messages - Message Viewer: Ok

343

[Activity Log](#)[Info](#)

Reference #:	271,066,571
Subject:	Ok
From:	DONQUAVIS MCCONNELL  (114812) •
To:	Morgan McClaugherty •
Sent:	11/28/2025 1:45 PM
Delivered:	11/28/2025 1:45 PM
Status:	Delivered

Message

Can you please put me online on the website because you didn't help me out thanks

[Translate to English](#)

344 Messages - Message Viewer: Ok

Activity Log

Info

Reference #:	273,071,836
Subject:	Ok
From:	DONQUAVIS MCCONNELL (114812)
To:	Morgan McClaugherty
Sent:	12/11/2025 9:20 PM
Delivered:	12/11/2025 9:20 PM
Status:	Delivered

Message

Can you put me on the website? I been asking you please and thank you

Translate to English

COURT'S 2
EXHIBIT NO. _____
IDENTIFICATION/EVIDENCE
DKT # 24-05-5246
DATE: 11/5/26

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	PURPOSE OF VISIT	TIME-OUT
10/10/24	1414	S. Smith / C. Clark	YCSO	Int	1455
10/10/24	2:15pm	L. Anthony	YCSO	Int	
10/10/24	2:15pm	L. Anthony	YCSO	Int	
10/10/24		L. Anthony	YCSO	Int	
10/10/24	2:30	L. Anthony	YCSO	Int	2:58
10/11/24	7:50	K. Howell / L. Anthony	YCSO	Int	8:08
10/11/24	8:10	K. Howell / L. Anthony	YCSO	Int	8:20
10/11/24	8:20	"	YCSO	Int	8:50
10/11/24					
10/11/24	12:27	L. Frame / Mulder	YCSO	Int	1308
10/13/24	9:15	Martens	DEU	Int	9:55AM
10/13/24	9:55	Martens	DEU	Int	
10/15/24	10:30	Martens	DEU	Int	10:55AM
10/15/24	10:53	Clark / Wood	DEU	Int	11:00
10/15/24	11:00	Martens Clark / Wood	DEU	Int	11:29
10/16/24	9:42	McClougherty / McAffee	DEU	Int	9:40
10/16/24	1420	Clark / Martens	DEU	Int	1454
10/16/24	1450	Clark / Martens	DEU	Int	1528
10/17/24	1436	B. Martens / Thompson	YCSO	Int	1518
10/18/24	2200	J. Moore / B. Vinson	DEU	Int	2333
10/25/24	1355	G. Dailey	TRD	Int	1408
10/25/24	1410	T. Dailey	TRD	Int	1416
10/25/24	8:05	Laurando / McClougherty	DEU	Int	8:20

YORK COUNTY SHERIFF'S OFFICE
DETENT DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
7/15/24	2037	K. Martin K. Martin	YCMDEU		Int.	2090
7/15/24	2045	K. Martin	YCMDEU		Int.	2054
7/16/24	1003	S. Ramsey & C. Clark	YCMDEU		Int.	
7/25/24	1500	Curtis / Gorman	Y/D		Int.	1604
7/25/24	3:00	McClougherty / Lawrence	DEU		Int.	3:31
8/6/24	809	McClougherty	DEU		Int.	8:32
8/10/24	918	Johnvan Smith	SEDC		Int.	1145
8/10/24	918	Amber Love	SEDC		hearing	1145
8/6/24	1045	Q. L. / Hase	DEU		Int.	1134
8/6/24	1154	Clark / Hase	DEU		Int.	
8/7/24	1119	R. Herring	RHPD		Int.	1128
8/7/24	1450	Asken, Sgt. Bradhill / Barone	YCSO / SBI		Int.	1541
8/8/24	1113	B. Walton / J. Ramirez	YCSO		Int.	1232
8/9/24	17:38	Horne / Moore	YCMDEU		Int.	1924
8-9-24	0951	N. Anderson	RHPD		Int.	1019
8/9/24	2:06	Laurencio & McClougherty	YCMDEU		Int.	2:37
8/12/24	1111	Asken / Barker	YCSO		Int.	1147
8/12/24	1:37	McClougherty / Lawrence	DEU		Int.	
8/13/24	838	Hankler	YCSO		Int.	0843
8-13-24	1328	N. Anderson	RHPD		Int.	1345
8/13/24	1520	K. Martin & Gorman	DEU		Int.	1553
8/13/24	1540					
8/13/24	1600	Martin Gorman	DEU		Int.	1650

Page Number

347

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
6/26/24	703 pm	McIntosh / Smith	DEU		Int	707 pm
6/26/24	1405	OS McIntosh Farmer				
6/26/24	1439	Smith / House	YCMDEU		Int.	1453
6/27/24	0801	C. Wormsley	YCSO		Interview	0840
6/27/24	08:35	Hines / Galloway / Castles	YCSO/DEU		Int	08:43
6/27/24	11:00	Wormsley	YCSO		Interview	1131
6-27-24	11:25	N. Anderson	RHPD		Intervew	1142
6/28/24	1405	McAfee / McClaugherty	DEU		Int +	2:28 pm
6/28/24	2:22 pm	" "	" "		Int	2:46 pm
6/28/24	1626	P. Littlejohn	PPP		GPS	1636
6/28/24	9:20 pm	Jason Angelo Smith w/Har	DEU		Int	2440
6/28/24	9:45 pm	Jeremy McLaugherty	DEU		Int	2240
7/1/24	1602	Barker / Day	YCSO		Int	1106
7/1/24	1506	Antar Loe	DEU		Int	248/1448
7/1/24	1432	Frank Billingsley	YCSO		Int	1511
7/2/24	0842	Clark / House	YCSO		Int	0919
7/2/24	1511	Barker	YCSO		Int	1536
7/3/24	1548	Clark / Smith	YCMDEU		Int	1635
7/3/24	1638	Clark / Smith	YCMDEU		Int	1646
7/5/24	1259	Barker / Yates	YCSO		Int	1318
7/8/24	0948	Clark / Smith	YCMDEU		Int	1045
7/8/24	1026	Rebecca Carlo	RHPD		Interview	1051
7/8/24	1400	Clark / Smith	YCMDEU		Int	1403

647

**YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log**

Page Number _____

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
6/11/24	7:34 AM	J.M. Ligon	CNTPD		Interview	8:07 AM
6/11/24	10:09 AM	Frank/Billingsley	YCSO		Int	11:52
6/11/24	11:01	Frank/Billingsley	YCSO		Int	11:02
6/11/24	10:45 AM	Ligon/McClure	YCSO		Int	11:00 AM
6/11/24	11:04	Asken Wong	YCSO		Int	11:08
6/12/24	3:08 AM	Asken Wong	DEU		Emergency Int	3:25 AM
6/13/24	12:54	Asken Wong Baker	YCSO		Int	2:10 PM
"	"	"	"		"	2:10 PM
6/14/24	11:04	Frank/Billingsley/McClure	YCSO		Int	11:51
6/14/24	14:00	Begich	RHPD		Int	15:04
6/17/24	8:30	Smith / House	DEU		Int	9:43
6/18/24	8:24	McClure/McClure/Laurence DEU	DEU		Int	8:38
6/18/24	11:14	Tucker	YCSO		Interview	11:25
6/18/24	14:28	HAMBLEN/SIERA	YCSO		Int	15:10
6/18/24	15:10	HAMBLEN/SIERA	YCSO		Int	15:45
6/19/24	14:17	Ramsay	YCSO		Int	15:11
6/19/24	2:33 PM	McClure/McClure	DEU		Int	2:53
6/20/24	18:05	Deputy Gunn	YCSO		Interview	18:36
6/21/24	10:34	Det Barker/St Asken	YCSO		Interview	11:22
6/21/24	"	"	"		Sw Int.	11:22
6/24/24	10:45	Penicilla Gith	DEU		Invest	10:50
6/25/24	9:53	Nathan Averett	RHPD		Interview	10:33

