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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from State Grand Jury, Pickens County

Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM R. OLIVER, II,

APPELLANT

APPELLATE CASE NO. 2024-001236

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
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STATE OF SOUTH CAROLINA	) COURT OF GENERAL SESSIONS
	) 2019-GS-47-00023
COUNTY OF PICKENS	)
	)
	)
	)
STATE OF SOUTH CAROLINA	)
	) PLAINTIFF)
vs.	) TRANSCRIPT OF RECORD
	)
WILLIAM R. OLIVER, II	)
	) DEFENDANT)

June 24-26, 2024
Pickens, South Carolina

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH, Judge; and a
jury.

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

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Attorneys for The State

LAWRENCE CRANE,
Attorney for The Defendant

APRIL HERRON
Official Court Reporter

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All exhibits were retained by the
State Grand Jury Clerk of Court.

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25

1 June 24, 2024

2 THE COURT: Everybody agrees the strikes are
3 five and five?

4 MR. CRANE: Yes, sir.

5 THE COURT: Okay, I'm going to have three
6 alternates. And there will be two and one on those.

7 MR. CRANE: Two and one on each alternate?

8 THE COURT: Yes, sir, I think so.

9 All right, ladies and gentlemen, can you hear me
10 okay?

11 (WHEREUPON, all answered in the affirmative.)

12 THE COURT: I remind you, you're still under
13 oath. I have a second set of questions I need to ask
14 and we're going to use this for picking of the first
15 case. I'm going to ask The State to call that case
16 out, please.

17 MS. GOUDE: The State calls William Russell
18 Oliver. Mr. Oliver is charged under Indictment
19 2019-GS-4723. He's charged under count 55,
20 trafficking methamphetamine, 28 to 100 grams. Count
21 56, possession of a weapon during the commission of a
22 violent crime. And count 58, possession of narcotics
23 schedule II.

24 THE COURT: All right, would you pass those
25 indictments forward, please?

1 MS. GOUDE: No, Your Honor.

2 THE COURT: Is there a problem starting this
3 afternoon?

4 MR. CRANE: Not that I know of.

5 THE COURT: Let's do the motions and see where
6 we get to, then go from there.

7 MS. GOUDE: Your Honor, I'm unsure, at this
8 point, if I need to call law enforcement witnesses to
9 testify in response.

10 MR. CRANE: That's the appropriate way to do it.
11 She's got to prove that the search warrant was good,
12 the search was good.

13 Your Honor, they went out there -- well --

14 THE COURT: Let's go ahead and call your witness
15 then.

16 MS. GOUDE: Your Honor, The State has not
17 received any motions, so we're unsure what grounds
18 Mr. Crane is challenging the searches. However, we
19 --

20 THE COURT: Give us a brief overview of your
21 challenge, please, sir, so we can -- The State has
22 their own notice.

23 MR. CRANE: Your Honor, according to the
24 discovery that I've been provided, it appears that a
25 probation officer was solicited by law enforcement to

1 assist them in investigating alleged drug activity by
2 my client, Mr. Oliver. As a result of the
3 solicitation, the probation officer got together with
4 an agent from -- actually, with three agents from
5 Pickens County law enforcement to try to locate
6 Mr. Oliver.

7 On February, I think it's 16th, of 2018 --

8 THE BAILIFF: Judge, that is our jury foreman.
9 And this is the answer about the pads.

10 THE COURT: Okay. So we need 15 pads and pens,
11 if we could. And Morrison is the foreperson, Jacob
12 Morrison.

13 THE BAILIFF: And we can get those up during
14 lunch.

15 THE COURT: If you'd bring the jury in right
16 quick and I'm going to go ahead and dismiss them.
17 Hang on one second before you bring them in.

18 What time -- if we -- how long do you
19 realistically think it's going to take? Your
20 motions?

21 MR. CRANE: Judge, you know me, I'm just going
22 to say --

23 THE COURT: I know, that's why I'm asking.

24 MR. CRANE: Well, if this is done properly --

25 THE COURT: Well, it's going to be done

1 properly, Mr. Crane.

2 MR. CRANE: -- we won't finish the motions until
3 this afternoon. And you wouldn't be able to start
4 the trial, if you rule against me, until the morning.
5 Because I believe she's going to have to call the
6 witnesses for you to hear them testify to determine
7 whether or not they did things appropriately. And
8 you're talking about probably three or four or five
9 agents from Pickens County Sheriff's Office, from
10 probation office, from -- Chet Anthony is going to
11 need to testify on a search warrant that he allegedly
12 got. And I don't know Chet. I don't remember what
13 he looks like, so I don't know if he's here or not.
14 But he's going to have to testify. And I think these
15 agents have to testify and be cross-examined for you
16 to make a decision.

17 THE COURT: What's your position on that?

18 MS. GOUDE: Well, Your Honor, I'm unsure if
19 Mr. Crane would like to have a motion hearing or
20 would like to have the trial and call it a motion
21 hearing. But The State is --

22 MR. CRANE: I'd like --

23 THE COURT: No.

24 MS. GOUDE: The State is prepared to proceed
25 however Your Honor sees fit. We do have -- I believe

1 it would be appropriate to call three witnesses to
2 address any of Mr. Crane's concerns.

3 THE COURT: All right. We're going to start
4 with that. If we feel like we need more, we might
5 cross that bridge. So the question is do we start
6 today or tomorrow? Let's just start tomorrow because
7 we're not going to be able to do it today.

8 You were right in the first place.

9 Okay. Let's bring the jury in. I'm going to
10 excuse them, bring them back tomorrow morning. Start
11 at 9:30. Okay. All right. As much as I wanted to
12 get started today.

13 MR. CRANE: That is if you rule against me.

14 THE BAILIFF: Jury's present, Your Honor.

15 THE COURT: Thank you, sir.

16 Are you our Foreman?

17 THE FOREMAN: Yes, sir.

18 THE COURT: If you would, each time you come in
19 and out of the courtroom, use that seat.

20 Our alternates will be here on the right. Y'all
21 use those seats, whatever amongst the three of you,
22 wherever you want to sit and use those seats. Helps
23 me keep up with administrative matters.

24 The rest of you can sit wherever else you'd like
25 to as long as it's in the box.

1 But ladies and gentlemen, after speaking with
2 The State's attorney and The Defense attorney, I've
3 got some matters that I need to take up, probably
4 going to take up the remainder of the afternoon. So
5 I'm going to excuse you in just a minute and ask you
6 to be in your jury room about 9:20 tomorrow with the
7 idea that we'll start, hopefully, sharply at 9:30.
8 Is there any reason any of you can't be here by that
9 time tomorrow?

10 (There was no response.)

11 THE COURT: Very good. Everybody wants to have
12 pad and pen, is that right? You'll have them here.

13 At this point, ladies and gentlemen, now that
14 you've been selected to serve on this jury, you may
15 not speak with anybody about your jury service or
16 anything you hear during the course of the trial.
17 And you can't speak with each other about what you're
18 hearing or about the case until the end when I tell
19 you under no uncertain terms that you may begin your
20 deliberations. I'm married. I have children. I
21 imagine when I go home, somebody's going to ask me
22 what happened, what's going on if I'm on a jury. You
23 just can't answer. Good friends, you can't tell
24 them. People are going to be inquisitive. But if
25 they text you, write you or any other form of

1 communication I'm not sophisticated enough to
2 understand, just don't respond and tell them you will
3 at the end of this process. And once you complete
4 your duty as jurors, you can speak to whomever you
5 like to or no one at all. That's your prerogative.

6 I'm going to ask you and, also, charge you that
7 throughout the course of this trial, you're not to
8 engage in what's called independent jury research.
9 Which means you're not to look up any issues you hear
10 about during the course of this trial or any issues
11 that you think may be helpful. We want you to listen
12 to the testimony and evidence and listen to the law
13 as I will charge it to you at the end of this case
14 and make your decision solely on that unaffected by
15 what you hear outside of court.

16 Also, you may not read, hear or see anything
17 about this case. In the event it may make the press
18 or be somewhere in the social media, do not read it,
19 do not look at it, do not listen to it. At the end
20 of this case, you can do all that until your heart's
21 desire. Again, the same reason, we don't want you
22 making a decision on facts or information not
23 presented during the course of this trial.

24 With that being said, Mr. Foreman, ladies and
25 gentlemen, I'm going to excuse you until tomorrow at

1 9:20, if you'll be at your jury room then. The
2 bailiff will take you out. We'll see you and start
3 opening statements at 9:30 in the morning. Thank you
4 very much.

5 (WHEREUPON, the jury left open court at
6 approximately 12:32 p.m.)

7 THE COURT: All right, guys you want to go to
8 lunch now, come back this afternoon or go ahead and
9 start? I usually break around 1:00. I'm fine to
10 break now and just come back -- it's 12:34 or
11 something like that. Come back at 2:00?

12 MS. GOUDE: Yes, Your Honor.

13 THE COURT: That's what you want to do?

14 MR. CRANE: Yes, sir, that will be great.

15 THE COURT: Okay. So come back at 2:00. We'll
16 see y'all then.

17 MR. CRANE: Thank you, Judge.

18 (WHEREUPON, a lunch break was taken.)

19 THE COURT: All right. I have a couple of
20 things before we get started. Probably going to have
21 to sequester most of you guys out of here. Who does
22 not need to go or who does need to go? Or -- I don't
23 know.

24 MS. GOUDE: Your Honor, I believe most of them
25 they have already stepped out, Your Honor.

1 THE COURT: Any of these guys going to be
2 testifying?

3 MS. GOUDE: Your Honor, Agent Gardner is on the
4 witness list, he is the case agent on Prison Empire.
5 I don't have -- he's on the witness list I don't want
6 expect him to testify unless he would need to testify
7 about something encompassing the entire
8 investigation, if that comes up.

9 THE COURT: Well, personally, I don't care if
10 they stay or go except for if they need to be here,
11 then they can't testify, okay.

12 Okay. Let me ask you, Ms. Goude, if I may, what
13 was The Defendant on probation for?

14 MS. GOUDE: He was on probation for trafficking
15 methamphetamine, Your Honor.

16 THE COURT: Okay.

17 So, Mr. Crane, looking at 24-21-410 --

18 MS. GOUDE: Excuse me, that may be a trafficking
19 cocaine base. It's the same charge.

20 THE COURT: But he was actually on probation at
21 the time?

22 MS. GOUDE: Yes, Your Honor.

23 THE COURT: 24-21-410 says that he doesn't need
24 a -- have to sign an agreement, that any officer and
25 any probation agent, any officer could conduct a

1 warrantless search of his person, his property, his
2 car, his belongings, upon finding of reasonable
3 suspicion. So the only issue this afternoon it's not
4 whether probable cause existed it's whether or not it
5 was reasonable suspicion. That's the way I read the
6 cases and the statute.

7 MR. CRANE: I think you're correct. There's,
8 also, 24-21-430.

9 THE COURT: Say that again.

10 MR. CRANE: 24-21-430, which is the conditions
11 of probation. Basically, say the same thing that you
12 just did. It says probationer must submit to search
13 or seizure without a search warrant based on
14 reasonable suspicions of probationer's person, any
15 vehicle probationer owns or driving and any
16 probationer's possessions. It doesn't say anything
17 about searching a house, a room, an outbuilding or
18 anything like that. It says possession, which I
19 submit to you is a briefcase, a wallet or purse or
20 whatever it might be. But it doesn't give probation
21 agent blanket authority to go into a house and search
22 it. Particularly, if he doesn't have reasonable
23 suspicion --

24 THE COURT: I don't think it gives them blanket
25 authority, but if they have reasonable suspicion,

1 that gives them blanket authority.

2 MR. CRANE: So if you're right, what is the
3 reasonable suspicion? That's what they have to prove
4 to you today. I would submit that this probation
5 agent was no longer acting as a probation agent. He
6 was acting as an agent of the Pickens County
7 Sheriff's Office.

8 THE COURT: Doesn't matter because it gives law
9 enforcement the right to do it, too, so it doesn't
10 matter. I mean, looking at the statute, if an
11 officer can do it, an agent can do it, it doesn't
12 matter, he waives his Constitutional rights as far as
13 warrantless searches and seizures except for finding
14 a reasonable suspicion.

15 MR. CRANE: I would beg to differ with you
16 there.

17 THE COURT: That's fine. It won't be the first
18 or the last.

19 MR. CRANE: Probably won't be the last for this
20 trial, Judge. I do not believe he waives his
21 Constitutional rights. I understand what you're
22 saying. I understand what the form says and
23 everything. As a matter of fact, I've got a copy of
24 the form.

25 THE COURT: I don't need to see it. I read the

1 statute over lunch. I can read it pretty clear.

2 MR. CRANE: It says the conditions that he
3 signed. We've got that here, Judge.

4 THE COURT: I don't need to see it. I'm looking
5 at the statute that I just cited. And it says he
6 doesn't have the right to -- he can't complain about
7 a warrantless search or seizure unless there's no
8 reasonable suspicion for it to be conducted. That's
9 the way I'm going to rule. If I'm wrong, it won't be
10 the first time nor the last time for that either.
11 But that's the way I read the statute. I think
12 that's the way it should be applied.

13 MR. CRANE: That's fine. Let's see if they can
14 show you that.

15 THE COURT: Very good. Call your witness.

16 MS. GOUDE: Your Honor, The State would call
17 Lieutenant Andy Robinson.

18 MR. CRANE: Excuse me, before we start again.
19 From your prior discussions about sequestration, may
20 I get the names of those officers so that if they're
21 called, I can tell you not to let them testify?

22 THE COURT: Fine with me.

23 MR. CRANE: I don't know who's out there.

24 I got you.

25 MR. SEXTON: William Sexton.

ANDY ROBINSON-DIRECT BY MS. GOUDE (IC)

1 MR. CRANE: Sexton.

2 MR. SERGEANT: Tim Sergeant.

3 MR. CRANE: Sergeant.

4 MR. CRUMP: Michael Crump, C-R-U-M-P?

5 MR. CRANE: Okay, thank you.

6 MS. GOUDE: Thank you, your Honor. The State
7 would call Andy Robinson.

8 THE CLERK: Raise your right hand.

9 ANDY ROBINSON, after being duly sworn,
10 testified as follows:

11 DIRECT EXAMINATION-IC

12 BY MS. GOUDE:

13 Q Good afternoon, Lieutenant Robinson.

14 A Good afternoon.

15 Q Lieutenant, could you please tell The Court who
16 you work for?

17 A I work for the Pickens County Sheriff's Office.

18 Q And how long have you worked for the Pickens
19 County Sheriff's Office?

20 A A little over 19 years now.

21 Q Were you working for the Pickens County
22 Sheriff's Office when Mr. Oliver's residence was searched
23 on February 16th of 2018?

24 A Yes, ma'am.

25 Q Okay. Before we get into that search, does the

ANDY ROBINSON-DIRECT BY MS. GOUDE (IC)

1 Pickens County Sheriff's Office work with SLED commonly?

2 A Yes, that's a very common occurrence.

3 Q And what kind of relationship -- or what kind of
4 cases do y'all work with SLED on?

5 A In the narcotics unit, we predominantly work
6 with the state grand jury cases ran through the Attorney
7 General's Office. So anything we can show has a
8 multicounty impact.

9 Q Back in 2018, was the Pickens County Sheriff's
10 Office currently working with SLED on a drug trafficking
11 investigation?

12 A Yes, that's correct.

13 Q Could you tell The Court briefly a little about
14 that investigation?

15 A Yes. That operation was called Prison Empire.
16 Prison Empire came from a lot of the inmates through SCDC
17 were using contraband cell phones to contact drug runners
18 and sellers in the upstate. And they were coordinating
19 and arranging their drug trafficking through the prison
20 system and onto the streets in Pickens, Greenville County,
21 et cetera.

22 Q In the course of that investigation, did you
23 come upon information that Mr. Oliver was involved in that
24 drug trafficking organization?

25 A Yes, we did.

ANDY ROBINSON-DIRECT BY MS. GOUDE (IC)

1 Q What did you learn?

2 A We interviewed a --

3 MR. CRANE: Judge, I'm going to object to
4 hearsay. I mean, I know there's not a jury here, but
5 he's about to go into hearsay.

6 THE COURT: I don't disagree with that.

7 MS. GOUDE: Your Honor, this is a pretrial
8 hearing, hearsay is admissible.

9 MR. CRANE: I couldn't hear you, ma'am.

10 MS. GOUDE: This is a pretrial hearing, hearsay
11 is admissible.

12 MR. CRANE: I made the objection. What did you
13 rule, Judge?

14 THE COURT: Go ahead.

15 MR. CRANE: Thank you, Judge.

16 BY MS. GOUDE:

17 Q What did you learn in your investigation?

18 A Yes. Agents during this investigation
19 interviewed a subject back in December of 2017. They were
20 advised that through the inmate, one of the main suspects
21 in the Prison Empire investigation, Tony Grasley, was
22 orchestrating and sending people to a subject known as
23 Little Pimpin, who lived on Summit Drive in Easley, South
24 Carolina. And he would coordinate and send people over to
25 his residence. Specifically, an outbuilding behind the

ANDY ROBINSON-DIRECT BY MS. GOUDE (IC)

1 residence where he would sell methamphetamine to his
2 customers.

3 Q Who was that person nicknamed Little Pimpin?

4 A William Oliver.

5 Q Did you, also, speak to another subject about
6 Mr. Oliver?

7 A We did. In January of 2018, we spoke with
8 another subject who advised that they gave roughly around
9 \$20,000 to a white male individual on Summit Drive at that
10 address into the outbuilding, same thing, gave \$20,000,
11 approximately, in cash to that individual who took it
12 inside the shop.

13 Q Now, the individual you spoke to was involved in
14 drug trafficking; is that correct?

15 A That is correct.

16 Q And based on your training and experience, what
17 would be the purpose of taking Mr. Oliver \$20,000?

18 A Normally, it's a debt owed for drugs.

19 Q Are you familiar with Mr. Oliver during the
20 course of your time at the Pickens County Sheriff's
21 Office?

22 A I am.

23 Q And at the time this was occurring, were you
24 aware that Mr. Oliver was on probation for trafficking
25 drugs?

ANDY ROBINSON-DIRECT BY MS. GOUDE (IC)

1 A Yes, that's what was discovered. Once we start
2 to find out suspects in a case, we always check and see
3 what's their current status, whether they're on probation,
4 whether they have active warrants or anything like that.

5 Q So when you spoke to two individuals who
6 implicated Mr. Oliver, what did you do?

7 A We then contact probation, schedule something
8 with them, ask to conduct a home visit, which we would
9 routinely assist them in that.

10 Q So it's routine for you to contact probation
11 about a probationer?

12 A Yes. A lot of times, we'll have neighbor
13 complaints, random, either unanimous complaints or just
14 neighbors in general call, just, you know -- or if we have
15 information from informants telling us that somebody is
16 involved in possible drug trafficking, we'll contact
17 probation and they'll assist on home visits.

18 Q Is it normal for the sheriff's office to assist
19 probation with the home visits?

20 A Yes. Due to their manpower and, also, any sort
21 of new charges that might possibly come up, they would
22 prefer law enforcement or us to make the actual new
23 charges. They would handle any sort of probation
24 violation, but we would get warrants on any sort of new
25 charges they would have.

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 Q Okay. All right. Do you remember exactly when
2 you contacted probation about making this home visit to
3 Mr. Oliver?

4 A I do not.

5 Q And did you participate in the home visit?

6 A I came on scene probably after the search
7 warrant was signed.

8 MS. GOUDE: Your Honor, that's all The State has
9 for Lieutenant Robinson.

10 MR. CRANE: Can I stand here, Judge?

11 THE COURT: Yeah.

12 CROSS-EXAMINATION-(IC)

13 BY MR. CRANE:

14 Q I'm going to stand here. If you can't hear me,
15 just let me know.

16 A Yes, sir.

17 Q Officer Robinson, did you sign the warrants for
18 my client, Mr. Oliver?

19 A Yes, I signed the warrants, yes, sir.

20 Q Did you go in front of a magistrate to sign
21 those warrants?

22 A Yes, sir, I did.

23 Q Is your signature on the warrants?

24 A I would have to look to see whether it be my
25 signature or someone signed for us. That would be --

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 well, now, Lieutenant Tabitha Tumblin at the jail.

2 Q Okay. But it says, I, affiant, swear and affirm
3 such and such. And you're supposed to sign it, right?

4 A Uh-huh.

5 Q So you didn't sign it, did you?

6 A I didn't sign this one, no, sir.

7 Q Did you appear in front of the magistrate?

8 A I didn't appear in front of the magistrate. I
9 sent them over the warrant request.

10 Q So you don't swear in front of a magistrate?

11 A I don't know on that specific occasion.

12 Q But what does the warrant say? Doesn't it say
13 that I swear such and such? Does it not say that?

14 A Typically, when someone else signs it for you,
15 they'll put signed for.

16 Q I don't care about typically, I'm talking about
17 Mr. Oliver in this case, what does the warrant say at the
18 top? I swear -- I, Andy Robinson, swear such and such?

19 A Uh-huh.

20 Q Did you swear in front of the magistrate?

21 A I can't recall.

22 Q Did you sign the warrant that you swore --

23 A I didn't sign the warrant.

24 Q Okay. I --

25 Judge, before proceeding, I'm going to move

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 the case be dismissed. These are unlawful warrants. He
2 didn't sign them. He didn't swear in front of a
3 magistrate. This warrant says --

4 THE COURT: They did not need one.

5 MR. CRANE: Pardon?

6 THE COURT: They did not need a warrant.

7 MR. CRANE: To arrest my client?

8 THE COURT: Uh-huh. If you want to read what
9 the statute says, that's what it says, Seizures or
10 searches. And a seizure would be an arrest, correct?

11 MR. CRANE: I would take exception to your
12 ruling, Judge.

13 THE COURT: Well, I expect you to, but under the
14 statute that says -- 24-21-410, it says, Before
15 defendant may be placed on probation, he has to agree
16 in writing to be subject to a search or seizure
17 without a search warrant based on reasonable
18 suspicions of the person -- of the defendant's person
19 and any search of the defendant or his car he's
20 driving or his possessions by probation agent or any
21 law enforcement is okay.

22 MR. CRANE: I'm simply suggesting it doesn't
23 mean that they can seize the body of my client, put
24 him in jail without an arrest warrant. If that's the
25 case, they didn't need an arrest then what you're

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 saying. They could have left him down there forever.

2 I would respectfully object to that ruling, Judge.

3 THE COURT: All right.

4 BY MR. CRANE:

5 Q Now, Mr. Robinson --

6 THE COURT: Next question is going to be
7 relevant to the reasonable suspicion, you're not
8 going on a fishing expedition.

9 MR. CRANE: Okay, that's fine.

10 BY MR. CRANE:

11 Q In 2017, you said you talked to an individual
12 about my client?

13 A Other agent's interview, yes, sir.

14 Q So you didn't talk to whoever was?

15 A No, sir.

16 Q Okay. When was that in 2017?

17 A I believe it was December 2017.

18 Q Okay. Do you know who that was they talked to?

19 A Looks like Lieutenant Brett Barwick and Special
20 Agent Tyrel Woodring. That was December 6th, 2017.

21 Q My question was do you know who it was they
22 talked to?

23 A Yes, I do.

24 Q Who was it?

25 A Curtis Burns.

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 Q Curtis Burns.

2 A Curtis Burns, yes, sir.

3 Q Now, the information that Curtis Burns gave you
4 on December -- or gave whoever on December 6th, 2017, was
5 exactly what?

6 A I could read verbatim.

7 Q Go ahead, if you want.

8 A On the relevant part for Mr. Oliver, it says,
9 Burns stated a white male known as Little Pimpin, who
10 lives near Summit Drive in Easley, South Carolina, also,
11 supplied methamphetamine from Tony G. Little Pimpin sells
12 methamphetamine from a shop behind the residence. Burns
13 advised that he had seen approximately 30 kilograms of
14 methamphetamine at one time in plastic totes in the shop.
15 Burns stated he purchased 12 ounces from Little Pimpin
16 five days prior to the date of this interview. Burns
17 advised Tony G he sent Burns to Little Pimpin to purchase
18 the methamphetamine.

19 Q Did Burns have any of those 12 ounces he
20 supposedly bought from my client?

21 A He was arrested with some ounces. I don't know
22 if they clarified exactly which ones those come from. But
23 he had physical dope.

24 Q And the information that Burns gave you December
25 of 2017, did you corroborate that at all?

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 A That's the process of working through that and
2 all the other information that was provided, yes, sir.

3 Q The information that Burns gave you, did you
4 corroborate his information, yes or no? Were you able to
5 corroborate that my client give him however many ounces of
6 dope it was?

7 A I didn't ask Mr. Oliver if he gave Mr. Burns
8 dope, no, sir.

9 Q And there was no one else you could ask?

10 A Not at that moment.

11 Q When you got the statement from Burns, was he
12 under arrest?

13 A I couldn't say.

14 Q Was he cooperative with the government?

15 A Yes, I believe so.

16 Q Had he been made any promises or deals?

17 A No, sir.

18 Q Are you sure of that?

19 A That's our standard practice. We're very
20 careful about not making any promises.

21 Q And the second subject in January of '18, what
22 date was that?

23 A Let's see. That would have been January 16th,
24 2018.

25 Q And that information was something about

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 \$20,000?

2 A Yes.

3 Q Who was it that you got that information from?

4 A It was Brandy O'Brian.

5 Q Who?

6 A Brandy O'Brian.

7 Q And then the search at Mr. Oliver's house was
8 about a month later?

9 A Yes, sir.

10 Q And did you find \$20,000 in his house?

11 A No, not \$20,000.

12 Q Were you at the house and participated in the
13 search?

14 A After the search warrant was signed, I believe
15 that's when I arrived.

16 Q Then why did you get a search warrant if you
17 didn't need it?

18 A Might as well.

19 Q Pardon?

20 A Might as well, at that point.

21 Q At what point was that?

22 A We started finding some drug evidence and
23 started noticing some things that were corroborative
24 towards these statements.

25 Q Where were those items found that you thought

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 you needed a search warrant?

2 A Well, there was some found inside the bedroom.

3 Q Whose bedroom?

4 A Mr. Oliver's.

5 Q Whose else bedroom?

6 A I believe there was a master bedroom, maybe the
7 father's.

8 Q So in the father's and in Oliver's?

9 A Yes, sir.

10 Q Was \$20,000 found?

11 A No, I think Mr. Oliver had a couple thousand
12 dollars on his person.

13 Q Was there a large quantity of narcotics found in
14 either one of those rooms?

15 A Not in those rooms.

16 Q Okay. Then as a result of that, you went where?

17 A They were, also, at the same time searching the
18 shop.

19 Q Who is they?

20 A Other probation agents, deputies.

21 Q So people were in the house searching and people
22 were in the shop searching?

23 A I don't know if it was at the same time or not.

24 Q Where was Oliver?

25 A He was on scene.

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 Q Excuse me?

2 A He was on scene somewhere.

3 Q Do you know how Oliver got from where he was to
4 the scene?

5 A I don't know the specific details.

6 Q And what was found in the shop area?

7 A A lot of drug paraphernalia, guns. I'd have to
8 go back and look and see exactly what they found before
9 the search warrant was signed.

10 Q Okay. Was there a large quantity of narcotics
11 found?

12 A Not until after the search warrant was signed.

13 Q So after the search warrant, you found a large
14 quantity of narcotics. Do you know where they were found?

15 A It was in a safe.

16 Q In a safe. How did you get into the safe?

17 A There was a key that Mr. Oliver had in his
18 pocket.

19 Q How many keys were there for that safe?

20 A To my knowledge, one.

21 Q Do you know if there were more than one?

22 A I couldn't say. I wasn't the one to open it.

23 Q Who else had access to or possession of the
24 outbuilding? Did not the father?

25 A Whoever would be in the residence of home,

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 maybe. The shop was locked.

2 Q Who owned the home?

3 A I guess, Mr. Oliver's father.

4 Q Was he charged?

5 A No, he was not.

6 Q Do you know whether or not Mr. Oliver was
7 questioned?

8 A We attempted to speak with him. I believe he
9 advised he wanted some legal counsel.

10 Q So no statements of cooperation from him, was
11 there?

12 A No, that I know of.

13 Q So you got two guys, maybe a guy and a girl.
14 Was Brandy a guy or a girl?

15 A What's that?

16 Q Brandy, you said, O'Brian?

17 A Yes, that's a female.

18 Q Okay. Information from Curtis and Brandy
19 uncorroborated, then you get together with probation.
20 Probation was, basically, to let you guys get in the house
21 to search it, correct?

22 A I mean, that's their job as well to do home
23 visit, so.

24 Q It's their job to search or do home visits?

25 A Both.

ANDY ROBINSON-CROSS BY MR. CRANE -(IC)

1 Q Okay.

2 MR. CRANE: Okay. Thank you, sir.

3 THE WITNESS: Thank you.

4 THE COURT: Any redirect?

5 MS. GOUDE: No, Your Honor.

6 THE COURT: All right.

7 Thank you, sir. You may step down.

8 MS. GOUDE: As Your Honor stated, reasonable
9 suspicion is needed for probation to perform a home
10 visit, Your Honor. I do believe reasonable suspicion
11 did exist at the time for a home visit to occur based
12 on law enforcement being aware of the drug
13 trafficking organization going on and Mr. Oliver's
14 potential involvement. Then two other people who are
15 charged in the case relaying to law enforcement that
16 they each interacted with Mr. Oliver and it appeared
17 he was selling drugs from the residence. Law
18 enforcement knew he was on probation at the time. So
19 we do think it would be appropriate for a home visit
20 to have occurred based on the reasonable suspicion
21 that drugs were still being sold from that residence.

22 MR. CRANE: What do you want me to say, Judge?
23 I disagree. I mean, you know, you've got two
24 uncorroborated, independent people with no -- when
25 they do the search, they don't find \$20,000, they

1 don't find a large quantity of drugs. There's no one
2 left to corroborate that my client did what Mr. Brown
3 or Ms. O'Brian says. Based on that, basically, they
4 circumvent the requirement of a search warrant until
5 they decide well, maybe we need a search warrant.
6 Then that's when they find the large quantity.

7 I would submit, Judge, that's not reasonable
8 suspicion. It might be a suggestion or conjecture,
9 but not reasonable suspicion there to execute the
10 search.

11 THE COURT: You know, reasonable suspicion is
12 more -- looking at it again, I have to refresh my
13 memory at times, but it's more than a hunch.
14 Instead, looking at the totality of the circumstances
15 requires an objective specific basis for suspecting a
16 person's criminal activity. Now, I think the
17 informant's clearly met that standard.

18 So I'm going to find that there was reasonable
19 suspicion and they were allowed to go forward and do
20 a warrantless search of the premises. I don't think
21 they need to go get a search warrant, quite frankly,
22 but the fact they did, I'm not going to dismiss the
23 charges nor suppress the evidence.

24 Anything further from The Defense at this
25 juncture, Mr. Crane?

1 MR. CRANE: We're good, Judge. Thank you.

2 THE COURT: Thank you.

3 All right. Any other matters for the court
4 today?

5 MS. GOUDE: Not from The State, Your Honor.

6 THE COURT: Mr. Crane?

7 MR. CRANE: No, sir, Judge.

8 THE COURT: All right. Thank you.

9 I'll see y'all tomorrow at 9:30. Let's get
10 started with opening statements at that time, okay.

11 MS. GOUDE: Thank you, Your Honor.

12 (WHEREUPON, the proceedings were concluded for
13 the day to be reconvened on June 25, 2024.)

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1 June 25, 2024

2 THE COURT: Ms. Goude, anything from The State
3 before we get started?

4 MS. GOUDE: Just briefly, Your Honor. We spoke
5 yesterday about The Defendant being on probation at
6 the time of his arrest. The State would mention he's
7 on probation in the opening and plan to call the
8 probation agent to testify about why law enforcement
9 was at Mr. Oliver's residence. The State does not
10 plan to get into the reason why Mr. Oliver was on
11 probation, just it's our position that to tell the
12 complete story, we will need to explain why law
13 enforcement was there.

14 THE COURT: All right.

15 MR. CRANE: Judge, if they mention that, I'm
16 going to ask for a mistrial.

17 THE COURT: Well, good, Mr. Crane. Tell me why.

18 MR. CRANE: Because they're bringing out his
19 character without -- they can't bring up his prior
20 record like that. If she says he's on probation,
21 they're bringing up his prior record. They can't
22 bring that out unless he testifies. That's
23 inappropriate, not allowed and I will ask for a
24 mistrial.

25 THE COURT: I think he's got a good point,

1 Ms. Goude.

2 MR. CRANE: I can't help that they can't make
3 their case -- I thought this same thing all night. I
4 think there's a way they can do it, but I'm not going
5 to tell her how to do it. If they mention that he's
6 on probation, I'm going to object.

7 THE COURT: I've heard that, okay. I don't need
8 you to sit there and give me threats again, okay.

9 MR. CRANE: That's not a threat, Judge.

10 THE COURT: Okay. That's a promise, I meant.

11 MS. GOUDE: Your Honor, I did look up --

12 THE COURT: Let me ask you, did you go through
13 that State vs. King process to analyze prior bad act
14 evidence or criminal record evidence?

15 MS. GOUDE: I had referred to State vs. Sweat.

16 THE COURT: West?

17 MS. GOUDE: Sweat.

18 THE COURT: Spell it.

19 MS. GOUDE: S-W-E-A-T.

20 THE COURT: Okay. I'm not familiar with that.

21 MS. GOUDE: That's 362 SC 117, 2004, referring
22 to res gestae and relevance. Where evidence of other
23 bad acts may be needed to help the jury understand
24 the context in which the crime occurred. And that
25 would be subject to probative value versus

1 prejudicial effect, Your Honor.

2 THE COURT: Well, let me ask you this. In this
3 case -- and I want you to -- obviously, I know you
4 will speak up, in this case, it says, under 404(b),
5 okay, that to be admissible, the bad act must
6 logically relate to the crime with which the
7 defendant has been charged. I'm not sure how the --
8 I know it's a trafficking. Is that what he was on
9 probation for?

10 MS. GOUDE: Yes, Your Honor.

11 THE COURT: I don't know how that -- you don't
12 have to prove any of that in order to prove the
13 elements of this charge; right?

14 MS. GOUDE: No, Your Honor, but I don't know how
15 we can explain why law enforcement was at the
16 residence without saying it was a home visit from
17 probation.

18 THE COURT: Well, you know, you can say that
19 they went -- it seems to me, that they were at his
20 residence. And if he were to open the door as to why
21 they were there, then you can bring it up. But I
22 think that ahead of time --

23 MS. GOUDE: Well, Your Honor, perhaps, it would
24 be appropriate to stipulate that law enforcement was
25 lawfully at Mr. Oliver's residence for a search when

1 this occurred.

2 MR. CRANE: Two things, Judge.

3 THE COURT: Yes, sir.

4 MR. CRANE: The conviction was 2013, that's five
5 years prior to this incident. I would submit that's
6 not appropriate.

7 THE COURT: Wait a minute, isn't it ten years
8 you don't look beyond?

9 MR. CRANE: No, I'm just saying to bring it out.
10 You know, we're talking about probative value and
11 prior bad acts and all of that.

12 And, secondly, I don't know that I can
13 stipulate. However, you've already ruled that they
14 had the right to be there. So I would think that if
15 she calls a witness and says, you know, tell us what
16 happened and they say we went and we found him, you
17 know, we took him back and we searched his house.
18 You've already ruled that they can do that. So I
19 don't know where my objection would be. Of course,
20 I've got to object on the record.

21 THE COURT: Absolutely. And if you take
22 anything I say as trying to prohibit you from doing
23 that, I'm not.

24 MR. CRANE: No, I understand. And I would
25 object on the record and you've already ruled they

1 can go ahead forward with it. But I think to mention
2 that he was on probation is inappropriate.

3 THE COURT: I think he's right, Ms. Goude. I
4 mean, here's -- looking at the -- my breakdown, this
5 is under the State vs. King, which is opinion 5390,
6 first, you start with whether it's relevant and have
7 tendency to make the existence of the fact of
8 consequences of determination more or less probable.
9 Then you go to 404(b) if it's relevant. And evidence
10 of prior crimes, wrongs or acts not admissible to
11 prove the character, to show he acted in conformity
12 therewith, but to be admissible, it must logically
13 relate to the crime for which he's been charged.
14 Then it goes back to if he hasn't been convicted.

15 Then we go through a 609 Coif analysis, C-O-I-F,
16 do you know what I'm talking about? It has factors
17 that say if I find that admissible under 404(b), then
18 I have to do a prejudice analysis under 60 -- under
19 403, excuse me, whether it's unduly prejudicial.

20 Then I look at factors, impeachment value of the
21 prior crime, point in time of the conviction and then
22 his subsequent history, similarity between past and
23 present crime in accordance with the Defendant's
24 testimony in trial, the credibility is at issue.

25 And my understanding is that the similarities

1 between the crime in the past and the present makes
2 it more unlikely to be admissible because it's more
3 prejudicial. That's my understanding. So that would
4 be the analysis to get that in. I just don't see
5 that it comes in under that analysis.

6 MS. GOUDE: Your Honor, is the State vs. King
7 case from 1999?

8 THE COURT: Yes, ma'am.

9 MS. GOUDE: I would agree that The State should
10 not go into why for the conviction of Mr. Oliver, why
11 he was on probation. I do think the fact that he is
12 on probation is admissible. I have here that
13 evidence of other bad acts may be an integral part of
14 the crime charged or may be needed to help the jury
15 understand the context for which the crime occurred.
16 Which that would be The State's position that the
17 jury needs to know that Mr. Oliver was on probation
18 to understand the context which the crime occurred
19 and it should be admissible when the evidence
20 furnishes part of the context as necessary to a full
21 presentation of the case. And then there's a third
22 one, but I don't believe that would apply here.

23 So it would be the State's position that it does
24 furnish part of the context that is necessary to a
25 full presentation of the case. And that we would not

1 go into the reason why he's on probation.

2 THE COURT: I'm going to sustain Mr. Crane's
3 objection. I think it's not admissible. I think
4 that you get into saying that we were there -- say
5 there lawfully. If he opens the door, then it comes
6 in. But right now, I think under yours -- I mean,
7 you would agree with me, at least, in the first part,
8 it does not need to come in to establish the present
9 charge, right?

10 MS. GOUDE: No, Your Honor.

11 THE COURT: So just to give context to the case
12 is what you're asking?

13 MS. GOUDE: Yes, Your Honor.

14 THE COURT: All right. I'm going to give you
15 some leeway in that. But I don't want the fact that
16 he was on probation to be put in -- testified to. If
17 you want to make a proffer, I'll let you do that.
18 Whatever you want to do.

19 MS. GOUDE: Well, Your Honor, we will proceed as
20 The State was at Mr. Oliver's residence to conduct a
21 search. I had a probation agent here, but he will
22 not need to testify. So we can proceed in that
23 manner.

24 THE COURT: I think that you can say they were
25 there to conduct a search.

1 MR. CRANE: Okay.

2 THE COURT: Then see if Mr. Crane opens the door
3 for you. I don't think he will.

4 MR. CRANE: We'll see, Judge.

5 THE COURT: Sir?

6 MR. CRANE: We will see.

7 THE COURT: Yes, we will, won't we?

8 Do we have everybody sequestered that needs to
9 be sequestered?

10 MS. GOUDE: I believe so, Your Honor.

11 THE COURT: Larry, would you look around and
12 make sure, too?

13 MR. CRANE: Yes, sir, we're fine.

14 THE COURT: You're good?

15 All right. Will you bring the jury in, please?

16 (WHEREUPON, the jury entered open court at
17 approximately 9:32 a.m.)

18 (WHEREUPON, State's Exhibits Nos. 1-7 were
19 marked for identification only.)

20 THE BAILIFF: Jury is seated, Your Honor.

21 THE COURT: Thank you, sir.

22 Good morning.

23 THE JURY: Good morning.

24 THE COURT: Thank you for being on time. Thank
25 for being here. I'm going to ask our clerk to swear

1 All right. I'm going to step back. When y'all
2 are ready to go, send me word back, okay.

3 (WHEREUPON, a short break was taken.)

4 THE COURT: You ready?

5 MS. GOUDE: Yes, Your Honor.

6 THE COURT: You ready?

7 MR. CRANE: Yes, sir.

8 THE COURT: Bring the jury in, please.

9 (WHEREUPON, the jury entered open court at
10 approximately 10:05 p.m.)

11 THE BAILIFF: Jury is seated, sir.

12 THE COURT: Thank you, sir.

13 State ready with opening statement?

14 MR. FAZEL: Yes, Your Honor.

15 THE COURT: You may proceed.

16 OPENING STATEMENT

17 MR. FAZEL: Ladies and gentlemen of the jury,
18 good morning.

19 THE JURY: Good morning.

20 MR. FAZEL: This is a simple straightforward
21 case of trafficking methamphetamine. During the
22 course of this trial, you will learn that the
23 Defendant, William Oliver, is representative of what
24 trafficking looks like in Pickens County.

25 Now, traffickers don't have the same redress

1 everyday citizens have. They can't call law
2 enforcement when they get ripped off because they
3 know they'll end up right here. They can't go to
4 courts when there's a dispute because they know
5 they'll catch charges. What they do is keep guns and
6 settle disputes with violence. This is why the
7 general assembly --

8 THE FOREMAN: I couldn't hear you, I'm sorry.

9 MR. FAZEL: What they do is keep guns and settle
10 dispute with violence. This is why the general
11 assembly has deemed trafficking methamphetamine as a
12 violent offense.

13 Now, on February 16th of 2018, officers went to
14 157 Summit Drive in Easley to conduct a search.
15 During that search, they located a handgun, several
16 bags of methamphetamine and what was later confirmed
17 by the SLED lab report to be Hydrocodone pills. When
18 officers searched The Defendant's bedroom, they first
19 encountered a locked door. That locked door was
20 unlocked from a key on The Defendant's key chain. In
21 his bedroom, they found several items of drug
22 paraphernalia to include pipes, baggies and straws.

23 They then went to the outbuilding, once again
24 locked, once again unlocked with a key from The
25 Defendant's key chain. The on-scene K-9 then alerted

1 on two safes, which I'm sure you've guessed by now,
2 were locked. I'm sure you've guessed by now were
3 unlocked by keys on The Defendant's key chain. In
4 one of those safes, they found numerous Ziplock bags.
5 In the other safe, they found a pistol. They found
6 several bags of methamphetamine. Then they found
7 several bags containing the Hydrocodone pills.

8 The Defendant has been indicted on three counts.
9 First, trafficking methamphetamine, more than 28, but
10 less than 100-grams. Second, possession of a
11 Schedule II narcotic, those Hydrocodone pills.
12 Third, possession of a weapon during a violent
13 offense. That's the pistol with trafficking
14 methamphetamine. But you're going to need to
15 consider all these charges during the course of this
16 trial.

17 Now, these charges are easily established.
18 First, the trafficking methamphetamine, did The
19 Defendant posses or attempt to sell or deliver more
20 than 28-grams of methamphetamine? Second, did The
21 Defendant possess Hydrocodone without a prescription?
22 You will hear from law enforcement as well as the
23 SLED lab scientist as to the location, content and
24 nature of these drugs. The third charge, did The
25 Defendant posses a weapon while committing a violent

1 offense? Once again, that's the pistol with the
2 trafficking methamphetamine. You will hear from law
3 enforcement officers as to the location of this
4 pistol when they found the drugs.

5 Now, at the end of this trial, my cocounsel,
6 Ms. Goude, will get up before you and ask you to do
7 one simple thing, and that's find The Defendant
8 guilty of all three charges. And that's because the
9 State will have proved beyond a reasonable doubt that
10 The Defendant did, in fact, commit these charges on
11 February 16th of 2018.

12 Thank you very much.

13 THE COURT: Mr. Crane, does The Defense wish to
14 have an opening statement? Do you wish to have an
15 opening statement?

16 MR. CRANE: Yes, sir. Thank you, Judge.

17 THE COURT: Yes, sir.

18 OPENING STATEMENT

19 MR. CRANE: Good morning, ladies and gentlemen.

20 THE JURY: Good morning.

21 MR. CRANE: I was introduced yesterday, my name
22 is Larry Crane. I'm from Greenville County,
23 primarily. I defend people all over the state
24 whenever I'm asked to go where I'm needed to go.
25 Mr. Oliver came to me quite a while ago and asked me

1 to represent him. I have the pleasure to do that for
2 him.

3 As you see, you've got assistant attorney
4 generals here with a bunch of policemen. You see a
5 bunch of policemen from Pickens County Sheriff's
6 Office. As the assistant attorney general said to
7 you, you'll have some SLED agents come in, some
8 chemist from SLED, so forth and so on. He's already
9 told you what they found was methamphetamine and
10 Hydrocodone.

11 Well, that's not evidence. You don't know what
12 they found because no one has testified to what they
13 found yet. Opening is to present to you what he
14 thinks he can prove to you. Whether or not he can
15 prove to you they found methamphetamine and
16 Hydrocodone, that remains to be seen. I submit they
17 will probably have someone come in and testify that
18 what was found was methamphetamine and what was found
19 was Hydrocodone.

20 As the attorney general indicated, they are
21 three charges. There's trafficking 28 to 100-grams
22 of methamphetamine. And you have to find one way or
23 the other whether or not Mr. Oliver is guilty of
24 possessing more than 28-grams, but less than 100
25 grams of methamphetamine. There's, also, the

1 possession of a weapon during the commission of a
2 violent offense. As the attorney general indicated,
3 trafficking methamphetamine is classified as a
4 violent offense. There's a statute in South Carolina
5 that lays out what is a violent offense. Trafficking
6 of drugs is one of them.

7 Attempted murder. There are some that you would
8 think should be a violent offense, but they're
9 classified. For example, assault and battery in the
10 first degree, which is just below attempted murder,
11 is not classified as a violent violence. Probably
12 should be, but it's not. But anyway, trafficking is
13 a violent offense.

14 If you are convinced at the end of the case
15 beyond a reasonable doubt that Mr. Oliver is guilty
16 of trafficking in methamphetamine and you're
17 convinced that he possessed a weapon while doing
18 that, then you should convict him of both of those.
19 If however, you don't find him guilty of trafficking
20 methamphetamine, then you have to find him not guilty
21 of possession of a weapon during the commission of a
22 violent crime. Because if he's not guilty of a
23 violent offense, he can't be guilty of possession of
24 a gun during the violent offense.

25 Now, I'm going to explain that a little bit more

1 to you. Because in the drug statutes, we've got a
2 tier of offenses. You've got trafficking. You've,
3 technically, got 10 to 28 grams, 28 to 100 grams and
4 over 100 grams. But you've got trafficking up here.
5 You have possession with intent to distribute a
6 little bit lower. And you've got possession.

7 Now, I'm going to ask the Judge at the end of
8 the case, I don't know if he will or not, but I'm
9 going to ask him to charge you on all three. Reason
10 being, as the attorney general indicated, listen
11 carefully to where this stuff was found. Listen
12 carefully to who was in that particular location when
13 it was found. Listen carefully to who lived in that
14 particular location. I want you to listen real
15 carefully to try to figure out whether or not they
16 found anything on my client. In his pocket, in the
17 car he might have been driving, anything on him.
18 He's indicated that they found something in a safe in
19 an outbuilding somewhere in Pickens County.

20 Possession is two different kinds. Actual and
21 constructive. This is my yellow pad here. This is
22 my pen. And I'm actually in possession of them.
23 They're mine. I can determine what happens to them.
24 That notebook over there in my briefcase are mine,
25 too. But I don't have them in my possession. I

1 constructively possess them because I can determine
2 what happens to them. I have the right to dominion
3 and control over that briefcase and notebook. So
4 there's two kinds of possession. Actual and
5 constructive.

6 I assume they're going to try and tell you that
7 he is constructively in possession of the stuff that
8 they say was found in a safe in an outbuilding
9 somewhere in Pickens County. You have to decide
10 whether he is or isn't.

11 I would, also, submit to you that there's
12 probably some stuff that they would testify was found
13 in the house. For example, in his room. A little
14 bit, maybe. But there's, also, stuff found in
15 another room which belonged to his father. Other
16 narcotics of which were tested by SLED.

17 So you need to listen real carefully to what the
18 evidence is going to be. You need to be convinced,
19 as the Judge said, beyond a reasonable doubt. A
20 doubt which causes the jury to hesitate to act. You
21 must be firmly convinced that my client is the one
22 that had those narcotics. That my client beyond a
23 reasonable doubt has the right to dominion and
24 control of these and not maybe someone else. I said
25 maybe because if you go to the jury trial at the end

1 of case and you say, you know, maybe Oliver didn't
2 have dominion and control, maybe someone else did.
3 Then he's not guilty beyond a reasonable doubt. The
4 attorney general said it was a simple case. It's not
5 really a simple case. It's not complex. It's simple
6 to us because we do it everyday. It's not as simple
7 to you guys.

8 The Judge indicated -- and, you know, I think he
9 gave a really good opening remark on what your duty
10 is and told you how the trial was going to progress
11 and everything. As he said, during the trial, the
12 trial -- you witnessed this yesterday. You were in
13 and out and you're up and down and everything else
14 before we finally got the jury picked. But it's
15 slow, methodical and deliberate.

16 We're going to all go through a process here.
17 Ms. Goude is going to go through a process where she
18 presents the witnesses and the evidence. We have the
19 right to call witnesses if we chose to do so, but we
20 don't have to. You have the right to listen to the
21 testimony. You're supposed to listen to the
22 testimony and determine which testimony to believe
23 and not to believe. You have to listen to that
24 testimony and decide whether or not the testimony --
25 the evidence should be applied to my client,

1 Mr. Oliver, or might it be applied to someone else
2 not Mr. Oliver. That's what you have to decide.

3 So like I say, the reasonable doubt, hesitate to
4 act. Firmly convinced that he's guilty. Not well,
5 you know what, I think he might be guilty, but I am
6 firmly convinced that he's guilty. That's what you
7 have to decide before you convict him. And when you
8 go to the jury room, there's going to be 12 of you
9 because the three alternates will be excused as long
10 as you make it, you're not sick or anything. So the
11 12 of you will deliberate. You've got your note
12 pads. Take your notes, you're going to share your
13 notes. Not one juror is any more important than
14 another juror. Listen to what the jurors have to
15 say.

16 If there's six of you saying he's not guilty and
17 six of you say he is, then you six need to listen to
18 these six and these six need to listen to these six.
19 You need to try to come up with a collective
20 decision, guilty or not guilty. If you don't, it's a
21 mistrial. That's unfortunate, but that's what
22 happens. And I'm not saying that if you're on one
23 side or the other. It may be 11 to one. And that
24 one person -- you know what that one person's job is
25 to do? That one person's job is to convince the

1 other 11 that he's right or she is right. That one
2 person's job is not to say okay, I give up. You guys
3 are right, I'll vote with you. If you've got a
4 thought in your mind that this is how it ought to be,
5 then you need to stick with it. You need to try to
6 get together with the other jurors and come up with a
7 verdict. Because your verdict must be unanimous.
8 All 12 of you must agree. Can't be 11 to one or ten
9 to two, whatever. Twelve of you have to agree guilty
10 or not guilty. It works both ways.

11 So I probably talked longer than I should, but,
12 you know, relax, think about what's going on, listen
13 to the testimony, weigh the evidence. And at the end
14 of the trial, the attorneys will have a chance to
15 come back and talk to you again about what's happened
16 during the trial. The Judge will charge you on the
17 law. As he said, he is the law giver. You can't
18 change the law. You don't like the law, you don't
19 change it today. You change it in Columbia with the
20 legislature. He's going to tell you what the law is.
21 You apply the law to the facts and the evidence
22 you're about to hear. If you determine beyond a
23 reasonable doubt that my client is guilty, then you
24 should convict him. But if you can't do that, you
25 should find him not guilty.

1 Thank you.

2 THE COURT: Call your first witness, please.

3 MS. GOUDE: The State calls Corey Baker.

4 THE CLERK: Mr. Baker, if you'd have a seat
5 there. If you'd raise your right hand.

6 COREY BAKER, after being duly sworn,
7 testified as follows:

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MS. GOUDE:

11 Q Good morning, Officer Baker.

12 A Good morning.

13 Q Could you tell the jury who you work for?

14 A I work for the Pickens County Sheriff's Office.

15 Q And how long have you worked for the Pickens
16 County Sheriff's Office?

17 A August will be 18 years.

18 Q That's a long time. Do you have a specific rank
19 at the sheriff's office?

20 A I'm a corporal.

21 Q Could you describe some of your duties and your
22 position at the sheriff's office to the jury?

23 A Of course. So I work on the Community Action
24 Team. We've had that team established since 2014. And
25 what we do is we fill complaints that come in from -- just

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1 all different forms of things, but citizen complaints is
2 the main one. But we go out and investigate drug
3 complaints in this community. And we'll follow up on them
4 to either validate them, dispel them, whatever we need to
5 do. But that's our primary objective is drug enforcement
6 side. And I, also, am a K-9 handler. And I oversee our
7 K-9 unit and a K-9 trainer.

8 Q Do you have any special training in narcotics?

9 A I have been through multiple different classes.
10 There's been a lot of narcotics training on the K-9 side.
11 We actually have to possess narcotics to train the dogs
12 with. So there's a lot there.

13 Then I've, also, been through a class on
14 clandestine laboratory cleanup. So you have to be able to
15 identify -- it was for methamphetamine. So we have to be
16 able to identify the methamphetamine and the base and all
17 the other things that -- you have to separate the things
18 so they don't react with each other when we're trying to
19 do a cleanup. This was back when the shake and back labs
20 and stuff were very popular.

21 And then I've been through other classes,
22 such as interdiction stuff, locating, you know,
23 recognizing drug behavior, recognizing drug trafficking
24 and things of that nature.

25 Q And clandestine lab would be maybe a lab in

COREY BAKER-DIRECT BY MS. GOUDE

1 someone's home or something like that?

2 A Yeah, any makeshift lab that's not what it
3 should be.

4 Q Okay. What does interdiction mean?

5 A It's -- well, basically, it's trying to
6 interdict the movement, the sell, everything to do with
7 drugs.

8 Q All right. Were you working for the Pickens
9 County Sheriff's Office back on February 16th of 2018?

10 A Yes, I was.

11 Q And where did you respond that day for the
12 search?

13 A We went to 157 Summit Drive. It's in the Easley
14 area of Pickens County.

15 Q Who was living at the residence at the time?

16 A One of them was William Russell Oliver. And I
17 believe his -- maybe his father and his sister, possibly.

18 Q So there were several people who were living in
19 the residence?

20 A Yes, ma'am.

21 Q But the reason you went there was because of
22 Mr. Oliver?

23 A Yes, sir.

24 Q Do you see William Russell Oliver in the
25 courtroom?

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1 A Yes, ma'am.

2 Q Could you please point him out for the jury?

3 A Sitting over there with the blue shirt.

4 MS. GOUDE: Your Honor, let the record reflect
5 that Corporal Baker has identified The Defendant as
6 William Russell Oliver.

7 THE COURT: So reflected.

8 BY MS. GOUDE:

9 Q All right. Let's talk a little bit about what
10 law enforcement found during the search of Mr. Oliver's
11 residence.

12 MS. GOUDE: Your Honor, may I approach the
13 witness?

14 THE COURT: Yes, ma'am.

15 BY MS. GOUDE:

16 Q Corporal Baker, I'm going to show you State's
17 Exhibits 2 through 7. Ask if you would take a look at
18 those exhibits.

19 A Yes, ma'am.

20 Q Corporal Baker, are Exhibits 2 through 7 fair
21 and accurate pictures of the crime scene that day?

22 A Yes, they are.

23 MS. GOUDE: Your Honor, at this time, I would
24 move State's Exhibits 2 through 7 into evidence.

25 THE COURT: Any objections?

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1 MR. CRANE: One moment. No objection.

2 THE COURT: State's Exhibits 2 through 7 are
3 admitted.

4 (WHEREUPON, State's Exhibits Nos. 2-7 were
5 admitted into evidence.)

6 MS. GOUDE: Permission to publish, Your Honor?

7 THE COURT: Yes, ma'am.

8 BY MS. GOUDE:

9 Q All right. Corporal Baker, let's first talk
10 about State's Exhibit No. 2. What is the jury looking at
11 in that picture?

12 A So this is the view from the driveway. When you
13 pulled in, the house would be over to the right. And this
14 is the outbuilding in the backyard.

15 Q And did you have occasion to search inside of
16 that building?

17 A Yes, I did.

18 Q And how was entry into that building gained?

19 A With a set of keys that had been in Mr. Oliver's
20 possession.

21 Q So a key that Mr. Oliver had on his person
22 opened that building?

23 A Yes, ma'am.

24 Q State Exhibit No. 3, what is this a picture of?

25 A That is the inside of the building. Kind of in

COREY BAKER-DIRECT BY MS. GOUDE

1 the middle of the building.

2 Q And State's 4?

3 A Just another view of the inside of that same
4 building.

5 Q Now, Corporal Baker, does that seem kind of
6 messy to you?

7 A There was a lot stuff in there.

8 Q And you participated in the search of this
9 building?

10 A Yes, I did.

11 Q Okay. State Exhibit 5, what's in that picture?
12 If you can see.

13 A Of course. There's a safe, but on top of the
14 safe, there's a metal, almost looks like a cash register
15 drawer, and it has a key hole lock. You can unlock it and
16 the drawer slides open like a cash register.

17 Q So am I pointing to the drawer right there?

18 A That's correct.

19 Q And below that was a safe?

20 A Yes, ma'am.

21 Q Did you open that drawer?

22 A Yes, ma'am.

23 Q How?

24 A With a key that was on the same set of keys that
25 had been in Mr. Oliver's possession.

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1 Q State's Exhibit 6, can you tell what's in that
2 picture?

3 A Yes, ma'am. There are multiple plastic bags.
4 Some people call them jewelry bags and things. They come
5 in what we call bingles of baggies. But these are new.
6 Majority of them, unused baggies. And there are very
7 consistently used for packaging drugs for sell. Then
8 there's, also, a glass smoking pipe in there. Most people
9 refer to as a meth pipe that has meth -- what I recognize
10 as meth residue inside it as well as a pill bottle. And
11 in that pill bottle was a baggy of what are scrapings out
12 of the pipes. So after the pipe is used, for a certain
13 amount of time, a residue will actually build up in that
14 pipe. And it is common for people to take and use a metal
15 tool of some sort to scrape that residue out to try to
16 reuse later if it ever got to that point.

17 Q All right. And it's kind of hard to see all the
18 items in this picture with the -- on the screen up here.
19 All right. If you don't mind, can you tell the jury what
20 else you found in that drawer? Do you need to refer to
21 the search warrant?

22 A If I may, yes, ma'am.

23 THE COURT: Would you like some water?

24 A JUROR: That would be great, thank you.

25

COREY BAKER-DIRECT BY MS. GOUDE

1 BY MS. GOUDE:

2 Q Agent Baker, do you see where -- Corporal Baker,
3 do you see where you found a brown substance in a yellow
4 plastic bag?

5 A Yes, ma'am. That, I do, along with some other
6 crystal substance and digital scales.

7 Q And some white powder in a plastic bag?

8 A Yes, ma'am.

9 (WHEREUPON, State's Exhibit No. 8 was marked for
10 identification only.)

11 BY MS. GOUDE:

12 Q I'm going to show you State's Exhibit 8. What's
13 State's Exhibit 8?

14 A So this would be cups and spoons. There's
15 some -- the glass smoking pipes with the residue that I
16 was speaking of, along with some spoons and cups that you
17 would use to scoop out what I would say would be large
18 quantities of whatever drug it would be that you are
19 selling.

20 Q So would you classify this as drug
21 paraphernalia?

22 A Absolutely.

23 MS. GOUDE: Your Honor, at this time, the State
24 would move State's Exhibit 8 into evidence.

25 THE COURT: No objection?

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1 MR. CRANE: First of all, there's no chain
2 that's been established. We don't how it got here,
3 where it's been, anything like that.

4 THE COURT: Lay a foundation, please.

5 BY MS. GOUDE:

6 Q Corporal Baker, can you tell the jury where you
7 located State's Exhibit 8?

8 A Yes, ma'am. These items were in the drawer in a
9 metal box that contained all the bags and everything that
10 I was speaking of in the outbuilding.

11 Q And these items are easily recognizable items,
12 glass pipes, spoons, a scoop; is that correct?

13 A Yes, ma'am.

14 Q What did you do with these items when you
15 collected them?

16 A Well, once we collect those items, we take them
17 to the central collection point. Once they're
18 photographed, then we take and, at that point, the person
19 that's going to be making the charges and submitting the
20 evidence takes all of that and brings it back to the
21 office to submit into evidence.

22 MS. GOUDE: Your Honor, at this time, The State
23 would admit State's Exhibit 8 into evidence.

24 MR. CRANE: Objection, Judge. That's not a
25 complete chain. He's testified they take it to some

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1 central point, then it goes to evidence. Who's at
2 the central point? How did it get to evidence? What
3 happened to it after that? I object to the chain of
4 custody.

5 MS. GOUDE: Your Honor, these are fungible
6 items. These are --

7 MR. CRANE: Your Honor, if we're going to argue
8 this, I ask the jury be released.

9 THE COURT: All right. Mr. Foreman, would you
10 take the jury back to the jury room, please.

11 (WHEREUPON, the jury left open court at
12 approximately 10:34 a.m.)

13 THE COURT: All right, Ms. Goude.

14 MS. GOUDE: Thank you, Your Honor. Your Honor,
15 the items in this exhibit are -- I don't believe they
16 were tested for drugs. The State was admitting these
17 items as drug paraphernalia. There are non-fungible
18 items. Fungible items are items like drugs, blood,
19 where the court requires the identity of each
20 custodian and for the items to be admitted, it must
21 establish a chain of custody. Items like this do not
22 face that same requirement, Your Honor.

23 THE COURT: Mr. Crane.

24 MR. CRANE: Judge, these might be what she calls
25 fungible, but there's nothing different --

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1 THE COURT: She said non-fungible.

2 MR. CRANE: Excuse me? Non-fungible. There's
3 nothing different between this cup, this thing, this
4 plastic spoon and these other things than thousands
5 of other items. He hasn't identified these other
6 than it's a bag. There's nothing -- in looking at
7 these particular items, I don't see his initials on
8 any of them. We don't know how they got in the bag.
9 We don't know where they're from. It says on the
10 outside, Baker. There's two Bakers in this case.

11 So I don't know how they got into this bag, what
12 happened to them, who put them in the bag, where they
13 went, where they've been, who brought them here. And
14 if they're not non-fungible, what's the relevance of
15 them? He's not charged with paraphernalia.

16 THE COURT: Well, I'm going to allow that into
17 evidence. I'm going to overrule your objection.
18 That's more of a matter for cross-examination instead
19 of admissibility.

20 Anything else before we bring the jury back?

21 MR. CRANE: I don't know what else she's going
22 to ask him to identify.

23 THE COURT: I'm going to let it in. I don't
24 think she needs to.

25 MR. CRANE: I understand that, but she may have

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1 something else that I may have the same objection if
2 you want to handle that now. I didn't know.

3 THE COURT: Well, I'm not trying her case.

4 MR. CRANE: Okay. I didn't want the jury to be
5 in and out.

6 THE COURT: Bring the jury back.

7 (WHEREUPON, the jury entered open court at
8 approximately 10:37 a.m.)

9 THE COURT: Ms. Goude.

10 MS. GOUDE: Thank you, Your Honor. Your Honor,
11 at this time, The State would move State's Exhibit
12 No. 8 into evidence.

13 THE COURT: Admit subject to objection.

14 MS. GOUDE: Thank you, Your Honor.

15 (WHEREUPON, State's Exhibit No. 8 was admitted
16 into evidence.)

17 (WHEREUPON, State's Exhibits Nos. 9-10 were
18 marked for identification only.)

19 BY MS. GOUDE:

20 Q Corporal Baker, I'm, also, going to show you
21 State's Exhibit 9 and State's Exhibit 10. If you could,
22 explain to the jurors what is in State's Exhibit 9.

23 A So these are the -- there's multiple different
24 sizes of the little small zipper plastic baggies that some
25 call jewelry bags, but they're consistent for packaging of

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1 drugs. Then this would be what we would refer to a bingle
2 or bundle, however you want to say it, of the bags. And
3 they're all folded up and put in another bag. There's,
4 also, some large bags in here, possibly quart-sized bag.
5 A lot of these have crystal residue in it consistent with
6 methamphetamine.

7 Q And where did you locate that?

8 A This was in the box there on top of the safe in
9 the outbuilding.

10 Q And State's Exhibit 10 appears to be what?

11 A This appears to be -- well, there's a knife in
12 there, but the main thing are the two digital scales,
13 obviously.

14 Q Why would somebody need scales?

15 A Those would be used for weighing out their drugs
16 to make sure that they're -- the majority of the time, it
17 can be -- it's to make sure that they're giving the
18 correct amount when they're distributing drugs.

19 Q So if you're a drug dealer, you want to give
20 your customer the right amount of drugs?

21 A Yes.

22 Q And you want to charge your customer the right
23 amount based on how many drugs you give them?

24 A Correct.

25 Q And you would need scales to weigh out those

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1 drugs?

2 A That's correct.

3 Q Where did you find the scales?

4 A In the same drawer in that box in the
5 outbuilding.

6 MS. GOUDE: Your Honor, at this time, The State
7 would move State's Exhibit 10 into evidence.

8 THE COURT: Any objection?

9 MR. CRANE: Same objection, Judge.

10 THE COURT: Overruled. Admitted subject to
11 objection.

12 (WHEREUPON, State's Exhibit No. 10 was admitted
13 into evidence.)

14 BY MS. GOUDE:

15 Q Now, Corporal Baker, did you, also, search a
16 bedroom in the residence?

17 A Yes, ma'am.

18 Q Whose room did you understand that bedroom to
19 be?

20 A Mr. Oliver's.

21 Q And if you need to, you may refer to your notes
22 up there. Could you tell the jurors the items that were
23 recovered from Mr. Oliver's bedroom?

24 A So one of the things was a -- I'd say the
25 biggest thing was a water pipe. It's like a meth pipe,

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1 glass smoking pipe, but with water in it for whatever
2 reason. We recovered that as well as another plastic bag
3 with some pipe scrapings in it. And I believe we had --
4 make sure I'm not missing anything.

5 Q If you would look at items nine, ten and 12.

6 A Yes, ma'am.

7 Q Or maybe I, J and L.

8 A Okay. I got you.

9 Q Can you tell the jury about those items that you
10 recovered in Mr. Oliver's room?

11 A Item I was the brown substance in the plastic
12 bag, that would have been the pipe scrapings I was
13 speaking of. And there was another dark substance that
14 was in a pink plastic bag. And I know it was submitted
15 for analysis, but I'm not sure what the finding was on
16 that particular one.

17 Q Well, it's not your job to analyze anything you
18 find, right?

19 A Then there was the liquid from that glass pipe
20 that I was speaking of. It's -- we took that liquid out
21 to send it off to be analyzed as well because the majority
22 of the time, it will test positive for meth as well.

23 Q So that liquid appeared to be drugs?

24 A Yes, ma'am.

25 (WHEREUPON, State's Exhibits Nos. 11-12 were

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1 marked for identification only.)

2 BY MS. GOUDE:

3 Q I'm going to show you State's Exhibit 11. If
4 you could, describe to the jurors.

5 A So this would -- there's, obviously, a Crown
6 Royal bag in here. And for whatever reason, it's
7 extremely common for drug paraphernalia to be in Crown
8 Royal bags. But this one contained some more pipes. This
9 is another style of a glass smoking pipe that has more
10 crystal residue, methamphetamine residue in it. This is
11 the water pipe I was talking about. I don't know if you
12 can see it or not, but it has a bubble in it right here
13 that holds the water. And then the pipe has more
14 methamphetamine residue in it. And has whatever smoke, I
15 guess, vaporized meth comes through, it passes through the
16 water right here until it --

17 Q You testified these are items that you found in
18 Mr. Oliver's room?

19 A Yes.

20 MS. GOUDE: Your Honor, at this time, The State
21 would move State's 11 into evidence?

22 MR. CRANE: Object, Judge. Want me to say it on
23 the record?

24 THE COURT: Yes, sir, I do.

25 MR. CRANE: Well, he's identified -- he said

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1 that it contains methamphetamine and it's
2 inappropriate. I mean, we don't have a chemist or
3 anything, so we certainly can't put that into
4 evidence until the chemist testifies.

5 THE COURT: Mr. Foreman, let me send you back
6 for one second, then I'll bring you right back.

7 (WHEREUPON, the jury left open court at
8 approximately 10:46 a.m.)

9 THE COURT: Let me say this, he's testified, at
10 least, five separate times that's residue
11 methamphetamine in these pipes. Because I was
12 waiting for you to object and you haven't. It's in
13 evidence unobjected to.

14 MR. CRANE: I understand that, Judge, but still,
15 they're going to have to have a chemist to get it
16 into evidence. He said it in opening statement that
17 there was methamphetamine found. I didn't object
18 then either. But I think you have to have a chemist
19 identify. He said that on some of these and she
20 hasn't tried to put them into evidence. The items
21 that she tried to put into evidence, he hasn't said
22 anything about methamphetamine, but this one here, he
23 said has methamphetamine. And whether it happened in
24 the past or not, I'll object every time they say
25 methamphetamine if I need to do that.

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1 THE COURT: I think you probably do. But I'm
2 going to allow it in because I think it came in
3 without objection, quite frankly. But I'll note your
4 objection on the record.

5 MR. CRANE: Okay. Thank you.

6 THE COURT: Yes, sir.

7 All right, you ready?

8 MS. GOUDE: Yes, Your Honor.

9 THE COURT: Bring the jury back.

10 (WHEREUPON, the jury entered open court at
11 approximately 10:38 a.m.)

12 THE COURT: Ms. Goude.

13 MS. GOUDE: Thank you, Your Honor.

14 Your Honor, The State would move State's 11 into
15 evidence.

16 THE COURT: Admitted subject to objection.

17 (WHEREUPON, State's Exhibit No. 11 was admitted
18 into evidence.)

19 BY MS. GOUDE:

20 Q Corporal Baker, just for clarification, you
21 testified that you are trained in recognizing drugs?

22 A Yes, ma'am.

23 Q However, you are not a drug analyst?

24 A I am not.

25 Q And you were not testing any drugs in this case?

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1 A No, I was not.

2 Q And you don't know what you found contained meth
3 or didn't contain meth, do you?

4 A Correct.

5 Q You were just locating items in the execution of
6 a search warrant?

7 A Right. And observing what was consistent.

8 Q And when drug evidence is collected, what
9 happens to that evidence?

10 A It gets submitted to SLED for analysis.

11 Q So SLED can confirm whether or not drugs were
12 found.

13 A Yes, a chemist would.

14 Q Thank you. All right. I think we have one more
15 item. I'm going to show you State's Exhibit 12. Where
16 did you locate that item?

17 A This was in Mr. Oliver's bedroom.

18 Q What is that?

19 A It's what we would commonly refer to as a drug
20 ledger due to the type of notes and stuff that it has in
21 it.

22 Q Okay. So what type of notes do you see in a
23 drug ledger?

24 A It's just -- there's dollar amounts. A lot of
25 times, it will be beside names of people, kind of noting

COREY BAKER-DIRECT BY MS. GOUDE

1 how much they have either been given in advance or given
2 or have owed or still owe. And it's a way to keep up
3 with -- it's common that the people they deal with in
4 their drug transactions will be in here.

5 And another thing that they will have in
6 them is the way that they exchange the money sometimes.
7 In this particular one, there was a card number in it.
8 And that card number had -- also, had some email address
9 and another name with it.

10 Q Okay. Who's listed in that drug ledger?

11 A This particular one was Warren Chastain.

12 Q If you flip to the back of that ledger, is there
13 a card back there on the back?

14 A Yes, ma'am.

15 Q What kind of card is that?

16 A This is a green dot cash back card with William
17 Oliver's name on it.

18 Q What are green dot cards used for?

19 A There are a lot of drug trans -- or drug money
20 is -- that's how it's getting -- the transactions are
21 occurring between dealers and stuff. Instead of using
22 cash, they're using green dot cards.

23 Q Is it like a prepaid card or something like that
24 where you load money onto it?

25 A Yes, ma'am.

COREY BAKER-DIRECT BY MS. GOUDE

1 Q You can send it to somebody else?

2 A Yes, ma'am.

3 Q Okay. All right. Do you remember whether
4 Mr. Oliver's person was searched?

5 A I do.

6 Q How much money did Mr. Oliver have on his
7 person, if you remember?

8 A I remembered it to be approximately \$2500. But
9 I see in here where it's \$2,563.

10 Q All right. We spoke about all the items you
11 collected. And again, what did you do with everything you
12 collected?

13 A We took it -- once it was all collected,
14 photographed where it was, got it to the collection point.
15 Then once it was turned over to that person, then it was
16 brought back to the sheriff's office. Then everything
17 from there was submitted -- well, everything was submitted
18 into evidence, but things to be analyzed was packaged to
19 be sent to SLED to be analyzed.

20 MS. GOUDE: All right. Your Honor, The State
21 has no further questions for Corporal Baker at this
22 time.

23 Please answer any questions from The Defense.

24 THE COURT: Cross-examination.

25 MR. CRANE: Thank you, Judge.

COREY BAKER-CROSS BY MR. CRANE

CROSS-EXAMINATION

BY MR. CRANE:

Q Corporal Baker, let me start off, is this the green dot?

A Yes, sir.

Q This is?

A Yes, sir.

Q Okay. So is it your testimony that green dot cards are made solely for the purpose of drug transactions?

A No, it's commonly used in drug transactions.

Q And what is it most used for? This is a Visa card, isn't it? Cash back Visa?

A It's a prepaid card.

Q What does that mean? Is there money on it?

A There's money on it once someone loads money on it, yes.

Q So there's money on here for William Oliver?

A I can't say what's on there right now, but his name is on there. And it's a cash back card in his name, green dot card in his name.

Q So if money is on here and his name on here, that means money on here is for William Oliver?

A Anyone who has the information for that card can access it to either take money off or put money on.

COREY BAKER-CROSS BY MR. CRANE

1 Q Okay. You don't know why it was put on there,
2 do you?

3 A I don't.

4 Q Now, let's go back kind of to the beginning of
5 your testimony. The attorney general asked you about
6 going to -- where did you say, 157 what?

7 A Summit Drive.

8 Q Okay. Is that where you began your day? Where
9 did you first -- when you went to 157 Summit Drive --

10 MS. GOUDE: Objection, Your Honor. May we
11 approach?

12 THE COURT: Yes, ma'am.

13 (WHEREUPON, an off-the-record bench conference
14 was held in the presence of the jury but out of
15 the hearing of the jury.)

16 THE COURT: You may continue.

17 MR. CRANE: Thank you.

18 BY MR. CRANE:

19 Q On the date that you went to 157 Summit, you
20 went there to execute a search warrant; is that correct?

21 A Yes, sir.

22 Q Okay. Is that where you first found Mr. Oliver?

23 A No, sir.

24 Q Where was Mr. Oliver that morning?

25 A He was at 105 Maxwood Drive, which is, also, in

COREY BAKER-CROSS BY MR. CRANE

1 Pickens County.

2 Q Where is that in relation to 157 Summit or 157
3 whatever the address was?

4 A Distance-wise?

5 Q Yes, sir.

6 A I would have to look. Approximately five miles,
7 maybe.

8 Q Okay. Do you know whose residence that other
9 address was?

10 A That was where his girlfriend lived at the time.

11 Q Okay. And that's where you located him?

12 A Yes.

13 Q Was he asleep when you got there or do you know?

14 A No, I don't think he was.

15 Q Okay. And he went back with you guys to the 157
16 address?

17 A Yes.

18 Q Okay. When was -- did you search Mr. Oliver?
19 Or did someone search him?

20 A Someone searched him, yes.

21 Q All right. Did you find any drugs on him?

22 A No.

23 Q Okay. The money you said you found was in his
24 pocket?

25 A Yes.

COREY BAKER-CROSS BY MR. CRANE

1 Q Okay. Did you ever find any drugs on Mr. Oliver
2 that day?

3 A No.

4 Q Okay. Do you know if anybody found any drugs on
5 Mr. Oliver that day?

6 A We did not to my knowledge. There was a time --

7 Q The day I asked about --

8 A That's what I'm saying, he went back in the
9 residence before we were actually able to search him, so.

10 Q Okay. I mean, did you search him before you got
11 to the residence?

12 A I'm sorry.

13 Q Wasn't he searched before he got to the
14 residence?

15 A I'm speaking of the residence at Maxwood Drive.

16 Q I understand, but once you got to Maxwood Drive
17 and took him back when you found him at Maxwood Drive, you
18 searched him, then taken back?

19 A Yes, that's what I was saying. He went back
20 inside Maxwood Drive. Once he came back out, then we
21 searched him, then we took him.

22 Q When you got back to 157, was it already being
23 searched by other agents?

24 A No.

25 Q Do you know who was at 157 when y'all got there?

COREY BAKER-CROSS BY MR. CRANE

1 A Uh.

2 Q I can ask specifically, wasn't his daddy there?

3 A Yes.

4 Q Wasn't his sister there?

5 A Yes, I believe so.

6 Q Wasn't his sister's boyfriend there?

7 A I believe. I don't recall, but I think there
8 was some -- maybe someone else there.

9 Q What happened to those people, did they not
10 leave?

11 A I honestly don't recall. I think that his
12 sister did leave at some point. I don't recall.

13 Q Okay.

14 A I wasn't involved dealing with them directly, so
15 I'm not sure what they did or if they left.

16 Q Do you have the search warrant return or did she
17 take it back?

18 A She took it back.

19 Q Okay. When you guys do a search warrant, you do
20 what's call the return, don't you?

21 A Yes.

22 Q Upon a search warrant. And the return or items
23 like you've been testifying, when you find something, you
24 take it to a central location and that person kind of
25 makes an entry of that item on the return; is that

COREY BAKER-CROSS BY MR. CRANE

1 correct?

2 A Yes, sir.

3 Q Then that person that you give the item to takes
4 it to the property evidence room, correct?

5 A It's however set up to work out during --
6 there's someone designated to do each of those steps.

7 Q Okay. February 16th of 2018, you did not take
8 any items to property and evidence yourself, did you?

9 A That's correct.

10 Q Okay. Let me show you the search warrant
11 return. Does that appear to be a copy of the same one she
12 showed you?

13 A Yes.

14 Q All right. And I think you testified to the
15 item J -- I'm referring to this last item in this, sir.
16 Item J -- Item I, J and L; is that correct?

17 A For the room?

18 Q Excuse me?

19 A For the room?

20 Q Yes.

21 A I, J and L?

22 Q Right.

23 A Yes.

24 Q I, J and L. And you testified that was a brown
25 substance with number I in a plastic bag in room number

COREY BAKER-CROSS BY MR. CRANE

1 two, correct?

2 A That's what it appears.

3 Q Okay. And that was his room, Mr. Oliver's room;
4 is that correct?

5 A To the best of my recollection, yes.

6 Q Okay. I'm not trying to trick you, I'm just.

7 A Yeah.

8 Q All right. And J is a dark substance in a pink
9 plastic bag, also, in room number two, his room; right?

10 A Yes.

11 Q And L was a pink liquid in the glass pipe in his
12 room, number two?

13 A That's correct.

14 Q Okay. Were there other rooms that were
15 searched?

16 A Not by me.

17 Q Okay.

18 A So I'm not sure.

19 Q Okay. Do you know whether or not there were
20 other items taken into evidence that might have been drugs
21 that were found in that house?

22 A In the house, I do not know.

23 Q Okay.

24 A The only thing I can attest to is what I did and
25 I was only involved in that one room.

COREY BAKER-CROSS BY MR. CRANE

1 Q Okay. On those bags that the attorney general
2 was asking you about found in the locked drawer, from
3 which you said you got a key from Mr. Oliver's very own
4 key ring, okay?

5 A Yes, sir.

6 Q Did you ask anybody else if they had a key?

7 A I did not.

8 Q Did you find any other keys that might fit?

9 A From anywhere else in house?

10 Q Yeah.

11 A No, sir.

12 Q Did you look for other keys to fit it?

13 A No, sir, I was only in that one room.

14 Q Okay. Did you ask Mr. Oliver's dad if he had a
15 key to fit that?

16 A I didn't speak with any of those people.

17 Q Okay.

18 A I was only involved in receiving that set of
19 keys that came off of Mr. Oliver and in the house
20 searching his room with the key that opened it, yes, sir.

21 Q So you don't know if there was more than one key
22 to that drawer, do you?

23 A I do not.

24 Q And you don't know who might have had access to
25 that? Now, you're saying Mr. Oliver did because there was

COREY BAKER-CROSS BY MR. CRANE

1 an outbuilding where he lived, correct? There's a house
2 and that drawer was found in the outbuilding behind the
3 house, correct?

4 A I'm sorry, I thought you were asking if he lived
5 in that outbuilding. But the outbuilding on the property
6 he lives on, correct, yes.

7 Q That's correct. All right. And that's the
8 property where you testified that you thought his sister
9 lived and his daddy lived?

10 A Yes, sir.

11 Q All right. Now, on those bags that you found in
12 there -- well, let me ask you, on the bags, the drawer,
13 anything you found in there, even the stuff found in his
14 room, do you have any fingerprints that match up to
15 Mr. Oliver?

16 A I did not have anything fingerprinted.

17 Q Okay. So the answer is no?

18 A I don't know if it was done, but I did not do
19 it.

20 Q Okay.

21 A I did not request anything to be fingerprinted.

22 Q You can't testify then that on these bags in
23 there were found his fingerprints?

24 A I cannot testify to that.

25 Q All right. What about DNA? No DNA?

COREY BAKER-CROSS BY MR. CRANE

1 A No, sir.

2 Q Well, how can you say that's his stuff? That's
3 what you're trying to do.

4 A Because of the fact that there's a key to every
5 one of those factors on that same key ring. His room, the
6 box, the outbuilding, the box in the outbuilding.

7 Q Right.

8 A He held the key to everything.

9 Q I understand that. Was it a normal door handle
10 key to his room?

11 A I believe so, yes. I don't recall, but I
12 believe so.

13 Q Like they call was quick lock or whatever, door
14 handle.

15 A Like Kwikset.

16 Q You ever changed one of those?

17 A Yes, sir.

18 Q How many keys come with a set?

19 A Two or three.

20 Q Two or three key sets. So you don't know who
21 else had a key to that room, do you? You know Mr. Oliver
22 had a key to the room?

23 A Yes.

24 Q You don't know whether there's other keys to
25 that drawer, right?

COREY BAKER-REDIRECT BY MS. GOUDE

1 A I don't know if there were more or where they
2 were. No, I do not.

3 Q And you don't know -- one moment, please. Let
4 me take a look at my notes, please.

5 MR. CRANE: Okay, thank you. Nothing further,
6 Judge.

7 THE COURT: Redirect?

8 MR. CRANE: Briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. GOUDE:

11 Q Corporal Baker, when you got to the residence at
12 Summit Drive, were other law enforcement agents already at
13 that residence?

14 A Yes, ma'am.

15 Q Were those law enforcement personnel able to
16 gain entry into Mr. Oliver's room before y'all got there?

17 A No, ma'am.

18 Q Why not?

19 A Because the key to open that room -- what I was
20 told -- not what I was told --

21 Q Was the room locked when you got there?

22 A The key to open that room was with Mr. Oliver.

23 Q So the other people at the residence could not
24 open Mr. Oliver's room?

25 A That's what I understood, correct.

COREY BAKER-REDIRECT BY MS. GOUDE

1 Q And the other people at that residence did not
2 open the outbuilding?

3 A Stated they couldn't.

4 Q So the room was opened and the outbuilding was
5 opened when Mr. Oliver got to the residence?

6 A Correct.

7 Q And where were Mr. Oliver's keys located?

8 A On his person when we made contact with him at
9 the other residence.

10 Q How did you get the keys?

11 A From him personally.

12 Q All right. You testified that you searched
13 Mr. Oliver's room?

14 A Yes, ma'am.

15 Q You, also, testified that you searched the
16 outbuilding; is that correct?

17 A Yes, ma'am.

18 Q And I ask you to identify State's Exhibit 12 and
19 you testified about State's Exhibit 12?

20 A Yes, ma'am.

21 MS. GOUDE: Your Honor, The State would move to
22 enter State's Exhibit 12 into evidence.

23 MR. CRANE: I don't think that's proper
24 redirect, so I would object.

25 THE COURT: I agree. I'm going to overrule --

COREY BAKER-REDIRECT BY MS. GOUDE

1 sustain the objection.

2 BY MS. GOUDE:

3 Q All right. Agent Corporal Baker, when you went
4 to the residence on Summit Drive, who was the person under
5 investigation at that time?

6 MR. CRANE: I don't think that's proper redirect
7 either.

8 THE COURT: What was your question?

9 MS. GOUDE: Who did law enforcement go to Summit
10 Drive to investigate? Mr. Crane mentioned other
11 people being at the residence.

12 THE COURT: Overruled.

13 THE WITNESS: We were specifically there on the
14 investigation of Mr. Oliver seated here in the
15 courtroom.

16 MS. GOUDE: Thank you, no further questions.

17 THE COURT: May this witness be excused?

18 MS. GOUDE: Yes, Your Honor.

19 THE COURT: Any objection?

20 MR. CRANE: I don't think so. Thank you, Judge.

21 THE COURT: All right thank you, sir.

22 Call your next witness, please.

23 MS. GOUDE: The State calls Jeremy Stone.

24 THE COURT: Ladies and gentlemen, while we're
25 waiting, anytime y'all need to take a break, I have a

JEREMY STONE-DIRECT BY MS. GOUDE

1 tendency to run long, my court reporter can tell you.
2 If sometime y'all need a break and I'm not giving you
3 one, raise your hands and we'll take a break. Okay.

4 THE CLERK: Raise your right hand to be sworn.

5 JEREMY STONE, after being duly sworn,
6 testified as follows:

7 THE CLERK: Thank you.

8 MS. GOUDE: May it please the Court?

9 THE COURT: Yes, ma'am.

10 DIRECT EXAMINATION

11 BY MS. GOUDE:

12 Q Good morning, Officer Stone.

13 A Good morning.

14 Q Could you tell the jury who you work for?

15 A I work for the Pickens County Sheriff's Office.

16 Q How long have you worked for the sheriff's
17 office?

18 A Going on 12 years.

19 Q What's your position there?

20 A I'm currently an investigator with the sheriff's
21 office.

22 Q What was your position back on February of 2018?

23 A I was assigned to the Community Action Team.

24 Q At that time, were you a K-9 handler?

25 A Yes, ma'am.

JEREMY STONE-DIRECT BY MS. GOUDE

1 Q Could you tell the jury a little about your K-9?

2 A Yes, ma'am. I got my K-9 in early 2018, around
3 January. He's was a German Shepherd. Had him for a
4 couple months at that time. He was trained to find
5 people, tracking, detect any kind of illegal narcotic and,
6 also, a bite dog.

7 Q So he was trained to detect illegal narcotics?

8 A Yes, he was.

9 Q What kind of training did your K-9 go through?

10 A I got him in North Carolina. I spent a month
11 with him becoming a handler. During that process, we did,
12 like I said, tracking, bite work. We did a lot of
13 training on him being able to alert on any kind of odor of
14 illegal narcotics.

15 Q Would you have to have any kind of particular
16 certification?

17 A Yes, ma'am. We're required to go through a
18 certification every year to get certified as a K-9
19 handler.

20 Q All right. Had the K-9 been working with law
21 enforcement for some time in detecting drugs?

22 A Yes, ma'am.

23 Q For about how long would you say?

24 A In 2018?

25 Q Yes.

JEREMY STONE-DIRECT BY MS. GOUDE

1 A I got him in January, so we had just got done
2 with my K-9 school in February.

3 Q All right. So on February 16th of 2018, did you
4 and your K-9 have occasion to respond to 157 Summit Drive
5 in Pickens County?

6 A Yes, we did.

7 Q Okay. And what did y'all do when you got there?

8 A I was called there to assist on a search of the
9 outbuilding on the property. When I got there, I used my
10 K-9, his name was Koa, to do a free air sniff inside the
11 building due to how messy -- how much stuff was inside the
12 building. So kind of to save time, I let him do his thing
13 inside there to let us know if there were any kind of
14 illegal drugs in there.

15 Q So it would make it easier to locate any drugs
16 with the K-9?

17 A Absolutely.

18 Q And when y'all were in the building, did K-9 Koa
19 alert?

20 A He did. He was running around the inside of the
21 building and he alerted on a safe that was on a table
22 inside the building.

23 Q What does he do when he alerts?

24 A His trained response was to sit. That was his
25 way of telling me he was in the odor of any illegal

JEREMY STONE=CROSS BY MR. CRANE

1 narcotic.

2 Q And do you encourage him in any way as to where
3 to search or anything like that?

4 A No. He only is rewarded once he gives me a
5 positive alert, which is his sit. And he gets a toy and I
6 praise him at the time.

7 Q I'm going to show you what's been admitted as
8 State's Exhibit 5. Is that the area that K-9 Koa alerted
9 to?

10 A Yes, ma'am, it is.

11 Q Did you participate in the search of the
12 outbuilding in any other way after the alert?

13 A No, ma'am. Once Koa alerted, that was my
14 involvement. I was done at that point.

15 MS. GOUDE: Thank you. The State has no further
16 questions.

17 THE COURT: Cross-examination.

18 MR. CRANE: Real quick, Judge. Thank you.

19 CROSS-EXAMINATION

20 BY MR. CRANE:

21 Q Mr. Stone, did you and your K-9 have any
22 occasion to go into the house, the residence?

23 A I'm sorry.

24 Q Did either you or your K-9 have the opportunity
25 to go into the residence?

JEREMY STONE=CROSS BY MR. CRANE

1 A Did we have the opportunity?

2 Q Yeah. Did you go into residence that day?

3 A No, I didn't go inside the house.

4 Q Did you ask the K-9 to sniff out Mr. Oliver?

5 A No. No, sir.

6 Q So the only thing you guys did was in this
7 outbuilding?

8 A Yes, sir. I was -- just the outbuilding.

9 Q You can't -- apparently, your dog alerted on
10 what you thought were drugs. Can tell me who put those
11 drugs there?

12 A Can I tell who put the drugs inside the safe?

13 Q Yeah.

14 A No, sir.

15 Q Do you know how long they might have been there?

16 A No, sir.

17 Q Can you tell how much there were -- how much
18 drugs there was from the sniff?

19 A Oh, no, sir.

20 Q Okay. So all you know is the dog alerted to
21 some type of narcotics?

22 A Yes, sir.

23 MR. CRANE: Thank you.

24 THE COURT: Redirect?

25 MS. GOUDE: Nothing from The State.

JEREMY STONE=CROSS BY MR. CRANE

1 THE COURT: May the witness be excused?

2 MS. GOUDE: Please, Your Honor.

3 MR. CRANE: Yes, sir.

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

5 All right, Mr. Foreman, ladies and gentlemen,
6 let's go ahead and take a morning break. If you need
7 anything, ask our bailiff and he'll get to you if he
8 can. Go back to the jury room.

9 (WHEREUPON, the jury left open court at
10 approximately 11:15 a.m.)

11 THE COURT: All right. Thank you. Let's take
12 about 10, I guess.

13 (WHEREUPON, a short break was taken.)

14 (WHEREUPON, State's Exhibits Nos. 13-17 were
15 marked for identification only.)

16 THE COURT: Anything, Ms. Goude, before we get
17 started?

18 MS. GOUDE: No, Your Honor.

19 THE COURT: Anything?

20 MR. CRANE: No, sir, we're ready.

21 THE COURT: Bring the jury in, please.

22 (WHEREUPON, the jury entered open court at
23 approximately 11:40 a.m.)

24 THE COURT: Call your next witness, please.

25 MS. GOUDE: State calls Tommy Blankenship.

TOMMY BLANKENSHOP-DIRECT BY MS. GOUDE

1 THE CLERK: Raise your right hand.

2 TOMMY BLANKENSHIP, after being duly
3 sworn, testified as follows:

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MS. GOUDE:

7 Q Could you please state your name for the record?

8 A Yes, it's Tommy Blankenship.

9 Q Where do you work, Mr. Blankenship?

10 A At the Pickens County Sheriff's Office.

11 Q Do you have a particular rank at the Pickens
12 County Sheriff's Office?

13 A I do, training lieutenant.

14 Q And how long have you worked at the sheriff's
15 office, Lieutenant Blankenship?

16 A For 19 years.

17 Q In your duties at the sheriff's office, are you
18 involved in the investigation of narcotics?

19 A Currently, I'm not anymore outside of doing
20 search warrants with the SWAT team.

21 Q Back in 2000 -- February of 2018, what were some
22 of your duties?

23 A At that point in time, I was assigned to the
24 narcotics division at the sheriff's office, or narcotics
25 unit as an agent.

TOMMY BLANKENSHOP-DIRECT BY MS. GOUDE

1 Q On February 16th of 2018, did you participate in
2 the investigation of William Oliver?

3 A Yes, ma'am, I did.

4 Q And how did you participate in the
5 investigation?

6 A So I was in a support role at that point in
7 time, I was not the case agent. So my job was to perform
8 any roles that the case agent needed. That particular
9 day, I was assisting in a legal search of the residence
10 and the outbuilding.

11 Q So you responded to 157 Summit Drive?

12 A Yes.

13 Q What part of the residence did you search?

14 A I primarily focused on the outbuilding.

15 Q I'm going to show you -- well, let's look at
16 State's Exhibit 2, which has been admitted into evidence,
17 and State's Exhibit 5, which has been admitted into
18 evidence. And State's Exhibit 5, already admitted, is
19 that the outbuilding that you helped search?

20 A Yes, ma'am, that is.

21 Q And particularly in -- excuse me, that was
22 State's Exhibit 2 is the outbuilding. State's Exhibit 5,
23 did you search any items in that picture?

24 A Yes, I did.

25 Q Okay. What did you search?

TOMMY BLANKENSHOP-DIRECT BY MS. GOUDE

1 A The safe that is sitting on the blue table, I
2 searched it, as well as the drawer that is on the bottom
3 side of that blue table.

4 Q Okay. This is --

5 A Yes, it's a small pull-out drawer.

6 Q Okay. How did you gain entry to that safe
7 there?

8 A One of the deputies that worked for our
9 Community Action Team brought me a key. If you look there
10 in between the handle and the numerical pad, there's a
11 small round circle, that circle flips open and you have
12 access with a key.

13 Q So you were able to gain access to that safe
14 with a key?

15 A Yes, ma'am.

16 Q And do you know where that key came from?

17 A It was delivered to me from another officer.
18 Their explanation to me was that they had retrieved it --

19 MR. CRANE: Objection, Judge.

20 THE COURT: Sustained.

21 BY MS. GOUDE:

22 Q So the key to that safe was given to you by
23 another officer on the scene?

24 A That's correct.

25 Q I'm going to show you what's been premarked as

TOMMY BLANKENSHOP-DIRECT BY MS. GOUDE

1 State's Exhibits 13, 14, 15 and 16. If you could just
2 take a look at those pictures.

3 A Okay.

4 Q Do you recognize those exhibits as items you
5 found in the safe are true and accurate depictions of
6 items you found in the safe?

7 A Yes, I do.

8 MS. GOUDE: Your Honor, at this time, The State
9 would move into evidence State's Exhibits 13, 14, 15
10 and 16.

11 THE COURT: Any objection?

12 MR. CRANE: No, sir.

13 THE COURT: Admitted.

14 (WHEREUPON, State's Exhibits Nos. 13-16 were
15 admitted into evidence.)

16 MS. GOUDE: Permission to publish, Your Honor?

17 THE COURT: Yes, ma'am.

18 BY MS. GOUDE:

19 Q Okay. Looking at State's Exhibit 13, I think we
20 need to turn it. What are we looking at there?

21 A So that's going to be the safe after we opened
22 it. The door opened laterally to the side, the items that
23 were in there as they were placed while it was on the
24 shelf.

25 Q State's Exhibit 14?

TOMMY BLANKENSHOP-DIRECT BY MS. GOUDE

1 A That's going to be to small zipper pouch that I
2 removed from the safe. You can kind of see the safe in
3 the background. That's actually my hands opening the
4 pouch revealing a -- looks like a white substance,
5 probably crystal-like.

6 Q In State's Exhibit 15?

7 A That's going be the remaining bags that were
8 pulled out of that pouch.

9 Q And this light on here makes it kind of hard to
10 see.

11 A Yeah. Looking at it right here, you can see it
12 looks like rock crystal substance, white in color.

13 Q And State's Exhibit 16?

14 A That's going to be a firearm inside of a
15 pelican-style case that was removed from inside the safe
16 on the right-hand side.

17 Q So if we go back to State's Exhibit 13, if we
18 look over to the left side of the picture, what was found
19 inside that item?

20 A That's the zipper pouch that had the bags.

21 Q And then the right side?

22 A That's going to be --

23 Q That black case?

24 A That's going to be the hard case that had the
25 pistol in it.

TOMMY BLAKENSHIP-CROSS BY MR. CRANE

1 Q Okay. Now, what did you do with these items
2 when you collected them from the safe?

3 A So they were photographed, documented on where
4 they were found, who found them. Then I would have turned
5 them over to the case agent.