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number _____

DATE	TIME-IN	NAME	AGENCY	NAME OR INITIALS	PURPOSE OF VISIT	TIME-OUT
5-24-24	10:22	T. Kinnee	YCSO		Int.	1142
5-24-24	1448	DAY	YCSO		Int.	1519
5-27-24	1545	T. Broehn	YCSO		Int.	1605
5/28/24	0901	Barker / Kinnee	YCSO		Int.	0906
5/28/24	1012	Merlins / Smith	DEU		Int.	1042
5/28/24	1157	Broehn / Gense	YCSO		Int.	1140
5/29/24	8:59p	Laurenzio / McClougherty	DEU		Int.	9:10
5/31/24	1006	Frame / Williamson	YCSO		Int.	1140
5/31/24	10:05	McAfee	YCSO		Int.	10:57
6/1/24	1603	Barker	YCSO		Int.	1637
6/3/24	2:43p	Sims	YCSO		Int.	3:06p
6/3/24	6:45pm	Daveed	PPP		Int.	6:55pm
6/4/24	8:13A	McClougherty / Laurencio	DEU		Int.	8:34
6/4/24	1647	Clerk / Smith	DEU		Int.	1104
6/4/24	1500	Clerk / Mortens	DEU		Int.	1524
6/5/24	0202	J. Moore	DEU		Int.	0243
6/5/24	0907	Billingsley	YCSO		Int.	0947
6-5-24	1346	S.V. Davis	PP		Ad. Hearing	1455
6/5/24	1610	J. Moore / Clark	DEU		Int.	1728
6/5/24	1728	J. Moore / Clark	DEU		Int.	1811
6/5/24	2050	J. Moore / Smith	DEU		Int.	2058
6/7/24	1518	DAY	YCSO		Int.	1637
6/7/24	2:48	McAfee	DEU		Int.	1457

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
5/16/24	1101	Barker/Wong	YCSO	Edwin Carroll	Int	1135
5/17/24	705 pm	Martinez	DEU		Int	231 pm
5/17/24	1450	Barker/Wong	YCSO		Int	1524
5/17/24	2005	Barker/Wong Smith/House	YCSO		Int	2040
5/17/24	2031	Moore/Clark	YCSO		Int	2102
5/17/24	2041	Smith/House	YCSO		Int	2148
5/17/24	2102	Moore/Clark	YCSO		Int	2146
5/17/24	2147	Moore/Clark	YCSO		Int	2313
5/18/24	0320	Ramirez/Whitesides	YCSO		Int	0359
5/18/24	0400	Ramirez/Whitesides	YCSO		Int	0427
5/20/24	8:21	McClougherty/Laurencio	DEU		Int	8:33
5/20/24	0823	Barker/Moseley	YCSO	Edwin Carroll	Int	0830
5/20/24	1308	Hamblen	YCSO		Int	1329
5/20/24	1412	Day	YCSO		Int	1458
5/20/24	1458	Day	YCSO		Int	1548
5/20/24	1618	A. Clark/Hamblen	YCSO		Int	1630
5/20/24	2020	R. Harris	YCSO		Int	2045
5/21/24	1500	Asst. Dir.	YCSO		Int	1522
5/23/24	1605	Hernandez/Wolthman	YCSO		Int	1628
5/23/24	5:03	McClougherty/Laurencio	DEU		Int	
5/23/24	5:05	McClougherty/Laurencio	DEU		Int	5:27
5/23/24	7:32 pm	Martinez/Clark	DEU		Int	7:40
5/23/24	7:40 pm	" "	" "		" "	8:00 pm

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
4/30/24	10:30	Eric Olsen	RHPD		Interview	10:45
5/2/24	13:19	Asker Wallace	YCSO		Int.	1343
5/2/24	13:50	Asker Wallace	YCSO		Int.	1413
5/3/24	18:34	C. Clark	YCSO		Int.	1850
5/3/24	18:41	C. Clark	YCSO		Int.	1857
5/4/24	12:22	S. Blanton	YCSO		Int.	12:36
5/5/24	19:47	C. Clark	YCSO		Int.	1955
5/7/24	14:26	SIERRA / HAMBLEN	YCSO		Int.	1446
5/8/24	11:36	Sierra	YCSO		Int.	11:48
5/8/24	2:21	McLaugherty/Laurenio	YCSO		Int.	3:05
5/8/24	3:00	L. France	YCSO		Int.	1512
5/9/24	1:47pm	Wong/Barker	YCCD		Int.	1404
5/10/24	3:30	Piggan	YCMDEV		Int.	0345
5/10/24	9:57	McLaugherty/Laurenio	DEV		Int.	10:34
5/11/24	3:33pm	Sierra/Conde	YCSO		Int.	4:10pm
5/11/24	8:15pm	LOUNENCO	DEV		Int.	8:26pm
5/13/24	10:46pm	McAfee	DEV		Int.	11:17pm
5/14/24	8:58am	McLaugherty/Piggan	DEV		Int.	8:47
5/15/24	11:10am	Hause/Moore	DEV		Int.	13:26
5/15/24	10:18am	McAfee/Dailey	DEV		Int.	11:27
5/15/24	17:30	Clark/Moore	DEV		Int.	1833
5/16/24	2:30	Laurenio/McLaugherty	DEV		Int.	1512
5/17/24	1:45pm	Martinez	DEV		Int.	2:05pm

**YORK COUNTY SHERIFF'S OFFICE
DETENT DIVISION
Law Enforcement Personnel Sign-In Log**

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
4/9/24	8:30	Laurencio/McCaughy	DEU		Int	8:36
4/9/24	8:36	Laurencio/McCaughy	DEU		Int	9:27
4/9/24	1308	Barker	YCSO		Int	1327
4/9/24	1352	Frame	YCSO		Int	1407
4/10/24	0830	Challant/Castro	DEU		Int	0855
4/12/24	2253	Moore/Smith	DEU		Int	2350
4/12/24	2350	Moore/Smith	DEU		Int	2357
4/15/24	1344	Wong/Barker	CFP		Int	17:47
4/15/24	1418	Wong/Barker	YCSO		Int	1442
4/16/24	9:49	McCaughy/House	DEU		Int	10:00
4/17/24	2:00	Bolton	DEU		Int	2:40
4/17/24	8:27	Hause/Smith	DEU		Int	0847
4/17/24	1437	Barker	YCSO		Int	1501
4-18-24	1160	A. Smith	YCSO		Int	1150
4-18-24	1615	Quirly/House	DEU		Int	17:04
4-19-24	1600	T. Kinnee	YCSO		Int	16:29
4/20/24	1132	Pacetti/House	YCP		Int	1148
4/23/24	1409	Stewart/Barker	YCSO		Int	1424
4/23/24	15:12	Wong/Barker	YCSO	Edwin Carroll	Int	15:53
4-24-24	1246	Rochin	YCSO		Int	1304
4/25/24	2:07	McAffee/McCaughy	YCSO		Int	
4-26-24	1420	Barker	YCSO		Int	
3:01 pm	4/29/24	Wong/Casny	YCSO		Int	1544