6 Q Okay. Did you collect any other items or
7 participate in the search of any other areas of the
8 residence?

9 A Not that I recall of the residence. I stayed
10 inside of the outbuilding and located some other items.

11 Q Okay. How would you describe the other items
12 you located?

13 A There were -- there was a glass pipe that had
14 some sort of residue, some leather holsters, which you
15 could see in one of those photographs, as well as another
16 leather zipper bag.

17 MS. GOUDE: Your Honor, at this time, The State
18 has no further questions for Lieutenant Blankenship.

19 THE COURT: Cross-examination.

20 MR. CRANE: Thank you, Judge.

21 CROSS-EXAMINATION

22 BY MR. CRANE:

23 Q Is that hopefully soon to be sheriff?

24 A Possibly, yes, sir.

25 Q Good luck with it.

TOMMY BLAKENSHIP-CROSS BY MR. CRANE

1 A Thank you.

2 Q Lieutenant, when you went to the outbuilding, do
3 you know if Mr. Oliver was there?

4 A He was not in the outbuilding, no, sir.

5 Q Do you remember seeing him at all that day?

6 A I did see him that day, yes, sir.

7 Q Did you find any drugs on him, on his person?

8 A No, sir, I did not.

9 Q Okay. And you didn't search anything in the
10 house; is that correct?

11 A I did not, no, sir.

12 Q Just the outbuilding and the safe were these
13 items that you found there?

14 A That's correct.

15 Q Okay. Now, did you take those photographs or
16 someone else?

17 A Someone else would have been taking the
18 photographs for me.

19 Q But that's certainly a representation of what it
20 looked like that day?

21 A Yes, sir.

22 Q All right. Now, on any of the items that you
23 took out -- let's do it this way. On any of those
24 items -- you identified one as a bag that had bags of
25 white powder, the other one is a box that had the gun in

TOMMY BLAKENSHIP-REDIRECT BY MR. GOUDE

1 it. Did you have any fingerprints that matched my client
2 from any of those things?

3 A I didn't pull fingerprints, no, sir.

4 Q Do you have any fingerprints from my client that
5 matched anything on the safe?

6 A No, sir.

7 Q Do you have any DNA from my client on those
8 items in the safe?

9 A I do not, no, sir.

10 Q Any DNA from my client on the safe itself?

11 A I can't testify to that, no, sir.

12 Q Any DNA or fingerprint from the outbuilding
13 about my client?

14 A No, sir.

15 Q Did you ask if anybody else had a key to that
16 outbuilding?

17 A I did not, no, sir.

18 MR. CRANE: Okay, thank you, sir.

19 THE WITNESS: Yes, sir.

20 THE COURT: Redirect?

21 MS. GOUDE: Briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. GOUDE:

24 Q Lieutenant Blankenship, The Defense mentioned
25 the plastic baggies that were found in the safe. And we

TOMMY BLAKENSHIP-RECROSS BY MR. CRANE

1 can't see item 15 here clearly with the glare, so I'm
2 going to hand this picture back up to you. Could you
3 describe all of the items in this picture?

4 THE COURT: What exhibit number is that, please?

5 THE WITNESS: 15.

6 MS. GOUDE: Yes, State's Exhibit 15.

7 THE WITNESS: Sure. So there is four sandwich
8 baggies. Each one of them has a quantity of a
9 crystal substance, sort of white and clear. Looks
10 like rock salt. And then there is a small bag of
11 white oblong some sort of pills.

12 BY MS. GOUDE:

13 Q Some sort of pills?

14 A Yes.

15 Q Are those pills in any prescription bottle?

16 A No, they're not. They're just in a white
17 cellophane bag.

18 Q All of those items were located inside the safe?

19 A Yes, that's correct.

20 Q Thank you.

21 MS. GOUDE: No further questions for this
22 witness, Your Honor.

23 MR. CRANE: Let me ask a question, see. . .

24 RECROSS-EXAMINATION

25 BY MR. CRANE:

ANDY ROBINSON-DIRECT BY MS. GOUDE

1 Q Along with the white bag she asked about, the
2 gun was found in there?

3 A Yes, sir, that was located in the safe.

4 Q Okay. Do you know who that belonged to?

5 A I do not.

6 Q You didn't check to see if it was registered or
7 anything?

8 A I didn't.

9 MR. CRANE: Okay. Thank you, sir.

10 THE COURT: Can this witness be excused?

11 MS. GOUDE: Yes, Your Honor.

12 MR. CRANE: What is that?

13 THE COURT: May he be excused?

14 MR. CRANE: Oh, yes, sir.

15 THE COURT: Thank you, sir.

16 THE WITNESS: Thank you, Judge.

17 THE COURT: Call your next witness.

18 MS. GOUDE: The State next calls Andy Robinson.

19 ANDY ROBINSON, after being duly sworn,
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MS. GOUDE:

23 Q Would you please state your name?

24 A Yes, my name is Andy Robinson.

25 Q Where do you work?

ANDY ROBINSON-DIRECT BY MS. GOUDE

1 A I work for Pickens County Sheriff's Office.

2 Q How long have you worked for the sheriff's
3 office?

4 A I have worked for the sheriff's office a little
5 over 19 years.

6 Q And what are some of your roles and duties at
7 the sheriff's office?

8 A Currently, I am the lieutenant over the special
9 operations unit. So I supervise the narcotics agents and,
10 also, the Community Action Team deputies.

11 Q Do you have any special training in narcotics
12 investigation?

13 A Yes, I do.

14 Q In the course of your 19 years at the sheriff's
15 office, have you had the opportunity to participate in
16 numerous narcotics investigations?

17 A Yes. Of those 19 years, approximately 13 of
18 those have been in special operations, narcotics related.

19 Q Did you have occasion to respond to Summit Drive
20 on February 16th, 2018?

21 A I did.

22 Q What was your role at the scene?

23 A My role at the scene was I was the deputy that
24 was at the collection point for all evidence that was
25 brought to me.

ANDY ROBINSON-DIRECT BY MS. GOUDE

1 Q So you collected all of the evidence that's been
2 testified about today?

3 A That's correct.

4 Q I'm going to show you what's been marked as
5 State's Exhibit 12. Can you take a look at that exhibit
6 and tell us what it appears to be?

7 A Yeah, it appears to be what is commonly referred
8 to as a drug ledger. So, typically, somewhere someone
9 made notes and write down information for payment methods
10 when it comes to narcotics activity.

11 Q If you look in that ledger, is there any
12 indication who it belongs to?

13 A There some notes written to William. One says
14 William Russell Oliver. Then there's, also, a note here
15 wrote to William.

16 Q Okay. What does it say? Read it to us.

17 A On one side here, it says, I love you for life,
18 William Russell, the second. And Tia, can't make out the
19 rest. Crane, possibly. Looks like a female wrote a
20 letter to him. Then William, you are my world. I mean
21 that from the bottom of heart. You are my soulmate. Idk
22 what you say either.

23 Q All right. And that ledger was given to you
24 when you were collecting items?

25 A Yes. Corey Baker brought this item to me.

ANDY ROBINSON-DIRECT BY MS. GOUDE

1 MS. GOUDE: Your Honor, at this time, The State
2 would move to admit State's Exhibit 12 into evidence.

3 MR. CRANE: May I see it, please?

4 THE COURT: Admitted.

5 (WHEREUPON, State's Exhibit No. 12 was admitted
6 into evidence.)

7 BY MS. GOUDE:

8 Q Lieutenant Robinson, what did you do with the
9 items that were submitted to you?

10 A Those items were then transported back to the
11 sheriff's office where they were logged and they were
12 placed into evidence. They were placed into an evidence
13 locker.

14 Q What about, specifically, drug items? Is there
15 a special procedure that the sheriff's office has for drug
16 items that are collected?

17 A Yes. To submit drug evidence to SLED, we use
18 what we refer to as a SLED BEST kit. It is a plastic
19 envelope that you can keep the chain of custody. You put
20 the evidence inside. You can seal it. Then that's where
21 you, basically, start the official chain.

22 Q So you keep that evidence separate?

23 A That's correct.

24 Q And you seal it. Why do you do that?

25 A Just to make sure it's not tampered with.

ANDY ROBINSON-DIRECT BY MS. GOUDE

1 Q So when that drug evidence is recovered, is
2 anybody supposed to do any kind of testing or anything to
3 that drug evidence?

4 A No. It wouldn't be atypical sometimes to maybe
5 do a field test, depending on the situation. But that's
6 not as typical anymore. Most of the time, they just go
7 straight into a BEST kit.

8 Q So it's collected, it's sealed. Then what
9 happens to it?

10 A It is then turned over to our evidence techs and
11 our evidence techs will take it to SLED to be analyzed.

12 Q Is it kept in a secured area at the sheriff's
13 office?

14 A Yes, that's correct.

15 Q In particular, where did you submit the drug
16 evidence in this case to?

17 A It was a little later that evening, so we didn't
18 have an evidence tech there on the scene. So it was
19 turned into a locker, I believe it was locker 57, which is
20 a metal gym locker style inside the secured sheriff's
21 office area. And it's locked with a lock that only our
22 evidence techs have a key to.

23 Q All right. When this evidence was submitted to
24 the SLED lab by yourself or Pickens County Sheriff's
25 Office, did you request any fingerprinting?

ANDY ROBINSON-CROSS BY MR. CRANE

1 A We did not.

2 Q Why not?

3 A Typically, that's used to identify a suspect in
4 a case.

5 Q Did you request any DNA on any of these items?

6 A We did not.

7 Q Why wouldn't you do that?

8 A Again, the same. That would be a situation if
9 we were searching for a suspect.

10 MS. GOUDE: Beg the Court's indulgence, Your
11 Honor.

12 THE COURT: Yes, ma'am.

13 MS. GOUDE: No further questions for this
14 witness, Your Honor.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MR. CRANE:

18 Q Mr. Robinson, I couldn't quite hear your answer
19 to the last question there. Why do you not look for
20 fingerprints?

21 A That's something, typically, if we're searching
22 for a suspect.

23 Q And that's why you didn't look for DNA either?

24 A Yes, sir, that's correct.

25 Q So you guys had a closed mind with one person in

ANDY ROBINSON-CROSS BY MR. CRANE

1 mind when you went to that location; is that right?

2 A Based on the information we had and the evidence
3 we had on scene, we had a suspect.

4 Q So you didn't consider anybody else other than
5 William Oliver?

6 A There was no known other drug traffickers to us
7 at the residence at that time.

8 Q What about his daddy? His daddy was a drug
9 user, wasn't he?

10 A He was not a known drug distributor or
11 trafficker to my knowledge.

12 Q Do you know that his daddy died?

13 A I do.

14 Q Do you know that his daddy had drugs in his
15 system?

16 A I do not.

17 Q His daddy lived there, didn't he?

18 A To my knowledge, yes, sir.

19 Q Who else lived at the house?

20 A I do know his sister stayed there I believe at
21 the time.

22 Q Okay. So you didn't check for anybody else that
23 could possibly possess those drugs or gun?

24 A No.

25 Q Correct?

ANTHONY RAINES-DIRECT BY MS. GOUDE

1 A Yes.

2 MR. CRANE: Okay, thank you.

3 THE COURT: Redirect?

4 MS. GOUDE: No, Your Honor.

5 THE COURT: Okay. May this witness be excused?

6 MS. GOUDE: Please.

7 THE COURT: Okay. You can leave if you want.

8 THE WITNESS: Thank you.

9 THE COURT: Let's go ahead get another witness
10 in, if you can.

11 MS. GOUDE: The State calls Anthony Raines.

12 THE CLERK: Raise your right hand.

13 ANTHONY RAINES, after being duly sworn,
14 testified as follows:

15 THE CLERK: Thank you.

16 THE WITNESS: My name is Anthony Raines.

17 DIRECT EXAMINATION

18 BY MS. GOUDE:

19 Q Mr. Raines, could you tell the jury who you work
20 for?

21 A I work for Pickens County Sheriff's Office.

22 Q And how long have you worked there?

23 A Almost 18 years now.

24 Q What's your position at the sheriff's office?

25 A I'm a lieutenant in forensics property and

ANTHONY RAINES-DIRECT BY MS. GOUDE

1 evidence.

2 Q Can you describe to the jurors the process back
3 in February of 2018 of when evidence is typically brought
4 to the sheriff's office?

5 A The standard operating procedure is that
6 evidence we've brought into the sheriff's office, there's
7 a set of evidence lockers that evidence is generally
8 turned into unless there's an evidence technician that's
9 sitting there right at that time. And then the evidence
10 will be turned over to us. In this case, it was turned
11 over to me. And then that evidence will be logged and
12 then placed into a storage area pending analysis, whatever
13 analysis can be done with whatever the evidence is.

14 Q Now, can the Pickens County Sheriff's Office
15 analyze their own drugs?

16 A We do not have that process in place.

17 Q So where do the drugs have to go to be analyzed?

18 A To the South Carolina Law Enforcement Division,
19 SLED.

20 Q And someone from the sheriff's office would take
21 them there to be analyzed?

22 A Yes, ma'am. Generally, we -- about every --
23 well, now we do it every three weeks. Back then, it was
24 every three, four, five weeks, whatever it took. SLED
25 accepts 25 drug cases at a time. So, generally, what

ANTHONY RAINES-DIRECT BY MS. GOUDE

1 we'll do is once we get to 24, 25 cases, just as a matter
2 of efficiency, we'll make an appointment with SLED and
3 we'll take it down and drop it off with them to analyze
4 it. So it's usually three, four weeks or so that it stays
5 at our office. It could be that a drug comes in and
6 that's our 24th, so the very next day it goes down. But
7 it could be the first case that we got in after we've
8 already taken the shipment down.

9 Q Where the drugs are kept in your office, is that
10 a secured location?

11 A It is, yes. It's under lock and key and there
12 are only four people, maybe five people at the sheriff's
13 office that -- there's four of us that work in property
14 and evidence. Then I believe that our division captain,
15 also, has a key to the room. So there would only be five
16 keys in existence to that room.

17 Q Can you tell us what you did with the drugs you
18 received in this case concerning Mr. William Oliver?

19 A Those drug were taken in --

20 MR. CRANE: Your Honor, I object to them
21 referring them as drugs. We don't know that they're
22 drugs yet.

23 THE COURT: Sustained.

24 Would you rephrase that, please, ma'am?

25 MS. GOUDE: Yes, Your Honor.

ANTHONY RAINES-DIRECT BY MS. GOUDE

1 BY MS. GOUDE:

2 Q Could you please explain to the jurors what you
3 did with the items that were suspected to be drugs in the
4 William Oliver case?

5 A The items that came in in this case, they were
6 turned in. I took them out of the locker that they had
7 been in. I can't recall if it was out of the locker or if
8 it was a direct report to me, I can't recall that. But
9 however, I got them --

10 Q Lieutenant Raines, would you like to see a
11 submission report to refresh your memory on how you
12 received those drugs -- or --

13 A Sure, yes, ma'am.

14 Q -- items of evidence.

15 A Okay, yeah. These came in from a drop box
16 through a locker on this case. So they would have been
17 dropped off by Agent Robinson. And I took them out of the
18 locker at 10:10 a.m. on the 20th of February, 2018. So I
19 took them out of the -- items out of evidence locker,
20 which was, also, locked. Actually, on those, only four
21 people have keys to those lockers. Only the people that
22 work in property and evidence have keys to the locker.

23 So I would have taken it out of the locker
24 and transferred -- in the computer system, transferred the
25 things over into the location that I was going to store

ANTHONY RAINES-DIRECT BY MS. GOUDE

1 them. We have different -- depending on what type of
2 evidence it is, if it's something that's going to SLED to
3 be tested, then we'll put it in what's called the SLED
4 bin, which is just a box that's on a shelf that's
5 dedicated to only items that are going to SLED to be
6 analyzed. So that morning, I would have taken it
7 electronically in the computer and then placed it into the
8 SLED bin to await transfer to SLED.

9 At that time, we would have, depending,
10 like I said before, on how many items we had in there, and
11 where we were in the cycle of making a SLED trip, it would
12 have sat there -- in this case, I think it sat there until
13 the 15th of March, if I recall correctly. Yes,
14 March 15th. And then I took it down to SLED and dropped
15 it off. And it's much the same process there. You take
16 it in, put it in an evidence locker for them to take in.

17 Q So you transported the items to SLED?

18 A Yes, ma'am.

19 Q And you placed them in an evidence locker at
20 SLED on March 15th of 2018?

21 A Correct. Yes, ma'am, I did.

22 Q And did you place them into a locker that was
23 secured?

24 A Correct. SLED has -- much like us, they're a
25 little more sophisticated, but they have a locker system

LYNN BLACK-DIRECT BY MS. GOUDE

1 there that you place it in and you lock the locker. Then
2 they only have access to it at that point.

3 MS. GOUDE: That's all the questions I have for
4 this witness at this time, Your Honor.

5 THE COURT: Cross-examination?

6 MR. CRANE: No questions, Judge.

7 THE COURT: Thank you, sir. You're excused.
8 Can you get your next witness up?

9 MS. GOUDE: May we approach, Your Honor?

10 THE COURT: Yes, ma'am.

11 (WHEREUPON, a off-the-record bench conference
12 was held in the presence of the jury but out of
13 the hearing of the jury.)

14 MS. GOUDE: State calls Lynn Black.

15 THE CLERK: Ma'am, if you could raise your right
16 hand to be sworn.

17 LYNN BLACK, after being duly sworn,
18 testified as follows:

19 THE CLERK: Thank you.

20 DIRECT EXAMINATION

21 BY MS. GOUDE:

22 Q Could you please state your name for the record?

23 A My name is Lynn Black.

24 Q Ms. Black, could you tell the jurors where you
25 drove here from this morning?

LYNN BLACK-DIRECT BY MS. GOUDE

1 A Well, I just drove from Columbia. I actually
2 live and work down in Beaufort County. I work for the
3 sheriff's office in Beaufort, South Carolina.

4 Q And before you worked in Beaufort County, what
5 do you do at Beaufort County currently?

6 A I'm a forensic chemist. So I analyze substances
7 brought in by law enforcement personnel and determine
8 whether they are controlled substances or not.

9 Q And before you worked for the Beaufort County
10 Sheriff's Office, where did you work?

11 A I worked for the South Carolina Law Enforcement
12 Division, commonly known as SLED, in the forensic services
13 laboratory there, also, as a forensic chemist.

14 Q How long had you worked at SLED?

15 A I worked there for approximately 14 years.

16 Q And what was your position, you said?

17 A A forensic chemist, the same that I do in
18 Beaufort County.

19 Q Do you have any experience working for anyone
20 else?

21 A I, also, have worked at the Georgia Bureau of
22 Investigation in Atlanta, Georgia, also, as a forensic
23 chemist. I worked there for about eight years.

24 Q Could you describe some of your education and
25 training as a forensic chemist to the jury?

LYNN BLACK-DIRECT BY MS. GOUDE

1 A Yes, I have a Bachelor's of Science Degree in
2 chemistry from Kentucky Wesleyan College, a certificate of
3 medical technology from the University of Louisville and a
4 Master of Science Degree in forensic science from Marshall
5 University. And I began my training at GBI, Georgia
6 Bureau of Investigation, where they taught me how to
7 analyze substances. I, also, learned how to testify. And
8 that's where I began my career back in 1998, I believe.

9 Q Would it be safe to say that you've been a
10 forensic chemist for approximately 23 years?

11 A Yes, ma'am, or more.

12 Q And as part of your job when you were employed
13 at SLED, did you make drug analysis as part of your
14 regular duties?

15 A Yes, I did.

16 Q And how many cases would you estimate you've
17 analyzed subject to determine whether it was a drug?

18 A In my career, I think it's over 21,000 cases. I
19 think at SLED, it was probably over 14,000 there.

20 Q How many times have you testified?

21 A In my total career, it's 151 times. 51 times in
22 The State of South Carolina.

23 Q Have you been qualified as an expert on any of
24 those cases?

25 A Yes, ma'am, all the time.

LYNN BLACK-VOIR DIRE BY MR. CRANE

1 MS. GOUDE: Your Honor, at this time, I would
2 move to qualify Ms. Lynn black as an expert in
3 forensic chemistry.

4 THE COURT: Any voir dire or do you stipulate?

5 MR. CRANE: Let me ask one question.

6 THE COURT: Okay.

7 VOIR DIRE EXAMINATION

8 BY MR. CRANE:

9 Q Did you train under Alex Layton?

10 A No, sir.

11 Q Do you know Alex Layton?

12 A I do not.

13 MR. CRANE: No other questions. No objection.

14 THE COURT: All right. Ladies and gentlemen of
15 the jury, normally, a witness is limited in their
16 testimony to what they see, they felt or smelt, but
17 they can't give their opinion except in very limited
18 circumstances. However, a person who because of
19 their education or experience becomes an expert in an
20 area that may be beneficial to you, the jury, upon
21 qualification is allowed to give an opinion in the
22 area of their expertise. It is stipulated that
23 Ms. Black is an expert in the field of forensic
24 chemistry. She will be allowed to give her opinions
25 in that area and her reasons for those opinions.

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 I will tell you that expert testimony is like
2 any other testimony you'll hear in this case. You
3 may accept it, you may reject it, give it as much
4 weight as you think it deserves. Okay.

5 MS. GOUDE: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY MS. GOUDE:

8 Q Ms. Black, did you receive evidence in the case
9 we're here on today against Mr. William Oliver to analyze?

10 A Yes, ma'am.

11 Q Can you tell us how the SLED lab received that
12 evidence?

13 A Generally, evidence comes in to SLED usually
14 through the locker system. They have there some lockers
15 that --

16 THE COURT: Could you speak into that microphone
17 a little bit more?

18 MR. CRANE: Can you move it a little closer to
19 you?

20 THE WITNESS: I need to move to.

21 THE COURT: You can move it if you'd like to.

22 THE WITNESS: Is that better? Any better? I
23 don't know.

24 THE COURT: Can y'all hear me? If you want to
25 get up and move, you can.

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 MR. CRANE: Thank you, Judge. I'll see how it
2 goes.

3 THE WITNESS: Okay. Back to SLED, they have a
4 locker system where law enforcement personnel can
5 bring in evidence and place it in that locker. And
6 then once they close it up, it's locked. So nobody
7 else from the outside can get into it, only SLED
8 personnel can access it. So then somebody in the
9 evidence control section will take it out at some
10 point during the day, take it back to their desk and
11 then they enter all the information that has been
12 submitted with that evidence into the computer system
13 there.

14 And what happens is they give it a unique crime
15 lab case number, so a bar code with that number is
16 generated. They place it on the evidence and then
17 they scan that evidence to themselves. So everybody
18 at SLED has a bar code that will identify them. So
19 in the computer system, it will show that that
20 evidence is now in their possession.

21 Once they do that, then they'll put that
22 evidence, plus probably others that they've entered
23 into the drug vault. Then they scan it to a
24 particular location there so it can be easily found.
25 Then that is, also, in the chain of custody.

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 So then -- you want me to keep going as to how I
2 received it?

3 BY MS. GOUDE:

4 Q Yes, if you could go through the chain of
5 custody for these items, specifically.

6 A Okay. Do you want names or just --

7 Q Names.

8 A Okay. So in this particular case, it was
9 brought in from the Pickens County Sheriff's Office,
10 placed in the evidence locker. Then Jackie Davis, a
11 forensic technician in the evidence control section,
12 logged it in, gave it a unique crime lab case number,
13 scanned it to herself, placed it into the drug evidence
14 intake storage area. That's a particular area that they
15 can scan it to. Then it sat there until I was ready to
16 come down and pick it up. Then another evidence
17 technician, Charlotte Pitts, retrieved it from that
18 location, the evidence -- excuse me, the drug evidence
19 intake storage, scanned it to herself. And then she
20 scanned that evidence to me. So in our computer system,
21 it shows each step there.

22 So once I got it, did my analysis, got my
23 report, finished it up. And then I took it back down to
24 evidence control, scanned it back to Jackie Davis, the
25 evidence technician from the very beginning. Then it

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 stayed down there until it was ready to be returned.

2 Q Now, Ms. Black, you mentioned a lot of scanning.
3 Do any of the people involved in the scanning or moving
4 the items around the lab, are they involved in testing the
5 items?

6 A They are not, no.

7 Q Would they have any reason to tamper with or
8 open the packaging the drugs were sent to the lab in?

9 A No, they would not.

10 Q If they did open the packaging, would you know?

11 A I would notice it. When I get the evidence, I
12 look at it very carefully to make sure it hasn't been
13 tampered with, there's no openings, the evidence tape or
14 however it was sealed has not been tampered with. If it
15 has been or if it's opened, I would make a note -- at that
16 time, I would make a note on the worksheet and then it
17 would, also, show up on the report.

18 Q So is there any indication any of the items
19 submitted in this case were tampered with?

20 A No.

21 Q I'm going to show you what's been marked as
22 State's Exhibit 17. What is State's Exhibit 17?

23 A This is the evidence that I've analyzed for this
24 particular case. It's got the original bag that was
25 submitted to SLED --

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 MR. CRANE: Judge, I'm going to object. I'm
2 going to object.

3 THE COURT: What is your objection?

4 MR. CRANE: There's been no foundation or chain
5 of custody. This is not in evidence. My notes don't
6 say it's in evidence. Now, maybe I missed something.
7 But no one's identified that bag and what's in it
8 until this lady took the stand. There's no chain of
9 custody that's been done.

10 THE COURT: What's your response?

11 MS. GOUDE: Your Honor, I had asked Ms. Black to
12 identify the exhibit. I'm in the process of laying
13 the foundation of what is in this exhibit.

14 MR. CRANE: No, she asked her to identify the
15 exhibits --

16 THE COURT: Hang on, hang on.

17 Would you go back to your jury room real quick,
18 please.

19 (WHEREUPON, the jury left the open court at
20 approximately 12:21 p.m.)

21 THE COURT: All right, Mr. Crane.

22 MR. CRANE: Your Honor, my notes indicate that
23 that particular number 17 is not evidence.

24 THE COURT: Well, it's not.

25 MR. CRANE: Okay. So I object to her talking

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 about that item until the chain of custody is
2 properly done.

3 MS. GOUDE: Your Honor, if I may, we've had
4 officers testify about the evidence that was
5 collected, how it was collected. We had it submitted
6 to Lieutenant Robinson, then we had Agent --
7 Lieutenant Raines testify about the evidence and then
8 taking it to the SLED lab. We were just having
9 Ms. Black discuss the procedures of receiving the
10 evidence at the SLED lab, who received it and what
11 was done with it. And I had asked her to take a look
12 at the actual bag of evidence so we could establish
13 exactly what it was before asking that it be admitted
14 into evidence.

15 THE COURT: I agree.

16 I overrule your objection.

17 MR. CRANE: May I?

18 THE COURT: Yes, you may.

19 MR. CRANE: Respectfully, Judge.

20 THE COURT: Sure.

21 MR. CRANE: Blankenship did not identify that
22 bag. Robinson did not identify that bag. Raines did
23 not identify that bag. She didn't show it to anyone
24 of those three people. No one has identified that
25 bag yet or what's in it. They looked at photographs.

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 We don't know what's in that photograph. We don't
2 know what happened with that in the photographs. No
3 one has said the stuff in the photographs went into
4 those bags. It's not been testified. So you're
5 missing three links of the chain. I mean, all she
6 had to do was ask Blankenship, can you identify this
7 bag? Yes, that's the bag they found. I gave it to
8 Robinson, then Robinson gave it to Raines, Raines
9 took it down to SLED. They didn't do that. There's
10 no chain, Judge. You can't let in the evidence
11 without a chain.

12 THE COURT: Understand. Overruled. Okay.
13 Bring the jury back.

14 (WHEREUPON, the jury entered open court at
15 approximately 12:23 p.m.)

16 THE BAILIFF: Jury is present, Your Honor.

17 THE COURT: Thank you, sir.

18 All right, Ms. Goude.

19 MS. GOUDE: Thank you, Your Honor.

20 BY MS. GOUDE:

21 Q All right. Ms. Black -- would it be more
22 appropriate to call you Dr. Black?

23 A No, no, ma'am, just Ms.

24 Q All right. So we're looking here at State's
25 Exhibit 17, which you were describing how you came into

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 possession of this item. And I don't know if it may be
2 helpful for you to open the item at this point, it's up to
3 you, if it's helpful or not.

4 A No, I think it will be fine like this.

5 Q Okay. All right.

6 A So again, this is actually the bag -- the outer
7 bag is what I placed this evidence in once I was done.
8 The bag inside it, you can see it has got blue trim on the
9 outside, that's the bag that it came in. That's what's
10 called the BEST kit bag. That's what the officers
11 submitted their evidence in. And I notice -- I wrote the
12 unique crime lab case number, the SLED case number there.
13 It has my initials and the date as to when I opened it on
14 there. And this is the bar code label that's generated
15 when they -- when the evidence technicians make their, you
16 know, entry into the computer system. The evidence
17 itself, all the different drugs and stuff are back here on
18 the backside in different Ziplock bags in a plastic
19 container.

20 Q Are those little Ziplock bags in there labeled
21 in any particular way?

22 A They are. They have the lab number and, also,
23 the item number that I gave it. Each of them has that on
24 there. There's, also, some other markings, I believe,
25 that the agency placed on there.

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 Q So what did -- what did you do when you received
2 these items?

3 A When I received this item -- if I can refer to
4 my notes here. I think I actually started my analysis --
5 yeah, I believe when I received it, I took it upstairs to
6 the drug analysis section and I placed it in my area of
7 the vault. We have a vault -- or had, I'm not there any
8 longer. Had a vault where the drug analysis section had
9 kept their evidence. So I placed it in a bin with my
10 other evidence because I probably picked it up with more
11 that just the one. I placed it in there until I had
12 occasion to test it. I believe I started my analysis on
13 June the 21st of 2018.

14 Q All right. Tell us how about that analysis.
15 Let's first talk about your item 1.13, that is in State's
16 Exhibit 17.

17 A Okay. Item 1.13 was a cellophane wrapper that
18 contained some tablets. The total tablets was 10. There
19 were two different kinds of tablets in there. There were
20 five tablets that had the markings G037 and five tablets
21 that had the markings Watson 853. My analysis proved that
22 both of those were Hydrocodone and Acetaminophen.

23 Q And how did you analyze these tablets?

24 A For this analysis, I used an instrument that's
25 called, it's a big mouthful, Gas Chromatography-Mass

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 Spectrometry. GCMS is a lot easier to say, so. And,
2 also, since these tablets have markings on them, most
3 pharmaceutical companies put markings on their tablets to
4 help identify them.

5 And so when I said they had the marking
6 G037 and Watson 853, I'm able to look that up. There's
7 several references that you can look it up. There's some
8 online, there's some books, you can look it up. They told
9 me that they were supposed to be Acetaminophen and
10 Hydrocodone. And, indeed, when I did my testing, that's
11 what I came out with.

12 Q And would it be fair to say that GCMS is an
13 instrument and you put a sample of a substance into the
14 instrument?

15 A Yes.

16 Q And then the instrument generates a report that
17 you analyze?

18 A Correct. In a simplified way.

19 Q Simple terms here?

20 A Yes. Basically, you take the sample, in this
21 case, it was a tablet. I crushed up part of it and made
22 it -- put in into a liquid, a solvent. Then that solvent
23 gets sent into the GCMS. The GCMS is actually two
24 chemical analyzers, the GC part and then the MS part. The
25 GC part is where the sample gets -- it's volatilized,

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 which means it's just turned into like a gas or vapor.

2 It's sent through a long, coil heated tube where the
3 components of that sample are broken out.

4 So in this case, it's broken out into
5 Hydrocodone and Acetaminophen. So each of those
6 components went into the second chemical analyzer, the
7 mass spectrometer, or the MS. And then it gets broken
8 down into smaller fragments. Each compound has its own
9 unique pattern that comes out. It kind of looks like a
10 bar graph. So the Hydrocodone that came out made this
11 special bar graph and then the Acetaminophen, when it came
12 out, it made a special bar graph. You can compare those
13 to known drug standards that are sent through that same
14 instrument. Then you can make a positive identification
15 of substance, which is what I did in this case.

16 Q What was the results of your testing?

17 A Both for the 1.1 -- 13.1 and 1.13.2, I came up
18 with Hydrocodone and Acetaminophen were found.

19 Q And what schedule substance is Hydrocodone?

20 A It's a Schedule II.

21 Q What does that mean for a substance to be
22 classified as a schedule like that?

23 A The schedules are usually I through V. And so
24 the lower the number, the more apt it is be addictive and
25 dangerous. So Schedule I's are like no current medicinal

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 value. So they aren't used in any medical settings.
2 Schedule II's do have some medicinal. You know,
3 Hydrocodone and Acetaminophen are usually taken -- they're
4 analgesics or pain killers. So they have use in the
5 medical world. So a Schedule II is not quite as dangerous
6 as Schedule I and there's medicinal use. But they're
7 highly addictive, too.

8 Q Would a person need a prescription to have
9 possession of Hydrocodone or a Schedule II substance?

10 A Yes, they would.

11 Q So you can't go to the drug store and buy
12 Hydrocodone?

13 A No, you cannot.

14 Q All right. Let's go back to items 1.1, 1.2 and
15 1.3?

16 A Okay.

17 Q Are those items contained there in Exhibit 17?

18 A They are.

19 Q And those are items that you tested?

20 A That's correct.

21 Q Can you tell us how you tested those items? And
22 I believe 1.4 as well.

23 A I'm going to refer to my notes for this one.
24 Yes, I believe all four of those items, I tested by a
25 different method. So I told you about GCMS. There's

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 another mouthful, it's called the Fourier Transform
2 Infrared Spectrometry. We'll shorten that to FTIR.

3 So this is a different technique. The
4 other one -- they both are similar in they will identify
5 compounds, but FTIR is different in that the substance
6 needs to be more pure. It would not be able to
7 distinguish between the Acetaminophen and Hydrocodone.
8 But in this case, the substance that I identified, it was
9 able to identify it very easily. Would like me to simply
10 explain FTIR?

11 Q Simply, please.

12 A This one's a lot easier than GCMS. I don't have
13 to put it in the solvent. All I do is place the substance
14 on the instrument. There's a diamond -- small little
15 piece of diamond on the disk. You put a pressure bar on
16 it that kind of smashes it into the diamond, then an
17 infrared light is shown up into it. Now, compounds on
18 their own are kind of vibrating at a very low level. When
19 infrared light hits it, it can make it vibrate more. The
20 instrument can see that difference and apply a graph. A
21 that graph is kind of like a GCMS, you get this bar graph.
22 This one you get more of a wiggly graph, but it's very
23 unique to each compound, also. You can compare that to
24 known drug standards as well and make a positive
25 identification of a substance.

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 Q So on item 1.1, item 1.2, item 1.3, item 1.4,
2 what were the results of your analysis of those four
3 items?

4 A Each of those were positive for methamphetamine.

5 Q Can you tell us the weight of item 1.1?

6 A 1.1 was 25.26-grams.

7 Q So item 1.1 was confirmed to be 25.26-grams of
8 methamphetamine?

9 A That's correct.

10 Q What about item 1.2?

11 A That was 27.63-grams of methamphetamine.

12 Q Item 1.3?

13 A 27.69-grams of methamphetamine.

14 Q And item 1.4?

15 A That was 5.34-grams of methamphetamine.

16 Q And all that is a confirmatory test that that is
17 100 percent methamphetamine?

18 A That's correct.

19 Q Item 1.5. Yes, item 1.5, that's, also, in
20 Exhibit 17?

21 A Yes, it is.

22 Q And you tested that item?

23 A I did.

24 Q Okay. How did you test that?

25 A This one, I did go back to GCMS to do it. It

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 was not a crystal substance like the other four. So I was
2 not very confident that the FTIR would be able to identify
3 because I thought there may be other things in there with
4 it. So I did GCMS, but it, also, was positive for
5 methamphetamine.

6 Q What was the weight of that methamphetamine,
7 item number 1.5?

8 A That was 6.73-grams.

9 Q Let's move on to item 1.6.

10 A This was again a crystal substance, so I did use
11 the FTIR for this one. It was, also, positive for
12 methamphetamine.

13 Q And the weight of that confirmed
14 methamphetamine?

15 A That was 0.18-grams.

16 Q Item 1.7?

17 A This was again a crystal substance, so I used
18 the FTIR. And it was positive for methamphetamine and it
19 was less than 0.10-grams.

20 Q So very small amount there?

21 A Correct.

22 Q And item 1.8?

23 A This was a off white powder substance. So I did
24 GCMS on this one as well. And I got it was positive for
25 methamphetamine and it was, also, less than 0.10-grams.

LYNN BLACK-DIRECT CON'T BY MS. GOUDE

1 Q Item 1.9?

2 A This was a brown, chunky, powder substance, so I
3 did GCMS on this one. And it was positive for
4 methamphetamine 0.24 grams.

5 Q Item 1.10?

6 A This was a crystal substance, so I did FTIR. It
7 was positive for methamphetamine, less than 0.10-grams.

8 Q So, Ms. Black, if you add up all of that
9 methamphetamine there that was positive, what is the total
10 weight that you would get?

11 A It was approximately 93.07-grams. That's not
12 counting in the ones that were less than .10.

13 Q And what did you do with these items when you
14 completed the test?

15 A When I completed the test?

16 Q Yes.

17 A Sorry. Then I went -- each one, I opened
18 separately and packaged them back up as I finished taking
19 my samples. Then once I was all finished, I place it, as
20 I said, back into this outer bag. This is called a
21 K-pack. This is what the manufacturer calls it. So I
22 placed it in here, heat sealed the bottom with my initials
23 and the date. Then I placed this back into the drug vault
24 that was in the drug analysis section until my report was
25 finished and peer reviewed. Once all that was done, then

LYNN BLACK-CROSS BY MR. CRANE

1 I sent it back down to -- sent it back down to evidence
2 control where they hang onto it until the agency comes
3 back to pick it up.

4 Q And in looking at Exhibit 17 or what's been
5 marked as State's Exhibit 17, did anybody else test or
6 access the drugs in that exhibit?

7 A No, ma'am, they did not.

8 MS. GOUDE: No further questions at this time,
9 Your Honor.

10 THE COURT: Cross-examination.

11 MS. GOUDE: Oh, Your Honor, if I may, The State
12 would move Exhibit 17 into evidence through
13 Ms. Black's testimony, Your Honor.

14 THE COURT: Subject to prior objection.

15 MR. CRANE: Yes, sir.

16 THE COURT: Okay. It's admitted subject to
17 objection.

18 MS. GOUDE: Thank you, Your Honor.

19 (WHEREUPON, State's Exhibit No. 17 was admitted
20 into evidence.)

21 CROSS-EXAMINATION

22 BY MR. CRANE:

23 Q Ms. Black, I'm Larry Crane. How are you today?

24 A Very well. How are you?

25 Q Can you identify the document I just presented

LYNN BLACK-CROSS BY MR. CRANE

1 to you?

2 A This appears to be a copy of the SLED drug
3 analysis request from this particular case.

4 Q And that's the one that you testified to earlier
5 how it comes to you guys with time stamps and all that
6 stuff?

7 A Yeah, this is what the agency will submit along
8 with their evidence and I get a copy of it as well.

9 Q Okay.

10 Let me show it to the Attorney General.

11 MS. GOUDE: Objection, Your Honor.

12 THE COURT: Are you going to admit it into
13 evidence?

14 MR. CRANE: I'll move it into evidence.

15 THE COURT: All right. Any objection?

16 MS. GOUDE: No, Your Honor.

17 THE COURT: It's admitted. That will be Defense
18 No. 1.

19 MR. CRANE: Thank you, Judge.

20 (WHEREUPON, Defendant's Exhibit No. 1 was marked
21 for identification and received into evidence.)

22 THE COURT: Now, you can publish it.

23 BY MR. CRANE:

24 Q I don't know if the jury can see that. Do you
25 have another copy in front of you?

LYNN BLACK-CROSS BY MR. CRANE

1 A I do.

2 Q And you've got your drug analysis department
3 worksheet; do you not?

4 A Yes, sir.

5 Q Okay. So if we could -- you might need to refer
6 to both of them at the same time. If we look at this drug
7 -- SLED drug analysis request. And they're numbered one
8 through 12; are they not? One, two, three on down to 11
9 and then 12 over here?

10 A Yes, sir.

11 Q Then number one is a clear bag with crystal
12 substance; two, clear bag with crystal substance; three,
13 the same; four, the same. And those are the ones that you
14 just -- one through four are the ones that you referred to
15 a moment ago, 1.1, 1.2, 1.3 and 1.4; is that right?

16 A That's correct.

17 Q And those are ones that had 26-grams, 27-grams,
18 27-grams and five grams?

19 A Approximately, yes, sir.

20 Q Okay. Can you identify that document?

21 A Yes, sir. It appears to be a copy of my case
22 notes from this case.

23 MR. CRANE: Your Honor, I'd like to move this
24 into evidence, please.

25 THE COURT: Any objection?

LYNN BLACK-CROSS BY MR. CRANE

1 MS. GOUDE: Objection, Your Honor. Your Honor,
2 Ms. Black is here to testify to the findings of her
3 report. I haven't -- we need to see the exact pages
4 that Mr. Crane would like to offer into evidence. I
5 don't believe there would be any point to offer these
6 items into evidence as Ms. Black is here to testify
7 about the report. If Mr. Crane is trying to
8 circumvent the chain of custody, he would need to
9 call the appropriate witnesses to establish that for
10 certain items that may be in that report.

11 THE COURT: Overruled. That would be Exhibit
12 No. 2.

13 (WHEREUPON, Defendant's Exhibit No. 2 was marked
14 for identification and received into evidence.)

15 BY MR. CRANE:

16 Q Okay. So back to the SLED drug analysis
17 request, we've got 1, 2, 3, 4. And on your report, we've
18 got 1.1, 1.2, 1.3 and 1.4; is that correct?

19 A That's correct.

20 Q All right. On the second page, it refers to 5,
21 6, 7 and 8, 1.5, 1.6, 1.7 and 1.8 and 1.9?

22 A Yes, sir.

23 Q And the third page is 110, 11, 11.1, 11.1.2 and
24 11.1, what is it?

25 A It's --

LYNN BLACK-CROSS BY MR. CRANE

1 Q It's 1.12?

2 A Yes, sir.

3 Q Okay. That's the rest of these coming down and
4 this one over here?

5 A Yes, sir.

6 Q Okay. And then 1. -- this is 13, but you've got
7 1.13, 1.13.1 and 1.13.2?

8 A Yes, sir.

9 Q All right. So these here line up with what
10 you've done on your drug analysis sheet?

11 A That's correct. And if you look at my report,
12 I've got the numbers of the bags that are on that request
13 for each of the items on the report, too.

14 Q Okay. And this document here, is this one that
15 would have been submitted by Pickens County?

16 A Correct.

17 Q Okay. You testified about, I think it's 1.13, 2
18 and 3, were five tablets in each of those two groups, that
19 was the Hydrocodone; is that right?

20 A All part of 1.13?

21 Q Right. What did you identify that as?

22 A Hydrocodone and Acetaminophen.

23 Q What is that primarily used for?

24 A Pain relief, usually.

25 Q As if someone that had chronic back pain would

LYNN BLACK-CROSS BY MR. CRANE

1 use it?

2 A Yes, sir.

3 MR. CRANE: One moment, please.

4 Thank you, Judge. Nothing further.

5 THE COURT: Redirect?

6 MS. GOUDE: Nothing from The State, Your Honor.

7 THE COURT: May this witness be excused?

8 MS. GOUDE: Yes, please, Your Honor.

9 THE COURT: Thank you, ma'am. You're excused.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: All right, Ms. Goude.

12 MS. GOUDE: Your Honor, at this time, The State
13 would rest.

14 THE COURT: All right. Mr. Foreman, ladies and
15 gentlemen, as I told you at the beginning of the
16 case, you have different phases. This has been the
17 presentation of the evidence phase. The State has
18 presented its case in chief. It's a good time to
19 break for lunch. I have some administrative matters
20 to take up and then we'll come back for the
21 continuation of the trial.

22 Let's say -- counsel, say 2:30? That sound
23 good? Get the administrative matters taken care of.

24 Be back ready to go at 2:30, please. Leave your
25 notes in the jury room. The bailiff has been over

1 jostling for you to get your phones over lunch, so I
2 conceded that. But I'm asking you do not use them
3 for anything to look up anything about the case. I
4 have had that happen. But go ahead.

5 (WHEREUPON, the jury left open court at
6 approximately 12:48 p.m.)

7 THE COURT: Motions?

8 MR. CRANE: Your Honor, at this time, I would
9 move for directed verdict on the charges against my
10 client based on the fact of insufficient evidence
11 presented to the jury. Most particularly, the gun
12 charge. I don't know where it is. There's no gun in
13 evidence here. There's no gun to give to the jury.
14 There's no evidence about a gun being presented here.
15 There's pictures, but I don't think that's
16 sufficient. I would submit that should be a directed
17 verdict on the possession of a weapon during the
18 commission of a violent crime --

19 THE COURT: Hang on, let me stop you right
20 there. Because I'd like to hear The State's position
21 on that. Normally, we do get the guns.

22 MS. GOUDE: We do, Your Honor. Your Honor, in
23 this case, the weapon in the safe was stolen. As
24 such, law enforcement returned that weapon to the
25 rightful owner.

1 THE COURT: Should have done after the trial was
2 over with.

3 MS. GOUDE: Mr. Oliver -- there was several
4 other weapons in the residence, but the way the
5 indictment was initially charged, he was charged with
6 the stolen gun in the indictment.

7 THE COURT: Only one in evidence --

8 MS. GOUDE: Your Honor, we do have a picture of
9 the gun that was recovered. We have testimony that
10 that was the gun that was recovered in the safe. We
11 do not have the actual gun. Your Honor, we think
12 that should go to the weight of the evidence versus
13 the admissibility.

14 THE COURT: Do you have any authority,
15 Mr. Crane?

16 MR. CRANE: Authority?

17 THE COURT: Yeah. I'm going to take that under
18 advisement. Quite frankly, I've always seen the guns
19 come in evidence.

20 MR. CRANE: I always see the guns come into
21 evidence. I always see all the drugs come into
22 evidence. You know, I do not have any authority
23 because I certainly expected her to have the gun
24 here. I didn't even think about not having the gun.
25 Just like the drugs, it surprised me that she didn't

1 have her two officers identify the drugs.

2 THE COURT: Well, my law clerk needs something
3 to do over lunchtime anyway, so I'll let him look
4 that up. Seriously, I'm going to take that under
5 advisement and rule on that. I know you have some
6 more motions.

7 MR. CRANE: That's it.

8 THE COURT: Are you making any motion with
9 regard to the chain of custody?

10 MR. CRANE: Well, I've asked already that the
11 evidence not be admitted because of the chain of
12 custody. I think the drugs have to have a proper
13 chain of custody. You know, there's the case law
14 about the missing link or the weak link. We don't
15 have a weak link here, we've got two missing links.

16 It would have been very easy for Officer
17 Blankenship -- I think this is it, I don't know if
18 this is it or not, there's 17 up there. It would
19 have been very easy for Officer Blankenship to be
20 asked, can you identify this and him say yes. And
21 she say, well, what is it? This is the stuff I took
22 out of the safe. But he never did that. He was
23 never shown this to identify it. Then she goes to
24 Officer Robinson, Can you identify this? Yes, I can.
25 Where did you get it? Came from Blankenship. Do you

1 have your initials on it? I don't know that they
2 have their initials on here. I never asked about it
3 because they were never asked about it in direct.
4 Then it goes to Raines, who takes it to the police
5 department. Then Raines or Robinson, one of them
6 takes it to SLED. I understand that once you get
7 down to SLED and it's in P&E locker or something you
8 might not need those various people. If you look at
9 the chain of custody from SLED, there's about six
10 people that are on there. I don't think they need
11 all that, but they certainly need the officer to
12 identify -- the officer that found the stuff, yes,
13 that's what I found and here's what I did with it.
14 And the guy that got it, here's what I did with it.
15 So they don't have a chain of custody or I would ask
16 that the evidence not be admitted due to a lack of
17 chain of custody.

18 THE COURT: All right. No further motions other
19 than that?

20 MR. CRANE: Judge, not that I can think of.

21 THE COURT: All right. I'm going to deny your
22 motion as to chain of custody. I'm going to keep the
23 gun under my consideration.

24 But I'd like to hear from you about the gun if
25 you want me to hear anything else.

1 MS. GOUDE: Yes, Your Honor, we will look into
2 that at lunch as well, Your Honor. Also, I do
3 believe it would be appropriate for The Defense to
4 make a motion for a directed verdict at this time.

5 THE COURT: From The State's perspective?

6 MS. GOUDE: I believe that would be an
7 appropriate motion from the Defense, Your Honor, for
8 the record.

9 MR. CRANE: I thought I made that.

10 THE COURT: Well, you made one exclude, one
11 directed verdict.

12 MR. CRANE: Yes, sir, I did.

13 THE COURT: I think both be treated as such.

14 All right. It's now about five minutes to 1:00.
15 Do you anticipate calling any witnesses? I'm going
16 to go ahead and give his Fifth Amendment rights now.
17 But do you anticipate calling -- I'm not asking him,
18 but anybody else other than The Defendant?

19 MR. CRANE: Just one.

20 THE COURT: Okay.

21 WILLIAM OLIVER, after being duly sworn,
22 testified as follows:

23 THE COURT: All right.

24 Mr. Oliver, stand up please and raise your right
25 hand.

WILLIAM OLIVER-EXAMINATION BY THE COURT- (IC)

1 EXAMINATION-(IC)

2 BY THE COURT:

3 Q Now, we've reached that point in the trial,
4 Mr. Oliver, where you have a right as The Defendant to put
5 up evidence in your defense, that would include your right
6 to testify if you wanted to. But you, also, can claim the
7 protections under the Fifth Amendment to the United States
8 Constitution which in pertinent parts says that no person
9 can be called to testify against himself in a criminal
10 case.

11 Now, your lawyer may not make you testify.
12 The State cannot make you testify. I cannot make you
13 testify. If you wish to testify, that would be a decision
14 that you will make freely, intelligently and voluntarily
15 on your own part. Usually with advice of counsel, but,
16 ultimately, it is your decision. Or your decision not to
17 testify on the same basis, freely, voluntarily and
18 intelligently, knowing that if you testify that you will
19 be questioned by your attorney. The State's attorney will
20 cross-examine you to try to impeach your testimony and
21 your credibility.

22 From this juncture, Ms. Goude, any of his
23 criminal record that you seek to impeach him with? You
24 don't have to make a final right now, but --

25 MS. GOUDE: Yes, Your Honor, I do believe that

WILLIAM OLIVER-EXAMINATION BY THE COURT- (IC)

1 Mr. Oliver -- I do believe if Mr. Oliver took the
2 stand, there is criminal history that can be used to
3 impeach his testimony.

4 BY THE COURT:

5 Q Well, let's say this, Mr. Oliver, I haven't seen
6 your criminal record. There would have to be argument as
7 to whether or not The State would be allowed to impeach
8 you on it, much like some of the other testimony we heard
9 go through the analysis on. But if it's determined -- can
10 you hear me?

11 A What does impeach mean, sir?

12 Q That means that they would bring it up in front
13 of the jury that you have been convicted of this crime or
14 pled guilty to this crime or the other. I don't know what
15 it is. They will bring it up before you were to testify
16 and we would go across that before you testify and make
17 your determination. Because I would make the call whether
18 or not I'd let them do it. That's just the way I handle
19 things.

20 But if it's determined that they have a
21 right to question you on it, they will be able to bring it
22 up in front of the jury. Obviously, that point being
23 trying to make you out to be a bad guy and you're a
24 criminal, therefore, you should be guilty in the case.
25 That's the idea. It's not true necessarily, but that's

WILLIAM OLIVER-EXAMINATION BY THE COURT- (IC)

1 the idea. Otherwise, there's not -- they're still going
2 to try to cross-examine you and impeach you to hurt your
3 credibility, do you understand that?

4 A Yes, sir.

5 Q Okay. Now, ultimately, the decision to testify
6 or not is yours and yours alone. But, you know, as I told
7 you earlier, you make that with advice of counsel. Have
8 you understood everything I've gone over with you?

9 A Yes, sir.

10 Q Do you have any questions about anything I've
11 gone over with you?

12 A No, sir.

13 Q Do you have any questions you'd like to ask me
14 now about your Fifth Amendment rights or right to testify?

15 A No, sir.

16 Q Do you have any questions -- well, I'm going to
17 let you talk to your attorney. After we come back from
18 the lunch break, you will be expected to make a decision
19 about whether or not you will testify, okay?

20 All right, anything else on that regard,
21 Mr. Crane?

22 MR. CRANE: No, sir, Judge.

23 THE COURT: Very good. All right. I told them

24 1:30, come back --

25 THE BAILIFF: 2:30, Judge.

WILLIAM OLIVER-EXAMINATION BY THE COURT- (IC)

1 THE COURT: 2:30, thank you. I'm from Anderson.

2 Thank you, guys. See y'all at 2:30.

3 MR. CRANE: 2:30, Judge?

4 THE COURT: Yes, sir.

5 (WHEREUPON, a lunch break was taken.)

6 THE COURT: Please be seated.

7 All right. Mr. Crane, we'll get started in a
8 minute. Have you discussed with Mr. Oliver whether
9 or not he wishes to testify?

10 MR. CRANE: We have, Your Honor.

11 THE COURT: Does he wish to testify?

12 MR. CRANE: I do not believe that he does.

13 BY THE COURT:

14 Q Sir, you're still under oath from earlier. Have
15 you had a chance to talk to your attorney about whether or
16 not you wish to testify?

17 A Yes, sir, I talked to him. Yes, sir, I have
18 talked to him.

19 Q Do you wish to testify?

20 A No, sir, I do not.

21 Q Did you make that decision on your own?

22 A Yes, sir.

23 Q Did you make it freely and voluntarily knowing
24 your rights?

25 A Yes, sir, under the advice of my attorney, yes,

WILLIAM OLIVER-EXAMINATION BY THE COURT- (IC)

1 sir.

2 Q I'm sorry?

3 A Under advisement of my attorney, yes, sir.

4 Q But you made this decision on your own?

5 A Yes, sir.

6 Q Knowing your right to testify and right not to
7 testify, correct?

8 A Yes, sir.

9 Q Nobody forced you not to testify?

10 A Correct.

11 Q Are you under the influence of any medication,
12 drugs or alcohol today?

13 A No, sir.

14 Q Didn't think you were. Anybody force, threaten,
15 coerce you to make you not to testify?

16 A No, sir.

17 Q This is your own freewill decision?

18 A Yes, sir.

19 Q Very good. Thank you, sir.

20 THE COURT: Mr. Crane, do you have a witness you
21 want to put up?

22 MR. CRANE: One, yes, sir.

23 THE COURT: Okay. Before we bring the jury in,
24 anything else from the Defense before we get started?

25 MR. CRANE: Yes, sir, Judge. I made a motion

1 for the gun charge to be dismissed, directed verdict
2 motion. I know that you took that under advisement,
3 but I would further point out that the count 56 of
4 the indictment, which is the gun charge, is very
5 specific in that it says he was in possession of a
6 Smith and Wesson 9 mm pistol with the serial number
7 TZJ8511. None of that was ever testified to. They
8 simply said there's a gun and that's what we found.

9 THE COURT: Doesn't the picture show the serial
10 number?

11 MR. CRANE: No, sir, not that I saw.

12 THE COURT: I thought I saw it.

13 MR. FAZEL: Yes, Judge, it does.

14 MR. CRANE: Well --

15 MR. FAZEL: Clearly, you can see it's right
16 above the trigger guard.

17 MR. CRANE: It does show a serial number. If
18 you can read it, you've got better eyes than me, but
19 anyways, Judge.

20 And secondly, I made a motion for the drugs to
21 be not allowed in. Your Honor, I looked through this
22 a moment ago and there is a packet in here, which
23 I'll be glad to pass up, which has the initials T.
24 Baker. T. Baker is one of the officers that was
25 involved in the search warrant, who did not testify

1 at all, was never asked any questions at all, but the
2 evidence is here. And I objected to this evidence
3 going in.

4 THE COURT: You clearly did and you're protected
5 for the record. I think that under the case law of
6 recent dates, you don't have to have every hand that
7 touched it. And the main concern is to make sure
8 that there's been no tampering of the evidence. I
9 think it's well sufficient there's not been any
10 tampering of evidence.

11 MR. CRANE: No one even testified that he seized
12 this. It's just in the bag. You know, we don't know
13 how it got there or anything.

14 THE COURT: You know what, Mr. Crane, if I'm
15 wrong, then you'll have grounds to appeal, if
16 necessary. But I don't think I am. Of course, I
17 never do. And sometimes I am.

18 MS. GOUDE: Your Honor, as to the drugs, the
19 whole bag was admitted into evidence. The testimony
20 was elicited about the drugs and the chain. And what
21 Ms. Black actually testified to was about other drugs
22 in the bag, specifically, not the drugs that are
23 initialed T. Baker. The State is not using those
24 drugs as part of the weight in this case. Ms. Black
25 testified to the other drugs in that bag that she

1 testified -- or tested.

2 THE COURT: So you have in evidence drugs that
3 are being used and drugs that are not being used?

4 MS. GOUDE: Well, those drugs were tested by
5 Lynn Black. She did not testify about the results of
6 those tests. They are in that bag.

7 THE COURT: I got you. Okay.

8 MR. CRANE: Respectfully, that's more of a
9 reason to throw them out.

10 THE COURT: I hear you. And I'm not going to
11 throw them out. I think it's sufficient. But again,
12 I may be wrong.

13 I think another question, though, about the gun,
14 to be candid to everybody, I sent it out over
15 judicial lis server to get -- solicit opinions from
16 different folks about the picture of the gun coming
17 in as opposed to the real gun. And only thing I
18 really got back was, you know --

19 MR. FAZEL: Judge, I do have authority to point
20 you to on that.

21 THE COURT: Give it to me.

22 MR. FAZEL: State vs. Cheeseboro, a South
23 Carolina Supreme Court opinion from 2001. That is
24 246 S.C. 526. In that case, the defendant in that
25 case was charged with several counts of armed

1 robbery. The gun was inadvertently destroyed prior
2 to trial. Prosecution admitted a photo only of that
3 gun. The Supreme Court -- or the trial court denied
4 the motion to dismiss and for directed verdict. The
5 Supreme Court upheld that decision saying that the
6 serial number is clearly evident and it is not
7 fungible piece of evidence, that it was proper for
8 the trial court to admit just the picture and it was
9 proper for the jury to convict on the picture alone.

10 THE COURT: Thank you, sir.

11 The question, also, was whether or not there was
12 a nexus between the gun and the drugs. I think that
13 the gun being located in the safe with the drugs is
14 enough of a nexus, that may be tenuous, but it's
15 enough. The cases say that when drugs are used,
16 drugs and guns go together in crime and they're all
17 located in the same place. I think that's a close
18 enough nexus.

19 Again, I may be wrong on that one, too,
20 Mr. Crane, but I'm going to let it go. So it's all
21 going to go to the jury. I note your objection to
22 that. You extraneously argued the one about the
23 chain and you may have a point.

24 That being said, you ready to get your witness
25 on?

1 MR. CRANE: Yes, sir.

2 THE COURT: Okay. Who's going to cross-examine
3 this witness?

4 MS. GOUDE: I am, Your Honor.

5 THE COURT: All right. Anything from The State
6 before we get started?

7 MS. GOUDE: No, Your Honor.

8 THE COURT: All right. Would you bring the jury
9 in, please, sir.

10 (WHEREUPON, the jury entered open court at
11 approximately 2:50 p.m.)

12 THE BAILIFF: Jury is present, Your Honor.

13 THE COURT: Thank you, sir.

14 All right, good afternoon. I hope y'all had a
15 nice lunch. The State concluded its case. The
16 Defense now has a right to present evidence in its
17 own case.

18 So, Mr. Crane, do you have any witnesses you'd
19 like to call?

20 MR. CRANE: Just one, Judge.

21 THE COURT: Okay, sir.

22 MR. CRANE: Ms. Oliver, come around.

23 THE CLERK: Ms. Oliver, raise your right hand.

24 HEATHER OLIVER, after being duly
25 sworn, testified as follows:

1 THE COURT: Would you speak into microphone so
2 we can hear you?

3 DIRECT EXAMINATION

4 BY MR. CRANE:

5 Q I'm over here. If you speak to me so I can hear
6 you, I know then these people can hear you. What is your
7 name, please?

8 A Heather Oliver.

9 Q Are you related to William Russell Oliver?

10 A Yes, I'm his sister.

11 Q How old are you?

12 A I am 45.

13 Q Is he younger or older than you?

14 A He's younger.

15 Q Okay. And back in February of 2018, where were
16 you living?

17 A At 157 Summit Drive.

18 Q And who was living there with you?

19 A My dad and my brother.

20 Q What's your dad's name?

21 A Tony Oliver.

22 Q Okay. Did Russell have his own bedroom?

23 A He did.

24 Q Did your dad have his own bedroom?

25 A He did, but he stayed in the building outside.

HEATHER OLIVER-DIRECT BY MR. CRANE

1 Q All right. I'm going to get to that in a
2 minute. We've heard testimony about the outbuilding. Do
3 you know what outbuilding that is? Let me show you a
4 picture real quick. He says it's going to kick on in a
5 second, so we'll see. In the meantime, can you identify
6 that?

7 A Yes, that's our building.

8 Q Okay. Is that the outbuilding?

9 A Yes.

10 Q That's State's Exhibit No. 2. How far behind
11 the house was that?

12 A It's about 50 feet.

13 Q Okay. Who built that?

14 A My dad and my uncle.

15 Q What's your uncle's name?

16 A Greg Oliver.

17 Q Okay. Are either your dad or your uncle still
18 alive?

19 A No.

20 Q Who owned the house at 157?

21 A My uncle.

22 Q Did your dad and your uncle live there together
23 for a while?

24 A Yes.

25 Q And you said something about the outbuilding.

HEATHER OLIVER-DIRECT BY MR. CRANE

1 Your dad and your uncle built it. Did anyone ever live in
2 the outbuilding?

3 A My dad did.

4 Q Your dad did?

5 A (The witness nods.)

6 Q Did your dad have a drug problem?

7 A He did.

8 Q What was it?

9 A He did meth.

10 Q Okay. When did your dad die?

11 A March 5th.

12 Q Okay. Of this year?

13 A Yes.

14 Q Okay. When he died, did he have drugs in his
15 system?

16 A He did.

17 Q When your dad lived in the outbuilding, did he
18 have a bed?

19 A He did.

20 Q This is State's Exhibit No. 3. And I'm going to
21 refer you to this right here. Does that look like it's a
22 headboard of a bed?

23 A Yes.

24 Q Is that your dad's headboard?

25 A Yes, sir.

HEATHER OLIVER-CROSS BY MS. GOUDE

1 Q Okay. And so back in February of 2018, did your
2 dad have a key to that outbuilding?

3 A He did.

4 Q Did you have a key to that outbuilding?

5 A I did.

6 Q Had your uncle had a key to the outbuilding?

7 A He did.

8 Q How many other keys were there?

9 A Honestly, a lot.

10 Q Were people in and out of that outbuilding?

11 A Yes.

12 Q Did your dad do drugs in the outbuilding?

13 A Yes.

14 Q Did he invite people over to do drugs in the
15 outbuilding?

16 A Yes.

17 Q One moment, please.

18 Okay, thank you. Answer any questions The
19 State has.

20 THE COURT: Cross-examination.

21 MS. GOUDE: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MS. GOUDE:

24 Q Hi, Ms. Oliver.

25 A Hey, how are you?

HEATHER OLIVER-CROSS BY MS. GOUDE

1 Q Ms. Oliver, you said you are William Oliver's
2 older sister?

3 A Yes.

4 Q Would it be fair to say that you love your
5 brother like any sister would?

6 A Of course.

7 Q Do you still -- well, were you living with your
8 brother up until recently?

9 A Yes.

10 Q Do you have a job, Ms. Oliver?

11 A I do.

12 Q What's your job?

13 A I work at Wal-Mart stocking.

14 Q Now, you said your dad lived in the outbuilding.
15 I'm going to show you State's Exhibits 3 and 4 so you can
16 take a good look.

17 A Yes. He lived in the back part. This is the
18 front part, but he had his, like, bedroom part, all that
19 back there in the back.

20 Q Okay. So on State's Exhibit 3, can you point
21 out a bed or mattress that he was sleeping on?

22 A It's right behind the headboard.

23 Q Can you sleep on a mattress in that position?

24 A No, at that time when his health started
25 deteriorating and my uncle passed, he did move down to the

HEATHER OLIVER-CROSS BY MS. GOUDE

1 house, but he stayed up there for the most part. But he
2 did eventually move into the house as his health started
3 deteriorating because he couldn't walk. Because it didn't
4 have a bathroom in there.

5 Q So he was living in this building that didn't
6 have a bathroom?

7 A Right. He had a stove in there and everything
8 at one time.

9 Q When this happened, he was sleeping on this
10 mattress that's leaned up against the wall right there?

11 A No. I just told you he had moved into the house
12 at that point, but he pretty much stayed up there because
13 that's where all his stuff was. That's where he would
14 tinker. That's where he --

15 Q So was he or was he not living in the
16 outbuilding at this time?

17 A Yes, he was.

18 Q But he was sleeping at the house?

19 A Yeah, sometimes. But he stayed up all hours of
20 the day and night, so I mean, I don't.

21 Q Do you see any kind of mattress that a person
22 would sleep on in this picture?

23 A No, because I told you it wasn't on that side of
24 the building.

25 Q Now, when law enforcement came to the house that

HEATHER OLIVER-CROSS BY MS. GOUDE

1 day, did they ask you if you could open Mr. Oliver's room?

2 A No.

3 Q No. Did they ask you if you could open the
4 outbuilding?

5 A No.

6 Q But you said you had a key to those earlier?

7 A Yes.

8 Q If they had asked you, would you have opened his
9 room?

10 A Yeah.

11 Q And his room -- well, he did have his own
12 separate room there and that was the room that was locked?

13 A Right.

14 Q Okay. And law enforcement, you said they didn't
15 ask you to open the outbuilding either?

16 A No. As a matter of fact, they let me and my dad
17 leave walking.

18 Q Now, apparently, your dad was a drug dealer?

19 A He was.

20 Q How many times has your dad been to jail for
21 selling drugs?

22 A Honestly, I don't know.

23 Q Would you be surprised to learn that your dad
24 was never convicted of any drug offense?

25 A I guess he was smart. I don't know what to tell

HEATHER OLIVER-CROSS BY MS. GOUDE

1 you. Because I know I've been on several trips with him
2 while he was doing it.

3 Q Uh-huh. And you mentioned your dad dying with
4 drugs in his system. Your dad was in Prisma, the hospital
5 in Greenville; is that right?

6 A Yes.

7 Q Was he doing methamphetamine in the hospital in
8 Greenville?

9 A No.

10 Q Well, what do you mean he died with drugs in his
11 system?

12 A Okay, he had a stroke. He went into the
13 hospital. They did emergency surgery on him. He came out
14 and was not right after that. But they found drugs in his
15 system when they took him in. He died within a week and a
16 half of going into the hospital.

17 Q So when you said he had drugs in his system,
18 were you meaning that he was doing drugs in the hospital
19 or did you mean that he was receiving drugs as his
20 treatment because he was very sick at that time?

21 A No. He was doing them on his own. They did not
22 give him meth.

23 Q Well, I should hope not, Ms. Oliver.

24 A I mean, that's what you're insinuating. I don't
25 understand what you're asking me.

HEATHER OLIVER-REDIRECT BY MR. CRANE

1 Q I'm asking you how a person in the hospital
2 who's dying is getting methamphetamine if that's what
3 you're saying when you said he had drugs in his system?

4 A Because when they took him in, they wanted to
5 find out why he stroked out. So they did all kinds of
6 blood work and it was in his system.

7 Q Your father had been sick for quite some time?

8 A Yeah.

9 MS. GOUDE: Beg the Court's indulgence, Your
10 Honor. Nothing further, Your Honor.

11 THE COURT: Redirect?

12 MR. CRANE: Briefly, Judge.

13 REDIRECT EXAMINATION

14 BY MR. CRANE:

15 Q Ms. Oliver, if I might ask you about the
16 outbuilding. I think you said this, but I'm not sure. I
17 couldn't understand what the Attorney General was talking
18 about. Were there two sections of the outbuilding?

19 A There was. It's like a two-car garage. And my
20 dad actually built, like, a cardboard wall-type thing and
21 it goes into the back. And there's actually another door
22 that opens into that other area.

23 Q Where did he stay?

24 A In that back part.

25 Q Okay. So I think the solicitor was trying to

HEATHER OLIVER-REDIRECT BY MR. CRANE

1 ask you if he, in fact, slept on the bed that was like
2 this. He didn't do that, did he?

3 A No.

4 Q He had a bed set up back there?

5 A Right.

6 Q You, also, indicated that when the police came
7 on that day in February, you and your dad were allowed to
8 leave the area?

9 A Yes. They blocked my vehicle in, but they let
10 us leave walking with my son. And they, also, when they
11 went to pick up my brother, they searched my vehicle that
12 nobody was inside of.

13 Q Okay. And when you talk about your dad when he
14 died and had drugs in his system, you say he went into the
15 hospital with a stroke?

16 A Yes.

17 Q He was in there about a week?

18 A He went in on the 22nd of February and he died
19 on March 5th.

20 Q Okay. And are you trying to say that when he
21 went in, they tested his system?

22 A Right. They were trying to find out the cause
23 of the stroke and they found drugs in his system.

24 MR. CRANE: Thank you. Answer any other
25 questions she may have.

HEATHER OLIVER-REDIRECT BY MR. CRANE

1 MS. GOUDE: Nothing from The State, Your Honor.

2 THE COURT: Thank you, ma'am, you may step down.

3 Any reason why the witness can't be excused?

4 MR. CRANE: No, sir.

5 THE COURT: Thank you. You're excused if you
6 desire.

7 MR. CRANE: We rests. That's all, Judge.

8 THE COURT: Defense rests?

9 MR. CRANE: Yes, sir.

10 THE COURT: All right. Mr. Foreman, ladies and
11 gentlemen of the jury, The Defense has put up its
12 defense in chief. I have a couple of administrative
13 matters to take up, then I'll bring you back. Go
14 back to the jury room right now, please.

15 (WHEREUPON, the jury left open court at
16 approximately 3:03 p.m.)

17 THE BAILIFF: Jury secured, sir.

18 THE COURT: Thank you, sir.

19 All right. Any motions from The State?

20 MS. GOUDE: Your Honor, The State would like to
21 call two witnesses in reply of Ms. Oliver's
22 testimony.

23 THE COURT: Okay, we'll do that. You don't have
24 any motions at this juncture, do you?

25 MS. GOUDE: No, Your Honor.

1 THE COURT: Do you renew your previously argued
2 motions?

3 MR. CRANE: Absolutely, Judge. Thank you.

4 THE COURT: Do you have any additional aspects
5 of that you'd like to argue?

6 MR. CRANE: I don't think so. Thank you, Judge.

7 THE COURT: Very good.

8 Is your witness here?

9 MS. GOUDE: Yes, Your Honor. They're both here.

10 THE COURT: They're close by in other words?

11 MS. GOUDE: They're in the courthouse, Your
12 Honor.

13 THE COURT: Okay, good.

14 Call the jury back in, please.

15 (WHEREUPON, the jury entered open court at
16 approximately 3:05 p.m.)

17 THE COURT: All right. Does The State have a
18 reply?

19 MS. GOUDE: Yes, Your Honor. The State would
20 like to call two witnesses in reply.

21 THE COURT: Okay.

22 MS. GOUDE: The State will first call Corey
23 Baker, or recall Corey Baker.

24 MR. CRANE: Your Honor, may it please The Court?
25 I don't know what your ruling might be, but he wasn't

1 sequestered during our testimony. He's been in the
2 courtroom the whole time. Your order was sequester
3 all witnesses. I would submit that he can't testify.
4 We had none of the witnesses in here.

5 MS. GOUDE: Your Honor, Mr. Baker did testify,
6 however, he was released after he testified, Your
7 Honor.

8 MR. CRANE: She can't -- I would object to him
9 testifying. He wasn't sequestered while my witness
10 testified.

11 THE COURT: I'll take it under advisement. If I
12 agree with you, I'll strike his testimony, okay.

13 Come on around. You're still under oath.

14 FURTHER REDIRECT EXAMINATION

15 BY MS. GOUDE:

16 Q Hi, Corporal Baker.

17 A Hi.

18 Q Earlier you testified to the jury about the
19 search of the outbuilding at 157 Summit Lane in Pickens
20 County?

21 A Yes, ma'am, Summit Drive, yes, ma'am.

22 Q When you searched that building, did you see
23 anything indicating that someone was living in the
24 building?

25 A I did not see anything in there that would have

COREY BAKER-FURTHER RECROSS BY MR. CRANE

1 made me thought that someone was living there, no.

2 Q Did you see any mattress set up with any
3 bedsheets on it?

4 A No, there was nothing setup to make it appear
5 that anyone was living in this building.

6 Q Look like anybody was cooking food in there?

7 A No.

8 Q And did you notice if there was a restroom in
9 the building?

10 A No, I did not observe anything like that at all.

11 Q You searched the entirety of the outbuilding?

12 A Yes.

13 MS. GOUDE: Thank you.

14 Nothing further, Your Honor.

15 THE COURT: Cross-examination.

16 MR. CRANE: Yes, sir, just one moment, please.

17 FURTHER RECROSS-EXAMINATION

18 BY MR. CRANE:

19 Q Officer Baker, did you go to both parts of the
20 outbuilding?

21 A There was -- we were in there searching the
22 whole building, yes, sir.

23 Q Where there two parts like there were just
24 testified to, like a two-car garage?

25 A I guess you could say it was laid out that way.

COREY BAKER-FURTHER RECROSS BY MR. CRANE

1 It depends on your interpretation of the two separate
2 parts.

3 Q And you did find -- you did find a bed in a
4 master bedroom that was occupied by my client's father;
5 did you not? In the house?

6 A Yes, in the house.

7 Q So he had a bedroom in the house?

8 A Yes.

9 Q Did you see -- was there a bed up against the
10 wall in one of those pictures?

11 A There was a bed against the wall.

12 Q Did you see that bed?

13 A I did.

14 MR. CRANE: All right. Thank you, sir.

15 THE COURT: All right. Thank you, sir. You can
16 step down.

17 Call your next witness.

18 MS. GOUDE: Your Honor, may we approach Your
19 Honor?

20 (WHEREUPON, an off-the-record bench conference
21 was held in the presence of the jury but out of
22 the hearing of the jury.)

23 THE COURT: Yes, ma'am.

24 All right, Mr. Foreman ladies and gentlemen of
25 the jury, I'm going to listen to some testimony

1 outside your presence to determine whether I'm going
2 to let you hear it. If you would go back to your
3 jury room, I'm going listen to it, then I'll bring
4 you back in and let you know, okay.

5 (WHEREUPON, the jury left open court at
6 approximately 3:11 p.m.)

7 THE BAILIFF: Jury is secured.

8 THE COURT: If they need to be escorted --

9 THE BAILIFF: I'll talk about --

10 THE COURT: Just don't talk about anything else,
11 but that.

12 THE BAILIFF: Yes, sir.

13 THE COURT: Thank you.

14 Your next witness, Mr. Chastain?

15 MS. GOUDE: Yes, Your Honor.

16 THE COURT: Would y'all bring him in?

17 THE DEPUTY: Yes, sir, they're getting him.

18 MS. GOUDE: Your Honor, I believe his attorney
19 might be on the way, Mr. Dane Phillips. I have
20 spoken with Mr. Phillips about what's going on in
21 court today. I would like to notify Mr. Phillips
22 about Mr. Chastain being brought into the courtroom
23 with the Court's permission.

24 THE COURT: Did Mr. Phillips say that he
25 objected to him testifying?

1 MS. GOUDE: No, Your Honor.

2 THE COURT: Okay. Is he going to be here?

3 MS. GOUDE: I'm not sure, Your Honor, that's why
4 I would like to call Mr. Phillips. He had a juvenile
5 matter in Rock Hill, I believe. He said he would
6 head here after that. But he, also, said that he
7 believed his client could testify without him
8 present, but I would just like to keep him apprized
9 of what's going on.

10 THE COURT: So you need to step out and call him
11 right now?

12 MS. GOUDE: With Your Honor's permission.

13 THE COURT: Absolutely.

14 MS. GOUDE: Thank you.

15 (WHEREUPON, a short break was taken.)

16 MS. GOUDE: Your Honor, I was not able to get a
17 hold of Mr. Phillips. I sent him a message to let
18 him know what was going on. I don't believe he would
19 have any objection to us proceeding.

20 THE COURT: Well, you said he said he could
21 testify without him being here. I don't think he
22 necessarily has a huge say, but we can go forward.

23 Would you bring him in, please.

24 What's the witness name?

25 MS. GOUDE: Warren Chastain.

1 Your Honor, for the record, I have here a case,
2 State vs. Fulton from 1998 --

3 THE COURT: I've got it.

4 MS. GOUDE: Thank you, Your Honor.

5 THE CLERK: Mr. Chastain, if you'll raise your
6 hand best you can to be sworn.

7 WARREN CHASTAIN, after being duly
8 sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. GOUDE:

11 Q Hi, Mr. Chastain. I just called your attorney
12 to let him know that you were going to take the stand
13 right now. We spoke earlier and he said that would be
14 okay. And we're going to just let The Judge hear what you
15 may be testifying about. The jury's out. But The Judge
16 is going to decide whether you can testify or not. And if
17 we can, we'll bring the jury back in for you to testify in
18 front of them. If you can't, then we'll have to send you
19 back, okay?

20 A (The witness nods.)

21 Q All right. So you're kind of surprised to be
22 here today, aren't you?

23 A Yes, ma'am.

24 THE COURT: State your full name for the record.

25 THE WITNESS: Warren Chastain.

WARRAN CHASTAIN-DIRECT BY MS. GOUDE

1 THE COURT: Go ahead, I'm sorry.

2 MS. GOUDE: I apologize, Your Honor.

3 BY MS. GOUDE:

4 Q Mr. Chastain, were you surprised to be here
5 today?

6 A Yes, ma'am.

7 Q Is that because you were prepared to testify
8 against Nicole Burns yesterday?

9 A Yes, ma'am.

10 Q And have I previously met with you at any time
11 to discuss Mr. Oliver?

12 A No, ma'am.

13 Q Mr. Chastain, where you currently living?

14 A At Perry Correctional.

15 Q How long have you been in prison?

16 A Since May of 2013.

17 Q So you've been in prison for 11 years?

18 A Yes, ma'am.

19 Q You're currently serving a 16-year sentence out
20 of Pickens County for trafficking methamphetamine 28 to
21 100-grams?

22 A Yes, ma'am.

23 Q And you're, also, serving another 20-year
24 sentence in a state grand jury case for trafficking
25 methamphetamine 28 to 100-grams conspiracy?

WARRAN CHASTAIN-DIRECT BY MS. GOUDE

1 A Yes, ma'am.

2 Q Okay. And for the charges you're currently
3 serving, you made a deal with The State; is that right?

4 A Yes, ma'am.

5 Q And in that plea agreement, you agreed to
6 interview with law enforcement?

7 A Yes, ma'am.

8 Q And you agreed to testify in court?

9 A Yes, ma'am.

10 Q And if you don't cooperate in testifying or with
11 law enforcement, you're facing 85 more years in prison; is
12 that right?

13 A Yes, ma'am.

14 Q And you currently have a 20-year sentence?

15 A Yes, ma'am.

16 Q And you understand that regardless of how you
17 testify today, you're going to serve 20 years? That that
18 20 years won't be any less?

19 A Right. But if I don't testify or whatever, I
20 get 85 years, right?

21 Q Right.

22 A Right.

23 Q All right. So, Mr. Chastain, what are you in
24 prison for?

25 A Trafficking meth.

WARRAN CHASTAIN-DIRECT BY MS. GOUDE

1 Q Were you involved in trafficking large amounts
2 of meth?

3 A Yes, ma'am.

4 Q And what area are you from?

5 A From Pickens.

6 Q Do you know William Oliver?

7 A I don't know William Oliver, no.

8 Q You know Little Pimpin?

9 A I know a Little Pimpin, yes.

10 Q You look over there at --

11 A I couldn't tell you what he looked like. I
12 never seen him.

13 Q You've never seen him?

14 A I just talked to him on the phone.

15 Q You just talked to him on the phone?

16 A Yes, ma'am.

17 Q How did you meet him?

18 A Through somebody else.

19 MR. CRANE: Your Honor, may it please the Court?

20 THE COURT: I think you're right. I'm giving
21 her a little leeway.

22 MR. CRANE: I don't see how it's in reply.

23 THE COURT: I know it.

24 BY MS. GOUDE:

25 Q Were you dealing with an individual named Little

WARRAN CHASTAIN-DIRECT BY MS. GOUDE

1 Pimpin in February of 2018?

2 MR. CRANE: Your Honor, I object. This is not
3 in reply. I know you can elicit all day and then
4 make your ruling, but this is ridiculous for her to
5 close her case, we put up a witness --

6 THE COURT: Mr. Crane, this is a proffer, have a
7 seat. I note your objection. Thank you.

8 Go ahead.

9 BY MS. GOUDE:

10 Q Mr. Chastain, were you dealing drugs in February
11 of 2018?

12 A Yes, ma'am.

13 Q During that time, did you sell drugs or help an
14 individual named Little Pimpin obtain drugs?

15 A Yes.

16 Q You helped him get methamphetamine?

17 A Yes.

18 Q How did you get methamphetamine to this person?

19 A Facilitate phone calls and have it sent. Like,
20 I've never seen the person, so I can't tell you if that's
21 him or not. They would contact me by phone and I would
22 have it sent it through a third party because I'm in
23 prison, yeah.

24 Q So did your coconspirator know Mr. Oliver or
25 Little Pimpin?

WARRAN CHASTAIN-DIRECT BY MS. GOUDE

1 A My coconspirator?

2 Q Who knew Little Pimpin? How did you meet Little
3 Pimpin? He didn't randomly call you on the phone?

4 A No. I can't recall who introduced me to him.
5 And that's how he was introduced, as Little Pimpin.

6 Q Uh-huh.

7 A I was doing deals with a Little Pimpin. I can't
8 say it's William Oliver, I don't know.

9 Q Okay.

10 A It was all over the phone. I have been in
11 prison. So every drug deal I did was over the phone.

12 Q Right.

13 A Right.

14 Q Do you commonly use Facetime when you're on the
15 phone?

16 A With people that I knew and was close to, yes.

17 Q So you never Facetimed with Little Pimpin?

18 A No, ma'am.

19 Q And you did not know Little Pimpin?

20 A I know by name Little Pimpin, but as far as
21 Russell Oliver, I never knew him until y'all told me in
22 the holding cell.

23 Q All right.

24 MS. GOUDE: Well, Your Honor --

25 THE COURT: I'm going to sustain the objection

WARRAN CHASTAIN-DIRECT BY MS. GOUDE

1 and I agree with Mr. Crane, it's not relevant to a
2 reply.

3 MR. CRANE: Thank you, Judge.

4 THE COURT: Thank you.

5 Thank you, gentlemen. All right.

6 MS. GOUDE: Thank you, Your Honor. There would
7 be no further witnesses from The State.

8 THE COURT: Thank you, ma'am.

9 Do you renew your motions?

10 MR. CRANE: Yes, sir, Judge. Thank you.

11 THE COURT: All right. Judge Miller, who I
12 trained under when I first became a Judge, told me
13 never let the juror have a case after 4:00. We ain't
14 going to make it. So come back in the morning.
15 Let's go over the charge and all that, but let's go
16 ahead and let this jury go home. Anybody have a
17 problem with that?

18 MR. CRANE: No, sir.

19 MS. GOUDE: No, sir.

20 THE COURT: All right, bring the jury in,
21 please.

22 (WHEREUPON, the jury entered open court at
23 approximately 3:22 p.m.)

24 THE BAILIFF: Jury is seated, Your Honor.

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

1 Mr. Foreman, ladies and gentlemen of the jury, I was
2 talking to counsel and it's always been a part of the
3 way I was taught not to give a case to a jury after
4 4:00 in the afternoon. And it's going to be well
5 after that by the time I go over the law with the
6 attorneys and then let them do closing arguments and
7 then I charge you on the law. I think it might be
8 even after 5:00.

9 So what I'm going to do is send you home for the
10 evening, ask you to be back at 9:30 in the morning.
11 Does anybody have a problem doing that at all? If
12 you would leave --

13 Did you have a problem?

14 A JUROR: No.

15 THE COURT: I thought you were waving.

16 A JUROR: Oh, no, I'm fine.

17 THE COURT: Well, you had a good tee shirt.

18 A JUROR: I'll wear another one tomorrow.

19 THE COURT: If you would leave your notes in the
20 jury room. And remind you, please don't look, read
21 anything about this case or discuss it with anyone.
22 We'll go to the fourth phase -- the third phase,
23 which will be closing arguments by the attorneys. I
24 then will charge you on the law tomorrow and you can
25 begin your deliberations. Have a nice evening.

1 (WHEREUPON, the jury left open court at
2 approximately 3:24 p.m.)

3 THE COURT: For the record, you referred to
4 Fulmer, but I was looking at State vs. Singleton,
5 which cites Fulmer. That's 395 South Carolina 6. It
6 says that it's not abuse of discretion for a trial
7 judge to allow a sequestered witness to testify on
8 reply after they have testified and sat in the
9 courtroom. So same situation we had here. All said
10 and done, I'll let that go.

11 I'm not going to grant the motion for the guns.
12 I think that gun is a little closer, quite frankly,
13 but I'm going to let the jury make the call on
14 everything on this case.

15 Now, that being said, take a minute and --

16 Larry, I know you've tried cases in front of
17 Gary Hill many times, but I shamelessly plagiarized
18 his structure of his charge to the jury. And that's
19 what I use.

20 What I've given you now is the substantive
21 charge. Essentially, it's a three-part charge. The
22 first part would be the rules that define and
23 controls the jurors' duties. Then I give the
24 substantive part. Then I give some thoughts about
25 the deliberations, jury's deliberations. I am more

1 than happen for either one of you to look at those
2 general charges that I give in every case, but
3 they're pretty much standard. If you want me to
4 outline them on the record for you, I will.

5 I do in criminal cases give the -- what's the
6 Dodd case on the circumstantial evidence charge? You
7 know what I'm talking about? That every part must
8 point exclusively to the guilt of the defendant.
9 Never mind. All right. Thank you.

10 Just quickly just so y'all have it, general
11 charge consist of general rules to the jury, tells
12 them they've got to make their decision based on the
13 evidence before them, apply the law as I give it to
14 them, they have to apply it. They're not to be
15 concerned or influenced by personal likes or
16 dislikes, opinions or prejudice or sympathy. That
17 means they'll decide the case solely on the evidence.
18 If I've done anything to them to indicate how they're
19 supposed to rule upon the facts, they're to disregard
20 that because they are limited to judgment of the
21 facts. And they will make that determination by
22 evaluating and weighing the evidence. I explain
23 that's entirely a mental state and mental process.

24 I explain what is evidence, what is not
25 evidence. I get the direct and circumstantial

1 evidence charge out of State vs. Clarence Logan.
2 That's opinion number 27296 from 2013. That's a
3 Supreme Court opinion. I go over credibility of the
4 witnesses. In this case, I'll do expert testimony,
5 explain that the indictments are not evidence of
6 guilt and that with the exception of the gun charge,
7 the charges have to be independently determined. In
8 other words, trafficking charge and the possession
9 charge be determined independently by the jury. I go
10 over presumption of innocence, reasonable doubt and
11 intent. And failure for defendant to testify.

12 Then you'll have the charge in front of you now
13 is the second aspect. Then on the final part of my
14 instruction, I explain to them that they were picked
15 by both of you, both sides because they represented
16 either expressly or by silence they could be fair and
17 impartial. And that they are not to be advocates or
18 partisans, but judges of the facts. And that they
19 are to be careful in weighing their case up to view a
20 decision. But only after they've listened to
21 everybody's points and points of view, et cetera, et
22 cetera. I explain to the foreperson how to ask
23 questions but never let me know where they stand
24 numerically. It's all just kind of basic, but it's
25 right here.

1 Have you had a chance to read the substantive
2 charge yet, Ms. Goude? Yeah.

3 MS. GOUDE: Your Honor, I've just now briefly
4 looked over it.

5 THE COURT: Take a minute and look at it. Look
6 at it now but I'm going to give you tonight. If you
7 have a problem with it, let me know. Just giving a
8 general thought.

9 And same thing with you, too, Mr. Crane.

10 And the verdict form. I think that there's a
11 lesser included on all the trafficking PWID and
12 possession.

13 Do you have a position on that?

14 MS. GOUDE: No, Your Honor.

15 THE COURT: The elements are involved in each
16 one. I think it's there. Why don't y'all look at
17 it, read it and tell me -- see if you have any real
18 objections. So if we need to do some work tonight,
19 we can do that.

20 MR. CRANE: I thought you had to wash your car
21 or did you do that yesterday?

22 THE COURT: I'm sorry?

23 MR. CRANE: I said I thought you had to wash
24 your car.

25 THE COURT: Well, after he washes, he's got to

1 wax, then he's got to do his research.

2 MR. CRANE: Respectfully, I would -- if you
3 would try to do some work tonight, I know you don't
4 want to.

5 THE COURT: I don't mind.

6 MR. CRANE: Well, get him to do it. I don't see
7 circumstantial evidence. I don't see circumstantial
8 evidence. It's either direct or constructive
9 possession.

10 THE COURT: No, I mean, the fact that he had a
11 key that opened up this vault is circumstantial
12 evidence. That it's inside, don't you think?

13 MR. CRANE: No, I don't.

14 THE COURT: Otherwise, I could direct a verdict
15 that it's his or are you trying to say daddy's or
16 somebody else's or uncle's. But circumstantially,
17 it's his, too.

18 MR. CRANE: You don't think I would say it was
19 daddy's, do you?

20 THE COURT: You know what, you're a fine lawyer.
21 You would if you needed to. Only if it was
22 appropriate.

23 MR. CRANE: Okay. Thank you, Judge.

24 THE COURT: Seriously, take a minute, look at
25 this charge, tell me what y'all think about it, if

1 you would.

2 MR. CRANE: I've looked it over. The
3 substantive charge, basically, looks okay to me.

4 THE COURT: Okay.

5 MS. GOUDE: Your Honor, I'm noticing on page
6 eight where it says possession of methamphetamine is
7 a crime unless the methamphetamine was obtained
8 directly from or through a valid prescription.

9 THE COURT: Hang on. Hang on. Hang on. Oh,
10 yeah, let me go over my changes. My law clerk --
11 What did you do, go to Furman?

12 THE LAW CLERK: Citadel.

13 THE COURT: Citadel, yeah, there you go.

14 Anyway, my charge that I have, page one is as
15 is, page two, page three -- are you following with
16 me? Up there at the top, it says, where The State
17 has proven to a reasonable doubt that The Defendant
18 is guilty of the lesser included charge of possession
19 with intent to distribute. At the bottom of the
20 page, I underline actual knowledge and presence of
21 the methamphetamine is strong evidence of the
22 Defendant's intent to control its disposition or use.

23 First, I would never charge strong. And I don't
24 know about the language in the first place. I would
25 definitely -- even if asked not to charge strong, I

1 think that's a comment on the facts. But what do you
2 think about the -- whether or not that other language
3 should be charged to the jury?

4 What's The State's perspective?

5 MS. GOUDE: I think that sounds, honestly, kind
6 of strange, Your Honor.

7 THE COURT: Some of the cases were taking some
8 of this language out. I usually kept up with my
9 charges. I know I did keep up with my charges.
10 These were never changed.

11 MS. GOUDE: I think if we could just define
12 constructive possession as The Defendant has dominion
13 or control or the right to exercise --

14 THE COURT: I've got constructive possession in
15 there, isn't it? Hang on. Going back to Page 3, I
16 will take out strong. So actual knowledge and
17 presence of methamphetamine is evidence of intent to
18 control.

19 And then going over to -- where did we have
20 actual and constructive possession?

21 MS. GOUDE: I do see on Page 1 it is defined.

22 THE COURT: Yeah. And then I go -- if you want
23 me to repeat that language again -- I generally don't
24 want to repeat the whole thing, but I could add -- I
25 thought we did that about actual and constructive

1 possession.

2 (WHEREUPON, the Judge and law clerk were having
3 an off-the-record conversation.)

4 THE COURT: There you go, on Page 3. I'm sorry,
5 right there looking at it. It says, as defined
6 above, possession may be either actual or
7 constructive. But we have that fuller discussion
8 under trafficking.

9 MS. GOUDE: Right.

10 THE COURT: If you want me to do it all over
11 again, I kind of will, but I watch juries' eyes and
12 they glaze and glaze and they don't pay attention.
13 So think about it. If you want me to, I will.

14 Same thing with you, Mr. Crane.

15 Going to Page 6, I would add the lesser included
16 charge of simple possession, top photograph. First
17 sentence of the next paragraph will be stricken. So
18 I start with, The State must prove beyond a
19 reasonable doubt that The Defendant knowingly and
20 intentionally possessed or intentionally possessed
21 methamphetamine. I would take out strong evidence
22 under number seven. I would entirely take out the
23 language on Page 8 after the second and third
24 paragraph about practitioners. I don't think my law
25 clerk didn't realize methamphetamine wasn't a

1 prescription drug. I'm not sure. I do like to give
2 you a hard time. I did give him a hard time. Then
3 commission of a weapon and possession, strong
4 evidence is taken out, just strong. Otherwise, it's
5 charged.

6 All right. And again, I'm going to let you
7 argue tomorrow some more if you want, but right now,
8 as you can see, do you have any objections to what
9 the propose substantive law is?

10 MS. GOUDE: No, Your Honor.

11 THE COURT: Have you had a chance to look at the
12 verdict form?

13 MS. GOUDE: Yes, Your Honor.

14 THE COURT: Any objection to it?

15 MS. GOUDE: Your Honor, the counts aren't
16 listed.

17 THE COURT: Ma'am?

18 MS. GOUDE: The counts that are charged aren't
19 listed.

20 THE COURT: I took them out.

21 MS. GOUDE: Okay.

22 THE COURT: I just thought that was suggestive
23 of him having a prior record and other things. I
24 didn't think it was appropriate.

25 MS. GOUDE: I don't have any objection, Your

1 Honor.

2 THE COURT: Okay. And I was the one that took
3 that out.

4 Any objection to the verdict form?

5 MR. CRANE: No.

6 THE COURT: If you want to argue about the gun
7 tomorrow, I'm going to let you. The chain of
8 custody, I'm not going to let you. If I'm wrong, I'm
9 wrong. But you argued that pretty thoroughly.

10 All right. How about the charge in and of
11 itself, any objections to that or any additions or
12 exceptions?

13 MR. CRANE: Judge, I'll be honest with you, I
14 haven't tried a case in quite a while. I do try to
15 read the case law that comes down from the courts.
16 With some of their rulings recently on inferences,
17 particularly with a gun or whatever, several times in
18 your charge on the law, you talk about inferences and
19 you can infer from this, I would object to the
20 language of inference.

21 THE COURT: Let me tell you, I thought I had
22 gone back and marked my charges accordingly. Most of
23 the inferences were like murder, use of a weapon and
24 intent there. But if I'm wrong and you show me some
25 authority, I will take it out in a second. I just

1 don't -- I don't think --

2 MR. CRANE: It's just like in a murder charge
3 where they talk about inference and the use of a
4 deadly weapon, you're shifting the blame to my client
5 and that's not what it's all about. So I would
6 object to the language about inferences.

7 THE COURT: Okay, noted. And again, if you show
8 me some authority, I'm not above taking it out.

9 MR. CRANE: Thank you, Judge.

10 THE COURT: That being said, the verdict form
11 okay?

12 MR. CRANE: Yes, sir.

13 THE COURT: Okay. So guys, do you have any
14 additional charge requests that you'd like for me to
15 consider?

16 MS. GOUDE: No, Your Honor.

17 MR. CRANE: No, sir, Judge.

18 THE COURT: If you change your mind, just give
19 them to my law clerk first thing in the morning.
20 9:30 guys.

21 MR. CRANE: Yes, sir.

22 MS. GOUDE: Yes, Your Honor.

23 THE COURT: See you in the morning.

24 (WHEREUPON, the proceedings were concluded for
25 the day to be reconvened on June 26, 2024.)

June 26, 2024

THE COURT: All right, just so y'all know, just for the record, if you have my proposed charge in front of you with the substantive part, beginning on Page 3 --

I'm sorry, Mr. Oliver, I shouldn't have started without you. I apologize.

Beginning on Page 3, the last sentence, starting with actual knowledge, presence is stricken and the entire top paragraph. We just have it starting back at two or more persons may have joint possession of a drug through the remainder.

Then on Page 7, after mere presence at the scene, third paragraph, actual knowledge through the remainder of the page is stricken. Such that, you -- after that, you'll start back up at two or more persons. That would be the only part. The remainder of that is, also, stricken.