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
3/22/24	1951	Baker, Arkel	YCSO		Int.	2038
3/22/24	2041	Hase, Brian	Dev		Int.	2047
3/23/24	0018	J. Moore / S. Smith	DEU		Int.	0112
3/24/24	1130	Cumbarand	YCSO		Int.	
3/26/24	0750	McIntosh	DEU		Int.	804
3/26/24	8:57	McLaugherty / Lawrence	DEU		Int.	9:23
" "	9:23	" "	" "		Int.	9:49
3/26/24	11:25	S. Smith / McIntosh	DEU		Int.	11:51
3/26/24	11:51	S. Smith / J. House	DEU		Int.	12:43
3/27/24	1250	Brochin	YCSO		Int.	135
3-27-24	1619	B. Bolton / A. Smith	YCSO		Int.	1630
3-27-24	1930	L. B. B. / O. CASTRO	DEU		Int.	2015
3/29/24	2055	Gratton / J. G. G. G.	YCSO		Int.	2117
4/1/24	1530	L. Fram	YCSO		Int.	1557
4/2/24	0733	M. McIntosh	DEU		Int.	7:43
4/2/24	8:24	McLaugherty / Lawrence	DEU		Int.	8:34
4/2/24	1333	Schiffke / Werner	YCSO		Int.	1433
4/3/24	3:23P	McLaugherty / Muller	DEU		Int.	3:35
4/5/24	10:00P	McIntosh	DEU		Int.	10:08
4/5/24	10:08P	McIntosh	DEU		Int.	10:15
4/8/24	11:23am	Burke / Askew	YCSO		Int.	12:12pm
4/8/24	2:44P	Naomi Decker	MPD		Int.	3:14P
4/8/24	2:44P	Landry Vaught	MPD		Int.	3:14P

1422

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
3/11/24	0645	Clinton, Amanda Lee	RHPD		Int.	0659
3/14/24	1535	Quincy Davis ^{Beach}	YCSO		Int	1536
3/15/24	00:08	T. Salvador	Forthill		Int	00:14
3/15/24	1010	Quincy Davis ^{Beach}	YCSO		Int	1055
3/15/24	12:22	McClougherty/McAfee	DEU		Int	12:54
3/15/24	1700	A Smith	YCSO		Int	1713
3/15/24	2028	Quincy Davis ^{Beach}	YCSO		Int	2200
3/15/24	2200	Travis Moore / Smith	YCSO		Int	2217
3/18/24	0915	Frank Billingsley	YCSO		Int	0956
3/18/24	10:00	McClougherty/McAfee	DEU		Int	12:23
3/18/24	2045	Perkins	YCSO		Int	2053
3/19/24	8:10AM	McClougherty/Laurencio	DEU		Int	8:31
3/19/24	9:13AM	McClougherty/McAfee	DEU		Int	9:38
3/19/24	10:34AM	Breanna Joell Pittman	HMSPD		Int	1108
3/20/24	11:03AM	McClougherty/McAfee	DEU		Int	11:12
3/20/24	11:31	Barker Cepeda	YCSO		Int	1158
3/20/24	1140	Carpenter Smith	DEU		Int	1640
3/21/24	1057	Quincy Davis ^{Beach}	YCSO		Int	1119
3/21/24	1351	Barker	YCSO		"	1356
3/21/24	1558	Quincy Davis ^{Beach}	DEU		Int	1605
3/21/24	2212	Moore/Carter	DEU		Int	2331
3/22/24	2:24	J. Cox	RHPD		Int	2:44
3/23/24	10:13 PM	M. Carter	DEU		Int	10:26 PM

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number _____

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
2/28/24	10:33	Barker / Asken	YCSO		Int	1103
2/28/24	12:41	J. COX	RHPD		Interview	2:56
2/28/24	4:20p		DEU	McLaugherty / McAlfee	Int	4:54
2/28/24	4:55			" "	Int	
2/28/24	5:26		DEU	McLaugherty / McAlfee	Int	17:50
2/28/24	20:50		YCSO	C. Clark	Int	21:13
2/29/24	12:07		YCSO	Wong / Barker	Int	12:27
3/1/24	12:22		DEU		Int	17:05
3/1/24	13:37	Wilton Anderson / Sodas / Piper	YCSO / RHPD		Search Warrant	
3/2/24	11:49	Wong / Barker	YCSO		Int	12:13
3-5-24	12:11am	Josk Todd	DEU		Int	12:35
3-5-24	8:26	McLaugherty / Lawrence	DEU		Int	8:33
" "	8:33	" "	" "		Int	8:54
" "	8:54	" "	" "		Int	9:03
3/5/24	10:58	J. Moore / Smith	DEU		Int	13:29
3/5/24	13:39	J. Moore / Hawkins	DEU		Int	13:48
3/5/24	13:44	J. Moore / Hawkins	DEU		Int	14:42
3/5/24	14:22	Asken / Barker	YCSO		Int	15:00
3/5/24	20:53	Pence	YCSO		Int	21:10
3/6/24	12:57	Barker / Wong	YCSO		Int	13:01
3/12/24	8:14	McLaugherty / Lawrence	DEU		Int	8:34
3/12/24	10:45	Eric Olson	RHPD		Int	11:26
3/13/24	14:05	Tru. Smith / Ann. House	DEU		Int	14:45

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
7/8/24	1106	Clark / Smith	YCMDEU		Int	1152
7/10/24	1506	Motton / Isidor	YCSO		Int	1705
7/11/24	1322	L. Frame	YCSO		Int	1341
7/12/24	1543	McAfee / McLaugherty	DEU		Int	3:54
7/12/24	1530	McAfee / McLaugherty	DEU		Int	4:09
7/14/24		L. Anthony	Dep		Int	0144
7/15/24	3:56pm	Gallant / Hines	DEU		Int	4:48
7/16/24	2:09	McLaugherty / Lawrence	DEU		Int	
7/16/24	16:03	Ramsey / Clark	DEU		Int	16:40
7/16/24	16:43	Ramsey / Clark	DEU		Int	12:16
7/18/24	3:42	McAfee / McLaugherty	DEU		Int	4:58
7/19/24	2:53	McAfee / McLaugherty	DEU		Int	7:37
7/19/24	1:13	Wong / Barker	CFD		Int	2:10
7/19/24	1:38	Wong / Barker	CFD		Int	8:55
7/19/24	8:1	Lewis Tuttle	DEU		Int	10:50
7/24/24	10:07	"	"		Int	1439
7/24/24	1414	Day / Barker	YCSO		Int	1533
7/24/24	1440	Day / Barker	YCSO		Int	1257
7/25/24	1045	Clark / Moore	YCMDEU		Int	1400
7/25/24	12:35	Carroll / Smith	YCMDEU		Int	
7/25/24	12:38	Moore / Clark	YCMDEU		Int	
7/25/24	14:01	Moore / Clark	YCMDEU		Int	1458

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

357

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
7/25/24		T. Dailey	YCSD		interview	1536
7/25/24	1537	T. Dailey	YCSD		interview	1539
7/25/24	1405	Day	YCSD		intv.	1417
7/26/24	1640	S. Smith/Clark	YCMDEU		Int	1710
7/26/24	1710	S. Smith/Clark	YCMDEU		Int	1723
7/26/24	1723	C. Clark/S. Smith	YCMDEU		Int	1734
7/29/24	1327	L. Hamblen	YCSD		Int	1335
7/29/24	1416	M. Hicks/Smith	DEU		Int	1441
7/29/24	1541	B. Mutton/T. Simpson	YCMDEU		Int	1717
7/30/24	1025	Smith/Clark	YCMDEU		Int	1040
7/30/24	1028	Lesser/Gardley	Huntersville		Interview	
7/30/24	1040	Smith/Clark	YCMDEU		Int	1132
7/31/24	1218	McLaugherty/McAfee	DEU		Int	12:26
7/31/24	12:26	"	DEU		Int	12:58
7/31/24	14:38	Jefferson, C. Martens	YCMDEU		Int	15:01
8/1/24	1629	McLaugherty/McAfee	DEU		Int	4:45
8/2/24	1014	Anthony, Avera	Selma		interview	11:30
8/2/24	1301	Matt Beach	CHP		interview	13:30
8/2/24	1748	Rameez Beetholf	YCSD		interview	
8/3/24	0019	McLaugherty/King	DEU		Int	12:52
8/3/24	0058	"	DEU		Int	
8/4/24	1745	T. Runner	YCSD		Int	18:00
8/9/24	1000	Clark/Houser	YCMDEU		Int	1040