Page 11, again, after mere presence, the remainder of that paragraph is stricken, so start with two or more persons may have joint possession and continue from there. And that's consistent with the Stewart ruling and Custard.

Any exceptions from the State?

MS. GOUDE: No, Your Honor.

1 THE COURT: From the Defense?

2 MR. CRANE: I just want to clarify, Judge.

3 THE COURT: Yes, sir.

4 MR. CRANE: I think you said yesterday probably
5 be easier going to page 11 and 12.

6 THE COURT: Let me get there right quick.

7 MR. CRANE: Yes, sir. That's the one where you
8 said your law clerk said something about being
9 accepted, you're not going to charge that, right?

10 THE COURT: Page 11, 12?

11 MR. CRANE: Bottom of 11 and top of 12.

12 THE COURT: No, that's actually -- that is part
13 of it because that's Schedule II and that's all
14 right. The one for possession with intent to
15 distribute methamphetamine since methamphetamine
16 isn't necessarily a scheduled drug.

17 MR. CRANE: But on the other one then -- then it
18 would be Page 8 where you have that language, you're
19 not going to charge that, are you?

20 THE COURT: Yes, that's correct. So the only
21 line that will be read on that page is two or more
22 persons may have joint possession of the drug. The
23 remainder of that page would not be.

24 MR. CRANE: All right. The other exception that
25 I had was on Page 1. You have added the word

1 cultivated. That's not in the statute.

2 THE COURT: It's not. I didn't add that, but
3 that's the way it came. That's not in the statute?

4 MR. CRANE: Well, you might want to have him
5 checked.

6 THE COURT: Okay.

7 MR. CRANE: What I checked doesn't have it in
8 the statute.

9 THE COURT: If it's not in there, I won't read
10 it.

11 MR. CRANE: It's, also, in that first paragraph
12 twice, I think. And let's see.

13 THE COURT: Do you agree if it's not in the
14 statute, I shouldn't charge it?

15 MS. GOUDE: It's not in the statute, Your Honor.

16 THE COURT: It's not?

17 MS. GOUDE: Your Honor, we're looking it up now.

18 THE COURT: Oh, you're saying if it's not.

19 MS. GOUDE: Yes, Your Honor.

20 THE COURT: Okay, I got you.

21 MR. CRANE: I looked through one of those books
22 and it may have been out of date, but I don't think
23 it's in there.

24 THE COURT: While you're looking that up, State
25 will open -- you will open in full, let him and do

1 the reply to his closing.

2 MS. GOUDE: Yes, Your Honor.

3 THE COURT: That's my -- he introduced a couple
4 exhibits.

5 MS. GOUDE: Your Honor, I looked up the case, I
6 think it's State vs. Beatty, last night, where I
7 would open in full and then The Defense would go,
8 then I would reply.

9 THE COURT: Right.

10 MS. GOUDE: Thank you, Your Honor.

11 THE COURT: At one time, there was a push within
12 the last couple of years to have just standardized,
13 but it didn't go anywhere, did it?

14 MS. GOUDE: Your Honor, we're not seeing
15 cultivate in the statute.

16 THE COURT: I'm fine to take it out. If
17 everybody's agreeable. Okay, I'm glad not to read
18 that, I hate that charge. It's awful.

19 MS. GOUDE: I think it's two places.

20 THE COURT: Ma'am? Yeah, it's up there in the
21 first paragraph and it's, also, later in that
22 paragraph two.

23 MS. GOUDE: Line five and line eight.

24 THE COURT: Okay. That's just one less thing I
25 have to read.

1 All right. Anything else?

2 MR. CRANE: Well, yes, sir, Judge. In talking
3 with my law partner this morning, he -- I would -- I
4 would request The Court, based on Stewart and a new
5 case that I gave y'all, which is six days old --

6 THE COURT: Custard.

7 MR. CRANE: Custard. That not only can you not
8 charge what you've taken out, but, quite honestly, I
9 would ask that you charge just the converse. And
10 that would be that they cannot infer possession of
11 the drugs simply if possession of property is proven.

12 THE COURT: I'm not going to charge that. But
13 my law clerk brought that question, if you had that
14 out there, what does constructive possession mean?

15 MR. CRANE: I request that you charge it.

16 THE COURT: Give me the actual wording, if you
17 would so it's in the record.

18 MR. CRANE: That the jury cannot infer
19 possession of the drugs simply because ownership of
20 the property is proven beyond a reasonable doubt.

21 THE COURT: Okay.

22 MR. CRANE: And the other thing, I would ask
23 that you define gun.

24 THE COURT: Gun?

25 MR. CRANE: Yes, sir.

1 THE COURT: It is defined.

2 MR. CRANE: In your charge?

3 THE COURT: Yes, sir.

4 MR. CRANE: I'm sorry, I must have missed that.

5 Let me see if I can find it.

6 THE COURT: Says, A firearm means any machine
7 gun, automatic rifle, revolver, pistol or any weapon
8 which will, is designed to or may be readily
9 converted to expel a projectile.

10 MR. CRANE: Yes, sir, I see it. I just missed
11 it. Thank you, Judge.

12 THE COURT: Okay. Anything else?

13 MR. CRANE: No, sir.

14 THE COURT: Anything from The State?

15 MS. GOUDE: No, Your Honor.

16 THE COURT: All right. You need a minute, you
17 ready to go?

18 MS. GOUDE: State's ready, Your Honor.

19 THE COURT: Okay, you ready?

20 MR. CRANE: Yes, sir.

21 THE COURT: We can bring the jury in, please,
22 sir.

23 (WHEREUPON, the jury entered open court at
24 approximately 9:38 a.m.)

25 THE BAILIFF: Jury is in place, Your Honor.

1 THE COURT: Thank you, sir.

2 Good morning, I hope y'all had a nice evening.
3 We have concluded the second phase, the presentation
4 of the evidence. We're now going to go to the
5 closing arguments. The State will close in full,
6 then followed by Mr. Crane, The Defense, then The
7 State would have the right to reply since they have
8 the burden of proof.

9 After which, Mr. Foreman, I'm going to give you
10 an opportunity to either take a break or go into my
11 charge on the law to you that you would apply to the
12 case. But I'll go over that with you at that time.

13 All right. You ready?

14 MS. GOUDE: Yes, sir, Your Honor. May it please
15 the Court.

16 THE COURT: Yes, ma'am.

17 CLOSING STATEMENT

18 MS. GOUDE: Good morning, ladies and gentlemen
19 of the jury.

20 THE JURY: Good morning.

21 MS. GOUDE: What does a person do when they're
22 backed into a corner? They either fight or they back
23 away. The Defendant, William Oliver, has chosen to
24 fight by blaming his deceased father for drug
25 trafficking.

1 Now, ladies and gentlemen, you heard a lot
2 yesterday. Let's go back through some of that
3 testimony. First, you heard from Corey Baker from
4 the Pickens County Sheriff's Office. Corey Baker was
5 at The Defendant's residence when it was searched.
6 He participated in that search. He testified that
7 The Defendant had \$2,563 on his person. He told you
8 that this Defendant, also, William Oliver, had keys
9 on his person and that law enforcement obtained those
10 keys.

11 When law enforcement went to William Oliver's
12 house, his room was locked. William Oliver's dad was
13 there and his sister was there. Neither one of them
14 opened that room. It was not until William Oliver
15 got to that house with those keys that his room was
16 unlocked and law enforcement searched that room.

17 Inside of his bedroom, they found this Crown
18 Royal bag and those smoking pipes. They, also, found
19 this ledger. Inside the ledger is a note to
20 Mr. Oliver. You will, also, be able to flip through
21 this ledger and you can see on some of the pages
22 where there are dollar amounts and other pages, there
23 are credit card routing numbers.

24 Corporal Baker told you about searching the
25 outbuilding of that residence. He said there was a

1 gray and white box in the outbuilding. It was opened
2 with a key from The Defendant's key chain. This is
3 the box. Inside there was drug paraphernalia,
4 spoons, pipes. There's, also, different size plastic
5 baggies. What are these baggies for? They're for
6 packaging drugs for sale. Also, we had some digital
7 scales. These are to weigh out the drugs so you can
8 make sure you're selling the right amount.

9 Corey Baker, also, testified to finding the
10 brown substance in the yellow plastic bag in that
11 outbuilding in that drawer -- or box. To finding
12 crystal substance in a plastic bag and finding white
13 powder in a plastic bag. Those items were collected
14 by the sheriff's office and sent to the SLED lab for
15 testing. Also, Corey Baker testified about William
16 Oliver's room, finding a brown substance in a plastic
17 bag, a dark substance in a pink plastic bag, pink
18 liquid in a glass pipe.

19 Next, you heard from Jeremy Stone, who is a K-9
20 handler. He took his K-9 out to the outbuilding.
21 Y'all saw the picture of the outbuilding. It was a
22 mess in there. How are they going to search all that
23 stuff? They used the K-9 to narrow down where to
24 look. And the K-9 alerted on that area where the
25 safe and drawer was.

1 You next heard from Tommy Blankenship. He
2 searched inside this safe. How is the safe opened?
3 With a key from William Oliver's key chain. Inside
4 that safe, you can see these two cases. Tommy
5 Blankenship opened this case to find four crystal
6 substances in these plastic bags and a plastic bag of
7 white tablets. And those items are here in the bag
8 and were sent to SLED for testing.

9 Tommy Blankenship, also, testified that in this
10 case was a Smith & Wesson handgun, right there along
11 with the drugs. He, also, found paraphernalia in a
12 drawer, I believe.

13 Andy Robinson testified about collecting these
14 items, about making sure they were secured and not
15 tampered with, about submitting them to evidence at
16 the Pickens County Sheriff's Office.

17 Anthony Raines from the Pickens County Sheriff's
18 Office testified about removing the drug evidence
19 from the Pickens County lockers and taking that into
20 evidence at Pickens County. He then testified about
21 transporting the drug evidence to the SLED lab to be
22 tested.

23 Next, you heard from Lynn Black, who's a
24 forensic chemist for SLED at the time. Ms. Black
25 certainly has a lot of experience. She testified to

1 you about testing, let's see, all of these items that
2 were submitted. She told you that the drugs found in
3 the safe in that outbuilding and in The Defendant's
4 bedroom added up to a total of 93.7-grams of
5 methamphetamine. She, also, told you that the
6 tablets that were found were Hydrocodone and
7 Acetaminophen tablets. And that those tablets are a
8 Schedule II controlled substance.

9 Now, let's talk a little bit about what The
10 Defense told you yesterday. Yesterday, The Defense
11 wanted to point out fingerprints, DNA. Ladies and
12 gentlemen, this is not CSI. Law enforcement was not
13 trying to figure out a suspect. These drugs were
14 found in a person's residence. They had a suspect.
15 They knew who lived there. They knew who had the
16 keys to that room, that safe, that outbuilding. Why
17 if these items had been tested for fingerprints and
18 DNA, we would still be here with The Defense still
19 making the same argument.

20 Next you heard from Heather Oliver, The
21 Defendant's sister. Ladies and gentlemen, it is up
22 to you to determine the credibility of a witness.
23 Ms. Oliver talked about her dad living in that
24 outbuilding. You saw pictures of the outbuilding.
25 You heard from Corey Baker, who searched outbuilding.

1 No one was living out there. She, also, said he was
2 living in the house and then that he couldn't walk,
3 but he's doing all this drug dealing.

4 Ms. Oliver acknowledged that her father had no
5 criminal history. Why is that? Because he's not a
6 drug dealer. The dad didn't claim the drugs back in
7 February of 2018. Back then, Heather Oliver didn't
8 tell the police hey, those are my dad's drugs. Since
9 then, she has not told the police those were dad's
10 drugs. The first time she said those drugs were her
11 dad's was here on that stand.

12 Let's talk about the keys. Everybody had keys.
13 Well, what's the point in locking a room or a
14 building or a safe if everybody has a key? Why lock
15 a bedroom in your own house? Only key that we know
16 opened that bedroom, that safe, that outbuilding were
17 the keys William Oliver had. William Oliver's sister
18 was here to protect her little brother.

19 Ladies and gentlemen, Mr. Oliver has been
20 charged with trafficking methamphetamine 28 to
21 100-grams, possession of a Schedule II controlled
22 substance and possession of a weapon during the
23 commission of a violent crime. And it The State's
24 burden to prove those charges to you beyond a
25 reasonable doubt.

1 To prove trafficking methamphetamine 28 to
2 100-grams, The State must prove to you that William
3 Oliver had possession of between 28 to 100 grams of
4 methamphetamine. Possession. Mr. Oliver had
5 constructive possession of that methamphetamine.
6 Constructive possession means that he had dominion
7 and control, have the right to express dominion and
8 control over the methamphetamine. We must, also,
9 prove that he had possession of the Hydrocodone.
10 Again, constructive possession. That he had a weapon
11 during a violent crime. Trafficking methamphetamine
12 is a violent crime as defined by our laws. He had
13 that gun right there with that methamphetamine.

14 Beyond a reasonable doubt means The State must
15 prove this to you where you are firmly convinced of
16 The Defendant's guilt. We have proved this. We have
17 proved this by showing you that The Defendant,
18 William Oliver, had those keys. Those keys opened
19 his bedroom. And in his bedroom, he had drug
20 paraphernalia. He had that ledger. Had those keys
21 that opened that outbuilding and that safe and that
22 drawer where there was the drugs. 93-grams of
23 methamphetamine. Ten tablets of Hydrocodone and
24 Acetaminophen, a gun.

25 Now, ladies and gentlemen, The Defense will have

1 a chance to speak to you, then I'll get to address
2 you again. But when I come back, I will ask that you
3 find William Oliver guilty of all of these charges.

4 THE COURT: Mr. Crane.

5 CLOSING STATEMENT

6 MR. CRANE: Good morning, ladies and gentlemen.

7 THE JURY: Good morning.

8 MR. CRANE: Like the Judge said, I hope you had
9 a good evening. We're, as he said, in the third
10 phase. After I speak with you for a short period of
11 time, the Attorney General comes back, the Judge will
12 give you the law, then you have to go deliberate. As
13 the Attorney General said, when you go back to
14 deliberate, you have to decide beyond a reasonable
15 doubt whether or not my client, William Oliver, is
16 guilty of the charges that are in the indictment.

17 I want to thank for listening to everything.
18 You've been an attentive jury, kind of a fun jury.
19 We laughed together, but that's something else. The
20 charges are -- there's actually -- I think I counted
21 on the way over here eight possible verdicts in this
22 case. Even though the Attorney General yesterday
23 said it's a simple case, it's not really a simple
24 case. You got trafficking methamphetamine, you got
25 possession of a weapon during the commission of a

1 violent crime and you've got possession of
2 Hydrocodone. The Judge is going to charge you that
3 in the trafficking case -- he's going to tell you
4 what trafficking is, I'm going to touch on it just
5 briefly.

6 If I say something and The Judge says
7 differently, you take what he says. He's the law
8 giver. We sometimes say what we think is
9 appropriate. I'm not going to try to mislead y'all.
10 But you've got trafficking 28 to 100 grams, which is
11 what they have to prove to you. You'll have to
12 decide whether or not my client possessed more than
13 28 grams, but less than 100 grams of methamphetamine.
14 If you can't decide that, then the second option is
15 possession with intent to distribute, which is a
16 little bit lesser offense of methamphetamine. If you
17 can't decide that, then you've got to decide
18 possession of methamphetamine.

19 So you've got for trafficking, guilty or not
20 guilty. Possession with intent to distribute, guilty
21 or not guilty. Possession, guilty or not guilty. So
22 there's six. Then on the gun charge, you've got
23 guilty, not guilty. And Hydrocodone, you've got
24 guilty or not guilty.

25 Now, let's talk briefly -- I'll probably come

1 back to it, but let's talk about the gun. Let me
2 show you the gun. I can't because it's not in
3 evidence. Do you see a gun over here? I can't let
4 you hold it because it's not here. What they want
5 you to do is determine that he's guilty from a
6 picture. We don't even know where this gun is. Why
7 isn't the gun here? The indictment says that he's in
8 possession of a particular gun with a particular
9 serial number. Now, you might be able to read a
10 serial number on this picture and you'll have this
11 picture when you go back, but even if you can read
12 the serial number, are you going to convict a fella
13 for possession of a gun when you don't even have it
14 in evidence? You're going to convict a fella of
15 possession of a gun from a picture? Would you
16 convict him with possession with intent to -- excuse
17 me, trafficking of methamphetamine from a picture?
18 Someone says we found this in the outbuilding, so
19 you've got to convict him of trafficking. Well, in
20 this particular case, they actually brought the dope
21 in. Here's the dope. So, at least, they did that.
22 But where's the gun?

23 Okay. And The Judge is going to charge you --
24 let me look real quick at my notes. The Judge, I
25 submit to you, is going to define a firearm to you.

1 And he's going to say that it means any machine gun,
2 automatic rifle, revolver, pistol or any weapon which
3 will, is designed to or may be readily converted to
4 expel a projectile. Pull the trigger, something
5 comes out the end. Did anyone tell you that this
6 picture, whatever that is, could do any of that
7 stuff?

8 And furthermore, he's going to tell you, in
9 order to find Mr. Oliver guilty of possession of a
10 weapon during the commission of a violent crime, you
11 must first find the Defendant guilty of either
12 committing a violent crime or attempt to commit a
13 violent crime. If you find him guilty of
14 trafficking, that's a violent crime. Then you have
15 to think about the gun.

16 He's going to tell you further that The State
17 must prove to you beyond a reasonable doubt that the
18 weapon, this picture of something found in the safe,
19 furthered advanced or helped in the commission of a
20 crime. How does something like this, locked away in
21 a safe next to white stuff, help further the
22 commission of a crime? That's what the gun's all
23 about. Then, of course, you've got the pills that
24 were found in there, the Hydrocodone. You have to
25 find him guilty of the possession of the Hydrocodone.

1 So let me talk briefly about possession. Of
2 course, The Judge is going to charge you on
3 possession. Possession -- and the Attorney General
4 talked about they've got to convince you beyond a
5 reasonable doubt that he possessed these drugs. One
6 thing that she forgot to tell you about is that he
7 has to know that the drugs are there and he has to
8 know that they are drugs. And she's harped on the
9 fact that he had a key to open the safe, a key to
10 open the building. But you heard testimony, which is
11 uncontradicted, that several people had keys to the
12 building.

13 You know, I would assume that most of you live
14 in a house or apartment, not a box on the street.
15 You have probably more than one key to your apartment
16 or to your house. And who has them? Your
17 significant other, your wife, your husband, whoever
18 it might be. I would submit you probably have more
19 than one key. So they want you to convict --

20 MS. GOUDE: Objection, Your Honor. May we
21 approach?

22 THE COURT: Please do.

23 (WHEREUPON, an off-the-record bench conference
24 was held in the presence of the jury but out of
25 the hearing of the jury.)

1 MR. CRANE: So let's think about the key that
2 was found in his possession that opened the
3 outbuilding. That does not put him possession of
4 narcotics. It puts him in possession of a key that
5 opened the outbuilding. According to The State's
6 testimony, he had a key to open the safe and the box
7 that you saw pictures of. That's the box on top with
8 the blue cup on it and the safe below.

9 But he has to know that the drugs are there and
10 he has to have a right to dominion and control. The
11 right to do something with those drugs. To dispose
12 of them however he wants to dispose of them, use
13 them, sell them, give them away, whatever. So they
14 have to prove knowledge, he had knowledge of the
15 drugs and that he had possession of the drugs.

16 The Judge is going to charge you, as the
17 Attorney General did, there are two forms of
18 possession. I touched on it yesterday. Actual and
19 constructive. Actual possession, the thing's in my
20 hand, in anybody's pocket. If you've got in your
21 pocket, like your keys. I'm in actual possession of
22 my keys. If they're over there on the desk, I'm in
23 constructive possession.

24 In this particular case, there is no actual
25 possession of any narcotics. You haven't heard any

1 testimony about actual possession. So then you've
2 got to rely on constructive possession. Did he know
3 the drugs were there? And did he have the right to
4 dominion and control? Is there any evidence that's
5 been presented to you of any sort that he knew the
6 drugs were there? Is there any evidence that he had
7 the right to dominion and control. The only evidence
8 is that he had a key in his pocket that opened the
9 door and it opened the safe.

10 Now, what's the contrary evidence that you heard
11 yesterday? And to kind of -- it's standard State
12 tactics here. He's in here fighting. In the corner,
13 what are you going to do? You're going to fight.
14 And he's here fighting putting it on his dad. He is
15 here exercising his Constitutional right to a jury
16 trial, like anyone else in the United States of
17 America. How he does that is up to me and him. And
18 it's none of her business. And if it's the dad's
19 dope, then you should find it's the dad's dope.
20 Unfortunately, the dad's dead.

21 Let me ask you this, if it's not the dad's dope,
22 who we heard testimony that he would use that
23 outbuilding to smoke dope, to get with his friends
24 and do dope and to deal dope, and that the dad had a
25 key to the outbuilding, and it's not the dad's dope,

1 why did he leave when the police came? You heard
2 testimony from the policemen and his sister that she
3 and the dad and her son left when the police came.
4 Because dad didn't want to be there if, in fact, they
5 went in the shed and found the dope.

6 And here again, I appreciate the fact that this
7 is not television, like The Judge said, and it's not
8 CSI, like she said, but you know what, it's not hard
9 to run a fingerprint. And if you had a fingerprint
10 off of one of those bags of narcotics, wouldn't it be
11 easier to say it belonged to William Oliver? But you
12 don't. Because they didn't do their job. And you
13 don't have a fingerprint off of the safe or the
14 drawer on top of it. And there's no DNA. Those are
15 things in America now. People are being convicted of
16 and exonerated because of DNA. People on death row
17 are getting off death row because DNA has found that
18 they're not guilty. So DNA is something that's
19 there. It can be done and it wasn't in this case.
20 No fingerprints were done. There's nothing that ties
21 Mr. Oliver to those drugs in that safe.

22 Now, let's look at what's in the house. You got
23 a bag of stuff over there. And if I recall, Corey
24 Baker testified that -- let's see what it was. These
25 are in evidence and you'll have them when you go to

1 the jury room. This is SLED drug analysis request.
2 Here's a list of items one through 12. And you heard
3 the lady testify about those items. You heard them
4 testify -- the officers testified about the items
5 they found. Items one through four were found by
6 your new sheriff. He found one through four. Those
7 are the big bags. Those are the ones that have,
8 according to the chemist, 25.26 grams, 27.63 grams,
9 27.69-grams and 5.34-grams. Those were the big bags
10 found in the safe. Here's the paperwork that shows
11 that. Okay.

12 The items found in the room by Corey Baker, the
13 locked room for which he had a key was .24-grams of
14 methamphetamine and less than .10-grams of
15 methamphetamine and a plastic bottle with liquid in
16 it with 3.39 grams of methamphetamine. That's not
17 more than 28-grams. That's only about five grams.

18 There were pipes found in the room. There's
19 other, as she said, paraphernalia found in the room.
20 You think he may have been a addict back in 2018, but
21 this little bit of dope doesn't make him out to be a
22 drug dealer. He's got a notebook there with some
23 numbers in it. Is that enough to make him out to be
24 a drug dealer, that's for you to decide. There was
25 \$2500 found in his pocket. That's not illegal.

1 There were keys found in his pocket. That's not
2 illegal. But there were no drugs found on him.

3 Here's the other thing. When we think about did
4 he know the stuff was in the outbuilding and did he
5 have possession and control, where was he when this
6 search warrant took place? You heard testimony that
7 he was five miles away at his girlfriend's house.
8 They had to go get him. Got him out the bed, brought
9 him back over there and was searching when they got
10 back. So what kind of knowledge and possession could
11 he possibly have? Who put the stuff in the safe?
12 You don't know that. How long had that been there?
13 You don't know that. I asked the policeman
14 yesterday, whose was it? You don't really know that
15 either. She wants you to assume that it's my
16 client's.

17 And she's saying they didn't do fingerprints
18 because they had their man. That's not the way law
19 enforcement works. You don't narrow it down and just
20 go after one person. Was there any testimony that
21 you heard that indicated that William Oliver ever did
22 any dealing? That's part of possession with intent
23 to distribute. Y'all got notes. Have you got a note
24 there that anybody testified that he was dealing
25 dope? Look at your notes. I don't recall hearing

1 it.

2 No one testified that he possessed the items.
3 They found some in his room. And if they found some
4 in his room -- I'm going to kind of go out on a limb
5 you probably don't want me to go out on, but the
6 little bit of stuff that was found in his room from a
7 locked key that might be possession. But there's a
8 whole difference between trafficking, possession with
9 intent and possession of drugs.

10 Remember, that the shed in which the stuff was
11 found was actually built by the dad. And I think the
12 solicitor -- Attorney General may have gotten a
13 little bit confused about the testimony from
14 William's sister. She said that her dad lived in
15 that shed one time. There were two parts to it.
16 That he lived in that shed. When they went to do the
17 search, obviously, he wasn't living there. He was
18 back in the house. And that he used the shed quite
19 frequently for drugs.

20 She said her dad was a dealer. The Attorney
21 General asked her, was he ever convicted? She said
22 no, but he was in jail a lot. Just because you get
23 arrested doesn't mean you get convicted. Dad had a
24 key to the outbuilding. Heather had a key to the
25 outbuilding. The uncle had a key to the outbuilding.

1 Others had keys to the outbuilding.

2 She indicated -- Heather indicated that her dad
3 had been ill for quite a while. And that her dad was
4 using prescription drugs, which I submit to you was
5 the Hydrocodone, the pills that were found in the
6 safe. There's a connection to that.

7 The Judge is, also, going to charge you --
8 before I forget this, let me find it because this one
9 always confuses me. When you talk about evidence,
10 you've got physical, actual evidence, you've got
11 circumstantial evidence. This stuff here is the
12 actual evidence. But you can rely on -- there's a
13 charge on circumstantial evidence. Circumstantial
14 evidence, try to listen carefully, is proof of a
15 chain of facts and circumstances which indicate the
16 existence of a fact. And this evidence which
17 immediately establishes collateral facts from which a
18 man -- from which a main fact may be inferred.
19 That's gobbly gook to me. That's, basically, saying
20 if you've got a series of incidents that might lead
21 to a fact, then you can assume the circumstantial
22 evidence ties in. The Judge will explain a whole lot
23 better than I can.

24 Every circumstance relied upon must be proven
25 beyond a reasonable doubt and all circumstances

1 proven be consistent with each other and taken
2 together point conclusively to the guilt of The
3 Defendant and to the exclusion of every other
4 hypothesis. When you talk about circumstantial
5 evidence, you're talking about she said he had a key,
6 because he had a key, he's guilty of the dope. But
7 you've got to take that beyond a reasonable doubt to
8 any other and every other hypothesis, which would be
9 that dad, also, had a key and had possession of the
10 shed and had the right to go in it. And who owned
11 the property? William didn't own the property. The
12 uncle owned the property. I know that confused you.
13 Listen to what he says, okay.

14 All right. Let me see, I'm about finished here,
15 I think. Oh, let me show you one other thing. You
16 know the tell-tale sign here, another reason why you
17 shouldn't convict William Oliver? This SLED drug
18 analysis request, look right here. Subject, Oliver
19 William Russell, Oliver Anthony Frederick. Look
20 there, it's the dad's name on the items submitted to
21 SLED to be tested. Two [indiscernible] tests that
22 [indiscernible].

23 Okay. All right. So I'm going to sit down and
24 let the Attorney General come back. She'll have the
25 opportunity to rebut things that I said to you,

1 that's her job. We understand her job. I would
2 simply ask that whatever she might say -- I believe
3 she might say well, Mr. Crane said this and here's
4 what really happened. Think about what I might say
5 if I had an opportunity to come back and rebut her.
6 We don't want to rebut everybody all day because we'd
7 be here all day.

8 But the crux is, is he guilty of possession of
9 narcotics that were in the shed? Because you can
10 divide it up. The large quantity was found in the
11 shed, in the safe. If you find him guilty of that,
12 then he's guilty of trafficking. That's more than
13 28-grams. But if you don't think he's guilty of
14 that, then you might think he's guilty of the stuff
15 in his room, that's not trafficking. Because the
16 weight of the stuff in his room was less than five
17 grams. Now, if you put them both together, there's
18 certainly more than 28-grams. But you've got to
19 decide beyond a reasonable doubt, a doubt which
20 causes a reasonable juror to hesitate to act. And
21 you must be firmly convinced of his guilt. Not just
22 think well, maybe he's guilty, maybe he's not. I am
23 firmly convinced of his guilt.

24 Trafficking with intent to distribute. No
25 evidence that he attempted to distribute or give away

1 or possess. Gun charge, if he's not guilty of
2 trafficking, he's not guilty of the gun. That's the
3 way the statute reads. The possession of
4 Hydrocodone, the pills in the safe. Were they his or
5 where they his dad's? Did he know they were there?
6 Did he have knowledge of any of the drugs? Did he
7 have the right to dominion and control? I submit he
8 didn't. We ask that you find him not guilty. Thank
9 you.

10 Thank you, Judge.

11 THE COURT: Reply?

12 CLOSING STATEMENT

13 MS. GOUDE: Thank you, Your Honor.

14 Well, ladies and gentlemen, I will say The
15 Defense is right about one thing. He and I would be
16 here all day if we could rebut each other and there
17 would be no end to that.

18 Let's first talk about the gun. There is no gun
19 here that has been entered into evidence. However,
20 there was testimony from law enforcement that a gun
21 was found in that safe. There's a picture of the gun
22 that was found in the safe. It is up to you to
23 determine whether that gun was found in the safe. Do
24 you believe the testimony of law enforcement about
25 that gun?

1 Now, The Defense mentioned knowing. Did the
2 Defendant know those drugs were in the safe? He had
3 the keys. He had the keys in his pocket. Nobody
4 else had any keys there that day. The only keys that
5 opened that safe were The Defendant's keys. The
6 Defendant had pipes in his room. He was smoking meth
7 in there. He had this drug ledger in his room. Do
8 you think he didn't know that there was meth out
9 there in that safe that he had the keys to? Drugs
10 are expensive. For possession of methamphetamine,
11 it's less than one gram of methamphetamine. We have
12 here over 90-grams of methamphetamine. That's not a
13 user quantity. That is to distribute. That is for
14 trafficking.

15 Now, if you believe this story about dad being
16 the drug dealer, sure, dad can be the drug dealer.
17 He can be a drug dealer, too. That doesn't mean that
18 William Oliver isn't a drug dealer as well. Two or
19 more persons can have joint possession of a drug.
20 The police were there to investigate William Oliver.
21 They were not there to investigate the dad. If you
22 believe dad is some big drug dealer, why weren't the
23 police there to investigate him?

24 The Defendant, William Oliver, had possession of
25 those drugs. He knew those drugs were there. He had

1 the keys. He was trafficking those drugs. He had
2 that gun. He had that Hydrocodone. And I would ask
3 that you find him guilty.

4 THE COURT: All right. Mr. Foreman, ladies and
5 gentlemen of the jury, we've been going roughly an
6 hour. I'm glad to go ahead and give you the charge
7 on the law. I anticipate around 30, 35 minutes on my
8 charge. Would you like to break now and come back
9 for the charge or you want me go forward with it?
10 Keep going?

11 THE FOREMAN: Take a break.

12 THE COURT: Okay. Let's take about a 10-minute
13 break then.

14 (WHEREUPON, a short break was taken.)

15 (WHEREUPON, the jury left open court at
16 approximately 10:22 a.m.)

17 THE BAILIFF: Jury secured, sir.

18 THE COURT: Thank you, sir.

19 All right. Let's take about ten.

20 (WHEREUPON, a short break was taken.)

21 THE COURT: Anything from The State before we do
22 the charge?

23 MS. GOUDE: No, Your Honor.

24 THE COURT: The Defendant needs to be here,
25 you're right?

1 MR. CRANE: He's here, Judge.

2 THE COURT: Anything else?

3 MR. CRANE: No, sir.

4 THE COURT: All right. Would you bring the jury
5 in, please, sir.

6 THE BAILIFF: Yes, sir.

7 (WHEREUPON, the jury came into open court at
8 approximately 10:43 a.m.)

9 THE BAILIFF: Juror is secured.

10 THE COURT: Thank you, sir.

11 JURY CHARGE

12 All right, ladies and gentlemen, now that you've
13 heard the testimony and evidence presented during the
14 course of this trial, the arguments from the
15 attorneys, it's my job to charge you on the law that
16 applies in this case. I will forewarn you that I'm
17 not nearly as intelligent or articulate as these
18 attorneys, so some of this will be read to you. I'll
19 try my best to minimize the reading. But I'm scared
20 if I try to do it off the top of my head I would
21 misquote some very important rules of law, so bear
22 with me.

23 My charge is going to be in three different
24 parts. The first part of my charge will be the
25 general rules that define and control your duties as

1 jurors. The second part will be the substantive law
2 that applies in this case. In other words, what The
3 State has to prove in order to convict The Defendant
4 in this matter. Third will be some considerations
5 about your deliberations.

6 Mr. Foreman, I'll go over the verdict form at
7 the end and give you some instructions about
8 communicating with me.

9 I have a habit of forgetting about my
10 alternates. At the end of the day before the jury
11 begins their deliberations, I need y'all to come back
12 out, okay. Bring your notes with you. If I forget
13 to tell you, remind me.

14 Mr. Bailiff, help me do that as well.

15 THE BAILIFF: Yes, sir.

16 THE COURT: That being said, ladies and
17 gentlemen, it's your duty to find the facts in this
18 case from the evidence and the testimony that has
19 been presented during the course of this trial.
20 Frequently, I'm asked by juries to -- they need me to
21 give something else or present something else or
22 comment on where something is. You must make your
23 decision based on the testimony and evidence, the
24 record that's before you now and according to the law
25 as I give it to you and to the facts as you find them

1 to be by applying the law as I give it to you.
2 You're not to be concerned with what the law is, but
3 only with what I give to you -- or what you think it
4 should be, but only what it is. If I'm wrong, I'll
5 be corrected by our appellate courts in this state,
6 but if you don't follow the law as I give it to you,
7 it will be dereliction of your oath as jurors.

8 Also, you're not to be influenced by any
9 personal dislikes, opinions, prejudice or undue
10 sympathy you may have for one side of this case or
11 the other. What that simply means is you are to
12 decide this case according to the testimony and
13 evidence by applying the law as I give it to you and
14 the facts as you find them to be in your
15 deliberations.

16 Now, ladies and gentlemen, you must follow all
17 of my instructions. You can't take certain aspects
18 of my charge and say we agree with that, so we're
19 going to follow that, and disregard other aspects.
20 They're all equally important. And I remind you that
21 if I've done anything throughout the course of this
22 trial to indicate to you how you are to find facts in
23 this case, in other words, your verdict in this
24 matter, I'm going to ask you to disregard it. I have
25 no such feelings and our Constitution does not allow

1 the trial judge to have any comment on the facts of
2 case. You and you alone are the sole judges of what
3 the facts are in this case, ladies and gentlemen. In
4 other words, what your verdict is to going to be.
5 And you'll make the decision by evaluating and
6 weighing the evidence that you've heard in this case.
7 Now, obviously, you can't weigh evidence in a literal
8 sense. But you should use your common sense and good
9 judgment that you bring with you when you begin your
10 deliberations.

11 So that leads me to what is evidence that you
12 may consider as evidence and what is not evidence?
13 First, the responses to the witnesses who have been
14 sworn in from this witness stand to the questions
15 asked of them is evidence. The questions being asked
16 of them is not evidence, only their responses. Also,
17 the exhibits that I have allowed into evidence in
18 this case is evidence. And that's the only true
19 evidence that you may consider in making your
20 decision as to what your verdict would be in this
21 case.

22 So that leads me to what is not evidence.
23 First, I think I told you earlier, the arguments by
24 these attorneys, while very helpful, is not evidence.
25 They have not been sworn in, they've not been

1 subjected to cross-examination. It's just simply
2 their contention on what this case is about. Their
3 arguments, also, is not evidence. The questions they
4 ask and, also, their objections they raise is not
5 evidence.

6 Mr. Foreman, I remind you that your jury is not
7 to discuss objections and to the extent I let you
8 stay in here and hear my ruling on those objections,
9 in your deliberations, that's not proper for your
10 deliberations. Suffice it to say that that's the
11 process that goes on in every trial. If one of your
12 jurors insists on bringing it up, it would be your
13 duty to make sure it's not part of the jury's
14 deliberations.

15 Now, with that being said, ladies and gentlemen,
16 in South Carolina, we recognize two types of
17 evidence. We have direct evidence and we have
18 circumstantial evidence. Direct evidence is pretty
19 straightforward. But this is the definition. Direct
20 evidence is evidence that directly and immediately
21 proves the existence of a fact and does not require
22 deduction or inference.

23 For example, if the issue in the case was
24 whether I ran a stop sign and my law clerk said I saw
25 him run that stop sign, you don't have to infer

1 anything from that. That immediately establishes the
2 issue at hand, that I ran a stop sign. That's direct
3 evidence. Eyewitness testimony.

4 We, also, have what is called circumstantial
5 evidence, ladies and gentlemen. It's a little more
6 tricky, but it's pretty straightforward. It says
7 it's proof of a chain of facts and circumstances
8 indicating the existence of a fact. And that's kind
9 of pretty for lawyer speak.

10 But examples to show you what it means, if all
11 of you were to go to bed at night and have a fresh
12 sheet of snow in your front yard, if you were to wake
13 up in the morning and see tracks in that snow, you
14 may reasonably infer that someone or something walked
15 through your yard during the night, although you did
16 not see it. You have to infer the fact. But the
17 inference that you draw may not be surmised or
18 speculation.

19 Now, crimes in South Carolina may be proven by
20 direct or circumstantial evidence, ladies and
21 gentlemen. And the law makes no distinction between
22 the weight or value between the two. However, to the
23 extent The State relies on circumstantial evidence,
24 the circumstances must be consistent with each other
25 and when taken together point conclusively to the

1 guilt of the accused beyond a reasonable doubt. If
2 these circumstances merely portray The Defendant's
3 behavior as suspicious, then the proof would have
4 failed. The State that the burden to prove The
5 Defendant's guilt beyond a reasonable doubt whether
6 or not it uses direct evidence or circumstantial
7 evidence or a combination of the two.

8 Now, ladies and gentlemen, in deciding what your
9 fact are in this case, what your verdict is going to
10 be, you have to decide which evidence you wish to
11 believe and whether or not there's any evidence you
12 wish not to believe. You collectively as a jury have
13 the right to disbelieve all or part or none of any
14 witness's testimony which came before you. In other
15 words, witness A, you can believe that much of it or
16 that much of it or anywhere in between. You can do
17 that for all the evidence in this case.

18 But in making this determination of what we call
19 the credibility or the believability of the
20 witnesses, I'm going to give you a nonexclusive list
21 of facts that you may consider in making this
22 determination.

23 First, you can ask yourself what was the witness
24 able to see or hear or know about the things that
25 they testified about? How well were they able to

1 recall the subject of their testimony? And what was
2 their manner or how did they act while they were up
3 here on the witness stand? What was their demeanor?
4 You can ask yourself does the witness have any bias
5 or prejudice for or against one side of this case or
6 the other? Or any bias or prejudice for any issue in
7 this case? Also, you can consider how reasonable the
8 witness's testimony was in light of all the other
9 testimony and evidence in this case. And whether or
10 not that witness's testimony had been contradicted by
11 what that witness had done or said previously or by
12 other testimony and evidence in the case.

13 And Mr. Foreman, you do not check your common
14 sense at the door when you were sworn in as jurors
15 and you certainly shouldn't do that in this case.
16 You should discuss those things in your day-to-day
17 lives that you find indicative of truthfulness or
18 indicative of lack of truthfulness in making this
19 determination. One thing that you cannot and shall
20 not do, however, is add up the number of witnesses
21 who may have appeared for one side of the case or the
22 other or the number of exhibits admitted on one side
23 of the case or the other in making this
24 determination.

25 Now, also, ladies and gentlemen, you've heard

1 testimony by people or a person who has been
2 qualified as an expert. As I told you, usually, a
3 witness is limited to what they saw, they heard, they
4 smelt or they felt in their testimony. They're very
5 limited in giving their testimony. However, a person
6 who because of their education or experience becomes
7 an expert in a particular area that is helpful for
8 you, the jury, in making your decision, upon
9 qualification is allowed to give their opinion and
10 the reasons for their opinions. Ladies and
11 gentlemen, expert testimony is just like any other
12 testimony you've heard in this case. You may accept
13 it, you may reject it or give it as much weight as
14 you collectively believe it deserves.

15 Now, in this case, ladies and gentlemen, I
16 remind you that the fact that this gentleman has been
17 arrested and indicted and charged is not evidence of
18 his guilt. The indictments will not go back to your
19 jury room. That is simply the mechanism by which the
20 State of South Carolina brings this Defendant and
21 other defendants before this Court for a trial and
22 determination by you, the jury, of his guilt or
23 innocence.

24 Also, the fact that there are multiple charges,
25 each one typically has to be standing on his four

1 feet. In other words, you make the decision on one
2 charge, then go to the next. However, in this case,
3 you have the charge of trafficking in methamphetamine
4 between 28 and 100 grams, which under our law is
5 classified as a violent charge. You, also, have the
6 charge of possession of a weapon during the
7 commission of a violent crime. Those are
8 interrelated. And I'll explain to you more about
9 that when we go to the verdict form.

10 But other than those two charges, the charge of
11 trafficking or the lesser included in the possession
12 of Schedule II stand on their own. They're separate.
13 And your decision on one can be either side of the
14 option and be totally different from your decision on
15 the other. They're not dependent on one another, in
16 other words.

17 Now, in this case, The Defendant has pled not
18 guilty. And when he pleads not guilty, as any
19 defendant does, that immediately attaches him the
20 presumption of innocence. And that presumption will
21 last throughout the course of this trial and into
22 your deliberations unless you are collectively
23 convinced that The State has proven each and every
24 allegation -- excuse me, each and every element of
25 the charges against this gentleman by proof beyond a

1 reasonable doubt.

2 And I will tell you that a person accused of
3 committing a criminal offense in South Carolina is
4 never, never required to prove himself innocent. And
5 it is an important rule of law that is applied in all
6 criminal cases no matter what the seriousness of the
7 charge may be. A person will always be presumed
8 innocent unless that guilt has been established by
9 proof beyond a reasonable doubt. And again, this
10 presumption does not end when you begin your
11 deliberations. But it continues into your
12 deliberations unless and until you find him guilty by
13 prove beyond a reasonable doubt.

14 An vernacular of attorneys has said that a
15 presumption of innocence is like a robe of
16 righteousness where it remains on The Defendant's
17 shoulders unless it's been stripped therefrom by
18 evidence satisfying you of guilt beyond a reasonable
19 doubt. And that's not just a mere legal theory or a
20 phrase, that is a substantive important rule of law
21 that applies to each and every case in this state.

22 Now, that leaves me to what is a reasonable
23 doubt? I'm going to read again, as I did earlier,
24 what reasonable doubt is. It is this. A reasonable
25 doubt is the kind of doubt that would cause a

1 reasonable, sincere, honest and conscientious person
2 to hesitate to act in an important matter in their
3 own affairs. It is proof that leaves you firmly
4 convinced of The Defendant's guilt.

5 With that being said, there are very few things
6 in this world that we know with absolute certainty.
7 And criminal law does not require proof that
8 overcomes every possible doubt. If based on your
9 consideration of the evidence you're firmly convinced
10 that The Defendant is guilty of one or more of the
11 charges against him, it's your duty to find him
12 guilty. On the other hand, if you think that there
13 is a real possibility that The Defendant is not
14 guilty of one or more of those charges, you must give
15 him the benefit of the doubt and find them him
16 innocent.

17 Now, ladies and gentlemen, a reasonable doubt
18 may arise from the evidence or from the lack of
19 evidence. I further instruct you that a defendant is
20 entitled to every reasonable doubt that may arise in
21 the case. What that simply means is this, if upon
22 any issue of fact essential to a conviction and a
23 verdict of guilt, if you have any reasonable doubt as
24 to how this issue should be resolved, it is your duty
25 to resolve it in favor of The Defendant.

1 Now, ladies and gentlemen, in order to establish
2 criminal liability, criminal intent is required. For
3 example, the mental state required to be proven by
4 The State for a particular crime may be purpose,
5 intent, knowledge, recklessness or criminal
6 negligence. Criminal intent must be proven by The
7 State beyond a reasonable doubt. Criminal intent,
8 ladies and gentlemen, is always a matter that must be
9 determined by you, the jury, from the circumstances
10 surrounding the situation.

11 There's no way to prove intent to a mathematical
12 certainty and there's no way to dissect a person's
13 brain to determine what they intended to do. So the
14 law says that you can make that determination by
15 circumstantial evidence and the facts shown in this
16 case. Ladies and gentlemen, that's how you would
17 make the determination of whether or not the element
18 requiring intent was present. It is not necessary to
19 establish intent by direct and positive evidence, but
20 intent may be established by inference in the same
21 way as any other act by taking into consideration the
22 acts of the parties and all the facts and
23 circumstances of the case.

24 Criminal intent is a mental state. It is a
25 conscious wrongdoing. And it is up to you to

1 determine what The Defendant intended to do based on
2 the circumstances shown to have existed. Criminal
3 intent can arise from action or a failure to act. It
4 may arise from negligence, recklessness or an
5 indifference to duty or to consequences that are
6 considered by law to be the equivalent of criminal
7 intent.

8 Now, finally, Mr. Foreman, ladies and gentlemen,
9 I instruct you and I emphasize the fact that The
10 Defendant did not testify is not a factor for your
11 consideration whatsoever. The State always has the
12 burden of proving his guilt by proof beyond a
13 reasonable doubt. If any of your jurors want to
14 bring that up in deliberations, it's your job to make
15 sure that is not part of the jury deliberations.

16 Okay, sir, those are the general rules that
17 define and control your duties as jurors. I don't
18 send my charge back to you. I want you folks to go
19 on the facts. If you want me to go over this again
20 with you, I'll do it as many times as you like me to,
21 okay.

22 So that leaves me to the substantive law that
23 applies in this case. Would you like to take a quick
24 break or you want me to keep going?

25 PROSPECTIVE JUROR: I think we'll keep going.

1 THE COURT: Okay. This is the law of
2 trafficking methamphetamine between 28 and 100 grams
3 under code section 44-53-375(c)(2). The Defendant is
4 charged with trafficking in methamphetamine 28 to
5 100-grams. The State must prove beyond a reasonable
6 doubt that The Defendant knowingly sold,
7 manufactured, delivered, purchased, brought into this
8 state, provided financial assistance or otherwise
9 aided, abetted, attempted or conspired to sell,
10 manufacture, deliver, purchase or bring into this
11 state, was normally in actual or constructive
12 possession or knowingly attempted to become in actual
13 or constructive possession of methamphetamine.

14 Knowingly means with knowledge, consciously, not
15 accidentally. Actual possession means that the
16 methamphetamine was in the actual physical custody of
17 the Defendant. Constructive possession means that
18 The Defendant had dominion or control or the right to
19 exercise dominion or control of either the
20 methamphetamine itself or the property on which the
21 methamphetamine was found. Mere presence at the
22 scene where the drugs were found is not enough to
23 prove possession. Two or more persons may have joint
24 possession of a drug. And The State must, also,
25 prove beyond a reasonable doubt that the amount of

1 the methamphetamine was between 28 and 100-grams.

2 Now, ladies and gentlemen, if you determine that
3 The State has not proven trafficking methamphetamine
4 between 28 to 100-grams beyond a reasonable doubt,
5 you should then consider whether The State has proven
6 beyond a reasonable doubt that The Defendant is
7 guilty of the lesser included charge of possession
8 with intent to distribute methamphetamine.

9 Possession with intent to distribute contains all the
10 elements of trafficking, except the amount of the
11 methamphetamine. It's the same thing except for the
12 amount, 25 to 100-grams.

13 In addition, The State move prove beyond a
14 reasonable doubt that The Defendant has the intent to
15 distribute the methamphetamine. As defined above,
16 possession may be actual or constructive. Mere
17 presence at the scene where the drugs were found is
18 not enough to prove possession. Again, two or more
19 persons may have joint possession of a drug. The
20 State must, also, prove beyond a reasonable doubt
21 that The Defendant intended to distribute the
22 methamphetamine. Distribute means to deliver other
23 than by administer or dispensing a drug.

24 Intent may be shown by acts and conduct of The
25 Defendant and of the circumstances from which you may

1 naturally and reasonable infer intent. In
2 determining whether The Defendant had the intent to
3 distribute the methamphetamine, you may consider the
4 circumstances surrounding The Defendant's alleged
5 possession. You may consider the amount of the
6 substance alleged to have been possessed, the manner
7 in which it was allegedly possessed, the place where
8 it was allegedly possessed and other factors which
9 you consider to be important. You must find that The
10 Defendant did not intend to have the methamphetamine
11 solely for his own use.

12 Now, if you don't find The Defendant guilty of
13 possession with intent to distribute, you should
14 consider whether The State has proven beyond a
15 reasonable doubt the lesser included of that charge
16 of simple possession of methamphetamine. Simple
17 possession does not require an intent to distribute
18 methamphetamine.

19 The State must prove beyond a reasonable doubt
20 that The Defendant knowingly or intentionally
21 possessed methamphetamine. Knowingly means with
22 knowledge, consciously, not accidentally.
23 Intentionally means willfully, intending the result
24 which actually occurs, not accidentally or involuntary.
25 Intent may be shown by acts and conduct to The

1 Defendant and other circumstances from which you may
2 naturally and reasonably infer intent.

3 To prove possession, The State must prove beyond
4 a reasonable doubt that The Defendant had both the
5 power and intent to control the disposition or use of
6 the methamphetamine. As defined above, possession
7 may be either actual or constructive. Again, mere
8 presence at the scene where the drugs were found is
9 not enough to prove possession. Two or more persons
10 may have joint possession of a drug. Those are the
11 charges for trafficking and the lesser included of
12 possession with intent and simple possession.

13 So, ladies and gentlemen, that leads me to the
14 charge of possession of a weapon during the
15 commission of a violent crime. The Defendant is
16 charged with possession of a weapon during the
17 commission of a violent crime. The State must prove
18 beyond a reasonable doubt that The Defendant was in
19 possession of a firearm or visibly displayed what
20 appeared to be a firearm during the commission of a
21 violent crime. A firearm means any machine gun,
22 automatic rifle, revolver, pistol, or any other
23 weapon which will, is designed to or may be readily
24 converted to expel a projectile.

25 In order to find The Defendant guilt of

1 possession of a weapon during the commission of a
2 violent crime, you must first find The Defendant
3 guilty of either committing a violent crime or
4 attempting to commit a violent crime. And in this
5 case, the only violent crime would be trafficking
6 methamphetamine between 28 and 100 grams, which is
7 classified as a violent crime. The State must prove
8 beyond a reasonable doubt that the weapon furthered,
9 advanced or helped in the commission of the crime.

10 And, ladies and gentlemen, the last charge is
11 possession of a controlled substance, Schedule III
12 controlled substance. The Defendant is charged with
13 possession of a Schedule II controlled substance.
14 The State must prove beyond a reasonable doubt that
15 The Defendant knowingly or intentionally possessed a
16 Schedule II controlled substance. Knowingly means
17 with knowledge, consciously not accidentally.
18 Intentionally means willfully, intending result which
19 actually occurs, not accidentally or involuntarily.
20 Intent may be shown by acts and conduct of The
21 Defendant and other circumstances from which you may
22 naturally and reasonably infer intent.

23 To prove possession, The State must prove beyond
24 a reasonable doubt that The Defendant had both the
25 power and the intent to control the disposition of

1 use of the Schedule II controlled substance. As
2 defined above, possession may either be actual or
3 constructive. Again, two or more people may have
4 joint possession of a drug.

5 And possession of a Schedule II controlled
6 substance is a crime unless the Schedule II
7 controlled substance was obtained directly from or
8 through a valid prescription or of a practitioner
9 acting in the course of professional practice. A
10 practitioner is a physician, dentist, veterinarian,
11 podiatrist, scientific investigator, pharmacy,
12 hospital or other person or institution licensed,
13 registered or otherwise permitted to distribute,
14 dispense, conduct research with or with respect to or
15 administer a controlled substance in the course of
16 professional practice and research in this state.

17 Mr. Foreman, again, I don't send these charges
18 back with you. I know some are real wordy. If you
19 want me to go over them with you again, I'll do it as
20 many times as you like.

21 So that leaves some final thoughts about some
22 considerations for your deliberations. First, by
23 your silence or your expressed responses, you
24 represented to both The State and to this Defendant
25 that you could be fair and impartial to both sides of

1 this case and make your decision based on the law and
2 evidence presented according to the law as I give it
3 to you. And that's expected of you. You're not
4 partisans, you're not advocates for one side of this
5 case or the other, you are judges of the facts in
6 this case.

7 Now, deliberation is defined as this. It's a
8 careful consideration weighing up with a view to a
9 decision. Now, I will submit to you that regardless
10 of what any of you may think about our judicial
11 system, that the genius of the system is it allows 12
12 men and women such as yourselves which come from
13 different backgrounds, who have different
14 perspectives and life experiences to listen to and
15 collectively talk about the evidence and to hopefully
16 come to a unanimous decision. In order for your
17 decision to stand, it will have to be unanimous.

18 Now, you're not to be in a hurry in this case.
19 You are to carefully and deliberately go through all
20 the evidence and walk through it and talk through it
21 with your fellow jurors. This is The State's and
22 Defendant's only day in court. It's an important
23 case for both of them, so please do not be in a
24 hurry.

25 Now, I'm going to ask you to let your other

1 jurors tell you what they think and why they think
2 their beliefs in this case. They're going to let you
3 do the same thing. At the end of the day, your
4 decision must be unanimous, but with that being said,
5 each of you must decide this case on your own.
6 Meaning, don't be persuaded by the other folks in
7 this case and reach a verdict just because you want
8 to reach a verdict. If you think that the evidence
9 in your deliberations causes you to change a belief
10 about the evidence, then you should change that
11 belief, that's proper. But do not change a firmly
12 held belief solely to reach a verdict in this matter.

13 Now, Mr. Foreman, when the jury reaches a
14 verdict, your job is to fill out the verdict form.
15 It's pretty straightforward. But I have notes along
16 with it. If you have any doubt about it, ask me and
17 we'll go over it with you. These are the options.

18 Number one -- and let me say this, the order in
19 which they're in, they have to be in some order, so
20 don't take any inference by the order they come in.
21 But the first charge is trafficking methamphetamine,
22 between 28 to 100-grams. Your choices are not guilty
23 or guilty. If it's not guilty, you would check that
24 section. The next -- or initial or check. Then go
25 on to the second charge. If you find him not guilty,

1 then you'll consider the lesser included charge of
2 possession with intent to distribute. If he's
3 guilty, then you go to the second charge. And go
4 from there. If it's not guilty, then you go down to
5 the third lesser included, which is simple possession
6 of methamphetamine, options are the same. Then
7 you're to consider the possession of a weapon during
8 the commission of a violent crime. You may only find
9 The Defendant guilty of this charge if you find him
10 guilty first of trafficking in methamphetamine
11 between 28 and 100-grams because that's the only
12 charge that's considered violent, okay. And,
13 finally, you have the charge of possession of a
14 Schedule II substance. And you would make that same
15 option or choice, not guilty or guilty.

16 Once you make your decision, you're to sign your
17 name. You're to get the verdict form, crease it,
18 hold it in your hand, knock on the door and tell our
19 bailiff you're ready to give the verdict in the
20 courtroom. We'll get you in here, take it from you
21 and have it there.

22 Now, if you need to ask any questions, simply
23 write down the question that you have. Sign your
24 name and give it to our bailiff and we'll receive it
25 here in the courtroom. Do not ever tell us where the

1 jury stands numerically. In other words, ten to two,
2 six to six, whatever combination thereof, it's none
3 of our business, okay.

4 That being said, ladies and gentlemen, I'm going
5 to send you back to your jury room. I'm going to ask
6 our alternates to come back out. Do not begin your
7 deliberations until we bring back the exhibits, the
8 verdict form and you're told to begin your
9 deliberations, please. I'm going to have to ask a
10 couple questions of the attorneys. I may have to
11 bring you back out. If not, I'll send word back to
12 you. Thank you.

13 (WHEREUPON, the jury left open court at
14 approximately 11:30 a.m.)

15 THE BAILIFF: You need the alternates now?

16 THE COURT: Yeah.

17 Any additions or exceptions from The State?

18 MS. GOUDE: Nothing from The State.

19 THE COURT: From The Defense?

20 MR. CRANE: Yes, sir, Judge.

21 THE COURT: Okay. Hold him up on the
22 alternates.

23 Why am I not surprised, Mr. Crane?

24 MR. CRANE: Judge, on your trafficking
25 methamphetamine, on mine, it's Page 1. I thought you

1 had covered this when you made the decision under
2 Stewart and Custard, but what you said to the jury
3 was constructive possession means that The Defendant
4 had dominion and control or the right to exercise
5 dominion and control over either the methamphetamine
6 itself or the property on which the methamphetamine
7 was found.

8 THE COURT: That's what I said.

9 MR. CRANE: Excuse me?

10 THE COURT: That's what I charged them, yeah.

11 MR. CRANE: Then you're, basically, saying that
12 they don't have to find that he had possession or
13 control over the methamphetamine if they found that
14 he had possession and control of the property.

15 THE COURT: Right, that's what the law is, isn't
16 it? If they find possession in his car, he has
17 control and possession of that car, it's not actual
18 possession. It's constructive possession. He's got
19 control of the car. And that having the control of
20 drugs, too. Am I wrong in that?

21 MR. CRANE: Stewart and Custard I think say
22 you're wrong.

23 THE COURT: Sir?

24 MR. CRANE: Stewart and Custard I think say that
25 you're wrong in giving that charge.

1 THE COURT: You just think there's no longer any
2 constructive possession?

3 MR. CRANE: No. I just think the way you said
4 that -- as a matter of fact, I thought -- I had on my
5 paper --

6 THE COURT: How would you -- excuse me, I didn't
7 mean to interrupt you.

8 MR. CRANE: No, that's fine. I was going to
9 discuss it with you, that you put a period after the
10 methamphetamine itself and not talk about the
11 property. But I thought that takes care of that.

12 THE COURT: I keep looking for my charge, hang
13 on for a second. Well, with that being said -- here
14 it is. What wording would you have me charge the
15 jury? Is that the wording you asked at the beginning
16 of my charge?

17 MR. CRANE: I would have you charge up to where
18 it says, Right to exercise dominion and control over
19 the methamphetamine itself, period. Not or the
20 property.

21 THE COURT: Okay.

22 I will not charge that to the jury. I will not
23 correct it. If I'm wrong, I'm wrong. I think I'm
24 right.

25 MR. CRANE: Then on Page 11, let me see what

1 you're talking about, Judge.

2 THE COURT: Okay.

3 MR. CRANE: Okay. You had said --

4 THE COURT: Is this Page 11?

5 MR. CRANE: Well, starting on -- I got Page 10,
6 possession of a Schedule II controlled substance, you
7 said to prove possession -- well, what you did not
8 say like you did on the other possessions, you left
9 out the phrase mere presence at the scene where the
10 drugs were found is not enough to prove possession.

11 THE COURT: No, I didn't. It's on the top of
12 Page 11.

13 MR. CRANE: It's there, but you didn't say it to
14 the jury.

15 THE COURT: I did, too. If you want me to come
16 back and tell them that with regard to all three of
17 these charges mere presence where the drugs were
18 found is not enough, I'll be glad to do that. I
19 thought I did do that, but if I didn't -- I don't
20 think that you're right, but I'm glad to correct
21 that.

22 MR. CRANE: I didn't hear you say it.

23 THE COURT: You know, heck, we're all human. I
24 will tell them that -- what if I bring the jury in
25 and say, ladies and gentlemen, with regard to either

1 the trafficking between 28 and 100, possession with
2 intent to distribute methamphetamine or simple
3 possession mere possession -- I mean, mere presence
4 at the scene is not enough to convict him on any of
5 these charges.

6 MR. CRANE: That be will fine.

7 THE COURT: Fine. I'll do that.

8 MR. CRANE: One last thing, Judge.

9 THE COURT: Hang on.

10 Is that acceptable to you? How about The State?
11 I see you jumping.

12 MS. GOUDE: Well, Your Honor, I wonder if we
13 should check the record because I think the jury is
14 going to wonder why we're drawing attention to that
15 particular part of the law if you bring them back out
16 and only address that.

17 THE COURT: Well, I don't think that -- you
18 know, like I said, this is not just to emphasize
19 this, but just because I didn't charge it, I forgot
20 to tell you, that's why I'm telling. I'm glad to do
21 that.

22 MS. GOUDE: Thank you, Your Honor.

23 THE COURT: What else did I do wrong?

24 MR. CRANE: I didn't say you did anything wrong.

25 THE COURT: Man, I'm giving you a hard time. I

1 don't take it personally.

2 MR. CRANE: I would submit to The Court that the
3 verdict form for possession of a weapon during the
4 commission of a violent crime, I understand the
5 verdict form, I think the jury understands the
6 verdict form. But, quite honestly, Judge, they have
7 the right to find him guilty of the trafficking and
8 not guilty of the weapon.

9 THE COURT: Uh-huh.

10 MR. CRANE: You didn't really emphasize that,
11 that they actually -- the way I heard you say it is
12 if you find him guilty of trafficking, then you can
13 find him guilty of the weapon. But you didn't tell
14 them you can find him guilty of the trafficking --

15 THE COURT: I did tell them you can find him not
16 guilty or guilty. So I mean, I don't know what else
17 to say except not guilty or guilty. I'm not going to
18 change that.

19 MR. CRANE: Okay. Thank you, Judge.

20 THE COURT: And I'll note further, you approved
21 this verdict form yesterday when we had our charge
22 conference. But that being said, I'm not going to
23 change that part.

24 MR. CRANE: Yes, sir.

25 THE COURT: Anything from The State?

1 MS. GOUDE: No, Your Honor.

2 THE COURT: All right. I'm going to bring the
3 jury in. Check me if you don't like the way I
4 charge, tell me how you think I should. But,
5 basically, what I'm going to say is, ladies and
6 gentlemen, it was pointed out to me that I neglected
7 to tell you that with regard to all three of the
8 charges for trafficking methamphetamine, the lesser
9 included of possession with intent to distribute or
10 simple possession, that mere presence at the scene
11 where the drugs were found is not enough to prove
12 possession. I'm not to emphasize that, it's only to
13 bring that up because I didn't tell you that.

14 MS. GOUDE: Your Honor, I think The Defense's
15 issue with that was specifically for the possession
16 of a Schedule II controlled substance.

17 THE COURT: Say that again.

18 MS. GOUDE: I think The Defense's specific issue
19 was to the possession of a controlled II substance
20 charge.

21 THE COURT: That goes to that one as well.

22 MS. GOUDE: Okay.

23 THE COURT: To the drug charges, you're right.
24 You're right about that.

25 MR. CRANE: Thank you, Judge.

1 THE COURT: Okay. So let's bring the jury back
2 in.

3 (WHEREUPON, the jury entered open court at
4 approximately 11:20 a.m.)

5 THE BAILIFF: Jury is seated, Your Honor.

6 THE COURT: Thank you, sir.

7 All right, ladies and gentlemen of the jury, it
8 was pointed out to me that I neglected to give you
9 some aspects of my charge. This is not to emphasize
10 what I'm about to tell you over anything else I've
11 told you, it's because I did not supposedly give it
12 to you earlier.

13 But with respect to the trafficking in
14 methamphetamine between 28 and 100-grams, the
15 possession with intent to distribute methamphetamine,
16 simple possession of methamphetamine or possession of
17 a Schedule II drug, mere presence at the scene where
18 the drugs were found is not enough to prove
19 possession.

20 Okay. That being said, I'll send you back one
21 more time and double check with the lawyers. Then
22 we'll send word back whether you need to come back or
23 begin your deliberations.

24 (WHEREUPON, the jury left open court at
25 approximately 11:22 a.m.)

1 THE BAILIFF: The jury is secured, sir.

2 THE COURT: Thank you, sir.

3 Any additions or exceptions from The State?

4 MS. GOUDE: No, Your Honor.

5 THE COURT: From The Defense?

6 MR. CRANE: No, sir.

7 THE COURT: Other than is already argued and
8 ruled against, do you have an objection?

9 MR. CRANE: No, sir. Thank you, Judge.

10 THE COURT: Thank you, guys. Let me say this to
11 the attorneys. I've been giving you a hard time in
12 particular, but I love when attorneys push me and I
13 love when they act professional and they're well
14 prepared and do a great presentation. Both sides did
15 that in this case. It makes my job a lot easier or a
16 lot harder sometimes. But anyway, thank y'all for
17 that.

18 That being said, would y'all go over the
19 exhibits and make sure we have them all accounted
20 for?

21 Do you mind if the bailiff takes them back to
22 begin deliberations?

23 THE BAILIFF: We still have the alternates.

24 THE COURT: Yeah, bring them back.

25 MR. CRANE: I don't mind.

1 THE COURT: Okay. What do you want to do about
2 lunch?

3 Y'all come on back with me, we're going to go
4 back and chat. Once y'all account for them, send
5 them back tell them to begin.

6 THE BAILIFF: All right, sir.

7 (WHEREUPON, the alternates were excused.)

8 (WHEREUPON, deliberations began at approximately
9 11:26 a.m. and court was in recess awaiting a
10 verdict.)

11 THE COURT: All right, guys, got our first
12 question. Y'all be seated.

13 All right. Here's from the foreperson. Did The
14 Defendant have a warrant? If so, what was it for?

15 And I -- as much as I tell them they got to make
16 their decision on testimony and evidence, my --
17 first, I'm going to tell them they've got to make
18 their call based on that, but they can't consider
19 these things because it's not in the record.

20 When we discussed this earlier, however, at the
21 beginning of this trial about the probation and that
22 information, we said that you could say they were
23 lawfully on the property. And so it would seem to me
24 that they can't consider this because they were
25 lawfully on the property at the time.

1 What would be your feelings about that?

2 MR. CRANE: You're not saying you're going to
3 tell them they were lawfully on the property, are
4 you?

5 THE COURT: I think that --

6 MR. CRANE: That would be a comment on the
7 facts.

8 THE COURT: I know.

9 MR. CRANE: What I would suggest that you say
10 is, ladies and gentlemen of the jury, all the
11 evidence is in, you've heard all the testimony,
12 you've got all the evidence and you've got to make a
13 decision on what you've got.

14 THE COURT: Well, yeah, that's normally what I
15 say.

16 What would you say?

17 MS. GOUDE: Your Honor, I think the only time a
18 warrant might have been mentioned was the search
19 warrant. So I don't know where the confusion may be.
20 But I think I would agree with The Defense on not
21 addressing that question.

22 THE COURT: Normally, what I tell the jury when
23 they ask stuff outside the record, I tell them what
24 Mr. Crane said, ladies and gentlemen, you've got to
25 make your call based on the evidence before you.

1 What I tried to tell them at the beginning, listen to
2 everything, ask me such and such, I can't do it. So
3 I guess I'll just do that. And y'all watch me and
4 see if you want me to correct anything I say.

5 Bring the jury in.

6 (WHEREUPON, Court's Exhibit No. 1 was marked for
7 identification only.)

8 THE BAILIFF: Yes, sir.

9 (WHEREUPON, the jury entered open court at
10 approximately 11:49 a.m.)

11 THE BAILIFF: Jury is present, sir.

12 THE COURT: Thank you, sir.

13 Mr. Foreman, my understanding the jury has the
14 following question. Did The Defendant have a
15 warrant? If so, what was it for?

16 Is that the question of the jury?

17 THE FOREMAN: Yes, sir.

18 THE COURT: Remember when I told you at the
19 beginning of my charge that the record in this case
20 has been made. You have to make your decision based
21 on the testimony and evidence that's in the record as
22 we speak. I'm not allowed to comment about these
23 things because that would be a comment on the facts.
24 You have to make your decision based on the testimony
25 and evidence that you heard during this trial, the

1 exhibits that you have back there with you and
2 according to the law as I give it to you, okay. So I
3 can't answer that question.

4 Stop your deliberations right now. I'm going to
5 ask if I need to correct anything I just told you.
6 And we'll send word back shortly to begin. I think
7 they're something at lunch for you. Y'all go back to
8 your jury room, please.

9 (WHEREUPON, the jury left open court at
10 approximately 11:50 a.m.)

11 THE BAILIFF: The jury is secured.

12 THE COURT: Thank you, sir.

13 Any additions or exceptions from The State?

14 MS. GOUDE: No, Your Honor.

15 MR. CRANE: No, sir, Judge. I had as soon you
16 answer the question and say no, he didn't have a
17 warrant, but no objections.

18 THE COURT: Well, I thought about saying they
19 were there legally. I thought that was a stipulation
20 we had earlier, but we didn't. All said and done.

21 MR. CRANE: Thank you, Judge.

22 THE COURT: All right. I'm going make this a
23 Court's Exhibit. And if you start to go somewhere,
24 give my law clerk your cell phone so we don't have to
25 chase you down. Don't go too far. Thank you, guys.

1 THE BAILIFF: Judge, tell them to start
2 deliberations?

3 THE COURT: Yeah. Thank you for reminding me, I
4 appreciate it.

5 (WHEREUPON, deliberations continued and court
6 was in recess awaiting a verdict.)

7 (WHEREUPON, Court's Exhibit No. 2 was marked for
8 identification only.)

9 THE COURT: We have a verdict. Anything from
10 The State before we bring the jury out?

11 MS. GOUDE: No, Your Honor.

12 THE COURT: From The Defense?

13 MR. CRANE: No, sir, Judge. Thank you.

14 THE COURT: Bring the jury in, please, sir.

15 (WHEREUPON, the jury entered open court at
16 approximately 12:54 p.m.)

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

18 THE COURT: Thank you, sir.

19 VERDICT

20 THE COURT: Mr. Foreman, it's my understanding
21 the jury has reached a verdict; is that correct?

22 THE FOREMAN: Yes, that's correct.

23 THE COURT: Is it unanimous?

24 THE FOREMAN: Yes, sir.

25 THE COURT: Would you pass the verdict form

1 forward, please, sir. Thank you.

2 All right. This is the verdict as to
3 trafficking methamphetamine 28 to 100-grams under
4 Indictment 2019-GS-47-23, the jury finds The
5 Defendant guilty. As to possession of a weapon
6 during the commission of a violent crime, under
7 Indictment 2019 GS-47-23, the jury finds The
8 Defendant guilty. And as to the charge of possession
9 of Schedule II controlled substance under Indictment
10 2019-GS-47-23, the jury finds The Defendant guilty.

11 Mr. Foreman, ladies and gentlemen, if that was
12 your verdict in the jury room and that is still your
13 verdict here in the courtroom, would you raise your
14 right hand?

15 (WHEREUPON, all members of the jury raised their
16 right hand.)

17 THE COURT: Okay, ladies and gentlemen, The
18 Court is never concerned with what your verdict is,
19 but that you followed the instructions. I have
20 watched each of you throughout the course of this
21 trial and you've been very attentive. You paid
22 attention to all the testimony. You didn't wander.
23 So I want to thank you for your service. Not your
24 verdict, but I want to thank you for your service to
25 the State of South Carolina and to the County of

1 Pickens. Without people like yourselves who are
2 willing to come do sometimes untasteful tasks of
3 making these decisions, our system of law breaks
4 down. We have no rule of law without people like
5 yourselves willing to do your civic duty. So I want
6 to thank you for that.

7 You're welcome to stay and you're welcome to
8 leave if you want to. I'm going to sentence him in
9 just a minute. You can stay here in the courtroom or
10 you can get up and leave if you don't want to watch.
11 It's up to you. If you have notes, you can take
12 those notes with you. Just rip them out of the pad
13 or the bailiff will rip them out for you, okay.
14 Thank you very much.

15 SENTENCING

16 THE COURT: Do you have verdict forms? Before
17 that, any --

18 Do you want 10 days for your motions? Do you
19 have any motions?

20 MR. CRANE: Yeah, that will be good. Thank you,
21 Judge.

22 THE COURT: Okay.

23 MR. CRANE: Judge, could I actually have 14
24 days? Because next week is a holiday.

25 THE COURT: Let's do 14 days, that's fine with

1 me.

2 Do you have an objection to him having 14 days,
3 Ms. Goude?

4 MS. GOUDE: Pardon me, Your Honor?

5 THE COURT: I give him 10 days to file his
6 post-trial motions. He's asking for 14. Do you have
7 an objection to that?

8 MS. GOUDE: No objection, Your Honor.

9 THE COURT: Very good.

10 MR. CRANE: Thank you, Judge.

11 THE COURT: Yes, sir.

12 MS. GOUDE: May I approach, Your Honor?

13 THE COURT: Yes, ma'am.

14 MR. CRANE: Can we approach, Judge?

15 THE COURT: Yes, sir.

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

19 THE COURT: Ladies and gentlemen, what's going
20 on is The State is contending this is the third time
21 that he's been caught and The Defense attorney is
22 saying that after a certain number of years,
23 therefore, this is a first. So we'll find out
24 shortly. If you want to bear with us, stay where you
25 are or you can go back to your room and we'll call

1 you back out, whatever you want to do. Again, if any
2 of you -- don't feel pressured to stay. If you don't
3 want to stay, you're more than welcome to leave. If
4 you would like to, you're welcome to stay.

5 You want to stay back in your jury room?

6 THE FOREMAN: Can we do half? Some maybe want
7 to go back to the jury room and some want to stay
8 here.

9 (WHEREUPON, the judge and the foreman had an
10 off-the-record discussion.)

11 (WHEREUPON, the jury left open court at
12 approximately 1:10 p.m.)

13 THE COURT: I was looking at 44-53-470 with my
14 law clerk. Our interpretation is that under
15 subsection B, all prior trafficking, regardless of
16 timeframe, are counted. Regardless, if it's 10 years
17 or longer. Under subsection 3, cited by Defense
18 counsel, all prior convictions for narcotics other
19 than trafficking only goes back 10 years. So you
20 have a bifurcated system, trafficking, no timeframe,
21 narcotic possession, only go back 10 years.

22 In fairness to everyone, I called Walt Wilkins
23 and asked him his opinion on it. He said that's
24 exactly how he looks at it, too. Not that that's
25 binding, I just wanted to let you know I did that.

1 What The State's position?

2 MR. FAZEL: Your Honor, looking at that same
3 section, I would agree with that. I would, also,
4 point you to (a)(4), which any conviction under the
5 controlled substances statute will count towards a
6 prior analysis of the case in which they counted two
7 simple possessions as a third subsequent enhancement
8 for trafficking.

9 THE COURT: Say that again, please, sir.

10 MR. FAZEL: Yes, sir. So I would certainly
11 agree with the way you're looking at it. I would,
12 also, say that --

13 THE COURT: Hang on. So we're being clear,
14 trafficking, no time limit regardless of when it was,
15 narcotics charges other than trafficking only goes
16 back 10 years. Agreed or not?

17 MR. FAZEL: I would disagree with that just
18 because I'm looking at (a)(4). The way I'm reading
19 (a)(4) instead of (a)(3), if there are two
20 convictions, it gets rid of that time limit because
21 it says at any time. So with two prior convictions
22 of even just simple possession, that would enhance it
23 to a third subsequent for the trafficking offense
24 that he was convicted of. And I do have the case for
25 Your Honor if you want to look at it.

1 THE COURT: Hang on a second. So the first goes
2 back 10 years, second doesn't go back 10 years?

3 MR. FAZEL: Second, yes, once there's been two
4 prior convictions, it's at any time in the
5 defendant's life.

6 THE COURT: I think you're right.

7 MR. FAZEL: Yes.

8 THE COURT: Okay, Mr. Crane.

9 MR. CRANE: Sir?

10 THE COURT: Have you looked at these provisions,
11 these different sections of 44-53-470?

12 MR. CRANE: I have. I've got it here on my
13 phone. Yes, sir, I've got it on my phone.

14 THE COURT: Okay. The way that The State is
15 looking at it, the way I'm looking it as well, any
16 prior trafficking can be counted on his record as a
17 second, third offense if he has a prior trafficking.
18 Any prior first offense of narcotics within the last
19 10 years can be counted up for 10 years. But
20 anything as a second, there's no timeframe according
21 to this statute. I think that's the way it reads.

22 So do you agree or disagree with that?

23 MR. CRANE: Judge, depending on how you read the
24 language of that second offense, if you're saying we
25 got one here and we got one here and this would be a

1 second, you could read it that way. But the way I
2 read it is if you've got one here and he pleads to a
3 second, as we know, we've got first, second, third
4 offenses. Suppose he pled to two first, is the
5 second first the second or is the second first a
6 first? And the way I read the statute, if he doesn't
7 plead to the second -- my argument is it's not a
8 third. I would agree that it's probably a second,
9 but it's not a third. It's not a third offense, it's
10 a second offense.

11 MR. FAZEL: Judge, I do have that case that
12 directly -- in the case, that defendant pled to two
13 first at the same time that occurred at different
14 times on the same date. The Court then treated that
15 as a first and second for subsequent sentencing. And
16 had it enhanced to a third.

17 THE COURT: I think it's a third, quite frankly.
18 And I'm going to give you time to correct me. If we
19 have to, we'll have another hearing, but today, we're
20 proceeding as if it's a third.

21 MR. CRANE: And what are we saying are one and
22 two?

23 THE COURT: Go ahead.

24 MS. GOUDE: Thank you, Your Honor. Your Honor,
25 the clerk's office has pulled the sentencing sheets

1 from the prior four convictions concerning drugs and
2 he has those for The Court's review.

3 THE COURT: Okay. I want those to be --
4 Can we make copies?

5 MR. CRANE: Judge, the first two are from 2005.
6 I would submit [indiscernible] at all, unless you're
7 saying that's first and second.

8 THE COURT: Tell me the charges and years,
9 please.

10 MS. GOUDE: Judge, the way The State views this,
11 in 2005, he has two convictions for possession of
12 other controlled substance Schedule I to V. Then he
13 got another conviction in 2013 --

14 THE COURT: His conviction was for what, first
15 offense?

16 MS. GOUDE: Yes, Your Honor. Both of those
17 2005s are for first offenses. So within 10 years of
18 that first offense, he gets convicted for
19 manufacture, distribution cocaine base second
20 offense, which it says that on the sentence sheet.
21 He's, also, convicted of trafficking cocaine base 10
22 to 28-grams, Your Honor. So based on those --

23 THE COURT: Same or separate times?

24 MS. GOUDE: Pardon me?

25 THE COURT: You said he's, also, convicted of

1 trafficking?

2 MS. GOUDE: In 2013, trafficking.

3 THE COURT: Different timeframe, like you're
4 saying in the case you had?

5 MS. GOUDE: Your Honor, we can look at the
6 incident dates on the sentencing sheets there.

7 THE COURT: Distribution methamphetamine, second
8 offense was 2013-067. And the trafficking was 2012,
9 Indictment No. 2012-02778. So they're definitely
10 separate.

11 MR. CRANE: What are the offense dates, Judge?

12 THE COURT: The offense dates for the
13 trafficking methamphetamine was June 20th, 2012. The
14 manufacture -- is that PWID second, is that what that
15 is, is December 14, 2011?

16 MR. CRANE: Okay. All right. Pled on the same
17 date?

18 THE COURT: No, sir.

19 MR. CRANE: He didn't plead on the same date?

20 THE COURT: No, I don't think so. Oh, did he
21 plead on the same date? Yeah, he did plead on the
22 same date.

23 MR. CRANE: Okay. Your Honor, the only other
24 thing -- I understand where you're coming from. The
25 only other thing I'd like to present to The Court to

1 put on the record was the plea offer that was
2 presented to me by the Attorney General's Office for
3 various charges pending against him. In that plea
4 offer, they have down current charge, charge to plead
5 guilty to and the recommended sentence. And for this
6 particular indictment, trafficking methamphetamine --
7 and I can make this a copy for the record if you
8 wish.

9 THE COURT: Absolutely.

10 MR. CRANE: Excuse me?

11 THE COURT: I said absolutely.

12 MR. CRANE: She's got down trafficking
13 methamphetamine 28 to 100-grams with a statute number
14 375(c)(2)(a), which is first offense carrying seven
15 to 25 years. What I'm trying to say -- and she sent
16 it in an e-mail. What I'm trying to say, Judge,
17 today is the first time I've ever heard that this
18 would be a third offense.

19 THE COURT: The indictment was for a third,
20 wasn't it?

21 MS. GOUDE: Your Honor, when charges are
22 indicted by the State Grand Jury -- and we can take a
23 look at the actual indictment -- they're indicted
24 just under the trafficking methamphetamine, the
25 weight charge and not for what offense level because

1 that's not a matter for the jury to consider and it's
2 for sentencing purpose only. That's how I do all of
3 my indictments is under the general statute. So if
4 it's 10 to 28-grams, it would be indicted under
5 44-53-375(c)(2) and not the -- which section pertains
6 to the sentencing, like (c)(a), (c)(2)(a), (c)(2)(b),
7 (c)(2)(c) for the first, second or third offenses.

8 THE COURT: So third offense -- if it was the
9 third, what would be -- it would be the number (c)?

10 MS. GOUDE: If it was the third offense, it
11 should be 44-53-375(c)(2)(c).

12 THE COURT: And that's what he's indicted under?

13 MR. CRANE: No, sir.

14 MS. GOUDE: He should be indicted under
15 44-53-375(c)(2).

16 MR. CRANE: Doesn't have a subsection. Doesn't
17 say first, second or third.

18 THE COURT: How is he supposed to be on notice
19 of that?

20 MS. GOUDE: Well, Your Honor --

21 MR. CRANE: Your Honor, let me pass up the plea
22 offer.

23 THE COURT: Just stop and I will.

24 MS. GOUDE: Your Honor, I did send a plea offer
25 to Mr. Crane for Mr. Oliver to plead to a first

1 offense. Mr. Oliver did reject that offer.

2 THE COURT: The offer is all for you. I see you
3 got to plead first, second all the time, that's not a
4 big deal. That's not determinative of anything. But
5 the indictment seems to be -- it's a notice
6 provision. If he's getting indicted for third, he
7 should be told it's a third, right?

8 MS. GOUDE: Your Honor, I emailed Mr. Crane on
9 June --

10 THE COURT: No, answer my question. If he's
11 getting indicted as a third, the indictment should
12 tell him it's a third, shouldn't it?

13 MS. GOUDE: Your Honor, I believe his prior
14 criminal history --

15 THE COURT: So if you just say you base it on
16 the weight and not the number, you think that's
17 sufficient notice for him?

18 MS. GOUDE: Yes, Your Honor.

19 THE COURT: Even with a mandatory minimum of 25
20 years?

21 MS. GOUDE: Yes, Your Honor.

22 THE COURT: Okay. Here's what we're going to
23 do.

24 Go ahead -- you want to put something on the
25 record?

1 MR. CRANE: If I might just pass it up to The
2 Court and I'll let it be on the record. This is her
3 plea offer, it says current charge. And for that
4 particular count, the current charge is trafficking
5 methamphetamine. This is first offense because
6 there's the sentence for first offense. And it says
7 charge to plea guilty to as charged. So my notice
8 was that he was charged by the indictment with first
9 offense, which she was letting him plead guilty to.
10 Now, all of a sudden, it's third offense.

11 THE COURT: Make those Court's Exhibits, please.

12 MS. GOUDE: Your Honor, if I may just to be
13 clear, on June 6th of this year, I emailed Mr. Crane
14 that Mr. Oliver rejected his offer of 15 years.
15 Therefore, it was withdrawn. At this point, he may
16 plea as charged with no recommendation. He is
17 eligible to be sentenced for third or subsequent
18 offenses. I attached Mr. Oliver's rap sheet. I have
19 that email here, Your Honor.

20 THE COURT: Well, make that part of record if
21 you will.

22 MS. GOUDE: Yes, Your Honor. I'm happy to.

23 MR. CRANE: She indicated to me that she had
24 sent an email. I tried to check, but I can't get it.

25 THE COURT: Here's what I'm going to do. I'm

1 going to sentence him under third today. I am going
2 to have a hearing subsequently rescheduled to give
3 you both a chance to brief it further if we have to
4 take testimony or proceed with evidence. I'm doing
5 it without prejudice to you. I will change it if I'm
6 wrong. I think it's probably right to be under the
7 third. But if I'm wrong, since it's such a draconian
8 sentence, I will definitely change it, okay. I don't
9 know how else to do it, quite frankly. I've been
10 doing this a long time and, quite frankly, never seen
11 a dispute of this nature at this point. So if
12 anybody has any other ideas, I'm glad to entertain
13 them.

14 MR. CRANE: I do.

15 THE COURT: I'm shocked.

16 MR. CRANE: The only idea, Judge, would be that
17 if you sentence him today that may start the appeal
18 process and all that running. So if you're going to
19 ask for a hearing in the future anyway, could we just
20 not sentence him today, then come back on a date,
21 make our arguments and then you sentence him however
22 you feel is appropriate.

23 THE COURT: There's an appeal to that, too.
24 Have him held in the detention center here and bring
25 him back. I'll come back anytime. I'll stop court

1 somewhere else and come back here and do it. Y'all
2 can brief me. I want to know. I, quite frankly,
3 don't know the answer. I thought the indictment was
4 notice of the elements of the charges against him. I
5 don't know -- I mean, I know like DUI, they always
6 say second offense just because they got the court's
7 jurisdiction, but I don't know if it's necessary.

8 MS. GOUDE: So, Your Honor, what would be the
9 purpose of another hearing?

10 THE COURT: I think that Mr. Crane's suggestion
11 is well put. I'm going to keep him in the detention
12 center. Not sentence him, have him held there. Let
13 me talk to whoever is in charge down there and see if
14 we can have him not shipped because there's no
15 sentence yet. Then we bring him back here, set a
16 hearing and sentence him. Let y'all brief me on it
17 and tell me which way -- you support your argument
18 and you support your argument, okay. In
19 particularly, Ms. Goude, I'm really concerned -- and
20 I don't know the answer to this, quite frankly. Do
21 you have to have the third on your indictment in
22 order to give him notice to a mandatory minimum,
23 okay.

24 MS. GOUDE: Yes, Your Honor.

25 THE COURT: Any other suggestions? I think

1 would not be -- I know we have a crowd of people who
2 sat and watched and wanted to see it happen. And
3 we're glad to get y'all's names and you come back
4 here and let you be here again another day if you
5 want to come back for that. You did your civic duty.
6 We have to reschedule. But we started talking about
7 -- the kind of time we're talking about, I think err
8 on the side of caution.

9 MR. CRANE: He's not going anywhere anyway.

10 THE COURT: No, he's not. I assure you he's not
11 going anywhere.

12 All right. So let's do that. And coordinate
13 with my law clerk and one another when y'all want to
14 have this done. And we'll come back. I'm sorry, I
15 just don't know what else to do.

16 MR. CRANE: Thank you, Judge.

17 THE COURT: All right, guys.

18 Again, I want to say thank you to our jury.
19 Again, it's not for your verdict, but for your
20 service to the state and to this county. If you want
21 to be present at the sentencing, I'm going to ask
22 that you give your name and contact information to my
23 law clerk and he will contact you personally to have
24 you made aware of the date and time that we're going
25 to do this so you can make yourself available if you

1 want to. Okay. Thank you very much.

2 Have him held.

3 There's no bond on him at all?

4 MR. CRANE: No, there's not.

5 THE COURT: Just have him held. All right
6 here's that indictment.

7 Make that a Court's Exhibit. All the stuff
8 you're handing up.

9 You have anything you want me -- your email?

10 MS. GOUDE: Your Honor, I forwarded that to
11 Ms. Self to have it printed.

12 THE COURT: Make that a Court's Exhibit. What
13 else do we need to make from this hearing?

14 MS. GOUDE: Your Honor, we do have the copies of
15 those sentencing sheets from the prior convictions,
16 if we could --

17 THE COURT: Yeah, absolutely.

18 MS. GOUDE: -- get copies of those.

19 THE COURT: Can we do that, Pat? Make the prior
20 sentencing sheets, copies of those. Just copy them
21 for me.

22 MR. CRANE: Judge, I would suggest that we,
23 also, have copies of the indictments that accompany
24 them. I would request that we have copies of the
25 indictments that accompany the sentencing sheets.

1 THE COURT: Just put the whole thing in.
2 Let me ask, do y'all want the '05 in there, too?
3 MS. GOUDE: Yes, Your Honor.
4 THE COURT: Okay.
5 MS. GOUDE: Thank you, Your Honor.
6 MR. CRANE: Thank you, Judge.
7 THE COURT: Thank you.
8 (WHEREUPON, Court's Exhibit No. 3 was marked for
9 identification only.)
10 (WHEREUPON, the proceedings were concluded.)
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Pickens County, South Carolina, on the 24-26 day of June, 2024.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

February 2, 2025

APRIL P. HERRON, Court Reporter

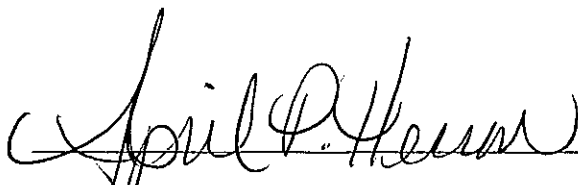
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counsel nor interest to any party hereto.

February 2, 2025

A handwritten signature in cursive script, reading "April P. Herron", written over a horizontal line.

APRIL P. HERRON, Court Reporter

STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
)
COUNTY OF PICKENS) THIRTEENTH JUDICIAL CIRCUIT

The State,)
)
Plaintiff,) Case No. 2019-GS-47-00023
)
vs)
)
William R. Oliver, II)
)
Defendant.

H E A R I N G

BEFORE THE HONORABLE R. LAWTON MCINTOSH

DATE: July 18, 2024
LOCATION: South Carolina Circuit Court 13
TRANSCRIBER: Jessica Antonucci

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EXHIBITS

None Admitted

1 JUDGE MCINTOSH: Is everybody ready?

2 MS. WHITE: Yes, Your Honor.

3 MR. CRANE: Not exactly, Judge.

4 JUDGE MCINTOSH: Not exactly?

5 MR. CRANE: Not exactly.

6 JUDGE MCINTOSH: Okay.

7 MR. CRANE: Your Honor, I'd like -- my client would
8 like to put something on the record and present something
9 to you. Prior to that I would like to preface his
10 remarks, he's going to ask -- and I'm asking at his
11 request and of my own request for a continuance --

12 JUDGE MCINTOSH: Not going to happen.

13 MR. CRANE: Well, let me tell you why -- before you
14 rule, let me tell you why first.

15 JUDGE MCINTOSH: I will.

16 MR. CRANE: Okay. I know you will. He has in fact
17 talked to another attorney. He's talked to Frank Eppes
18 about stepping in and taking a look at the case and
19 giving some input prior to this particular hearing.
20 Frank is on vacation this week at the beach. I've
21 actually talked to Frank. I know that Frank and he have
22 in fact talked about. I know that Frank is willing to
23 sit down and talk with him and see if there's something
24 he can do to step in and help us out. My client would
25 like to have the opportunity to do that. He's not asking

1 for a terribly long continuance and I might want to --
2 he's -- I've read this document that he wants to present
3 to you, Judge, and in the document -- as he says in the
4 document, this case has been going on for over six years.
5 He was arrested in 2018 by the County of Pickens for
6 these same charges, so it's been six years come to this
7 point, another month or so can't possibly hurt anything.

8 JUDGE MCINTOSH: Let me say this, Mr. Crane, it's
9 interesting that you bring up Mr. Eppes, who's a
10 classmate, friend of mine, and wonderful attorney, after
11 the trial of this gentleman my law clerk and I were
12 actually at lunch, Mr. Eppes walked in and sat down with
13 us. And one of the things that he said, he said Larry
14 Crane and I are the two that have been doing this and
15 he's one of the best lawyers around. He was bragging
16 about how fine of a lawyer you were, and are, and the
17 issue in this case it's not exceedingly complex at all.

18 The statute seems to read the way it reads, and as
19 much as you've challenged me on this case and other cases
20 over the years, there's no doubt in my mind that your
21 reading of the statute will be just as thoughtful and
22 accurate as Mr. Eppes would be. And so I'm not going to
23 give you a continuance and this case needs to be resolved
24 and I want to hear positions from each side.

25 I've looked through the statute and it seems to me

1 that in looking at this gentleman's prior record, if he
2 within the last 10 years has a possession charge, it's
3 not counted. If he's got a trafficking charge it is
4 counted. But if -- excuse me, if it's possession over 10
5 it's not counted, but if it's under 10 it is counted.
6 And so, I don't have his record in this case. Do you
7 have it? I'm sure you do.

8 MS. WHITE: Your Honor, I have a copy of his
9 complete criminal history for the Court if Your Honor
10 would like that and I also have a copy --

11 JUDGE MCINTOSH: Have you provided a copy to Mr.
12 Crane? I'm sure he has it.

13 MS. WHITE: Yes, Your Honor.

14 JUDGE MCINTOSH: And Mr. Crane, all due respect, I'm
15 not trying to be flippant with you or your client at all.
16 You are a fine lawyer and you can argue this point every
17 bit as cogently as Mr. Eppes can, and so we're going to
18 need to go forward. Okay. So --

19 MR. CRANE: Do you want to hear from my client?

20 JUDGE MCINTOSH: Sir?

21 MR. CRANE: Do you want to hear from him?

22 JUDGE MCINTOSH: You want to -- yeah, sir, if you
23 want to put something on the record. It's not going to
24 change my mind, I'm telling you right now, but go ahead.

25 MR. OLIVER: Yes, sir. I know this is kind of long,

1 but this is my life I'm looking at, Your Honor, and rules
2 and evidence procedure assist disputes to be (inaudible)
3 with both parties provided opportunity to prepare and
4 present cases. I feel there were procedures and rules
5 that were not treated fairly. I feel there were multiple
6 biased decisions made with the State, which violates my
7 civil rights.

8 Example, Corey Baker not being out of the courtroom
9 while my sister testified. Ten days prior to this
10 incident Lucas Marchant had Corey Baker suspended on
11 other charges, so he's going to be biased versus me and
12 for not showing up to the preliminary because he
13 (inaudible) arrest a female for unlawful carrying of a
14 pistol. And some charges were dismissed February 6th,
15 and February 16th Corey Baker was with my probation
16 officers picking me up for a home visit which had already
17 been done six months prior with zero results found of
18 drug activity being found.

19 Tina Martin, one of my witnesses, told me that she
20 was told her shorts were too short, and by the time she
21 made it home to change and come back it would be too
22 late. She came to work third shift from Milliken, where
23 if she would've been subpoenaed she would have legal
24 reason to get off work early and get ready for court.
25 She was lied to about it being too late by the time she

1 got home and changed, because my sister didn't testify
2 until after lunchtime.

3 The reason why I believe Tina is telling me the
4 truth is she has never been to court to know that short
5 shorts would be unacceptable dress code.

6 Tina would've testified that the keys that were
7 claimed to be gotten out of my pocket were indeed still
8 in her house where she was told to go get them so they
9 could search my sister's car I was driving. When I
10 borrowed my sister's car she gave me her key ring which
11 had the key to the safe that had a gun registered --
12 registered to her in her name in the safe.

13 I'm just asking for another week or two to give Mr.
14 Crane and Mr. Eppes time to look over everything and
15 possibly getting Tina Martin to subpoenaed to ask if she
16 would be too late to go home and change if that really
17 happened. You know what I'm saying. Speak to her and
18 ask if that really happened because --

19 JUDGE MCINTOSH: That's not going to happen.

20 MR. OLIVER: Okay, all right. I don't feel that two
21 weeks is being that it's six years and six months. I'm
22 40 years old, Your Honor, and 25 years that's a life
23 sentence. My daddy just died at 67, okay. My uncle died
24 at 64. My grandpa died at 65. That's a life sentence.
25 That's the only reason I'm asking for two more weeks.

1 We've waited six and a half years and I would like to --
2 Curtis Burns and Brandy O'Bryant actually said what they
3 said for the reasons -- probation was wanting to do a
4 home visit, conveniently 10 days later after looking
5 (inaudible) had Corey Baker suspended and charges
6 dismissed on February 6th, 2018. It was picked up by
7 Corey Baker and probation office is 10 miles up the road
8 in another town in Liberty on February 16th. There is --
9 okay it's -- if Corey Baker was still in the courtroom
10 and they were supposed to be sequestered, Your Honor, why
11 not call one of the other officers that testified that
12 they searched the vehicle and also instead of allowing
13 Corey Baker, who sat in the courtroom to hear my sister's
14 testimony.

15 JUDGE MCINTOSH: Well, let me respond to that,
16 because I brought up multiple times the issue of
17 sequestration and nobody asked for it. Let me just say
18 this to you, sir, all those points that you are bringing
19 up are things that you may raise on appeal. It has
20 nothing to do with why we're here today, and that is
21 whether or you are a second or a third offense
22 trafficking in methamphetamine 28 or more and that's it
23 and to sentence you, and that's what I intend to do.

24 MR. OLIVER: Okay, that's fine. Can I --

25 JUDGE MCINTOSH: And you will have plenty of time to

1 have Mr. Eppes look at your case and consider any
2 appellate issues that you may think appropriate. But, as
3 far as the second or third trafficking offense in this
4 case, that's the only issue that we're going to argue and
5 then I'm going to sentence you today, okay. So, with
6 that being said, looking at the com --

7 MR. CRANE: Judge, respectfully, if you will recall
8 to the day of the trial you allowed me to have some time
9 to make my post-trial motions. So, I think we have to do
10 some post-trial motions prior to moving into the
11 sentencing phase.