F422

**YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log**

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
8/12/24	1203	Robert Smith	YCSO		Int.	1335
8/13/24	1335	L. Frame	YCSO		Int.	1342
8/15/24	9:14	McClaugherly/Laurencio	DEU		Int.	9:21
8/16/24	9:27	Aycock/Hend	EMPD		Int.	9:56
8/14/24	0853	L. Frame	YCSO		Int.	0906
8/22/24	0840	Martin	YCSO		Int.	0945
8/22/24	0933	L. Frame/Billingsley	YCSO		Int.	0945
8/22/24	1756	S. Smith/C. Clark	YCMDEU		Int.	1313
8/22/24	1313	S. Smith/C. Clark	YCMDEU		Int.	1432
8/22/24	1432	C. Clark/S. Smith	YCMDEU		Int.	1452
8-23-24	11:00	Rusty Cranham	SCAPPS		Paperwork	11:15
8/24/24	1500	Atten	YCSO		Int./Parent	1515
8/24/24	1515	Atten	YCSO		Int./Parent	1525
8/26/24	10:30	Baugh	DEU		Int.	1045
8/26/24	1649	Wells/Wend	USSS		Int.	
8/26/24	1709	McMillin			Int.	
8/26/24	1120	M. Mathis	PPP		Paperwork	11:55
8/29/24	0834	L. Frame	YCSO		Int.	0930
8/29/24	0930	L. Frame/Billingsley	YCSO		Int.	0938
8/29/24	1041	Barker	YCSO		Int.	1047
8/30/24	11:43	McAfee/McClaugherly	YCSO		Int.	12:11 pm
8/30/24	12:	"	YCSO		Int.	
8/30/24	1522	Barker/A Wallace	YCSO		Int.	1614

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number _____

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
8/30/24	1523	Barker/Wallace	YCSO		Int	1614
8/30/24	2127	Smith/Moore	YCMDEU		Int	
9/3/24	1132	Barker	YCSO		Int	1204
9/3/24	2300	Tull	SCHP		Int	2313
9/4/24	1550	Clark/Merten	YCPDEU		Int	1627
9/4/24	1622	Wooten/Clark	YCMDEU		Int	1650
9/4/24	1622	Wooten/Clark	YCMDEU			
9/5/24	810	Launoncio	YCMDEU		Int	845
9/6/24	0950	Hose/Ransay	YCMDEU		Int	0955
9/6/24	1745	Barker/Clark	YCMDEU		Int	
9/9/24	1452	Smith/Clark	YCMDEU		Int	1503
9/9/24	1504	Smith/Clark	YCMDEU		Int	1537
9/10/24	0840	Hose/Clark	YCMDEU		Int	
9/10/24	10:22	McLaugherty	YCMDEU		Int	10:26
9/10/24	10:38	McAfee/Phelps	YCMDEU		Int	10:46
9/10/24	1515	Barker/Paul	YCSO		Int	1603
9/11/24	1608	Smith/Barker K. Martin	DEU		Int	1617
9/11/24	1618	K. Martin	DEU		Int	1624
9/12/24	1113	Wong/Barker	YCSO		Int	1135
9/12/24	1830	Smith/Barker K. Martin	YCMDEU		Int	1846
9/17/24	8:12	McLaugherty/Laurencio	YCMDEU		Int	8:32
9/17/24	8:55	"	YCMDEU		Int	9:04
9/17/24	1342	Barker	YCSO		Int	1356

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
9/17/24	1355	Asken/Baker	YCSO		Int.	1420
9/17/24	1526	Horse / Smith	YCSO		Int.	
9/19/24	1008	Smith / Smith Horse	YCSO		Int.	1051
9/19/24	1052	Smith / Horse	YCSO		Int.	1136
9/19/24	1137	Smith / Horse	YCSO		Int.	1158
9/19/24	1329	Billingslea / Frame	YCSO		Int.	1400
9/19/24	1400	Frame / Billingslea	YCSO		Int.	1447
9/19/24	1443	Asken / Kinnee	YCSO		Int.	1535
9/19/24	1526	Asken / Kinnee	YCSO		Int.	1607
9/20/24	1050	Rice / Rice	YCSO		Int.	1106
9/23/24	1524	Frame / Billingslea	YCSO		Int.	1608
10/8/24	10:15	U. Nelson / S. Brown	CMPD		Int.	10:44
10/8/24	11:25	Cravie / Pisank	Local		Local	11:33
10/9/24	10:41	Fleisher / Epling / Dunn	Solicitor		vic. Meeting	10:54
10/12/24	15:12	Martens / Smith	DEU		Int.	1600
10/22/24	17:29	Mayer	DEU		Int.	17:42
10/23/24	14:34	McNamee Smith / Smith	YCSO		Int.	1446
10/24/24	0611	Smith / Vinson	DEU		Int.	0646
10/24/24	1510	Smith / Baker	DEU		Int.	1547
10/24/24	8:43pm	Laurencio / McLaughlin	DEU		Int.	9:59
10-28-24	11:57am	Steven Sikes	YCSO		new dog	12:06pm
11-13-24	1020 a	Frame / Billingslea / Mulder	YCSO		Int.	1039a
11-18-24	1425	Norris	YCSO		Int.	1432

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
9/20/24	1:00	J. Smith	SCDC Parole		Neatly visit	1:35
9/26/2024	2:59	C. Vanish	SCDCPS		Warrant service	5:15
9/20/24	1615	Asken K. Neely	YCSO		Int.	1625
9/22/24	1320	Billingham, Kevin	YCSO		Int	1400
9/23/24	1310	Brooklyn	YCSO		Int	1350
9-25-24	0927	Reach/Calkins	RHPD		Int	0946
9/25/24	1013	T. Dwyer	TCPD		Int / Warrant service	1043
9/25/24	1105	Clerk / Keys	YCNDEU		Int	1115
9/29/25	1115	Clark / Hoss	YCNDEU		Int	1123
9/27/24	0524	C. Dwyer	YCSO		Int	0435
9/30/24	1242	Clark / Smith	YCNDEU		Int	1335
10/1/24	8:10	Laurenzio / McLaugherty	YCNDEU		Int	8:33
10/1/24	9:05	L. Frame	YCSU		int	1014
10/2/24	1642	Barker	YCSO		int	1653
10/3/24	14:01	Heriot	FMPD		Interview	1419
10/3/24	15155	Sr Smith / J. Hoss	YCNDEU		Int	1620
10/3/24	1911	McAfee	YCNDEU		Int	
10/4/24	2:11	McLaugherty / Laurenzio	YCNDEU		Int	2:36
10/4/24	1740	Figueroa / Kevin	YCNDEU		Int	1745
10/6/24	2139	Leary	DEU		Int	2144
10/7/24	1444	Asken / Barker	YCSO		Int	1521
10/8/24	0854	Sr Smith / Cook	YCNDEU		Int	0931
10/8/24	0906	S. Lamb / J. Reckman	FMPD		Interview	0952

F432

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number _____

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
10-24-24	2140	Danielle Gatti/Martin	YCMDEU		Interview	2251
10/28/24	0432	M. HOWELL	YCSO		Int.	0420
10-28-24	0845	S.J. Owens	PPP		Int. HUNTS	
10/29/24	1100	MARTIN / Baling	YCMDEU		Int.	1106
10/30/24	0846	Clark / Moore / Wood	YCMDEU		Int	0930
10/31/24	1:50 PM	Marion Horior	FMPD		Int	1:55 PM
11/1/24	1055	Seaton Berkley	YCSO		Int	1115
11/5/24	0855	J. Moore / S. Smith	YCMDEU		Int.	0908
11/5/24	1313	J. Moore / C. Clark / Glenn	YCMDEU		Int.	1400
11/6/24	8:44	McAfee	YCMDEU		Int	9:17
11/6/24	9:17	McAfee / MacLaughlin	YCMDEU		Int	9:23
11/6/24	1201	L. Hamblen	YCSO		Int	1238
11/7/24	0945	Berkley / Asenow	YCSO		Int	0955
11/7/24	1458	Danielle Gatti	DEU		Int	1505
11/7/24	1611	Smith / Martins	DEU		Int	1646
11/8/24	1455	Martins / Gatti	DEU		Int	1520
11/12/24	1220	Burns	YCMDEU		Interview	1230
11/12/24	1423	Martins / Smith	DEU		Int	1439
11/12/24	1455	Berkley	CSU		Int	1445
11/12/24	1536	Martins / Smith	DEU		Int	1603
11/12/24	1603	"	"		"	1619
11/15/24	11:51	McAfee / MacLaughlin	DEU		Int	12:58
11/15/24	1359	HAMBLEN / YATES	YCSO		Int	1434

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number _____

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
11/22/24	1342	Clark / Mortens	DEU		Int	1434
11/22/24	1540	Smith / M. Mortens	DEU		Int	1611
11/22/24	1615	" "	"		Int	1628
11/25/24	1250	Martin	RHPD		Int	1338
11/25/24	1250	Aster / Barker	YCSO		Int	1336
11/25/24	1337	Aster / Barker	YCSO		Int	1356
11/29/24	1042	Aster Clark / Ramsey	DEU		Int	1052
11/27/24	0817	Clark	DEU		Int	
11/30/24	0535 AM	Clark Baling	DEU		Int	5:45 AM
12/3/24	0842	Smith / Whitson	DEU		Int	0903
12/3/24	1122	Aster / Whitson	DEU		Int	1136
12/3/24	1344	Frame	YCSO		Int	1428
12/4/24	01:57 PM	Anthony / Wans	YCSO		Int	10:08
12/4/24	10:34	Whitson / Smith	DEU		Int	11:15
12/4/24	1630	Mort / Baling	DEU		Int	16:51
12/5/24	0959	Aster / Barker	YCSO		Int	1009
12/12/24	0846	Riggs / Neuma	YCSO		Int	0857
12/12/24	1105	Mort / Carlo	RHPD		Int	1125
12/12/24	1520	L. Frame	YCSO		Int	1525
12/14/24	0901	Mort / Rollins	YCSO / RHPD		Int	0940
12/18/24	0921	Smith / Whitson	DEU		Int	1003
12/18/24	1003	Smith / Whitson	DEU		Int	1023
12/18/24	1:20	McClary / McAtfee	DEU		Int	1:40

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
11/19/24	1139	S. Smith / M. Markers	DEU		Int	1158
11/20/24	0940	D. Galli / A. Gallant	DEU		Int	0957
11/20/24	1522	S. Smith / M. Markers	DEU		Int	1540
11/20/24	1545	"	"		Int	1615
11/20/24	1620	"	"		Int	1635
11-21-24	1100	N. Anderson	RHOD		Int	1150
11-21-24	1348	S. Smith / M. Markers	DEU		Int	1415
11-21-24	1420	"	"		Int	1440
12/18/24	1:46	McCluskey / McAffee	DEU		Int	2:00pm
12/20/24	2355	N. Riggs / R. Williams	YCSO		Int	23:57
12/27/24	11:09	Sgt. Susan Link	L.C.S.O.		Int	11:10-11:12
12/28/24	1533	Sgt. G. Pance	YCSO		Int	1547
12/31/24	1525	Clark / Whitson	YODEU		Int	1533
1-1-25	0730	T. V. L. Downing	YCSO		Int	0835
1-2-25	0911	L. Fare / Pillington / Miller	YCSO		Int	0959
1-2-25	1440	A. Clark / S. Louder	YCSO		Int / SW	1455
1/2/25	1519	T. Whitson / J. Moore	YCSO		Int	1527
1/3/25	11:19	Laurence / McAfee	YCSO		Int	1225
1/3/25	1230	Laurence / McAfee	YCSO		Int	1250
1/7/25	11:02	S/A J. Clump	SLED		Int	11:12
1/7/25	11:02	SS/A M. Davis	SLED		Int	11:12
1/7/25	14:15	L. Fare / Miller	YCSO		Int	1450
1/9/25	1340	Markers / Clark	YCSO		Int	1410

F422

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number _____

365

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
1/16/25	8:11 AM	McClougherty, Lawrence	DEU		Int	8:24
1/16/25	8:24	"	"		Int	8:26
1/19/25	1410	Adams, Clark	YCMDEU		Int	1417
1/13/25	1534	Smith, T. Whitson	YCMDEU		Int	1546
1/14/25	0935	Whitson, Clark	YCMDEU		Int	0945
1/14/25	0945	Whitson, Clark	YCMDEU		Int	1000
1/14/25	1011	Whitson, Clark	YCMDEU		Int	1039
1/14/25	1030	Tom Whitson	YCMDEU		Int	1101
1/14/25	10:15am	B. May	RHPD		Interview	11:01 AM
1/15/25	12:55	L. Farn	YCSO		Int	12:56
1/15/25	1:00	L. Farn	YCSO		Int	1:38 PM
1/15/25	1602	Hester, Page	YCSO		Int	1613
1/15/25	1603	Launoy, Madalyn	YCMDEU		Int	1655
1/15/25	1835	L. Boland	DEU		Int	1855
1/16/25	1:52	McClougherty, Mike	DEU		Int	2:41
1/16/25	2:41	"	DEU		Int	3:55
1/16/25	11:00am	Barker, Askeem	YCSO		Int / SW	12:20pm
1/21/25	10:10	Hosier, Brown	YCSO		Int	1:21 PM
1/22/25	10:23	Edge, L. L. Smith	YCSO		Int	17:33
1/22/25	1340	Smith, S. / Team	YCSO		Int	1446
1/22/25	1545	Gatti, Ford	DEU		Int	1725
1/22/25	1730	Gatti, Austin	DEU		Int	1750
1-22-25	1827	Gatti, Austin	YCSO		Int	1813

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
1-22-25	1948	Porter / Clark	YCSO		Interview	2115
"	1955	"	"		"	2022
"	2030	"	"		"	2048
1-23-25	2010	Riggin	YCSO		Interview	2035
1-23-25	2025	Riggin	YCSO		Interview	2035
1-24-25	2031	RAMIREZ	YCSO		Interview	2038
1-28-25	1310	Austin / McLarkin	DEU		Interview	1340
1-28-25	1434	Burke / Wong	YCSO		Interview	1511
1-29-25	0952	Boche	YCSO		Interview	1013
1-29-25	2130	Whitson / Smith	DEU		Interview	2210
1-29-25	2150	Barnes / Leary	DEU		INT	2200
1-29-25	2200	Smith / Whitson	DEU		Int	2230
1-30-25	1450	Frank / Lee	YCSO		Int	1505
1-30-25	1555	Smith / K. Martin	RHPD		Int	1616
2-3-25	9:41	Smith / Whitson	DEU		Int.	1629
2-3-25	1600	Whitson / Clark	DEU		Int	
2-4-25	8:27	Laurenco / McAfee	DEU		Int	9:29
"	"	"	"		Int	10:05
"	"	"	"		Int	10:14
2-4-25	0958	Whitson / Smith	DEU		Int	1037
2-4-25	1038	Whitson / Smith	DEU		int	11:00
2-4-25	1101	Whitson / Smith	DEU		Int	1141

Page Number

367

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
2/4/25	1130	McClurkin, Graham	YCMDEU	[REDACTED]	Int	1145
2/6/25	1137	Burlew, Williams	YCSO		Int	8:35
2/6/25	8:42P	McClary Hardy / Laurence	YCMDEU		Int	3:09
2/7/25	3:02P	" "	YCMDEU		Int	3:39
2/7/25	3:09 P	" "	" "		Int	8:48
2/7/25	7:44 P	McAfee / Laurence	YCMDEU		Int.	
2/11/25	2:40	Clark / Whitson	YCMDEU		Int	3:12 P
2/11/25	2:40 AM	Clark / Whitson	YCMDEU		Int.	0118 AM
2/12/25	0116 AM	N. Riggs	YCSO			
2/12/25						
2/						

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
2/11/25	12:10pm	McLaugherty/Laurencio	DEU		Int	12:50p
2/12/25	11:12pm	McLaugherty/Laurencio	DEU		Int	12:11p
2/12/25	15:12	L. Frame	YCSO		Int	1544
2/12/25	15:23	S. Smith/C. Clark	DEU		Int	1606
2/14/25	9:51	McLaugherty/Laurencio	DEU		Int	10:04
2/14/25	10:04	" "	" "		Int	10:12
2/14/25	15:17	Whitson/Clark	DEU		Int	1535
2-15-25	20:15	Brockm/Wagley	YCSO		Int	2050
2/16/25	03:48	Burke/Billingslea	YCSO		Int	0419
2-17-25	0942	Brockm	YCSO		Int	1001hs
2-17-25	13:37	N. Schiffer	YCSO		Int	1422
2-17-25	1442	Grant/L. Frame	YCSO		Int	1510
2-17-25	1510	Grant/L. Frame	YCSO		Int	1525
2/18/25	13:55	K. Martin	RHPD		Int	1425
2/18/25	1430	K. Martin	RHPD		Int	1455
2/19/25	3:45	L. Martin	YCSO		Int	0358
2/19/25	8:25	Beard	YCSO		Int	8:39
2/20/25	9:28	McLaugherty/Laurencio	DEU		Int	9:59
2/20/25	10:01	" "	" "		Int	
2/20/25	10:35	Samner	CSU		Int	11:23am
2/20/25	16:16	Clark/Splitter	DEU		Int	1650
2/21/25	0850	Frame/Billingslea	YCSO		Int	0940
2/21/25	1430	Amey/Arthur D. Gatti	YCSO/DEU		Int	

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME OUT
2/21/25	5:08PM	D. G. Hi	YCMDEV		Int	5:15
2/21/25	9:27PM	Seaton / Smith	YCMDEV		Int	2250
2/22/25	12:05	S. Dwyer	ICED		Interview	12:24
2/24/25	8:30	L. Langley	DEV		Int	842
2/24/25	11:17	S. Smith / M. Martens	DEV		Int	1136
2/24/25	1320	Avidon	RHPD		Int	1333
2/25/25	8:09AM	McClagherty / Laurencio	DEV		Int	8:44
2/25/25	8:24AM	N. Schaffel / Wang	YCSO		Int	0840
2/25/25	8:44	McClagherty / Laurencio	DEV		Int	9:14
2/25/25	1344	McClagherty / Graham	DEV		Int	1415
2-25-25	1506	K. Munder	CFD		Int	1550
2/26/25	8:21	McClagherty / Laurencio	DEV		Int	9:04
2/26/25	9:05	"	DEV		Int	9:19
2/26/25	9:19	"	DEV		Int	9:37
2/26/25	1330	K. Martin	RHPD		Int	1345
2/26/25	1450	Devlin / Barker	YCSO		Int	1512
2/27/25	8:28AM	McClagherty / Laurencio	DEV		Int	8:30
2/27/25	8:30AM	Cedeno	YCSO		Int	0:947
2/27/25	8:30	McClagherty / Laurencio	DEV		Int	9:18
2/27/25	1501	S. Smith / T. Johnson	DEV		Int	1522
2/27/25	1522	"	DEV		Int	1545
3/3/25	1209	Hambden	YCSO		Int	1236
3/3/25	1332	Mat Lin	RHPD		Int	1345

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
3/3/25	1345	Martin	RHPD		Int	1356
3/3/25	1436	McAfee	DEU		Int	1634
3/4/25	11:11	Beard	YCSO	Edwin Carroll	Int	1137
3/6/25	10:05	Charles Elliott	HCSD		Int	1035
3/6/25	10:05	P.A. Patterson	HCSD		Int	1035
3/7/25	1320	Tammy Kofko	YCSO		Int	1327
3/9/25	2356	Belcher Smith	DEU		Int	0039
3/10/25	8:17	McLaugherty/Laurencio	DEU		Int	8:47
3/14/25	16:05	Laurencio/ATF	DEU		Int	1700
3/16/25	9:15	Beard	YCSO	Edwin Carroll / David Hasky	Int	10:15
3/16/25	1553	Beard / Schifferle	YCSO		SW	1559
3/18/25	8:35	McLaugherty/Laurencio	DEU		Int	9:15
3/18/25	3:15 PM	Clark / Whitson	DEU		int	3:52 PM
3-13-25	1000	Moseley / Yates	YCSO		int	10:30
3/13/25	10:17	McLaugherty/Laurencio	DEU		Int	10:30A
3/13/25	1316	Hammislen/BEARD	YCSO		Int	1323
3/17/25	0458	Meier / Fulton	TCPD		Int	1004
3/17/25	1324	DeBoave / Jennings	DEA		Int	1420
3/17/25	1509	Smith / Whitson	DEU		Int	1530
3/18/25	8:21	McLaugherty/Laurencio	DEU		Int	9:07
3/18/25	9:07	"			Int	9:24
3/18/25	1836	Andrew Worthen	CMPID		Int	1932
3/10/25	1836	Tuston Kufner	"		"	1932

**YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log**

Page Number _____

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
3/19/25	0940	Clark / Whitson	DEU		Int	0956
3/19/25	0956	"	"		Int	1029
3/19/25	1028	Smith / Marten	DEU		Int	1052
3/19/25	1035	Vogler	YCSO		Int	1109
3/19	1109	Clark / Whitson	DEU		Int	1123
3/19/25	1052	Smith / Marten	DEU		Int	1109
3/19/25	1123	Clark / Whitson	DEU		Int	1136
3/19/25	3:21	Graham / McAfee	DEU		Int	1626
3/19/25	4:26	Bass / Leary	DEU		Int	1636
3/19/25	4:26	Graham / McAfee	DEU		Int	1650
3/20/25	10:31	Putt McIlwain	DSS		Int	10:50 am
3/20/25	1815	Emmitt, Anthony				
3/20/25	10:17	McAfee / Hager	DEU		Int	11:03
3/20/25	11:03	McAfee / Laurencio	DEU		Int	11:32
3/21/25	2:57	McLaugherty / Laurencio	DEU		Int	3:28
3/24/25	9:13	McLaugherty / Laurencio	DEU		Int	9:22
3/25/25	2:41	Clark / Whitson	DEU		Int	3:11
3/25/25	3:15	Shannon Collins	DEU			
3/25/25	3:5	Clark / Whitson	DEU		Int	3:48
3/25/25	3:55	Clark / Whitson	DEU		Int	400
3/26/25	1511	Vogler	YCSO		Int	1521
3/27/25	1030	Clark / Smith	YCSO		Int	1048
3/28/25	1350	Clark / Moore	YCSO		Int	1445

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page No.

DATE	TIME IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME OUT
3/29/25	1431	McAfee	DEU		Int	3:25
3/31/25	8:15	Laurencia McClaugherty	DEU		Int	8:56
4/1/25	9:38	Clerk / Parker	DEU		Int	09:56
4/1/25	10:00	Clerk / Parker	DEU		Int	1000
4/1/25	11:00	Jordan Weill / Bridget Gross	RHPD		Inmate Report	
4/2/25	1545	Clerk / Whitson	DEU		Int	1600
4/3/25		Whitesides	DEU		Int	1753
4/4/25	72+	Adams	AXF		Legal	
4/4/25		Quinn Desil	ATTM			
4/4/25	1326	Jeffrey B. Allen	YCAC		Interview	
4/7/25	1050	Arken / Bradin	YCSO		Int.	1111
4/7/25	1112	Arken / Bradin	YCSO		Int.	1143
4/7/25	1130	Whitson / Clark	DEU		Int	1138
4/7/25		Whitson / Clark	DEU		Int	1209
4/7/25		Whitson / Clark	DEU		Int	
4/7/25	1210	Whitson / Clark	DEU		Int	1251
4/7/25	1235	Whitson / Clark	DEU		Int	1257
4/8/25	8:31	McClagherty / Lawrence	DEU			
4/29/25	2:5:08	L. Anthony	YCSO		Int	10:54
4/30/25	1:38	House / Brown	YCSO		Int	2:29
4/30/25	1545	Whitson / Clark	DEU		Int	16:00

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

373

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
4/9/25	8:00 AM	LAUNNED	DEU		INT	8:48 AM
4/9/25	8:30 AM	LAUNNED	DEU		INT	9:06 AM
4/9/25	11:49	Barker / Wallace	YCSO/SO2		INT	12:08
"	12:08	"	"		INT	12:27
4/9/25	14:00	Gatti	DEU		INT	14:44
4/15/25	8:30	Shawn Murray	SLFD		INT	8:35
4/15/25	9:05	Shawn Murray	SLFD		INT	9:05
4/15/25	13:29	Matthew Barker	YCSO		INT	14:16
4/15/25	14:11	S. Smith	DEU		INT	14:15
4/15/25	14:44	Shawn Murray	DEU			
4/15/25	16:14	Clark / Whitson	DEU		INT	16:43
4/15/25	16:44	Clark / Rogers	DEU		INT	17:17
4/16/25	17:28	Clark / Whitson	DEU		INT	18:05
4/18/25	14:28	Aster / Babin	YCSO		INT / Interview	14:39
4/18/25	09:07	Gandy / Doyle	YCSO / FBI		Interview	09:38
4/19/25	11:05	Gandy / Larkin	YCSO		Interview	11:24
4/21/25	10:13	Hamblen / Miller	YCSO		INT	
4/22/25	15:05	Clark / Whitson	YCSO / DEU		INT	
4/22/25	18:34	Clark / Whitson	DEU		INT	8:20 PM
4/23/25	02:42	McNee	DEU		INT	3:07
4/23/25	8:15	LAUNNED / Mente	DEU		INT	04:00 AM
4/23/25	15:14	Medlin	PD		INT	15:45
4/23/25	15:36	Smith / Clark	DEU		INT	16:30

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
4/23/25	1631	C. Clark / Smith	DEU		Ent	1656
4/24/25	1730	D. Hudson / C. Parsons	Roxford PD		Int	1917
4/28/25	1158	Burke / Askew	YCSO		Int	1200
4/28/25	1314	Black, Stanley	LCSD		Investigation	1336
4/28/25	1520	Clark / Whitson	YCMDEU		Int	1539
4/28/25	1540	Clark / Whitson	DEU		Int	1609
4/28/25	1610	Clark / Whitson	DEU		Int	1615
5/1/25	0940	K. Martin	DEU		Int	0956
5/1/25	1410	R. Whitesides	DEU		Int	1428
5/2/25	1645	A. Smith / B. B. B. B.	CID		Int	1717
5/2/25	0957	A. B. B. B. B.	CID		Int	1015
5/6/25	1115	Aspen / Wray	CID		Int	1142
5/6/25	1728	Clark / P. B. B.	DEU		Int	13:00
5-9-25	0938	B. B. B.	YCSO		Int	1026
5-9-25	1030	Whitesides / Lawrence	YCMDEU		Int	1100
5-9-25	1000	Whitesides / Lawrence	YCMDEU		Int	1115
5/9/25	1310	R. Williams	YCSO		Int	1328
5/9/25	1624	Clark / P. B. B. Smith / Clark	YCMDEU		Int	
5/9/25	1624	Smith / Clark	YCMDEU		Int	1720
5/10/25	1326	J. Moore / T. P. B. B.	YCMDEU		Int	1528
5/12/25	2101	J. Moore / T. P. B. B.	YCMDEU		Int	2249
5/13/25	1001	Beard	YCSO		Int	1608
5/15/25	10:34	Wang	YCSO		Int	11:20

**YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log**

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
5/16/25	1508	Clark/Whitson	DEU		int	1547
5/16/25	1550	Clark/Whitson	DEU		int	1647
5/16/25	0520	Edwards	TCPP		int	0530
5/20/25	0936	Graham	DEU		int	0945
5/20/25	1135	Askan/Wong	YCSO		Int.	1153
5/20/25	1158	Askan/Wong	YCSO		Int.	1201
5/21/25	1424	Whitesides/Luamencio	DEU		Int	1421
5/27/25	1763	Clark/Parker	DEU		Int	1800
5/22/25	1441	Whitesides/Luamencio	DEU		Int	1528
5/23/2025	6355	Pence	YCSO		Int	6547
5/23/25	1032	Bochun	YCSO	Gregg, Elisha	Int	1042
5/23/25	1056	Arack/Hunt	AMPD		Int	1156
5/25/25	11:19	Robert J. Miller	CLPD		Int	1128
5/25/25	11:38	Murphy, Elisha	DEU		Int	12:09 PM
5/25/25	2118	Dep D. Ward	YCSO		Int	2143
5/27/25	1250	HAMBLETON BEARD	YCSO		Int	1400
5/27/25	1330	Smith	YCSO		Int	1400
5/27/25	1400	Hambleton/Beard	YCSO		Int	1400
5/27/25	2130	Smith	DEU		Int	2156
5/28/25	1422	Tucker	YCSO		Int	1443
5/28/25	1525	Clark/Medens	YCSO		Int	1607
5/29/25	0945	McIntosh/Parker	DEU		Int	0959
5/30/25	1609	Risgar/Luamencio	YCSO		Int	1640

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

376

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
5/30/25	1640	Basson/Laurencia	YCMDEU		Int.	1700
6/3/25	1027	Graham/Mechurkin	YCMDEU		Int	1120 AM
6/3/25	1027	Graham/Mechurkin	YCMDEU		Int	
6/4/25	1154	Kinney/Robinson	YCSO		INT	13:30
6/4/25	1231	Heriot	FMPD		INT	1:06 PM
6/8/2025	8:28	C. Varugh	PPP		Workshop Serv.	
6/9/25	9:36	PARKER & WATSON THORNTON	YCMDEU		INT	10:11 AM
6/9/25	10:11	PARKER & WATSON	YCMDEU		INT	10:16 AM
6/9/25	10:16	PARKER & WATSON	YCMDEU		INT	10:25 AM
6/10/25	16:30	Beard	YCSO		Int	17:05
6-10-25	1757	Mulder	YCSO		Int	1804
6-10-25	1804	Mulder	YCSO		Int	1823
6/12/25	1049	Clark/Whitesides	YCMDEU		Int	1119
6/12/25	1116	Clark/Whitesides	YCMDEU		Int	1138
6/12/25	1230	Clark/Whiteley	YCMDEU		Int	1200
6/14/25	14:00	Beard	YCSO		Int	1410
6/17/25	11:30	L. Frame	YCSO		Int	11:56
6/18/25	0836	L. Frame	YCSO		Int	0917
6/18/25	1235	Beard	YCSO		Int	1300
6/19/25	1100	Riagan	DEU		Int	1116
6/19/25	1225	Smith Warner	YCSO		Int	
6/19/25	1525	Clark/Whitson	YCMDEU		Int	1551
6/19/25	1550	Smith Warner	YCSO		Int.	1510

YORK COUNTY SHERIFF'S OFFICE
DETENTION DIVISION
Law Enforcement Personnel Sign-In Log

Page Number

DATE	TIME-IN	NAME	AGENCY	NAME OF INMATE	PURPOSE OF VISIT	TIME-OUT
6-20-25	1557	K. Mulla	YCSO		Int.	1845
6/24/25	0824	McAfee/Laurencio	YCSO		Int.	8:57
6/26/25	10:50	McAfee/Laurencio	YCSO		Int.	11:35
6/26/25	1554	C. Tucker	YCSO		Int.	19:53
6/26/25	1658	C. Tucker	YCSO		Int.	
6/27/25	1320	Askew/Wong	YCSO		Int.	12:20
6/30/25	1100 AM	D. Shum	YCSO		Int.	11:06 AM
7/1/25	8:11	Laurencio/McAfee	YCSO		Int.	8:38
7/1/25	1803	Packer, Alex	YCSO		Int.	1823
7/2/25	1645	B. Cox McAfee	YCSO		Int.	1658
7/7/25	1745	L. Frame	YCSO		Int.	1613
7/8/25	0934	Clark/Whitesides	YCMDEU		Int.	
7/8/25	1020	Clark/Whitesides	YCMDEU		Int.	1058
7/8/25	1100	Clark Whitegood	YCMDEU		Int.	1158
7/8/25	1327	Beard	YCSO		Int.	1450
7/9/25	1403	McAfee/McLaughlin	YCSO		Int.	2:30
7/10/25	10:56	Ernst/Cox	RHPD		Int.	12:05 PM
7-10-25	1400	Beechin	YCSO		Int.	414
7-10-25	1442	Hammann	YCSO		Int.	1627
7/10/25	19:05	McAfee	YCMDEU		Int.	
7/11/25	8:46 PM	McLaughlin/Laurencio	YCMDEU		Int.	930
7/14/25	1321	Doran-Singer	RHPD		Int.	
7/14/25	1812	Batson, Engrer	Clover		Int.	1842

DOCKET NO. 2024-GS-46-05218

The State of South Carolina

WITNESSES

County of York

COURT OF GENERAL SESSIONS

DEU

AUGUST 14, TERM 2025

ARREST WARRANT NUMBER

Witnessing Officer: *Parker*

2024A4610100692

ACTION OF GRAND JURY

TRUE BILL

THE STATE

VS.

Kelly Williams
Foreperson of Grand Jury
Date: *8/14/25*

DONQUAVIS JOHNTELLE

MCCONNELL

VERDICT

INDICTMENT FOR

DISTRIBUTION OF FENTANYL

Guilty

SC Code: § 44-53-370

CDR Code: 0185

Paul Vanadine
Foreperson of Petit Jury
Date: *1-6-26*

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

378

WITNESSES

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

DEFENDANT

Witness:

C.C.C. PLS. AND G.S.

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DEFENDANT

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on August 14, 2025, the Grand Jurors of York County present upon their oath:

DISTRIBUTION OF FENTANYL

The defendant, Donquavis Johntelle McConnell, did on or about July 18, 2024, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase fentanyl, a schedule II controlled substance narcotic, all in violation of Section 44-53-370, Code of Laws South Carolina (1976, as amended).

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


HEATHER C. BURDETTE
ASSISTANT SOLICITOR

STATE vs.

Donquavis Johntelle McConnell

AKA: Donquavis Johntelle
McConnell, Donquavis
Johntelle McConnell

RACE: B SEX: M

SSN: [REDACTED]

DOB: [REDACTED] 1991

ORIGINAL

) INDICTMENT/CASE#: 2024-GS-46-05218
) AW#: 2024A4610100692
) Date of Offense: 07/18/2024
) S.C Code#: 44-53-370
) CDR Code #: 0185

JAIL

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Distribution of Fentanyl 3rd or Sub. Offense

) Range of Offense: Distribution of Fentanyl 3rd or Sub. Offense
(NLT 10 YEARS TO 30 YEARS &/OR \$50,000)

Range of Offense Pled: (NLT 10 YEARS TO 30 YEARS &/OR \$50,000)

In violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 0185

☒ 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

The plea is: ☒ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation

/s Heather C. Burdette 103612

Solicitor SC Bar #

/s Melissa G. Rogers 104455

Attorney for Defendant

104455

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of LIFE days/months/years/Time Served ☐ YOANTE _____ years and/or shall pay a fine
of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____ plus costs and assessments as applicable*; balance is suspended with probation for _____ months/years
and subject to SCDPPPS 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 SCDC
_____ days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

- ☐ PTUP _____
- ☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- ☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution	\$
FINE:	\$
	\$
	\$
\$100	\$100.00
\$100	\$
\$12	\$
\$25	\$25.00
\$25	\$
\$150	\$150.00
\$41	\$
\$50	\$
\$40/ea	\$
TBD	\$
\$500	\$
\$40	\$
TOTAL	\$275.00

/s Angie Bryant

Clerk of Court/Deputy Clerk

Pamela Green 2795 Taylor
Court Reporter Judge Code

1-6-26
Sentence Date

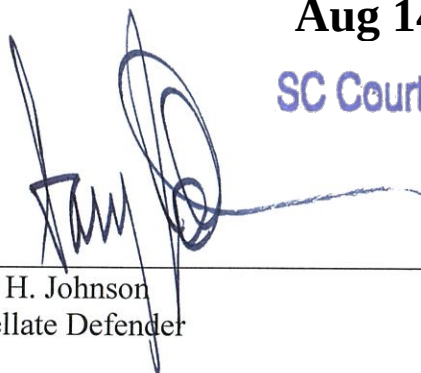
Ch
Presiding Judge

SCCA217B
01/27/2025

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**

Gary H. Johnson
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of August, 2026.

RECEIVED

Aug 14 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable Christopher D. Taylor, Circuit Court Judge

THE STATE,

RESPONDENT,

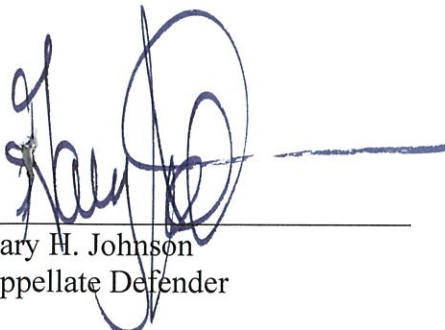
V.

DONQUAIVIS McCONNELL,

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 has been served upon Mark R. Farthing at the primary e-mail address listed in the Attorney Information System (AIS), this 14th day of August, 2026.



Gary H. Johnson
Appellate Defender

ATTORNEY FOR APPELLANT