12 JUDGE MCINTOSH: No.

13 MR. CRANE: Pardon?

14 JUDGE MCINTOSH: You do your post-trial motions once
15 I sentence him. That's the way I've done it in the past,
16 and you can do it. But we're not putting it off any day.
17 I'm telling you I'm sentencing him today.

18 MR. CRANE: I don't want to put it off; I'm ready to
19 do the post-trial motions right now.

20 JUDGE MCINTOSH: Okay.

21 MR. CRANE: (Inaudible).

22 JUDGE MCINTOSH: Go ahead. If you want to do them
23 right now, I'm glad for you to do them now.

24 MR. CRANE: Well, I think they're germane as to
25 whether or not we proceed to sentencing and I'll tell you

1 why, Judge.

2 JUDGE MCINTOSH: Okay.

3 MR. CRANE: Part of the motions that were made was
4 for a directed verdict. The verdict was then rendered by
5 the jury, but you asked if I had post-trial motions, and
6 I think one of those post-trial motions could be a
7 directed verdict or a judgment not withstanding or in the
8 alternative a new trial. Now --

9 JUDGE MCINTOSH: Is JNOB even recognized in criminal
10 law?

11 MR. CRANE: I can't find where it is not.

12 JUDGE MCINTOSH: I don't think it is.

13 MR. CRANE: I can't find where it is not. I
14 looked for that.

15 JUDGE MCINTOSH: You asked for a new trial but I
16 don't think JNOB is relevant. I think it's a civil
17 remedy.

18 MR. CRANE: Your Honor, yourself having mentioned
19 the statute, and regarding the statute when I asked for a
20 new trial in this particular case I would point out,
21 number one that my client pursuant to the South Carolina
22 Constitution and the United States Constitution, the
23 South Carolina Constitution is Section 1, Article 1,
24 Section 11, which says that he is entitled to a trial by
25 indictment.

1 Code Section 17-19-10, which I passed up, indicates
2 that the trial shall be by an indictment, and in 17-19-20
3 it says every indictment shall be deemed and judged
4 sufficient and good in law which, in addition to
5 allegations of time and place and required by law, which
6 I think this indictment does, charges the crime
7 substantially in the language of the common law or of the
8 statute prohibiting the crime or so plainly that the
9 nature of the offense charged may be easily understood,
10 which I think that it does. But the statute says, and in
11 the -- if the offense be a statutory offense, that the
12 offense be alleged to be contrary to the statute in such
13 case made and provided.

14 JUDGE MCINTOSH: Mr. --

15 MR. CRANE: Crane.

16 JUDGE MCINTOSH: Yeah, Mr. Crane, excuse me. You
17 and I both know very well that upon seating of the jury
18 any deficiencies in the indictment are waived if you
19 don't raise an objection prior to that. Is that not
20 correct?

21 MR. CRANE: I'm just going on the record, Judge.
22 Pardon?

23 JUDGE MCINTOSH: Isn't that the law that you've
24 operated under for your entire career?

25 MR. CRANE: There again, I can't find that law. And

1 if it is the law --

2 JUDGE MCINTOSH: Well, that's my understanding is if
3 you have a deficiency that's in the indictment you have
4 to raise it before the jury is seated.

5 MR. CRANE: Well, and I've passed up copies of the
6 indictments that have no such statutory language in these
7 charges, on all three charges.

8 JUDGE MCINTOSH: Well, if I'm wrong then they'll be
9 corrected on appeal. I'm going to deny that motion.

10 MR. CRANE: All right. Secondly, Judge, I would
11 submit to the Court that in trying to remember back, and
12 maybe the Clerk of Court can help us out here, in asking
13 for a new trial, and I do believe that the jurisdiction
14 of the court can be challenged at any point.

15 JUDGE MCINTOSH: You are correct.

16 MR. CRANE: All right. I don't think they've proved
17 that this happened in Pickens County. I never heard them
18 say this happened in Pickens County --

19 JUDGE MCINTOSH: That's venue. You're talking about
20 subject --

21 MR. CRANE: That's jurisdiction, Judge.

22 JUDGE MCINTOSH: -- matter jurisdiction can be
23 raised any time.

24 MR. CRANE: Excuse me?

25 JUDGE MCINTOSH: I think it's subject matter

1 jurisdiction can be raised any time, not jurisdiction or
2 venue where the trial is to be heard.

3 MR. CRANE: If that's your ruling I think it's
4 (inaudible) because I think you're wrong on that.

5 JUDGE MCINTOSH: Okay.

6 MR. CRANE: If they didn't prove it happened in
7 Pickens County then they didn't set the jurisdiction for
8 this crime to have occurred in Pickens County. And
9 furthermore, the indictment they charged him said that it
10 was presented -- they did not present evidence of a
11 multi-county nature of the offense; never did they say
12 anything about that. So, again, because they didn't
13 prove jurisdiction to the Court, they didn't establish
14 that in the indictment, I would ask for a new trial.
15 Thirdly, Judge --

16 JUDGE MCINTOSH: That's denied. Go ahead.

17 MR. CRANE: Thirdly, my client was never identified
18 by anybody that I can recall. And fourthly, no one ever
19 referred to him as Little Pipkin (sic), and he wants to
20 take his name off of those sentencing sheets because it
21 says on there a/k/a Little Pipkin. He's saying that's
22 not him and he wants his name taken off of those
23 sentencing sheets.

24 JUDGE MCINTOSH: Let me stop you on that one.

25 MR. CRANE: Yes, sir.

1 JUDGE MCINTOSH: What evidence, or is there, do you
2 have that this gentleman is called Little Pipkin or
3 Summit?

4 MS. GOUDE: Your Honor, I believe in the indictment
5 maybe it was listed as a/k/a Little Pipkin, we're happy
6 to remove that from the sentencing sheets if you're -- if
7 the defense would like.

8 JUDGE MCINTOSH: Okay, then we ask -- we'll grant
9 that motion, we'll remove the a/k/a language from the
10 sentencing sheets.

11 MS. GOUDE: And Your Honor, I would (inaudible)
12 the defendant was found guilty at trial that even though
13 he did sign the sentencing sheets he didn't have to sign
14 the sentencing sheets.

15 MR. CRANE: And Judge, also I would simply renew all
16 my objects made during the trial, which included the
17 invalid search, the invalid search warrant, lack of a
18 chain of custody, and the other objection made. And then
19 as my client said in his opening remarks the fact that
20 Corey Baker was allowed to stay in the courtroom while my
21 client's witness testified and then testified in re-
22 direct, re-cross, whatever, I think was inappropriate and
23 we ask for --

24 JUDGE MCINTOSH: I think the cases are against you
25 on that. And I think the cases are against you on that

1 since it was on reply, but even so I gave you and the
2 State plenty of opportunities throughout the course of
3 the trial to make sure that you didn't have anybody in
4 there that should not have been, they should've been
5 sequestered and that issued wasn't even raised before he
6 took the stand, I don't think.

7 MR. CRANE: I believe I did raise it with you
8 (inaudible), if I didn't then I --

9 JUDGE MCINTOSH: If you did, I don't recall it and
10 I've got -- if you tell me you did then I believe that
11 you did.

12 MR. CRANE: I'm not telling you, I said I believe I
13 think I did.

14 JUDGE MCINTOSH: Okay. And I'm saying if you tell
15 me you did I think you probably did, I just don't recall
16 it.

17 MS. GOUDE: And Your Honor, we did discuss the case,
18 the State versus Fulton, which says that previously
19 sequestered witnesses can be called to give reply
20 testimony even though they remained in the courtroom
21 after their initial testimony.

22 JUDGE MCINTOSH: Right, I do remember you giving me
23 that.

24 MS. GOUDE: Yes, Your Honor.

25 JUDGE MCINTOSH: Okay.

1 MR. CRANE: That's all the motions I have, Judge,
2 for a new trial.

3 JUDGE MCINTOSH: All right. And for the purposes of
4 this record, you are renewing all of your motions that
5 you made throughout the course of this trial; is that
6 correct?

7 MR. CRANE: Yes, sir, all my motions and objections,
8 yes, sir.

9 JUDGE MCINTOSH: Okay. All right, with that being
10 said, Mr. Crane, you -- I'm telling you it's always
11 interesting because you are -- because you're a good
12 advocate for your clients, that's what I was trying to
13 say to you earlier. He's a fine lawyer and everybody
14 thinks of him as such as same. I want to hear you then -
15 - actually I'm going to let the State's attorney go first
16 and walk through his criminal record and point out where
17 you think he qualifies as third, and then I'm going to
18 hear Mr. Crane's arguments in response to that. So --

19 MR. CRANE: And prior to doing that, just one other
20 thing, Judge.

21 JUDGE MCINTOSH: Sure.

22 MR. CRANE: To put me at ease, and put him at ease,
23 he's asked for discovery to be provided to him over and
24 over and over, and I keep telling him that under the
25 rules of the Grand Jury I can't give it to him. Is that

1 correct, sir? We can go over it, but he wanted me to
2 give it to him to have at the jail.

3 JUDGE MCINTOSH: You know what under the statute I
4 don't think you can. I don't know, what does it say?

5 MS. GOUDE: Your Honor signed a protective order
6 that does not allow the defendant to have custody of
7 discovery (inaudible).

8 JUDGE MCINTOSH: What is the basis of that? That's
9 based on ongoing investigations so basically --

10 MS. GOUDE: Ongoing investigations, safety of
11 cooperating witnesses, that kind of thing. We've had
12 situations where co-defendants had disseminated
13 information about cooperators on Facebook and they have
14 been threatened and that kind of thing.

15 JUDGE MCINTOSH: Do you have the ability to redact
16 any of that out of the records? And this -- the ongoing
17 is not going -- it's not still going on is it?

18 MS. GOUDE: No, Your Honor.

19 JUDGE MCINTOSH: So, I mean, that -- the purpose of
20 that is no longer relevant. I mean, it seems like if you
21 redacted -- is there a law against me giving it to him
22 with that if we protect witnesses from retribution?

23 MS. GOUDE: Your Honor, I believe you would need to
24 sign an order concerning what information we would be
25 turning over --

1 JUDGE MCINTOSH: Not the whole -- yeah.

2 MS. GOUDE: -- to Mr. Oliver, and the discovery in
3 this case is massive for all co-defendants as well.

4 JUDGE MCINTOSH: I agree with that.

5 MS. GOUDE: So, that would be a special issue --

6 JUDGE MCINTOSH: I'm going to ask Mr. Crane, I know
7 you may or may not want to do this, but if you could
8 draft me something that you are asking the State to
9 provide like a list we can go -- we can circulate that.
10 I'm inclined to let him have it as long as we have
11 anybody who may be subject to retribution protected and
12 deleted.

13 MR. CRANE: Okay, Judge, I don't mind doing that,
14 but one of the things that he specifically asked for,
15 there are still remaining charges for another indictment
16 that he still faces, and that's a distribution of heroin
17 I believe.

18 JUDGE MCINTOSH: I thought we did -- I thought you
19 discharged all of the indictments?

20 MS. GOUDE: No, Your Honor, we -- Mr. Oliver was on
21 trial for one specific incident from February 16th of
22 2018, he still has eight outstanding charges, Your Honor.

23 JUDGE MCINTOSH: Oh, okay, all right.

24 MR. CRANE: And I've got (inaudible) --

25 JUDGE MCINTOSH: Well, I'm going to let him get

1 through his charges. He's going to go through the
2 discovery order like everybody else is until all this is
3 done. I'm not going to let him get in there and bypass
4 the rule that he has in discovery order.

5 MR. CRANE: And part of his question then, Judge, it
6 started in Pickens County, and quite honestly I think
7 most of my discovery came from what the Solicitor
8 provided, picked up by the Grand Jury, then the
9 protective order was given, so I kind of -- I don't know
10 whether I could give him what I got from Pickens County
11 or not.

12 JUDGE MCINTOSH: What's your position on that?

13 MS. GOUDE: Your Honor, I would say the protective
14 order applies to any material turned over in the State
15 Grand Jury investigation.

16 JUDGE MCINTOSH: If this had not been a statewide
17 Grand Jury case, is that stuff that you normally would
18 have gotten?

19 MR. CRANE: Oh, yeah. The solicitor (inaudible).

20 JUDGE MCINTOSH: It's the information from the
21 Pickens County Solicitor's office. Does it contain
22 anything about ongoing investigations or potentially put
23 other people at -- witnesses at risk or people who have
24 helped?

25 MS. GOUDE: Your Honor, just the information from

1 the February 16th, 2018 incident that he stood trial for.

2 JUDGE MCINTOSH: That's the only thing he'd be
3 getting the other ones (inaudible).

4 MS. GOUDE: Only the Pickens County Sheriff's Office
5 file, not any other supplemental Grand Jury information.

6 JUDGE MCINTOSH: Right. That's what I understood
7 him to say.

8 MS. GOUDE: And there may be other information that
9 was gleaned in the (inaudible) investigation that is
10 relevant to the February 18th incident that would not be
11 in the Pickens County Sheriff's office file.

12 JUDGE MCINTOSH: Right. And Mr. Crane, please
13 correct me, but I think you're asking only that he be
14 given the things from the Pickens County Sheriff's office
15 or Solicitor's office, right?

16 MR. OLIVER: Yes, sir.

17 MR. CRANE: Yes, sir.

18 MR. OLIVER: Yes, sir.

19 JUDGE MCINTOSH: I mean, I'm going to give you what
20 10 days or so to consider if there's something that we're
21 not thinking about in the heat of the moment as to why
22 that shouldn't be, but to me it seemed like if otherwise
23 you would get it, but for it being a statewide Grand Jury
24 matter that was taken up, then he ought to be able to get
25 it.

1 MS. GOUDE: And, Your Honor, that information was
2 provided to Mr. Crane, and he should've been able to
3 review that with his client, even if he wasn't able to --

4 JUDGE MCINTOSH: Well that's what he's saying --

5 MS. GOUDE: -- provide him an actual copy.

6 JUDGE MCINTOSH: Well he said that. I mean, what he
7 said is, I don't know what if anything I can give to him,
8 he's asking for it, and I'm inclined to let him have it,
9 okay.

10 MR. CRANE: Can we -- I don't know that Ms. Goude
11 wants to do it this way, this is what I've got, and I'll
12 be happy to give it to her and let her put an "X" on
13 whatever I can't give him.

14 JUDGE MCINTOSH: Do this, give her 10 -- she's busy,
15 I know you're busy, give her 10 days to look at the
16 stuff. Can you look at it and then come back to him,
17 then if y'all need me I'll be glad to --

18 MS. GOUDE: Sure, Your Honor.

19 JUDGE MCINTOSH: Yeah, okay. Thank you.

20 MR. CRANE: Okay, thank you, Judge.

21 JUDGE MCINTOSH: All right. Now, Ms. Goude, if you
22 would, walk me through the record and show me what the
23 qualifying offenses are on which you maintain that you're
24 entitled to charge him as third. Now, I think my law
25 clerk -- I mean I think my law clerk said that y'all have

1 provided a case that says they don't have to say in the
2 indictment third, second, or whatever.

3 MS. GOUDE: Yes, Your Honor, and I submitted a
4 sentencing memorandum for Your Honor. I do have a copy
5 of that if you'd like for me to pass that up.

6 JUDGE MCINTOSH: Have you seen this, Mr. Crane?

7 MR. CRANE: I think so, I'm not sure.

8 MS. GOUDE: Your Honor, I emailed it yourself and
9 Mr. Crane.

10 MR. CRANE: I've seen this, yes, sir, Judge.

11 JUDGE MCINTOSH: Let me just say, I have -- I was on
12 vacation for a change and I'm sorry I didn't look at it.
13 Will y'all give me two minutes and let me -- or a few
14 minutes, let me look at it and I'll be right with you.

15 MS. GOUDE: Thank you, Your Honor.

16 JUDGE MCINTOSH: Yes, ma'am. All right, Mr. Crane
17 are you ready to proceed?

18 MR. CRANE: Yes, sir, Judge.

19 JUDGE MCINTOSH: Okay. I missed -- I didn't include
20 everything in my review of the statute which is 44-53-
21 470. And for -- to go back and after looking at the
22 statute that's printed in the State's brief, you have
23 possession charges that are within 10 years of the
24 present conviction can be counted as a second offense as
25 possession. If you have a second offense possessory or

1 whatever it doesn't need to be within the 10 and it can
2 be counted. If you have a trafficking, it can be
3 counted. That's my understanding. Do you agree or
4 disagree with that's the way it reads?

5 MR. CRANE: That's the way it reads, Judge.

6 JUDGE MCINTOSH: Thank you very much. In this case,
7 it looks like this gentleman pled to second offense
8 manufacture, or distribution of methamphetamine or
9 cocaine base on October 3rd, 2013, which is a second
10 offense, which even though it's beyond the 10 years can
11 be counted as a first, for purposes of this charge. Then
12 you pled guilty to trafficking methamphetamine, 10 or
13 more but less than 28 grams, October 13th. Again, that's
14 trafficking, it doesn't matter if it's beyond the 10
15 years, so that's second.

16 So this case trafficking methamphetamine 28 or more
17 grams would be a third according to my calculation. And
18 I'll be glad to hear your arguments for or against -- I'm
19 sure against.

20 MS. GOUDE: And, Your Honor, if I may add to that.

21 JUDGE MCINTOSH: Yes.

22 MS. GOUDE: Even though these convictions were from
23 2013, the statute says that the time period for the
24 result of the conviction or the time period that starts
25 is when the person is released from confinement imposed

1 for the conviction, whichever is later, and that includes
2 parole, probation, and the defendant was in fact still on
3 probation when this incident occurred that he was on
4 trial for. So, the prior offenses would be within the 10
5 years.

6 JUDGE MCINTOSH: Was he on --

7 MS. GOUDE: Even though that doesn't matter.

8 JUDGE MCINTOSH: -- was he on parole for both those
9 offenses or just the trafficking?

10 MS. GOUDE: I believe he was on parole for the
11 Manufacture, distribution of methamphetamine second
12 offense.

13 JUDGE MCINTOSH: Okay. I mean, it would seem to me
14 that in this case it doesn't matter, because you can go
15 beyond the 10-year time limit because it's not a
16 possession within the 10 years. And so it's beyond that
17 and it's a trafficking second, which is beyond that, and
18 the other one is trafficking and you still get beyond
19 that. Mr. Crane, I'll be glad for you to argue as you'd
20 like to do as far as why my analysis is wrong.

21 MR. CRANE: Judge, I think your analysis is correct.

22 But I'd still like to argue for a less sentence.

23 JUDGE MCINTOSH: Okay.

24 MR. CRANE: And let me tell you why. I've spent a
25 lot of time on this thing as you know. I would submit to

1 you that the statewide Grand Jury indicted him as a first
2 offense, and that we went to trial on a first offense.
3 There is no contrary evidence to show otherwise. Now if
4 they indicted him for a first offense and he was
5 convicted (inaudible) sentence for first offense.

6 I'm not disagreeing with your analysis of the
7 statutes and how you come up with the second and third
8 offense. He was indicted on October 17th, 2019. Now
9 there is no mention in the indictments as you said as to
10 what offense it is. I began representing him for
11 statewide Grand Jury in December of 2019, this was
12 originally I think Josh Underwood's case. I talked to
13 him and to Ms. Goude about this case for the last what is
14 that, five years, trying to get something done on it.
15 Never once was it said or mentioned that this would be a
16 third offense.

17 JUDGE MCINTOSH: That's not correct, she's pointed
18 out the email where she said this is a third offense.

19 MR. CRANE: I'm going to get to that.

20 JUDGE MCINTOSH: Okay.

21 MR. CRANE: Yes, sir, I agree. You got a copy of
22 it.

23 JUDGE MCINTOSH: I don't know if I have a copy of
24 it.

25 MR. CRANE: She passed it up to you, yes, sir,

1 you've got that. And I've got that. I couldn't find it
2 on my computer but, you know, I knew it was there. And
3 that was after -- that was after I submitted a counter
4 proposal to try and get this thing pled out and she said
5 no, we've already been through all that. But up until
6 that point -- and let's point out, Judge, that -- let's
7 read into the record, "Thank you, Mr. Oliver rejected his
8 offer of 15 years therefore withdrawn. At this point he
9 may plea as charged for no recommendation. He is
10 eligible to be sentenced for third and subsequent
11 offenses. I have attached Mr. Oliver's rap sheet." That
12 was on June 6th, 2024, that was approximately two weeks
13 prior to going to trial. That's the first time anybody
14 mentioned third offense. Whose fault is that? I don't
15 know. But that's the first time.

16 JUDGE MCINTOSH: Well, can I ask you a question? I
17 know -- I'm going to let you argue. But according to my
18 clerk, and I'll be candid I have not read it, there was a
19 case that was handed up that says that you do not have to
20 have the number of the indicted second, third, or
21 whatever on the indictment.

22 MR. CRANE: I think you're correct.

23 JUDGE MCINTOSH: Okay. All right, go ahead.

24 MR. CRANE: I guess what I'm leading at, Judge,
25 (inaudible) but I truly believe that myself and my client

1 were mislead into going to trial. I will tell you, and
2 I'm putting it on the record right now, he and I have
3 never talked about a third offense that I can recall. If
4 we had talked about the possibility of third offense and
5 25 years, I can assure you he'd probably pled guilty.
6 But I don't recall ever talking about it.

7 He and I have talked about it since the conviction;
8 he doesn't remember ever talking about it. And I know
9 there's nothing from the Attorney General, except for
10 that June 6th email that says he's eligible for third
11 offense. And then, Judge, I did pass up, I think you've
12 got my documents, the plea offer, see if you've got the -
13 - do you have the plea offer sheet?

14 JUDGE MCINTOSH: That's in your statutory stuff you
15 handed up?

16 MR. CRANE: Yes, sir.

17 JUDGE MCINTOSH: Okay. I haven't looked through it
18 all the way, Larry, so --

19 MR. CRANE: Just look at count 25 -- I mean count
20 55, Judge, he was convicted of 55, 56, and 58. And if
21 you look at the first page, August 26th, 2022, plea
22 offer, from the Attorney General's office, signed by
23 Savannah Goude on the back page. And if you look at
24 count 55 it says -- when I look at the first page again,
25 current charge -- on the first page, current charge, and

1 then she says, charge to plead guilty and the recommended
2 sentence. So, current charge on count 55, trafficking
3 methamphetamine 28 to 100 grams, 44--53-375(c)(2)(a).

4 That is first offense, Judge.

5 JUDGE MCINTOSH: This says (c)(2).

6 MR. CRANE: Mine says (c)(2)(a).

7 JUDGE MCINTOSH: Mine says (c)(2).

8 MR. CRANE: No it doesn't. I've got a copy of what
9 you're holding, Judge.

10 JUDGE MCINTOSH: You know, I know I'm not the
11 brightest cat in the whole world.

12 MR. CRANE: Count 55.

13 JUDGE MCINTOSH: But I'm telling you I know what a A
14 is or a B, and I'm looking at 44-53-375(c)(2), not A.

15 MR. CRANE: Let me show you mine, Judge.

16 JUDGE MCINTOSH: Okay.

17 MR. CRANE: (Inaudible) different copies. I copied
18 yours from mine.

19 JUDGE MCINTOSH: Hey y'all, let her come up here.
20 I'm looking at the --

21 MR. CRANE: No, no, no, not the --

22 JUDGE MCINTOSH: This says --

23 MR. CRANE: -- the plea offer. The plea offer from
24 her.

25 MALE VOICE: Oh, it's behind this.

1 JUDGE MCINTOSH: Okay.

2 MR. CRANE: It's behind that, Judge.

3 JUDGE MCINTOSH: That's what I'm looking at?

4 MR. CRANE: Yeah. You'll need that one. All right.
5 Now see where it says current charge and what to plead
6 to, current charge, over here, (c)(2)(a), which is first
7 offense. That's her offer. Always has been her offer.
8 That's what we had until June 6th when she finally says
9 this will be a third offense. It's not fair. I mean,
10 you know, you call it sandbagging, that's what this is.
11 So, Your Honor --

12 JUDGE MCINTOSH: I'm sorry?

13 MR. CRANE: So, going back to what I was saying,
14 Judge, according to the Attorney General and the plea
15 offer, he was charged with first offense. I would submit
16 to you that the Attorney General in charge of this case
17 saying that he was charged with first offense indicates
18 that the Grand Jury indicted him on a first offense, not
19 third offense. It's not written on the document
20 anywhere.

21 But they didn't indict him for third offense, they
22 indicted him for trafficking first offense and he got
23 convicted. I don't see how -- you know, if they indict
24 someone for burglary second and get convicted you can't
25 sentence them for burglary first. But that's what she

1 wants you to do. So I would submit to you, Judge, that
2 we were mislead by the Assistant Attorney General. There
3 was no notice of third offense until the June 6th thing -
4 - and by the way, if you look at that June 6th she then
5 says he can plead guilty as charged with no
6 recommendation, what does that mean? Plead guilty to a
7 first offense or plead guilty to third offense. You know
8 he's not going to be plead to a third offense, 'cause
9 that carries 25 years.

10 So, I don't even know what this email means. I
11 can't deny that we got this 'cause it's here. But what
12 I'm trying to say, Judge, there's never been a mention of
13 a third offense until then. It is unjust, unfair,
14 misleading, cruel and unusual, an excessive punishment to
15 sentence him to a third offense to 25 years.

16 JUDGE MCINTOSH: Well, let -- can I stop you right
17 there?

18 MR. CRANE: Yes, sir.

19 JUDGE MCINTOSH: The document you just showed me,
20 the count 55.

21 MR. CRANE: Yes, sir.

22 JUDGE MCINTOSH: It says trafficking methamphetamine
23 28 to 100 grams, 44-53-375(c)(a) -- (2)(a), it has 0392,
24 seven to 25 years.

25 MR. CRANE: Yes, sir.

1 JUDGE MCINTOSH: Right?

2 MR. CRANE: Yes, sir.

3 JUDGE MCINTOSH: So, is that a first or a second,
4 seven to 25 years?

5 MR. CRANE: First offense.

6 JUDGE MCINTOSH: First offense.

7 MR. CRANE: Because 28 to 100 starts at seven years;
8 seven to 25 for first offense.

9 JUDGE MCINTOSH: Okay.

10 MR. CRANE: I think it's seven to 30 for second
11 offense, and it's mandatory 25 for third offense. But
12 that's a first offense where she's got it sentenced. And
13 so the last thing when I've talked about it being unfair,
14 unjust, and excessive, I will remind you about one --
15 their last witness was Warren Chastain, one of the top
16 dogs in this whole thing who apparently ratted out all
17 kinds of people and is looking at a 20 years sentence.
18 You remember you told him you can testify today and
19 you'll get 20 years, if you don't -- he testified. I
20 have been told if I testify I'm going to get 20 years, if
21 I don't testify I'm going to get 85 years. Why should
22 this guy get 25 years for one of the top dogs who is
23 responsible for how many hundreds of kilos of dope is
24 going to get 20 years. That's all I have. I don't know
25 what else I can say, Judge. It's just -- you know, I

1 recall a favorite judge of mine referring to this law as
2 draconian. I agree with that. Thank you, Judge.

3 JUDGE MCINTOSH: Thank you.

4 MS. GOUDE: Thank you, Your Honor. Your Honor, if
5 you do look at the indictment it says Mr. Oliver is
6 charged under 44-53-375(c)(2). In the statute, (c)(2)
7 covers 28 grams or more, but less than 100 grams. It
8 does not address which specific offense that would be,
9 that would be a purpose for sentencing, Your Honor,
10 that's why it's not alleged in the indictment.

11 Your Honor, when the State makes a plea offer and
12 there is no offense listed, first, second or third, in
13 the indictment, I could choose an offense to put in the
14 plea offer. So, for purposes of a plea offer I put he
15 could he plead as a first offense. That was misleading -
16 -

17 JUDGE MCINTOSH: I think that's what his -- Mr.
18 Crane's argument is when you look at your document that
19 you gave him your graft says current charge.

20 MS. GOUDE: Yes, Your Honor.

21 JUDGE MCINTOSH: And so the current charge under
22 that code section he says is a first offense based on the
23 statutory (c)(2)(a), is that --

24 MS. GOUDE: Yes, Your Honor, and that was listed
25 because like I said I had to choose an offense at that

1 point for him to plead to and the State was willing for
2 him to plead to a first offense instead of a third
3 offense.

4 Your Honor, we've had numerous bond hearings in this
5 case against the defendant. I believe that every bond
6 hearing the State would have listed the defendant's prior
7 criminal history, which would have included his, I
8 believe, four prior drug involved charges, Your Honor.
9 We also provided a rap sheet to the defendant, and I
10 specifically drew Mr. Crane's attention to this issue
11 because it was important, however, it was not the State's
12 duty to provide that kind of notice in the indictment,
13 Your Honor. And I would say by the statute the defendant
14 should have been on notice that he faced anywhere from
15 seven to 30 years, Your Honor.

16 JUDGE MCINTOSH: Seven to 30 or seven to 25?

17 MS. GOUDE: Based on the first offense, second
18 offense, and third offense listed, it could be seven to
19 30 years, Your Honor.

20 JUDGE MCINTOSH: I got you, okay. If you would,
21 would you, I'm the world's worst reading these records,
22 could you go over with me his criminal record? And I
23 want it to be fairly thorough, if you don't mind.

24 MS. GOUDE: Yes, sir. I have a 2005, two counts of
25 possession of other controlled substance in Schedule 1 to

1 5 first offense; a 2006 carrying firearms in a public
2 building; a 2010 unlawful use of telephone; a --

3 JUDGE MCINTOSH: Hang on, hang on, hang on, hang on,
4 hang on. Okay.

5 MS. GOUDE: A 2012 DUS, not DUI, third or more; a
6 2013 manufacture or distribution of cocaine base or
7 methamphetamine, second offense; a 2013 failure to stop
8 for blue light; a 2013 trafficking cocaine base or
9 methamphetamine 10 to 28 grams; a 2013 habitual traffic
10 offender; and then he has two convictions out of North
11 Carolina from 2001, one for second degree burglary and
12 one for larceny after breaking and entering.

13 JUDGE MCINTOSH: What was the last one?

14 MS. GOUDE: Larceny after breaking and entering.
15 And Your Honor, I did have those sentencing sheets from
16 the prior drug convictions that I passed up to Your
17 Honor.

18 JUDGE MCINTOSH: I saw those.

19 MS. GOUDE: And then also for the 2005 drug
20 convictions, one was actually possession of a Schedule 4
21 drug, that being Xanax first offense; and the other was a
22 possession of methamphetamine first offense, and I also
23 have those sentencing sheets.

24 JUDGE MCINTOSH: Anything further from the State?

25 MS. GOUDE: Your Honor, I would like to speak as to

1 sentencing specifically, I don't -- if Your Honor would
2 like for that at this time or after we know what offense
3 he will be sentenced to?

4 JUDGE MCINTOSH: I'm going to let Mr. Crane and Mr.
5 Oliver come forward and say what you want to say in his
6 defense in mitigation, and then I'll be glad to hear from
7 the State after that.

8 MS. GOUDE: Thank you, Your Honor.

9 MR. CRANE: Judge, as he told you, he is 40 years
10 old. He is a long-time resident of Pickens County, had a
11 job when he was living over there. His mother is in the
12 courtroom, second from the right; his sister is back
13 there, as is his children, he's got three children. He
14 remains employed when he's not incarcerated. He's had a
15 drug problem. You know, he got involved with some of
16 this stuff that he's now been convicted.

17 Judge, when he got arrested in Pickens County back
18 in 2018 it's my understanding that when he finally got
19 out of jail that he was placed on house arrest. I
20 checked with EagleEye yesterday with them to find out
21 exactly how much he's got. They've got pretty much all
22 the statewide Grand Jury but since 2018 -- (inaudible)
23 jail and on house arrest the whole time?

24 MR. OLIVER: I've been in jail or on house arrest
25 the whole time.

1 MR. CRANE: So -- and that's what I thought. He's
2 either been in jail or on house arrest since 2018.

3 JUDGE MCINTOSH: With GPS?

4 MR. CRANE: Pardon?

5 JUDGE MCINTOSH: With GPS?

6 MR. CRANE: Yes, sir.

7 JUDGE MCINTOSH: Okay.

8 MR. CRANE: And if you add up all the jail time and
9 house arrest time my calculations are 2,344 days.

10 JUDGE MCINTOSH: Ms. Goude, do you have any position
11 on that?

12 MS. GOUDE: Your Honor, I don't believe that Mr.
13 Oliver's bond was set by -- for the State Grand Jury
14 until November of 2019. I'm not aware of when he bonded
15 out of jail on the February 2018 charges or if he was in
16 jail at the time that he was arrested on the State Grand
17 Jury charges and bond set on those charges.

18 MR. CRANE: I think she's correct in that he wasn't
19 on this house arrest until -- for statewide Grand Jury
20 until 2019, when he was arrested in 2018 for these same
21 charges, because the State Grand Jury adopted the Pickens
22 County warrants. I've got copies of warrants in my file
23 and they had to make bond and then after that arrest with
24 either jail time or the house arrest from that arrest it
25 comes up with the 2344.

1 MS. GOUDE: So I would ask the defense if Mr. Oliver
2 was in jail from February 16th, 2018 until November of
3 2019?

4 MR. CRANE: I don't think you were.

5 MR. OLIVER: I was in jail, yes, sir.

6 MR. CRANE: Okay.

7 MR. OLIVER: I was in jail.

8 JUDGE MCINTOSH: Let me just say this, I'm going to
9 give you credit for the time that you were incarcerated
10 due to this charge or on house arrest or GPS due to this
11 charge unless you have violations during that time. If
12 you violated I ain't giving you good credit for that,
13 okay. So I haven't heard that you have.

14 MR. CRANE: And I would submit to the Court that
15 back in, I think it was the 29th of February, maybe the
16 28th, he actually turned himself in, remember when we had
17 court and I think -- his daddy died, remember his daddy
18 died, and he wanted to go to the hospital.

19 JUDGE MCINTOSH: Oh, I forgot about that. You
20 pulled up next to the courthouse and then you kind of
21 snuck away.

22 MR. CRANE: And we went to be with his dad. His
23 daddy died that weekend and then he turned himself in the
24 very next week to Pickens County.

25 MR. OLIVER: I turned myself in before (inaudible).

1 I went and seen him one last time, Your Honor. I turned
2 myself in -- after I cut them ankle bracelet off I turned
3 myself in the very next day after I went and seen my
4 daddy that night. I had Scott Teager, he said I'm gonna
5 give you time to go see him, and I met him up at the
6 hospital, I said please just let me come out to you. I
7 come out and turned myself in to Scott Teager. And yeah,
8 I just wanted to tell my daddy goodbye. That's all.
9 That's the whole reason. I know that's -- I know I was
10 wrong in my decision and that's -- that's my decision and
11 --

12 JUDGE MCINTOSH: That's a day; I mean, I'm not
13 worried about that. I mean, I think it's whatever but,
14 you know, he was in jail after that, okay. Just double
15 check the number of days 'cause 2,000, I don't have a
16 problem giving him any time he's entitled to, but tell me
17 that figure again, 2,300?

18 MR. CRANE: 2,344.

19 JUDGE MCINTOSH: Okay.

20 MR. CRANE: And the other --

21 JUDGE MCINTOSH: Again, let me just say for clear --
22 so we're clear on the record, the time you spent in jail
23 on these charges emanating from Pickens County or from
24 the statewide Grand Jury, or under house arrest with GPS
25 from either one of those, I'm giving you credit for.

1 MR. OLIVER: Thank you, Your Honor.

2 JUDGE MCINTOSH: I might take off a day for you
3 running, but that's a day. I mean, he turned himself in
4 the next day; is that right?

5 MR. CRANE: Yes, sir.

6 JUDGE MCINTOSH: All right. And you had your dad, I
7 mean, I have a dad who's 96 so I understand. All right.

8 MR. CRANE: And so, Judge, I don't know. You know,
9 I got a feeling I know where you're going but we
10 would ask that whatever sentence you give him (inaudible)
11 concurrent on the other two indictments -- or the two
12 charges in the indictment.

13 JUDGE MCINTOSH: No, I'll certainly do that.
14 anything further?

15 MR. CRANE: No, sir.

16 JUDGE MCINTOSH: All right, Ms. Goude?

17 MS. GOUDE: Thank you, Your Honor. Your Honor, I've
18 had many conversations with law enforcement about Mr.
19 Oliver for this trial and we have some officers from
20 Pickens County and SLED in the courtroom today. Your
21 Honor, Mr. Oliver has been a nuisance to the community
22 for quite some time. He's frankly a cat with nine lives.
23 He keeps getting into trouble and he's never really held
24 accountable, Your Honor.

25 Even in this case he has put off pleading. He was

1 going to cooperate and then has never cooperated. He
2 refused to take a drug test, even admitted to Your Honor
3 that he was using methamphetamine while out on bond. And
4 he finally cut his ankle monitor to avoid appearing for
5 court and is using his father's illness as an excuse
6 (inaudible) a trial where he waived --

7 JUDGE MCINTOSH: Go back for a second, if you would.
8 He was using methamphetamines while he was out on bond?

9 MS. GOUDE: Yes, Your Honor, he told Your Honor that
10 in court.

11 JUDGE MCINTOSH: I'm sorry, I'm gray hair and forget
12 some things, I didn't recall that.

13 MS. GOUDE: Then at his next court date is when he
14 refused to show up to court and cut his ankle monitor and
15 --

16 JUDGE MCINTOSH: Do you disagree he came in the next
17 day and said I'm turning myself in?

18 MS. GOUDE: Your Honor, there was a bench warrant
19 issued for his arrest, which he knew he was being hunted
20 by Pickens County Sheriff's office. I believe he knew
21 the agent, Deputy Scott Teager. I spoke with Mr. Teager
22 about Mr. Oliver and he believes the only reason that Mr.
23 Oliver was apprehended in that way because he was the one
24 communicating with him.

25 JUDGE MCINTOSH: Well let me ask you this too, what

1 was being represented by Mr. Oliver the time he was doing
2 methamphetamine, was that a time that he was on house
3 arrest or was that a time that he was not on house
4 arrest?

5 MS. GOUDE: That was when he was on house arrest
6 with GPS monitoring, Your Honor.

7 JUDGE MCINTOSH: Okay. Anyway.

8 MS. GOUDE: So, Mr. Oliver has done everything he
9 can to not be here today and it is time for him to
10 finally face accountability for his actions. Your Honor,
11 he was facing 146 years in prison on all of his charges.
12 The State did offer a 15-year offer to Mr. Oliver on all
13 of the charges, which he rejected. He's now facing 40
14 years on the charges at trial. And, Your Honor, the
15 State would ask for the maximum sentence on those
16 charges.

17 JUDGE MCINTOSH: Anything further? Do you have
18 anybody else you want to put up?

19 MR. CRANE: No, sir, Judge, you know, I understand
20 we're at sentencing, but gosh, I just now sure did hear a
21 bunch of hearsay.

22 JUDGE MCINTOSH: Sir?

23 MR. CRANE: I said I sure did just now hear a bunch
24 of hearsay. I know we're at sentencing and she has a
25 right to do that, but it sounds vindictive to me. I

1 don't know. Just like her holding back on whether it's a
2 third or a first offense.

3 JUDGE MCINTOSH: What is the range again on first?
4 Isn't that seven to 25?

5 MR. CRANE: First is seven to 25, yes, sir.

6 MS. GOUDE: Yes, Your Honor.

7 MR. CRANE: I think they originally offered him 12
8 but then it went up to 15. That's what he tells me.

9 JUDGE MCINTOSH: Well, I mean, that's --

10 MR. CRANE: First is seven to 25.

11 JUDGE MCINTOSH: Okay. Well, regardless I'm going
12 to sentence him as it's a first and it's going to be 25
13 years. And if it was a third, I'd sentence you to 25
14 years. And the reason I'm doing that because I don't --
15 it's not going to make a difference one way or the other.
16 Your record is such and you've a pain and such, you need
17 to go to jail for a while, and I would've done it for
18 it's a first offense, which I'm saying I'm doing it as,
19 or a third, it's the same thing, so it's not going to
20 make a difference. I will make the other two concurrent
21 with that and the question I have is how much he's
22 entitled to credit for. I'm not writing a figure in. Is
23 there any way that you two, you think you can agree to it
24 or do we need to have some kind of further briefing on
25 that issue?

1 MR. CRANE: Yes. I know -- I know for a fact in
2 having talked to EagleEye yesterday, and Judge they have
3 six folders on him because it has all of his reports and
4 everything. And myself and Greg Combie went through
5 those yesterday and from the 2019 incident until present
6 he has 1,610 days on house arrest and GPS monitoring.
7 He's been in jail -- I'm sorry, Judge, he has with --
8 from the date of the Grand Jury, with jail time, because
9 he was in jail when he got served the indictment he was
10 in jail about what six months before he had to --

11 MR. OLIVER: Ten months I think.

12 MR. CRANE: -- before we had the bond hearing that
13 got him out in December of I think 2021. So with jail
14 time and EagleEye monitoring it's 1,610 days and I'll try
15 and get you the rest that we talked about prior to 2019.
16 I know that I can show you 1,610 days by going to
17 EagleEye and talking with them.

18 From January 23rd of 2020 through March 2nd of 2021
19 he was on HIP with 405 days, and then from 12/27/21 until
20 2/29/24 he's got 769 days, and then from -- and that's on
21 HIP, and then from 3/2/21 to 12/29/21 he was in jail, and
22 from 12/29 until present day today he was in jail, and
23 that's 296 and 140, so those four figures add up to 1,610
24 I believe. Let me add them up again. Yes, sir, 1610.
25 And then prior to -- I'll try and find out Judge.

1 MS. GOUDE: I believe his bond on the February 16th,
2 2018 was posted on March 26th of 2018, based on the
3 Public Index. It does not state that he was on any kind
4 of monitoring at that time.

5 MR. CRANE: Is that when you went to jail
6 (inaudible).

7 MR. OLIVER: (Inaudible) paperwork (inaudible).

8 JUDGE MCINTOSH: Bear with me one second.

9 MR. CRANE: Okay. And we can explain to you what
10 happened in between, Judge.

11 JUDGE MCINTOSH: I have to admit I'm a little bit
12 lost on where I'm going with these figures, so y'all need
13 to educate me.

14 MR. CRANE: From when he got arrested in February of
15 2018, and then March of 2018, from what I can recall, and
16 whether this counts or not, he was on probation, he went
17 in front of Judge Miller, wasn't it?

18 MR. OLIVER: Yes, sir.

19 MR. CRANE: Miller revoked him and he went down to
20 the Department of Corrections, as a result of this
21 arrest. And so -- quite honestly, Judge, had he not had
22 the arrest warrants he wouldn't have gotten revoked, he
23 wouldn't have gone to jail. That's where we come up with
24 the 2344.

25 MR. OLIVER: That's actually when the incident

1 happened with Mr. McIntosh (inaudible) it happened
2 February 16th, 2018 is when they came to the house --
3 they came and picked me up from my girlfriend's house and
4 took me to the -- that's -- and I've been locked up or on
5 house arrest since that day for these same charges.

6 JUDGE MCINTOSH: What if we do it this way, and I
7 think it's kind of simpler and makes it more -- it's
8 easier to deal with, give him credit for the 2344,
9 subject to you being able to establish that he's not
10 entitled to that. If I feel like this gentleman is not
11 entitled to 2344 but some other figure, based on the
12 arguments from the State, I'll schedule a hearing and we
13 can come back and do it again.

14 MR. CRANE: Yes, sir, thank you.

15 JUDGE MCINTOSH: I think that's the way to do it.
16 Ms. Goude, I know you've got more to say (inaudible) on
17 your plate.

18 MS. GOUDE: Your Honor, I would just say I do have
19 some previous paperwork here from some of the bond
20 motions and I don't believe that Mr. Oliver was on house
21 arrest and GPS monitoring until December 17th of 2021.

22 JUDGE MCINTOSH: Okay. Do me a favor.

23 MS. GOUDE: Yes, Your Honor.

24 JUDGE MCINTOSH: If you would. Just figure up what
25 you calculate or get somebody to do that for you, what

1 you think the days that he should be entitled to credit
2 for, give it to Mr. Crane and myself with your rationale
3 behind it and if I agree with you I'll subtract them off.
4 So --

5 MR. OLIVER: Your Honor, she's saying 2017, we're
6 not asking for that. We're asking from February 16th --
7 and she just said the 2017, we're not asking for that,
8 Your Honor. I wasn't on it -- I wasn't on it then
9 (inaudible).

10 JUDGE MCINTOSH: Well, and if you were, you were;
11 you weren't, you weren't, and the records will show. I
12 mean, this can't be a guessing game, right.

13 MR. OLIVER: Yes, sir.

14 MS. GOUDE: I'll submit that to Your Honor next
15 week.

16 JUDGE MCINTOSH: Okay.

17 MS. GOUDE: Thank you, Your Honor.

18 JUDGE MCINTOSH: I'll tell you what, let me give you
19 what 15 days or 20 days or something, that way if
20 something comes up, y'all can talk to each other, but
21 next week might be a little bit short. Okay? That fair
22 with you?

23 MR. CRANE: Yes, sir, and I may be in trial next
24 week anyway, so I'm not going to be able to get to it.

25 JUDGE MCINTOSH: Here's a question that I want to

1 ask both of you, because it can probably come up, I've
2 sentenced him to 25 years, and the maximum of the two,
3 they're concurrent, I'm not making them consecutive, So
4 you got 25. I've written down on the sentencing sheet,
5 sentenced as a first offense, okay.

6 MR. CRANE: Yes, sir.

7 JUDGE MCINTOSH: Does the time to appeal start to
8 run tomorrow or when I come up with the number of days
9 credit he's entitled to?

10 MR. CRANE: What is she saying? I think it starts
11 tomorrow.

12 JUDGE MCINTOSH: I think it starts tomorrow too
13 quite frankly.

14 MR. CRANE: Yes, sir.

15 JUDGE MCINTOSH: The other is more administrative
16 stuff.

17 MR. CRANE: Yes, sir, 10 days, right?

18 JUDGE MCINTOSH: Ten days?

19 MS. GOUDE: Yes, Your Honor.

20 JUDGE MCINTOSH: Okay. Ten days to appeal.

21 MR. CRANE: Yes, sir.

22 JUDGE MCINTOSH: Fifteen days to get me the days.
23 Got me?

24 MS. GOUDE: Thank you, Your Honor.

25 JUDGE MCINTOSH: Okay. Now, so you understand you

1 have 10 days to appeal these, don't say anything at all.
2 I know you had a prepared statement and I probably cut
3 you off. Do you want to say anything else? Don't say
4 anything about your guilt or innocence because it will
5 affect your appeal but just tell me about --

6 MR. OLIVER: I just -- today's -- I'm not asking
7 from 2017, I'm just asking from February 16th from 2018
8 and --

9 JUDGE MCINTOSH: We'll figure that out. I feel
10 comfortable. If not, for some reason we have to come
11 back here again, we'll do it again.

12 MR. CRANE: And I'm just thinking, Judge, if we have
13 to come back and if you resentence, I think that would
14 start the 10-day appeal again. So, I don't know if you
15 want to wait -- I think for --

16 JUDGE MCINTOSH: I don't think it does. I think
17 that administratively that the days credit is something
18 that they typically do in-house. I don't think that's --

19 MR. CRANE: So we'll go 10 days from tomorrow.

20 JUDGE MCINTOSH: Ten days from tomorrow, that's the
21 way I would do it.

22 MR. CRANE: Yes, sir, thank you.

23 MR. OLIVER: One more thing, Your Honor. Is it --
24 could I be provided with this Pickens County -- where it
25 started off in Pickens County, can I be provided with

1 that motion before these 10 days is up?

2 JUDGE MCINTOSH: The motion?

3 MR. OLIVER: Yeah, the motion of discovery, I'm
4 sorry. If the evidence from the Pickens County charge,
5 could I be just given that before the 10 days for the
6 appeal is up. That way I can look at the evidence and
7 put some of that in the -- I guess he's going to be doing
8 the appeal. I'm not sure exactly how this works, Your
9 Honor. That's the only reason I'm asking. I just want
10 to -- I want to be able to go over -- 'cause --

11 JUDGE MCINTOSH: The things that y'all are asking
12 for from the Solicitor's is not going to have all that
13 stuff in there, is it?

14 MR. CRANE: Right. The only thing that I think
15 we've really got in the file are --

16 JUDGE MCINTOSH: It's going to be bond orders.

17 MR. CRANE: We've got the incident reports from the
18 officers that were on the scene. You know, any
19 statements from other people, which didn't come into
20 trial anyway, so I could try to get that to his mother
21 and get it to him.

22 JUDGE MCINTOSH: Okay.

23 MS. GOUDE: Your Honor, I believe the State was
24 going to review those documents Mr. Crane --

25 JUDGE MCINTOSH: Yeah, I think you are too.

1 MS. GOUDE: -- (inaudible) to ensure that those can
2 be turned over to Mr. Oliver.

3 JUDGE MCINTOSH: It was --

4 MR. CRANE: That's the case that he hasn't been
5 tried on.

6 JUDGE MCINTOSH: No, no, no, no. It was the
7 documents that were created by Pickens County that they
8 took up with them when they took the case over to see if
9 somehow there's a problem giving them out 'cause it might
10 affect their ongoing investigations or impact on witness
11 safety.

12 MR. CRANE: Right. But that's for this trial,
13 Judge.

14 JUDGE MCINTOSH: Yes.

15 MR. CRANE: What I gave her was for something that
16 he hasn't been tried on. This is for the heroin case.

17 MS. GOUDE: And I believe Your Honor ruled that
18 nothing that has not been tried will not be provided to
19 the defendant.

20 MR. CRANE: That's correct.

21 JUDGE MCINTOSH: Pursuant to the discovery rule.

22 MS. GOUDE: Yes, Your Honor.

23 MR. OLIVER: I'm not asking for that, Your Honor.

24 JUDGE MCINTOSH: Okay. So, for today I'm giving him
25 2344 credit days.

1 MR. CRANE: Yes, Your Honor.

2 JUDGE MCINTOSH: Okay? And I'm going to let the
3 State who always has the burden anyway have the burden to
4 show that's a wrong figure. I think that's the way to do
5 it. I can't promise you she's going to get you that
6 stuff before the 10 days. I don't think it makes a
7 difference one way or the other.

8 MR. CRANE: No, I'll get him the stuff for this case
9 before 10 days. I can do that. I can get that to his
10 momma one day early next week.

11 MR. OLIVER: Because he had the motion for discovery
12 for the Pickens County charge before it turned into the
13 State Grand Jury. That's all --

14 JUDGE MCINTOSH: I know.

15 MR. OLIVER: -- she (inaudible) something to it
16 that's -- I don't -- (inaudible).

17 JUDGE MCINTOSH: I know.

18 MR. OLIVER: I just -

19 JUDGE MCINTOSH: I got it.

20 MR. OLIVER: Yes, sir, I'm sorry. I'm sorry, sir.

21 JUDGE MCINTOSH: No, it's all right, I'm slow. I
22 have no problem with it. But, again, Ms. Goude is saying
23 it may impact her ongoing investigations or prosecutions
24 or witness safety. She's going to look at just the
25 Pickens stuff to see if there's a problem with it. Isn't

1 that right? Am I wrong on that?

2 MS. GOUDE: Yes, Your Honor, I thought that was what
3 we agreed upon.

4 JUDGE MCINTOSH: That is it. So don't give it out
5 yet, okay. How soon can you do that?

6 MS. GOUDE: Next week, Your Honor.

7 JUDGE MCINTOSH: Next week, okay. Thank you. Mr.
8 Oliver, good luck to you regardless, and if I don't see
9 you again, you still have 10 days to appeal, beginning
10 tomorrow is the first day you count, okay.

11 MR. CRANE: Thank you, Judge.

12 JUDGE MCINTOSH: Thank you. Thank you, Mr. Crane.

13

14 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

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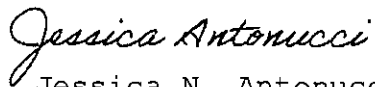
CERTIFICATE OF TRANSCRIBER

State of South Carolina

County of Pickens

I, JESSICA ANTONUCCI, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the hearing of the captioned case, relative to appeal, in South Carolina Circuit Court 13, Pickens County, South Carolina, on the 18th day of July, 2024.

That I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.



Jessica N. Antonucci

Transcriber

July 30, 2025

MAY 20 2021

STATE GRAND JURY OF SOUTH CAROLINA

JAMES R. PARKS
CLERK, STATE GRAND JURY

STATE OF SOUTH CAROLINA)
)
VS.)
)
NICANOR PEREZ RODRIGUEZ,)
(A/K/A "NICO"),)
ROBERT ANTHONY GRACELY,)
(A/K/A "TONY G"),)
WARREN BRENT CHASTAIN,)
JESSE TAYLOR CROOKS,)
BRYAN MICHAEL STEGALL,)
MATTHEW DAVID MCCOY,)
DARRELL FOSTER MCCOY, JR.,)
(A/K/A "DJ"),)
JEFFERY SHANE MAULDIN,)
KENNETH BRYANT EVANS, II,)
(A/K/A "KUNTRY"),)
EDWARD GARY AKRIDGE,)
(A/K/A "EDDIE BOSS"), (A/K/A "G9"),)
JENNIFER MARIE PRUITT,)
BARBARA ANN GOODMAN,)
JUSTIN KVALHEIM BABB,)
KRISTIN NICOLE LESLEY,)
SCOTT ALLEN DURHAM,)
HEATHER MICHELLE HAMILTON,)
(A/K/A "YOLA"),)
DUSTIN ALLEN WILSON,)
JESSICA ADDIE BRADSHAW,)
KELLI DENISE EDWARDS,)
WILLIAM RUSSELL OLIVER, II,)
(A/K/A "LIL PIMPIN"),)
JONATHAN RICHARD RACKLEY,)
(A/K/A "DIESEL"),)
JENNIFER NICOLE BURNS,)
SCOTT DAMIEN POPE,)
CHRISTOPHER ROBERT NIX,)
BRANDI NICOLE O'BRYANT,)
(A/K/A "BRANDI SMITH"),)
CASEY CHRISTIAN KOHLER,)
MICHAEL WAYNE WALKER, JR.,)
KURTIS RUSSELL BURNS,)
WADE DOUGLAS WATKINS,)
STACEY M. EDGERLY,)

CASE NO. 2019-GS-47-23

**FOURTH SUPERSEDING
INDICTMENT FOR
UNLAWFUL DRUGS**

Trafficking Methamphetamine,
400 Grams or More (Conspiracy)
S.C. Code Ann. § 44-53-375(C)(5)
(1 Count)

Trafficking Methamphetamine,
400 Grams or More
S.C. Code Ann. § 44-53-375(C)(5)
(4 Counts)

Trafficking Methamphetamine,
28-100 Grams
S.C. Code Ann. § 44-53-375(C)(2)
(13 Counts)

Possession of a Weapon During the
Commission of or Attempt to Commit
a Violent Crime
S.C. Code Ann. § 16-23-490
(22 Counts)

Possession With Intent to Distribute
Marijuana
S.C. Code Ann. § 44-53-370(b)(2)
(7 Counts)

Possession With Intent to Distribute
Methamphetamine
S.C. Code Ann. § 44-53-375(B)
(6 Counts)

Possession of Marijuana
S.C. Code Ann. § 44-53-370(d)(4)
(2 Counts)

Trafficking Methamphetamine,
10-28 Grams
S.C. Code Ann. § 44-53-375(C)(1)
(11 Counts)

ANTONIO MARCUS SMITH,	)	Distribution of Methamphetamine
JACOB AUSTIN COLLINS,	)	S.C. Code Ann. § 44-53-375(B)
CANDIES BROOKE LOCKE,	)	(7 Counts)
JODIE CRENSHAW TURNER,	)	Possession of Methamphetamine
SEMECA DANNYELLE OGLESBY,	)	S.C. Code Ann. § 44-53-375(A)
RYAN CHRISTOPHER BALLARD,	)	(4 Counts)
WILLIAM DAVID BURNS,	)	Possession With Intent to Distribute
MCKAYLA DAWN FRANKS,	)	Schedule I – III Controlled Substance
CASSIDY SHANE LEWIS,	)	(Amphetamine)
SAMANTHA DIANE CHAVEZ AIKEN,	)	S.C. Code Ann. § 44-53-370(b)(2)
STEVE DEWYATT AIKEN, JR.,	)	(1 Count)
CHRISTINA MARIE EPPS,	)	Driving While License Suspended
GARRICK HOUSTON FULLER,	)	S.C. Code Ann. § 56-1-460
(A/K/A “GARY WAYNE”),	)	(2 Counts)
STEVEN RAY BOYD,	)	Distribution of Controlled Substance
CHARLES MICHAEL RAY,	)	Within Proximity of School
(A/K/A “CHUCK RAY”),	)	S.C. Code Ann. § 44-53-445
ANTHONY JEVEA TURNER,	)	(2 Counts)
(A/K/A “ANT”)(A/K/A “ANT G”),	)	Distribution of Marijuana
JOEY DURANT ATKINS,	)	S.C. Code Ann. § 44-53-370(b)(2)
RICHARD JAMES CHASTAIN,	)	(2 Counts)
DUSTIN ARNOLD WARD,	)	Possession of a Stolen Handgun
(A/K/A “DUH DUH”),	)	S.C. Code Ann. § 16-23-30(C)
JOSHUA JOSEPH DESORCY,	)	(6 Counts)
(A/K/A “BOSTON”),	)	Unlawful Possession of a Firearm by
MARCUS DEWAYNE ROBINSON,	)	Person Convicted of a Violent Offense
(A/K/A “KING KONG”),	)	S.C. Code Ann. § 16-23-500
RICHARD E. CLARK,	)	(4 Counts)
(A/K/A “BUDDY”),	)	Possession of Contraband in County
CHARLES BERNARD CANNON,	)	Jail
(A/K/A “CHUCK”),	)	S.C. Code Ann. §24-7-155
JAKAYLA ANISHA SALTER,	)	(1 Count)
AMY MIRANDA CHASTAIN,	)	Possession of a Sch. II Cont. Substance
TRAVIS DALE ASHBY,	)	S.C. Code Ann. § 44-53-370(d)(1)
HARVEST CECILIA HENDRICKS,	)	(2 Counts)
MUSA ISMAIL GLENN,	)	Trafficking Methamphetamine,
JOHN MATHIS ANTHONY,	)	100 – 200 Grams
DARRELL TABRON,	)	S.C. Code Ann. § 44-53-375(C)(3)
TIMOTHY LEE ANDERS,	)	(3 Counts)
JUSTIN ALLEN CHAPPELL,	)	
SCOTT WILLIAM DELANO,	)	
WHITNEY SHAREE HALL,	)	
TRAVIS MITCHELL HENDRICKS,	)	
TONY EUGENE MCCOY, SR.,	)	

)	Possession of a Schedule I – V
)	Controlled Substance
)	S.C. Code Ann. §44-53-370(d)(2)
)	(4 Counts)
)	
)	Obstruction of Justice
)	Common Law
)	(2 Counts)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on May 18, 2021, the State Grand Jurors present upon their oath:

COUNT 1
TRAFFICKING METHAMPHETAMINE, 400 GRAMS OR MORE (CONSPIRACY)
S.C. Code Ann. § 44-53-375(C)(5)

That NICANOR PEREZ RODRIGUEZ (A/K/A “NICO”), ROBERT ANTHONY GRACEY (A/K/A “TONY G”), WARREN BRENT CHASTAIN, JESSE TAYLOR CROOKS, BRYAN MICHAEL STEGALL, MATTHEW DAVID MCCOY, DARRELL FOSTER MCCOY, JR. (A/K/A “DJ”), JEFFERY SHANE MAULDIN, KENNETH BRYANT EVANS, II (A/K/A “KUNTRY”), EDWARD GARY AKRIDGE (A/K/A “EDDIE BOSS”)(A/K/A “G9), JENNIFER MARIE PRUITT, BARBARA ANN GOODMAN, JUSTIN KVALHEIM BABB, KRISTIN NICOLE LESLEY, SCOTT ALLEN DURHAM, HEATHER MICHELLE HAMILTON (A/K/A “YOLA”), DUSTIN ALLEN WILSON, JESSICA ADDIE BRADSHAW, KELLI DENISE EDWARDS, WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”), JONATHAN RICHARD RACKLEY (A/K/A “DIESEL”), JENNIFER NICOLE BURNS, SCOTT DAMIEN POPE, CHRISTOPHER ROBERT NIX, BRANDI NICOLE O’BRYANT (A/K/A “BRANDI SMITH”), CASEY CHRISTIAN KOHLER, MICHAEL WAYNE WALKER, JR., KURTIS RUSSELL BURNS, WADE DOUGLAS WATKINS, STACEY M. EDGERLY, SEMECA

DANNYELLE OGLESBY, RYAN CHRISTOPHER BALLARD, WILLIAM DAVID BURNS, MCKAYLA DAWN FRANKS, CASSIDY SHANE LEWIS, SAMANTHA DIANE CHAVEZ AIKEN, STEVE DEWYATT AIKEN, JR., CHRISTINA MARIE EPPS, GARRICK HOUSTON FULLER (A/K/A "GARY WAYNE"), STEVEN RAY BOYD, CHARLES MICHAEL RAY (A/K/A "CHUCK RAY"), ANTHONY JEVEA TURNER (A/K/A "ANT")(A/K/A "ANT G"), RICHARD JAMES CHASTAIN, DUSTIN ARNOLD WARD (A/K/A "DUH DUH"), JOSHUA JOSEPH DESORCY (A/K/A "BOSTON"), MARCUS DEWAYNE ROBINSON (A/K/A "KING KONG"), RICHARD E. CLARK (A/K/A "BUDDY"), CHARLES BERNARD CANNON (A/K/A "CHUCK"), JAKAYLA ANISHA SALTER, AMY MIRANDA CHASTAIN, TRAVIS DALE ASHBY, HARVEST CECILIA HENDRICKS, MUSA ISMAIL GLENN, JOHN MATHIS ANTHONY, DARRELL TABRON, TIMOTHY LEE ANDERS, JUSTIN ALLEN CHAPPELL, SCOTT WILLIAM DELANO, WHITNEY SHAREE HALL, TRAVIS MITCHELL HENDRICKS, TONY EUGENE MCCOY, SR., JENNIFER DIANANA SORGEE (A/K/A "JENNIFER TYNER"), JOSEPH MATTHEW MCCLURE, BRANDON JOSHUA ROPER, LATASHA DIANE HONEYCUTT, KATELIN CHRISTINA DAVENPORT (A/K/A "KATELIN PENNINGTON"), BRADLEY JUSTIN DAVIS, ASHLEY AMANDA DILLARD, CHARLES RICKY STEPHENS, JR., JUSTIN MATTHEW MOORE-GROOMS, ROBERT WAYNE MAHON, SAMANTHA LEIGH GILSTRAP LOCKE, GARY HASTINGS AKRIDGE (A/K/A "BUTCH"), MICHAEL ANTHONY SHARPE, ALICIA MARIE SULLIVAN, AMY DIANE HOUSE, ORRIE MICHELLE MAULDIN,

and other persons

whose names are both known and unknown to the State Grand Jury did in Pickens County, during the period of time extending from on or about January 1, 2015, until May 18, 2021, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such conduct having been of a multi-county nature or having transpired or transpiring or having significance in more than one county of this State, or such conduct arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 2
TRAFFICKING METHAMPHETAMINE, 400 GRAMS OR MORE
S.C. Code Ann. § 44-53-375(C)(5)

That BRYAN MICHAEL STEGALL, JONATHAN RICHARD RACKLEY (A/K/A “DIESEL”), and ANTONIO MARCUS SMITH did in Pickens County, on or about March 13, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 3
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That DUSTIN ALLEN WILSON did in Pickens County, on or about January 31, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 4
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That DUSTIN ALLEN WILSON did in Pickens County, on or about February 7, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having

significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 5
TRAFFICKING METHAMPHETAMINE, 400 GRAMS OR MORE
S.C. Code Ann. § 44-53-375(C)(5)

That DUSTIN ALLEN WILSON, JACOB AUSTIN COLLINS, and CANDIES BROOKE LOCKE did in Pickens County, on or about March 9, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 6
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That DUSTIN ALLEN WILSON, JACOB AUSTIN COLLINS, and CANDIES BROOKE LOCKE did in Pickens County, on or about March 9, 2018, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendants did possess multiple firearms during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 7
POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA
S.C. Code Ann. § 44-53-370(b)(2)

That DUSTIN ALLEN WILSON, JACOB AUSTIN COLLINS, and CANDIES BROOKE LOCKE did in Pickens County, on or about March 9, 2018, possess with intent to distribute, dispense, or deliver a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 8
POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That DUSTIN ALLEN WILSON did in Pickens County, on or about August 31, 2017, possess with intent to distribute, dispense, or deliver methamphetamine (“ice” or “crank”), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 9
POSSESSION OF MARIJUANA
S.C. Code Ann. § 44-53-370(d)(4)

That DUSTIN ALLEN WILSON did in Pickens County, on or about August 31, 2017, possess (actually or constructively) a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 10
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That DUSTIN ALLEN WILSON and KELLI DENISE EDWARDS did in Pickens County, on or about October 17, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 11
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That DUSTIN ALLEN WILSON and KELLI DENISE EDWARDS did in Pickens County, on or about October 17, 2018, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendants did possess a firearm during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 12
TRAFFICKING METHAMPHETAMINE, 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That WADE DOUGLAS WATKINS did in Pickens County, on or about March 18, 2019, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 13
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That WADE DOUGLAS WATKINS did in Pickens County, on or about March 18, 2019, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a Glock .380 caliber handgun, bearing serial number ABLX858, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 14
POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA
S.C. Code Ann. § 44-53-370(b)(2)

That WADE DOUGLAS WATKINS did in Pickens County, on or about March 18, 2019, possess with intent to distribute, dispense, or deliver a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 15
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That BARBARA ANN GOODMAN did in Pickens County, on or about August 29, 2017, knowingly manufacture, distribute, dispense, or deliver a quantity of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 16
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That BARBARA ANN GOODMAN did in Pickens County, on or about November 1, 2017, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 17
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That BARBARA ANN GOODMAN did in Pickens County, on or about January 19, 2018, knowingly manufacture, distribute, dispense, or deliver a quantity of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 18
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That BARBARA ANN GOODMAN did in Pickens County, on or about January 25, 2018, knowingly manufacture, distribute, dispense, or deliver a quantity of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 19
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That BARBARA ANN GOODMAN did in Pickens County, on or about January 9, 2019, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 20
TRAFFICKING METHAMPHETAMINE, 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That BRANDI NICOLE O'BRYANT (A/K/A "BRANDI SMITH") did in Pickens County, on or about December 6, 2017, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 21
POSSESSION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(A)

That BRANDI NICOLE O'BRYANT (A/K/A "BRANDI SMITH") did in Pickens County, on or about January 16, 2018, knowingly possess (actually or constructively) a quantity of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 22
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That CHRISTOPHER ROBERT NIX did in Pickens County, on or about March 26, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 23
POSSESSION WITH INTENT TO DISTRIBUTE A SCHEDULE I-III CONTROLLED
SUBSTANCE (AMPHETAMINE)
S.C. Code Ann. § 44-53-370(b)(2)

That CHRISTOPHER ROBERT NIX did in Pickens County, on or about March 26, 2018, knowingly possess with intent to distribute, dispense, or deliver a quantity of amphetamine, a schedule II controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such conduct having been of a multi-county nature or having transpired or transpiring or having significance in more than one county of this State, or such conduct arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 24
POSSESSION OF MARIJUANA
S.C. Code Ann. § 44-53-370(d)(4)

That CHRISTOPHER ROBERT NIX did in Pickens County, on or about March 26, 2018, possess (actually or constructively) a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 25
POSSESSION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(A)

That HEATHER MICHELLE HAMILTON (A/K/A “YOLA”) did in Pickens County, on or about November 30, 2018, knowingly possess (actually or constructively) a quantity of methamphetamine (“ice” or “crank”), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 26
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That JESSICA ADDIE BRADSHAW did in Pickens County, on or about February 13, 2018, knowingly manufacture, distribute, dispense, or deliver a quantity of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 27
TRAFFICKING METHAMPHETAMINE, 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That JESSICA ADDIE BRADSHAW did in Pickens County, on or about February 21, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 28
POSSESSION OF MARIJUANA
S.C. Code Ann. § 44-53-370(d)(4)

That JESSICA ADDIE BRADSHAW did in Pickens County, on or about February 21, 2018, possess (actually or constructively) a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 29
TRAFFICKING METHAMPHETAMINE, 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That JESSICA ADDIE BRADSHAW did in Pickens County, on or about May 29, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 30
TRAFFICKING METHAMPHETAMINE, 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That KURTIS RUSSELL BURNS did in Pickens County, on or about June 15, 2016, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 31
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That KURTIS RUSSELL BURNS did in Pickens County, on or about June 15, 2016, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a Smith & Wesson 9mm handgun, bearing serial number HVF5555, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 32
DRIVING WHILE LICENSE SUSPENDED
S.C. Code Ann. § 56-1-460

That KURTIS RUSSELL BURNS did in Pickens County, on or about June 15, 2016, drive a motor vehicle on a public highway of this State when his license to drive was suspended in violation of § 56-1-460, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 33
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That KURTIS RUSSELL BURNS did in Pickens County, on or about November 2, 2017, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 34
DISTRIBUTION OF CONTROLLED SUBSTANCE WITHIN PROXIMITY OF SCHOOL
S.C. Code Ann. § 44-53-445

That KURTIS RUSSELL BURNS did in Pickens County, on or about November 2, 2017, knowing that he was in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university; did distribute, sell, purchase, manufacture, or unlawfully possess with intent to distribute, a controlled substance within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university; to wit: the defendant sold a quantity of methamphetamine, a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, within one half mile of Liberty High School in violation of §44-53-445 of the South Carolina Code of Laws (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 35
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That KURTIS RUSSELL BURNS did in Pickens County, on or about November 6, 2017, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 36
DISTRIBUTION OF CONTROLLED SUBSTANCE WITHIN PROXIMITY OF SCHOOL
S.C. Code Ann. § 44-53-445

That KURTIS RUSSELL BURNS did in Pickens County, on or about November 6, 2017, knowing that he was in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university; did distribute, sell, purchase, manufacture, or unlawfully possess with intent to distribute, a controlled substance within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical

educational center; or a public or private college or university; to wit: the defendant sold a quantity of methamphetamine, a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, within one half mile of Liberty High School in violation of §44-53-445 of the South Carolina Code of Laws (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 37
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That KURTIS RUSSELL BURNS did in Pickens County, on or about November 15, 2017, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 38
DISTRIBUTION OF MARIJUANA
S.C. Code Ann. § 44-53-370(b)(2)

That KURTIS RUSSELL BURNS did in Pickens County, on or about November 15, 2017, knowingly and intentionally manufacture, distribute, dispense, or deliver a quantity of marijuana, a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 39
TRAFFICKING METHAMPHETAMINE, 10 – 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That KURTIS RUSSELL BURNS did in Pickens County, on or about November 29, 2017, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 40
DISTRIBUTION OF MARIJUANA
S.C. Code Ann. § 44-53-370(b)(2)

That KURTIS RUSSELL BURNS did in Pickens County, on or about November 29, 2017, knowingly and intentionally manufacture, distribute, dispense, or deliver a quantity of marijuana, a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 41
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That KURTIS RUSSELL BURNS did in Pickens County, on or about December 6, 2017, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 42
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That KURTIS RUSSELL BURNS did in Pickens County, on or about December 6, 2017, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a Ruger LCP pistol, bearing serial number 372-83563, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 43
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That KURTIS RUSSELL BURNS did in Pickens County, on or about December 6, 2017, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a Sig Sauer P2022 pistol, bearing serial number 24B204200, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 44
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That KURTIS RUSSELL BURNS did in Pickens County, on or about December 6, 2017, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a Keltec 9mm pistol, bearing serial number 110842, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 45
POSSESSION OF A STOLEN HANDGUN
S.C. Code Ann. § 16-23-30(C)

That KURTIS RUSSELL BURNS did in Pickens County, on or about December 6, 2017, knowingly possess, a stolen handgun, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-30(C), Code of Laws of South Carolina (1976), as amended; to wit: a Ruger LCP pistol, bearing serial number 372-83563, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 46
POSSESSION OF A STOLEN HANDGUN
S.C. Code Ann. § 16-23-30(C)

That KURTIS RUSSELL BURNS did in Pickens County, on or about December 6, 2017, knowingly possess, a stolen handgun, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-30(C), Code of Laws of South Carolina (1976), as amended; to wit: a Sig Sauer P2022 pistol, bearing serial number 24B204200, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 47
POSSESSION OF A STOLEN HANDGUN
S.C. Code Ann. § 16-23-30(C)

That KURTIS RUSSELL BURNS did in Pickens County, on or about December 6, 2017, knowingly possess, a stolen handgun, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-30(C), Code of Laws of South Carolina (1976), as amended; to wit: a Keltec 9mm pistol, bearing serial number 110842, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 48
POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA
S.C. Code Ann. § 44-53-370(b)(2)

That KURTIS RUSSELL BURNS did in Pickens County, on or about December 6, 2017, possess with intent to distribute, dispense, or deliver a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 49
POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That KURTIS RUSSELL BURNS did in Pickens County, on or about January 16, 2018, possess with intent to distribute, dispense, or deliver methamphetamine (“ice” or “crank”), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 50
TRAFFICKING METHAMPHETAMINE, 10 – 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That SCOTT DAMIEN POPE did in Pickens County, on or about September 20, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 51
POSSESSION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(A)

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about June 29, 2017, knowingly possess (actually or constructively) a quantity of methamphetamine (“ice” or “crank”), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 52
POSSESSION OF A STOLEN HANDGUN
S.C. Code Ann. § 16-23-30(C)

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about June 29, 2017, knowingly possess, a stolen handgun, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-30(C), Code of Laws of South Carolina (1976), as amended; to wit: a Springfield Armory XD40 pistol bearing serial number US204005, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 53
UNLAWFUL POSSESSION OF A FIREARM BY PERSON CONVICTED OF VIOLENT OFFENSE
S.C. Code Ann. § 16-23-500

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about June 29, 2017, willfully and unlawfully possess a handgun, having previously been convicted of a violent crime, in violation of §16-23-500, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 54
POSSESSION OF CONTRABAND IN COUNTY JAIL
S.C. Code Ann. § 24-7-155

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about June 29, 2017, willfully and unlawfully possess methamphetamine, a substance declared as contraband, while confined at the Pickens County Detention Center in violation of § 24-7-155, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT 55
TRAFFICKING METHAMPHETAMINE, 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about February 16, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 56
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about February 16, 2018, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a Smith & Wesson 9mm pistol, bearing serial number TZJ8511, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 57
POSSESSION OF A STOLEN HANDGUN
S.C. Code Ann. § 16-23-30(C)

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about February 16, 2018, knowingly possess, a stolen handgun, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-30(C), Code of Laws of South Carolina (1976), as amended; to wit: a Smith & Wesson 9mm pistol bearing serial number TZJ8511, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 58
POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE
S.C. Code Ann. § 44-53-370(d)(1)

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about February 16, 2018, knowingly and intentionally possess (actually or constructively) a quantity of hydrocodone, a narcotic Schedule II controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 59
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That SCOTT ALLEN DURHAM did in Pickens County, on or about November 30, 2017, knowingly manufacture, distribute, dispense, or deliver a quantity of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 60
POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That SCOTT ALLEN DURHAM did in Pickens County, on or about December 6, 2017, possess with intent to distribute, dispense, or deliver methamphetamine (“ice” or “crank”), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 61
TRAFFICKING METHAMPHETAMINE, 10 – 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That EDWARD GARY AKRIDGE (A/K/A “EDDIE BOSS”) and JENNIFER MARIE PRUITT did in Pickens County, on or about August 24, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 62
TRAFFICKING METHAMPHETAMINE, 10 – 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That JESSE TAYLOR CROOKS did in Pickens County, on or about April 19, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 63
TRAFFICKING METHAMPHETAMINE, 100 – 200 GRAMS
S.C. Code Ann. § 44-53-375(C)(3)

That KRISTIN NICOLE LESLEY did in Pickens County, on or about April 24, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, one hundred (100) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 64
TRAFFICKING METHAMPHETAMINE, 28 – 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That KRISTIN NICOLE LESLEY did in Pickens County, on or about April 27, 2018, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 65
TRAFFICKING METHAMPHETAMINE, 400 GRAMS OR MORE
S.C. Code Ann. § 44-53-375(C)(5)

That JENNIFER NICOLE BURNS did in Pickens County, on or about March 19, 2019, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 66
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That JENNIFER NICOLE BURNS did in Pickens County, on or about March 19, 2019, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a 9mm Glock Model 26 pistol, bearing serial number YEA923, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 67
POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA
S.C. Code Ann. § 44-53-370(b)(2)

That JENNIFER NICOLE BURNS did in Pickens County, on or about March 19, 2019, possess with intent to distribute, dispense, or deliver a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 68
POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That JODIE CRENSHAW TURNER did in Pickens County, on or about March 19, 2019, possess with intent to distribute, dispense, or deliver methamphetamine (“ice” or “crank”), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 69
UNLAWFUL POSSESSION OF A FIREARM BY PERSON CONVICTED OF VIOLENT
OFFENSE
S.C. Code Ann. § 16-23-500

That SEMECA DANNYELLE OGLESBY did in Pickens County, on or about May 8, 2019, willfully and unlawfully possess a firearm, having previously been convicted of a violent crime, to wit: the defendant possessed a Palmetto State Armory AR-15 style rifle, bearing S/N LW004661, having previously been convicted of Trafficking Methamphetamine, in violation of §16-23-500, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 70
RECEIVING STOLEN GOODS (VALUE LESS THAN \$2,000)
S.C. Code Ann. § 16-13-180

That SEMECA DANNYELLE OGLESBY did in Pickens County, on or about May 8, 2019, willfully and unlawfully receive and possess stolen goods, chattels, or other property with a value of less than two thousand dollars (\$2,000.00) while knowing and having reason to believe that the goods, chattels, or other property was stolen; to wit: the defendant possessed a stolen Palmetto State Armory AR-15 style rifle, bearing S/N LW004661, in violation of §16-13-180, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 71
TRAFFICKING METHAMPHETAMINE, 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That WILLIAM DAVID BURNS did in Pickens County, on or about October 22, 2020, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 72
POSSESSION WITH INTENT TO DISTRIBUTE HEROIN
S.C. Code Ann. § 44-53-370(b)(1)

That WILLIAM DAVID BURNS did in Pickens County, on or about October 22, 2020, knowingly possess with intent to distribute, dispense, or deliver heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 73
FAILURE TO STOP FOR A BLUE LIGHT
S.C. Code Ann. § 56-5-750

That WILLIAM DAVID BURNS did in Pickens County, on or about October 22, 2020, fail to stop the motor vehicle that he was driving on a road, street or highway of the State of South Carolina when he was signaled by a law enforcement officer by means of a siren or flashing light in violation of § 56-5-750, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 74
UNLAWFUL POSSESSION OF A HANDGUN BY PERSON CONVICTED OF A CRIME
OF VIOLENCE
S.C. Code Ann. § 16-23-30

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about August 22, 2019, willfully and unlawfully possess a handgun, having previously been convicted of a crime of violence, to wit: the defendant possessed a black Taurus 9mm semi-automatic handgun, bearing serial number TLZ43224, having previously been convicted of burglary, a crime of violence as defined by §16-23-10, in violation of §16-23-30, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 75
TRAFFICKING METHAMPHETAMINE, 10 – 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That SAMANTHA DIANE CHAVEZ AIKEN did in Pickens County, on or about July 25, 2019, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, ten (10) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 76
TRAFFICKING METHAMPHETAMINE, 400 GRAMS OR MORE
S.C. Code Ann. § 44-53-375(C)(5)

That SAMANTHA DIANE CHAVEZ AIKEN did in Pickens County, on or about October 10, 2019, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 77
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That SAMANTHA DIANE CHAVEZ AIKEN did in Pickens County, on or about October 10, 2019, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a Ruger LCP .380 caliber handgun, bearing serial number 372254117, during the crime of Trafficking Methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 78
UNLAWFUL POSSESSION OF A FIREARM BY PERSON CONVICTED OF VIOLENT
OFFENSE
S.C. Code Ann. § 16-23-500

That SAMANTHA DIANE CHAVEZ AIKEN did in Pickens County, on or about October 10, 2019, willfully and unlawfully possess a firearm, having previously been convicted of a violent crime, to wit: the defendant possessed a Ruger LCP .380 caliber handgun, bearing serial number 372254117, having previously been convicted of Trafficking Methamphetamine, in violation of §16-23-500, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 79
POSSESSION OF A STOLEN HANDGUN
S.C. Code Ann. § 16-23-30(C)

That SAMANTHA DIANE CHAVEZ AIKEN did in Pickens County, on or about October 10, 2019, knowingly possess, a stolen handgun, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-30(C), Code of Laws of South Carolina (1976), as amended; to wit: a stolen Ruger LCP .380 caliber handgun, bearing serial number 372254117, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 80
FAILURE TO STOP FOR A BLUE LIGHT
S.C. Code Ann. § 56-5-750

That SAMANTHA DIANE CHAVEZ AIKEN did in Pickens County, on or about October 10, 2019, fail to stop the motor vehicle that she was driving on a road, street or highway of the State of South Carolina when she was signaled by a law enforcement officer by means of a siren or flashing light in violation of § 56-5-750, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 81
POSSESSION WITH INTENT TO DISTRIBUTE A SCHEDULE IV CONTROLLED
SUBSTANCE
S.C. Code Ann. § 44-53-370(b)(3)

That SAMANTHA DIANE CHAVEZ AIKEN did in Pickens County, on or about October 10, 2019, knowingly possess with intent to distribute, dispense, or deliver a quantity of benzodiazepines (Xanax/Alprazolam and Klonopin/Clonazepam), a schedule IV controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such conduct having been of a multi-county nature or having transpired or transpiring or having significance in more than one county of this State, or such conduct arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 82
DRIVING WHILE LICENSE SUSPENDED
S.C. Code Ann. § 56-1-460

That SAMANTHA DIANE CHAVEZ AIKEN did in Pickens County, on or about October 10, 2019, drive a motor vehicle on a public highway of this State when her license to drive was suspended or revoked pursuant to §56-5-2990 in violation of § 56-1-460, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 83
TRAFFICKING METHAMPHETAMINE, 100 – 200 GRAMS
S.C. Code Ann. § 44-53-375(C)(3)

That STEVE DEWYATT AIKEN, JR. did in Pickens County, on or about June 5, 2019, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, one hundred (100) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 84
TRAFFICKING METHAMPHETAMINE, 200 – 400 GRAMS
S.C. Code Ann. § 44-53-375(C)(4)

That STEVEN RAY BOYD did in Pickens County, on or about October 11, 2019, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, two hundred (200) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 85
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That STEVEN RAY BOYD did in Pickens County, on or about October 11, 2019, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a North American Arms .22 magnum handgun, bearing serial number E144429, during the crime of Trafficking Methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 86
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That STEVEN RAY BOYD did in Pickens County, on or about October 11, 2019, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a Remington model 870 Express 12 gauge shotgun, bearing serial number X297317M, during the crime of Trafficking Methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 87
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That STEVEN RAY BOYD did in Pickens County, on or about October 11, 2019, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a Remington Arms derringer style pistol during the crime of Trafficking Methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 88
POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That JOEY DURANT ATKINS did in Pickens County, on or about October 11, 2019, possess with intent to distribute, dispense, or deliver methamphetamine (“ice” or “crank”), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 89
POSSESSION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(A)

That CHARLES MICHAEL RAY (A/K/A “CHUCK RAY”) did in Pickens County, on or about October 10, 2019, knowingly possess (actually or constructively) a quantity of methamphetamine (“ice” or “crank”), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 90
TRAFFICKING METHAMPHETAMINE, 100 – 200 GRAMS
S.C. Code Ann. § 44-53-375(C)(3)

That KRISTIN NICOLE LESLEY and AMY DIANE HOUSE did in Pickens County, on or about April 9, 2020, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, one hundred (100) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 91
TRAFFICKING IN ILLEGAL DRUGS (HEROIN), 14 – 28 GRAMS
S.C. Code Ann. § 44-53-370(e)(3)(b)

That KRISTIN NICOLE LESLEY and AMY DIANE HOUSE did in Pickens County, on or about April 9, 2020, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, fourteen (14) grams or more of a mixture containing heroin, codeine, and morphine, controlled substances under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having

transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 92
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That KRISTIN NICOLE LESLEY and AMY DIANE HOUSE did in Pickens County, on or about April 9, 2020, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendants did possess a Taurus G2C 9mm pistol, bearing serial number AAM089756, during the crimes of trafficking methamphetamine and trafficking heroin, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 93
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That KRISTIN NICOLE LESLEY and AMY DIANE HOUSE did in Pickens County, on or about April 9, 2020, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendants did possess a KelTec P3AT .380 caliber pistol, bearing serial number LAZ92, during the crimes of trafficking methamphetamine and trafficking heroin, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 94
POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA
S.C. Code Ann. § 44-53-370(b)(2)

That KRISTIN NICOLE LESLEY and AMY DIANE HOUSE did in Pickens County, on or about April 9, 2020, possess with intent to distribute, dispense, or deliver a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 95
POSSESSION WITH INTENT TO DISTRIBUTE LSD
S.C. Code Ann. § 44-53-370(b)(1)

That KRISTIN NICOLE LESLEY and AMY DIANE HOUSE did in Pickens County, on or about April 9, 2020, knowingly possess with intent to distribute, dispense, or deliver a quantity of lysergic acid diethylamide (LSD), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 96
TRAFFICKING IN ILLEGAL DRUGS (HEROIN), 28 GRAMS OR MORE
S.C. Code Ann. § 44-53-370(e)(3)(c)

That AMY DIANE HOUSE did in Pickens County, on or about June 15, 2020, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of heroin a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 97
TRAFFICKING METHAMPHETAMINE, 200 – 400 GRAMS
S.C. Code Ann. § 44-53-375(C)(4)

That AMY DIANE HOUSE did in Pickens County, on or about June 15, 2020, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, two-hundred (200) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 98
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That AMY DIANE HOUSE did in Pickens County, on or about June 15, 2020, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendants did possess a Smith & Wesson Bodyguard .380 caliber pistol during the crimes of trafficking methamphetamine and trafficking heroin, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 99
POSSESSION OF A SCHEDULE I-V CONTROLLED SUBSTANCE
S.C. Code Ann. § 44-53-370(d)(2)

That AMY DIANE HOUSE did in Pickens County, on or about June 15, 2020, knowingly and intentionally possess (actually or constructively) a quantity of alprazolam (also known as Xanax), a Schedule IV controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 100
POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA
S.C. Code Ann. § 44-53-370(b)(2)

That AMY DIANE HOUSE did in Pickens County, on or about June 15, 2020, possess with intent to distribute, dispense, or deliver a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 101
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That TRAVIS HENDRICKS did in Pickens County, on or about February 3, 2021, knowingly manufacture, distribute, dispense, or deliver a quantity of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 102
TRAFFICKING METHAMPHETAMINE, 28 – 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, twenty-eight (28) grams or more of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 103
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a .380 caliber Glock 42 pistol, bearing serial number ADRL387, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 104
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a .22 caliber Stevens lever-action rifle, bearing serial number C289074, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 105
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a 12 gauge Winchester SXP shotgun, bearing serial number 12AZZ01969, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 106
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a 7.62 caliber SKS-style rifle, bearing serial number 11139026, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 107
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a .22 caliber Ruger rifle, bearing serial number 493-04710, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 108
POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA
S.C. Code Ann. § 44-53-370(b)(2)

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, possess with intent to distribute, dispense, or deliver a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 109
POSSESSION OF A SCHEDULE I-V CONTROLLED SUBSTANCE
S.C. Code Ann. § 44-53-370(d)(2)

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, knowingly and intentionally possess (actually or constructively) a quantity of alprazolam (also known as Xanax), a Schedule IV controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 110
POSSESSION OF A SCHEDULE I-V CONTROLLED SUBSTANCE
S.C. Code Ann. § 44-53-370(d)(2)

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, knowingly and intentionally possess (actually or constructively) a quantity of diazepam, a Schedule IV controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 111
POSSESSION OF A SCHEDULE I-V CONTROLLED SUBSTANCE
S.C. Code Ann. § 44-53-370(d)(2)

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, knowingly and intentionally possess (actually or constructively) a quantity of clonazepam, a Schedule IV controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 112
POSSESSION OF A SCHEDULE II CONTROLLED SUBSTANCE
S.C. Code Ann. § 44-53-370(d)(1)

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, knowingly and intentionally possess (actually or constructively) a quantity of oxycodone, a narcotic Schedule II controlled substance under the provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 113
OBSTRUCTION OF JUSTICE
(Common Law)

That ORRIE MICHELLE MAULDIN did in Pickens County, on or about February 14, 2021, intentionally do an act which prevents, obstructs, impedes, or hinders the administration of justice, to wit: Knowing that there was digital evidence of drug trafficking activity on a cellular device belonging to Ryan Christopher Ballard that was in the custody of the Pickens County Sheriff's Office, ORRIE MICHELLE MAULDIN remotely erased the data from the cellular devices at the direction of Ryan Christopher Ballard.

All in violation of the Common Law of South Carolina and such conduct arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 114
POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That RYAN CHRISTOPHER BALLARD did in Pickens County, on or about February 11, 2021, possess or visibly display a weapon during the commission of or attempt to commit a violent crime to wit: the defendant did possess a .40 caliber Smith and Wesson pistol, bearing serial number FCZ6192, during the crime of trafficking methamphetamine, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 115
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That GARRICK HOUSTON FULLER (A/K/A “GARY WAYNE”) did in Pickens County, on or about April 6, 2021, knowingly manufacture, distribute, dispense, or deliver a quantity of methamphetamine (“ice” or “crank”), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law; such conduct having significance in more than one county of this State; and such conduct arising out of and in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

COUNT 116
POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That RICHARD JAMES CHASTAIN did in Pickens County, on or about March 1, 2021, possess with intent to distribute, dispense, or deliver methamphetamine (“ice” or “crank”), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 117
POSSESSION OF MARIJUANA
S.C. Code Ann. § 44-53-370(d)(4)

That RICHARD JAMES CHASTAIN did in Pickens County, on or about March 1, 2021, possess (actually or constructively) a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

**COUNT 118
OBSTRUCTION OF JUSTICE
(Common Law)**

That RICHARD JAMES CHASTAIN did in Pickens County, on or about March 1, 2021, intentionally do an act which prevents, obstructs, impedes, or hinders the administration of justice, to wit: Knowing that there was digital evidence of drug trafficking activity on a cellular device in his possession, RICHARD JAMES CHASTAIN attempted to physically destroy the cellular device when informed that law enforcement would be seizing said device.

All in violation of the Common Law of South Carolina and such conduct arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances having transpired in more than one county of this State and having significance in more than one county of this State.

**COUNT 119
UNLAWFUL POSSESSION OF A FIREARM BY PERSON CONVICTED OF VIOLENT
OFFENSE
S.C. Code Ann. § 16-23-500**

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about March 1, 2021, willfully and unlawfully possess a handgun, having previously been convicted of a violent crime, in violation of §16-23-500, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law, and such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

COUNT 120
POSSESSION OF MARIJUANA
S.C. Code Ann. § 44-53-370(d)(4)

That WILLIAM RUSSELL OLIVER, II (A/K/A “LIL PIMPIN”) did in Pickens County, on or about March 1, 2021, possess (actually or constructively) a quantity of marijuana, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or such activity arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances which is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State.

Against the peace and dignity of the State and contrary to the statute in such case made and provided.

At _____

ROBERT MANN

Alan Wilson
 ALAN WILSON (Jr.)
 ATTORNEY GENERAL

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

STATE

VS.

William Russell Oliver, II

AKA: Lil Pimpin; SummitRace: W Sex: M Age: _____DOB: [REDACTED] SS#: _____

Address: _____

City, State, Zip: _____

DL#* _____ SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Trafficking Methamphetamine, 28 Grams or More, But Less Than 100 Grams, 3rd or Subsequent OffenseIn violation of § 44-53-375(C)(2)(c) of the S.C. Code of Laws, bearing CDR Code # 0394☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 102256 [Signature] [Signature] 001454
 Attorney General SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of 25 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOD. 234 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS- 47 - 23 (Count 55)AW#: 2019GS47023Date of Offense: February 16, 2018S.C. Code §: 44-53-375(C)(2)(c)CDR Code #: 0394

SENTENCE SHEET

Sentenced as a first offense.
[Signature]

STATE VS. William Russell Oliver, II INDICTMENT/CASE#: 2019 -GS- 47 - 23(Count 55)

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____ Beginning	
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 8.25
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 283.25

Clerk of Court/Deputy Clerk: M. Self
Court Reporter: A. Foster DCRPPresiding Judge: [Signature]
Judge Code: 2155
Sentence Date: 7-18-24

FILED

5Y

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF PICKENSJUL 18 2024

STATE

VS.

MARGARET J. SELF
CLERK, SC STATE GRAND JURYINDICTMENT/CASE#: 2019-GS- 47 - 23 (Count 56)William Russell Oliver, IIA/W#: 2019GS47023AKA: Lil Pimpin; SummitDate of Offense: February 16, 2018Race: W Sex: M Age: _____S.C. Code §: 16-23-490DOB: [REDACTED] SS#: _____CDR Code #: 0549

Address: _____

City, State, Zip: _____

DL#* _____ SID# _____

SENTENCE SHEET*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Possession of a Weapon During a Violent CrimeIn violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 102256
Attorney General SC Bar #[Signature]
Defendant[Signature] 06/14/24
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 2340 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. William Russell Oliver, II INDICTMENT/CASE#: 2019-GS- 47 - 23(Count 56

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: \$ _____

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ <u>8.25</u>

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundTOTAL \$ 283.25Clerk of Court/Deputy Clerk: m. Self
Court Reporter: A. Foster DCRPPresiding Judge: [Signature]Judge Code: 21STSentence Date: 7-18-21

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

STATE

VS.

William Russell Oliver, II

AKA: Lil Pimpin; Summit

Race: W Sex: M Age:

DOB: SS#:

Address:

City, State, Zip:

DL#* SID#

FILED

JUL 18 2024

MARGARET J. SELF
CLERK, SC STATE GRAND JURY

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS- 47 - 23 (Count 58)

AW#: 2019GS47023

Date of Offense: February 16, 2018

S.C. Code §: 44-53-370(d)(1)

CDR Code #: 0178

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Possession of Narcotics in Schedule I(b), (c), LSD, & Schedule II (Hydrocodone), 3rd or Sub.

In violation of § 44-53-370(d)(1) of the S.C. Code of Laws, bearing CDR Code # 0178

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

102256
Attorney General SC Bar #

Defendant

Lawrence W. Case 001474
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 2,344 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. William Russell Oliver, II INDICTMENT/CASE#: 2019-GS-47 - 23(Count 58)

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: \$ _____

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>8.25</u>

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL

\$ 283.25Clerk of Court/Deputy Clerk: M. Self
Court Reporter: A. Foster DCRPPresiding Judge: [Signature]Judge Code: 2155Sentence Date: 7-18-21

25-30Y

Amended Credit Time Served
Per Order 7-23-24 @

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

STATE

VS.

FILED

JUL 18 2024

MARGARET J. SELF

CLERK, SC STATE GRAND JURY

William Russell Oliver, II

AKA: Lil Pimpin; Summit

Race: W Sex: M Age:

DOB: SS#:

Address:

City, State, Zip:

DL#* SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-47 -23 (Count 55)

AW#: 2019GS47023

Date of Offense: February 16, 2018

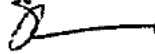
S.C. Code §: 44-53-375(C)(2)(c)

CDR Code #: 0394

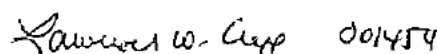
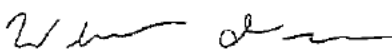
SENTENCE SHEET

Sentenced as a first offense
B.M.C.*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Trafficking Methamphetamine, 28 Grams or More, But Less Than 100 Grams, 3rd or Subsequent OffenseIn violation of § 44-53-375(C)(2)(c) of the S.C. Code of Laws, bearing CDR Code # 0394☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:



102256

 001454

Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of 25 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.

175 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

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 26 2026

SC Court of Appeals



Kathrine H. Hudgins

Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of August, 2026.

RECEIVED

Aug 26 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from State Grand Jury, Pickens County

Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

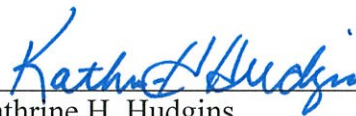
WILLIAM R. OLIVER, II,

APPELLANT

APPELLATE CASE NO. 2024-001236

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Zachary W. Jones, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 26th day of August, 2026.



Kathrine H. Hudgins
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT