RECEIVED
Sep 11 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Honorable William A. McKinnon, Circuit Court Judge

THE STATE,

RESPONDENT

V.

JEREMIAH BOSTIC,

APPELLANT

APPELLATE CASE NO. 2025-001188

RECORD ON APPEAL

WANDA H. CARTER
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

MARK FARTHING
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-4117

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRIAL TRANSCRIPT DATED JUNE 3-4, 2025 1

COURT'S REVIEW OF CHARGES WITH DEFENDANT 5

PRE-TRIAL MOTIONS

MOTION TO REFRAIN FROM REVEALING SENTENCE PENALTIES 6

MOTION TO SEQUESTER WITNESSES 6

MOTION REGARDING ATTORNEY CONFLICT 6

MOTION REGARDING JACKSON V. DENNO HEARING 6

MOTION ON ISSUE OF SEARCH CONSENT AND ABSENT OFFICER 7

IN-CAMERA HEARING

TESTIMONY

ALEXANDER RODRIGUEZ 39

COURT'S RULING ON JACKSON V. DENNO ISSUE 50

COURT'S RULING ON CONSENT ISSUE 54

COURT'S RULING ON MOTION TO DISMISS MARIJUANA OFFENSE 56

CONTINUED IN-CAMERA TESTIMONY

ALEXANDER RODRIGUEZ 57

COURT'S RULING ON CONSENT ISSUE 61

VOIR DIRE CONFERENCE 62

COURT'S JURY VOIR DIRE 70

JURY SELECTION 83

COURT'S OPENING REMARKS 92

OPENING STATEMENT BY SOLICITOR....98

OPENING STATEMENT BY DEFENSE COUNSEL....102

TRIAL TESTIMONY

ALEXANDER RODRIGUEZ....104

JOHN GEORGE....123

DEE ANNE JOHNSON....130

STATE RESTS....146

COLLOQUY ON RIGHT TO TESTIFY....147

STIPULATION ON PRIOR RECORD....152

DISCUSSION ON CLOSING REMARKS ON SEARCH CONSENT ISSUE....159

JURY CHARGE CONFERENCE....162

JURY CHARGE ON THE LAW....178

MISTRIAL MOTION (COMMENT ON FACTS)....184

OBJECTION (COMMENT ON FACTS)....196

CLOSING ARGUMENT BY SOLICITOR....197

CLOSING ARGUMENT BY DEFENSE COUNSEL....206

VERDICTS....212

SENTENCING....227

INDICTMENTS AND SENTENCE SHEETS....231

CERTIFICATE OF COUNSEL....238

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHBIT NO. 1 (DVD)

COURT'S EXHIBIT NO. 1 (DVD)

State of South Carolina) In the Court of General Sessions
) Sixteenth Judicial Circuit
County Of York) 2024-GS-46-06772
2024-GS-46-06772A
2024-GS-46-06773
2024-GS-46-06774

The State of South Carolina,)
)
)
vs.) Transcript of Record
)
Jeremiah Rashad Bostic.)
)
)

June 3, 2025
York, South Carolina

B E F O R E:

The Honorable William A. McKinnon, Judge, and a jury

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

Kevin Bayona, Esquire
Austin Smith, Esquire
Attorneys for the State

Christopher Lusk, Esquire
Albert Meyer, Esquire
Attorneys for the Defendant

Jackson Alexander
Transcriber

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

I N D E X

Description Page No.

MONDAY, JUNE 3, 2025

Jury Voir Dire 70

Jury Selection 82

Opening Remarks by the Court 92

Opening Statement by Mr. Bayona 98

Opening Statement by Mr. Lusk 102

Witness Proffer

OFFICER ALEXANDER RODRIGUEZ (SW)

Direct Examination by Mr. Bayona 39

Cross-examination by Mr. Meyer 44

Re-direct Examination by Mr. Bayona 57

Re-cross Examination by Mr. Meyer 59

State's Case in Chief

OFFICER ALEXANDER RODRIGUEZ (SW)

Direct Examination by Mr. Bayona 104

Cross-examination by Mr. Meyer 112

Re-direct Examination by Mr. Bayona 119, 122

Re-cross Examination by Mr. Meyer 121

JOHN GEORGE (SW)

Direct Examination by Mr. Bayona 123

Cross-examination by Mr. Lusk 127

DEE JOHNSON (SW)

Direct Examination by Mr. Bayona 130

Cross-examination by Mr. Meyer 138

End of State's Case in Chief

Certificate Page 155

E X H I B I T S

No.	Description	I.D.	Ev.
S-1	Body Cam DVD		107
S-2	Firearm		112
S-3	Crack Cocaine (21.63 grams)		136
S-4	Crack Cocaine (99.68 grams)		136
S-5	Forensic Report Chemist		137
C-1	Body Cam DVD		61

PROCEEDINGS - JUNE 3, 2025.

THE COURT: On that track -- crack cocaine charge would be 25 years. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: And you have a gun charge that carries five years. And I will say my practice is -- is not normally to run those concurrent. It's a -- it's a firearms charge plus a drugs charge. Do you understand what that means?

THE DEFENDANT: No, sir.

THE COURT: That I -- typically, yeah -- I mean, I -- I mean, if -- if -- if so -- and I'm not -- and if you were convicted at trial, I'm not required to give you the minimum. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: So are -- are -- have you given thought to whether you want to -- want to plead this case?

THE DEFENDANT: Yes, sir.

THE COURT: And you've discussed it with your attorneys?

THE DEFENDANT: Yes, sir.

THE COURT: And you'd like to go -- to trial?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. All right. Okay. So any pretrial motions by the -- let's start with the State's motions.

MR. BAYONA: Yes, your Honor. I'll do some -- some of

6

the standard ones. The State would move that the Defense refrain from just referencing the nature and potential penalties of the charges in front of the jury.

THE COURT: Okay.

MR. BAYONA: That all defense witnesses remain sequestered if they have any, that the Defense has complied with Rule 5.

THE COURT: Any objection, Mr. Lusk, to those three: sequestration and witnesses, the Defense will not refer to potential penalties, and the State -- and the Defense certifies it's complied with its reciprocal discovery?

MR. LUSK: No objection, your Honor.

THE COURT: All right.

MR. BAYONA: Your Honor, so I've got the Denno hearing on there, which I -- I -- I assume they would ask for too, a de bene esse hearing.

THE COURT: Okay.

MR. MEYER: We need to discuss. In addition though, your Honor, I think -- I know you wanted us to put on the record that the -- Mr. Lusk is familiar socially with the case agent. And whether or not it's a conflict of -- we don't know, but I...

THE COURT: Okay. So just I'll put -- so what -- what I -- I learned in chambers yesterday was I believe Mr. Lusk plays on a -- a men's baseball team with -- with the officer.

7

But other than that, are -- you're not --?

MR. LUSK: We've never hung out outside of anything baseball-related. And it's a couple hours. I think we've seen each other four or five times this year.

THE COURT: Mr. Bostic, do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Did you have any objection --? I don't think it's a conflict, but do you have any objection to your attorney proceeding knowing that your attorney plays on a baseball team with the -- with the -- the Rock Hill Officer. Mr. Bayona, does the State have any objections?

MR. BAYONA: The State has no objections.

THE COURT: All right. Yeah.

MR. BAYONA: Some other issues that aren't on there, but I think we need to -- the partner officer during this case, Officer Carson Holland, he was fired from Rock Hill P.D. He has pending charges in Lancaster.

THE COURT: What -- for what?

MR. LUSK: Filing a false police report of a felony and insurance fraud, your Honor.

MR. BAYONA: Right. And so he was fired from that. I don't -- I do not intend to call that officer. He doesn't do anything in the State's opinion that -- that I'm required to put up in front of the jury. However, the consent to search the car was granted to Officer Holland. Now, consent is a

8

legal issue. So, I think we can determine whether consent or not was valid during the Denno hearing once we put Officer Rodriguez up here, and we can flesh that out. And if we get past that, your Honor, I would just ask that the Defense be precluded from mentioning Officer Holland, or the fact that he was fired, or what -- what's going on with him since I am not calling him as a witness, and I do not think they should be able to impeach a witness that has not been called, he is available. And they can call him if they want to.

I am not calling him because I don't need him to try this case. And I don't think -- I think it really prejudices the jury if they heard that about an officer when he -- he's not a fact witness, he's not testifying. So I would just move that that be precluded from mentioning that in front of the jury.

MR. LUSK: And if I may, your Honor?

THE COURT: Right.

MR. LUSK: I'd obviously disagree that he's a fact witness. He is the officer that allegedly asked our client for consent to search his vehicle. I think that's very much a fact.

THE COURT: But is it on video?

MR. LUSK: It is on his body cam. It is not on Officer Rodriguez's body cam. Officer Rodriguez is sitting in his patrol vehicle running our client's information when Officer

9

Holland asked for consent. So he is the only one that could testify about whether or not consent was given, and he's --

THE COURT: I'm not sure if that's the case -- I mean, if -- to see he recognizes the scene and everything -- I mean, I'm not -- I mean, I understand your argument, but I -- I -- I --

MR. LUSK: There's no way to validate the body cam from him either. And it would not be --

THE COURT: What you're saying is no one can validate a body cam unless someone was present when the body cam -- I mean, I -- I'm not sure I agree with that.

MR. LUSK: The -- the position would be that Officer Rodriguez was not physically present when consent was given.

THE COURT: But he was on the scene at the location and can recognize all of these things.

MR. LUSK: But he's -- the only way he knows consent is given is when Holland comes up and says, "We obtained consent," which is hearsay.

THE COURT: But he can review the body cam, can't he -- I mean, I assume he's reviewed the body cam.

MR. LUSK: I would assume he may have. But how do we get into actually getting consent without the person that got consent, your Honor? There's also a question about whether or not it was consent. The statement was: "Do you mind if we search the car?" And my client says, "Yeah."

10

THE COURT: Okay. But let's take it one thing -- whether or not there is a -- is consent is a factual issue.

MR. LUSK: Correct.

THE COURT: The State tells me there was a video of your client giving consent. I do not see any issues with Officer Rodriguez authenticating that video. So what --?

MR. LUSK: If any of the video involving Holland is going to come in, it would -- in my opinion, it would not make any logical sense that we not be allowed to mention Officer Holland in this.

THE COURT: Well, that doesn't follow me at all. Well, he's not a witness.

MR. LUSK: But how do we talk about any sort of consent that was given? Because I can't ask Officer Rodriguez anything about it because he doesn't have personal knowledge of it.

THE COURT: What do you mean? But there's a video. What -- what is it you want to ask -- I mean --

MR. LUSK: Well, I -- I think the blanket statement that we wouldn't be able to make any sort of mention about Holland wouldn't make sense if Holland is going to be a part of this trial, your Honor. I know he's not physically going to be here, but his actions on that day are -- would be a part of the trial.

THE COURT: What actions are -- are an issue?

11

MR. LUSK: He is the one that asked for consent.

THE COURT: But -- but the asking is not -- is not controversial. It's what your client said, and your client in -- responds to the question.

MR. LUSK: Which I think is -- we would have to get what his opinion was of it. If I ask you, "Does it bother you if I do something?" And you say, "Yeah," am I saying it's okay to do it, or am I saying that you can't do it?

THE COURT: Mr. Lusk, I -- I just don't think that's required. It's a legal issue whether consent is given, and it's based on what your client says.

MR. LUSK: Right.

THE COURT: I -- I -- I just -- I -- I don't think we need the officer -- Officer Holland here.

MR. LUSK: Okay.

THE COURT: I mean, you can call him if you want to do that, but I -- I -- I -- I agree with the State. If he's not a witness -- I mean, what -- I -- I'm not going to let you mention anything about that. And that's -- it's just not -- what would be relevant to you?

MR. LUSK: Well, the -- the interaction -- there's also -- there are drugs that are found on this person that our client tells Officer Holland that they're there. We've got an officer that was charged with a crime of dishonesty that is the only one with our client that allegedly says drugs

were found on this person, which is how Officer Rodriguez then gets into the search of this person. So how do we know what Officer Holland actually did when he's not on Rodriguez's body cam and Rodriguez isn't sitting there.

MR. BAYONA: And I can address that specific point, your Honor, if I may?

THE COURT: Sure.

MR. BAYONA: It is correct. Officer -- the Defendant did tell Officer Holland later in the traffic stop, "Hey, I also have more crack in my pants." Now -- and then Officer Rodriguez -- he -- he signals Officer Rodriguez, Officer Rodriguez comes over -- the Defendant is under arrest at this point, and pulls the crack out of his pants. I do not intend to introduce that -- that interaction with Officer Holland because Officer Holland is not here. I don't need that. He's under arrest. He's going to be searched.

THE COURT: It's inevitable discovery.

MR. BAYONA: Yeah. And so...

THE COURT: I mean, clearly -- I mean, that's -- I mean, he's going to be searched at the station. So I -- I mean, I --

MR. LUSK: The -- the -- the big issue for us is the stuff that is in the car that gets all of this started, that Officer Rodriguez is not a part of. That is done with Holland.

13

THE COURT: Okay. But I -- there's a video of your client arguably consenting to the search.

MR. LUSK: Yes, sir.

THE COURT: What -- I mean, if -- if -- if you think Officer Holland has relevant information to the search, you can subpoena him and get him here for a hearing. But if you don't, I -- I am not going to allow you to impugn what happens based on a witness who's not here.

MR. LUSK: Yes, sir, your Honor.

THE COURT: I mean, I -- because -- I mean, what -- what -- I mean, he's not testifying. So there's -- there's nothing to impeach.

MR. LUSK: Understood. I do have a subpoena drafted if we do need to have -- and he'll show up.

THE COURT: I mean, it's up to you -- I mean, I'm just -- but I -- I -- what -- my -- my ruling right now is I'm -- I'm not going to let you impeach a witness that's not here by asking Rodriguez questions about -- I mean, about Officer Holland.

MR. LUSK: Or would it be a blanket disallowance of any mention of Holland?

THE COURT: Yes -- I mean --

MR. LUSK: Does that say --?

THE COURT: I mean -- you know what -- I mean -- I mean, I might want to say that -- I mean, any -- what -- any

mention of him being arrested, or fired, or any -- any of those things. But I mean, if you need to mention them for other reasons, you can. But again, I just -- I'm not going to let you impeach a witness who is not present.

MR. LUSK: Understood, your Honor.

MR. BAYONA: And just -- I know you've ruled, your Honor, and just to ask to be clear in -- in pretrial, I -- I understand, but the rules do not apply in pretrial.

THE COURT: Right.

MR. BAYONA: Like you said, I believe Officer Rodriguez can authenticate, although he doesn't have to.

THE COURT: Right.

MR. BAYONA: But he can authenticate Holland's video. Mr. Rodriguez was sitting in a patrol car -- you know, 10 feet away. And Officer Holland told Officer Rodriguez, "We got consent." And then, he proceeded to search the car based on consent. Like, when police officers get PC from other police officers, and the consent is on video, the court can watch it and make the legal determination of whether or not that consent was valid. That is not a matter for the jury. And -- and -- and the rules don't apply here.

So I think consent is something the Court can decide. And obviously when it comes to Officer Holland, yes, we -- we -- we don't think he should be able to impeach a witness who's not testifying, and I'm not calling, and that -- they

15

can call if they want to.

THE COURT: I'm just -- let me think it through.

MR. LUSK: Your Honor, if I can just add?

THE COURT: Sure, yeah -- I mean, I'm -- I -- I'm -- I'm -- I don't want to make a mistake. I'm just thinking.

MR. LUSK: Oh, absolutely. So I guess one of the thoughts is how we can't cross-examine Holland as to why he decided to ask for consent. This was a traffic stop for driving left of center. We can't ask him about what led him to ask this individual for consent.

THE COURT: What's the relevance of that information?

MR. LUSK: Well, there's nothing in plain sight. He -- he was pulled over sitting in a parking lot of a commercial business.

THE COURT: Right. But legally, it's not a relevant point why an officer can ask for consent anytime -- I mean, isn't that -- what -- what is the significance of that question?

MR. LUSK: There's later mention where Officer Holland, I believe, tries to claim that he smelled an odor of marijuana, which we can't get into. And they wouldn't -- I guess, in theory, be able to get into it, because that was his present sense impression.

THE COURT: But if it's a consent search, it's not -- it's not relevant. Right -- I mean, that's --

MR. LUSK: I -- I think we're going to have to have the video so that you can see the -- the alleged consent here that -- you know, that -- that led us to this, your Honor, but --

THE COURT: Tell me why -- I mean, I -- I -- what I'm thinking -- I'm considering letting you get in that -- the -- that Officer Holland was fired. What -- but tell me what would be the relevant -- what -- what would you do with that? What's the relevance of it?

MR. LUSK: I think the main relevance would be to paint a full picture to the jury as to why they may see an individual on video that is doing things that are crucial to the case, and if I can't mention him whatsoever, how are they going to know why this guy that supposedly is an officer that's doing everything the right way, is just precluded from a trial.

I'm not -- I -- I don't necessarily have to say that he was fired because he did acts of dishonesty while he was an officer. But I think it's relevant that this officer -- that if it goes forward, there's going to be body cam. He's going to be standing there. The jury may need to know why this guy who's on scene almost the entire time, he's just completely left out. I don't think it's more prejudicial than -- than probative to say that he's not here because he was fired by Rock Hill Police after this incident. Not directly after it.

17

He was fired at a later date after the incident, your Honor.

MR. BAYONA: And, your Honor, if I may? I -- my response would be that there is -- there is no legal or factual relevance to why he asked something. The -- the critical issue --

THE COURT: I -- I -- I agree with you on that. Okay.

MR. BAYONA: And also, again, I -- they -- they can call him. I -- I don't -- you know, if they want -- he's going to be visible. There's no hearsay from him, but he might be visible in some of the videos in front of the jury. They want to mention him -- him in some way. But mentioning that he was fired --

THE COURT: Did he -- was he terminated for anything in relation to this case?

MR. BAYONA: No, no, no. This was -- these are personal things that occurred in his personal life that he didn't tell the truth about to his superiors, and was fired. But to -- to introduce that kind of -- kind of information to a jury would be so prejudicial when it has nothing to do with this, and is not relevant in any legal or factual way. The only thing here that we have is that the Defendant gave his consent to that officer. And Officer Rodriguez will testify that he searched the vehicle because of consent.

There's no reason for the jury to know about this other information. He's not being called, he's not a witness.

18

There's -- his question can be: "Hey, can we search the car?" However he worded it. It's just not -- I mean, that's not something that needs to be cross-examined. It's just not relevant to this case.

THE COURT: Okay. I'll give you one question to the officer or whoever you want to ask it to: "Was Officer Holland terminated?" And you can -- that's all you can say, and you can -- and I -- I -- and I actually -- and -- and the witness can say, "Yes, for reasons unrelated to this case." I'll let you -- I -- I'll give you that. You -- you can get -- you can get in that he doesn't work at the police department anymore, and then he was fired.

MR. LUSK: So I can ask something to the effect of: "To your knowledge, Officer Holland is no longer employed with Rock Hill because he was terminated?"

THE COURT: Yes. And either you can ask or Mr. Bayona -- Mr. Bayona can ask on -- on re-direct or on direct if Mr. Bayona want to -- may want to bring it out himself that he was fired for reasons unrelated to this case.

MR. LUSK: Yes, sir, your Honor.

THE COURT: That's as far as we're going to go. Okay?

MR. BAYONA: Thank you, your Honor.

MR. MEYER: Your Honor, one thing about that real fast.

THE COURT: Yes.

MR. MEYER: If we do decide to call Officer Holland as

19

an adverse witness, is that lifted for that?

THE COURT: Well, then -- yeah, then that's lifted if you're crossing cross. But -- but then -- I mean, you're going to have, I assume, relevance objections from Mr. Bayona and that kind of testimony. So that's just going to have to be on a question-by-question basis, whether it's -- whether it's relevant or not.

MR. MEYER: I just wanted to make sure that if we --

THE COURT: Yeah.

MR. MEYER: -- can decide what you're --

THE COURT: Yeah. So what I -- this -- this ruling is limited to asking other witnesses about Officer Holland.

MR. LUSK: Yes, sir.

THE COURT: But if you call him -- I mean, that's lifted. But -- I mean, you -- you have to deal with the relevance objection because I -- I have significant concerns about what the relevance of his testimony would be.

MR. LUSK: Yes, sir.

THE COURT: Okay. All right.

MR. BAYONA: Watching the video might help.

THE COURT: Let's watch the video. Yep.

MR. BAYONA: Well, I have one more issue before we get to the video.

THE COURT: Okay. Uh-huh.

MR. BAYONA: One of the charges is possession of a

weapon by a person who committed a certain crime. And that's a crime that carries a maximum punishment of more than a year in prison.

THE COURT: Uh-huh.

MR. BAYONA: It's an element of the crime I intend to introduce a certified conviction of a prior distribution that -- through -- through a clerk. Now, my -- I know we -- this crime -- this specific crime is new and we probably haven't done this very often. My compromise here was to enter the -- to have the clerk authenticate a certified conviction. And I have a copy where I've redacted the name of the crime because it's distribution of drugs. I have to redact the name of the crime, but left the sentencing range open, which is 5 to 30 so that the jury -- so that I can prove to the -- this element to the jury that he does in fact have this -- a prior conviction for a crime that carries a maximum punishment of more than one year. And so, I -- I'd like to sort of flesh out how to go --

THE COURT: And I'll be happy to hear. I know there's -- I mean, my general rule was not to allow any of this kind of thing and just -- I mean, but -- I mean, there's that burglary case that says you -- you -- you -- you have to be able -- you -- you let in the prior burglary conviction the jury sees it, so...

MR. BAYONA: And it's an element.

21

THE COURT: I mean, it's an element and that's just like the burglary. So I -- I mean, I think -- I mean --

MR. BAYONA: I think redacting the crime out is a good compromise for that.

THE COURT: I mean, the State has to be able to prove the charge, Mr. Lusk, and I -- I wish the legislature would not write laws this way, but this is what they do. So -- I mean, there -- there -- how else can he prove it other than getting a certified conviction in?

MR. LUSK: Well, so obviously, we -- we would argue that it's prejudicial for any of this, but I do understand it's an element of the charge. I certainly think it -- and I understand he's agreed to redact it. So that kind of takes this element out. But certainly if they would've left a distribution of a drugs charge, I think that would've been --

THE COURT: I agree.

MR. LUSK: -- more prejudicial than probative. To be begin with, I'm -- I'm not sure how you would hash that out without it being at least somewhat prejudicial in our opinion, because you -- but I understand that -- that the Court got to do what the Court has to do.

THE COURT: I -- I mean, it's an element -- I mean -- I said -- and there -- there's very clear case law in the burglary, talking about the prior burglary that it comes in. And even though that's -- that seems contrary to most of our

22

prior jurisprudence about not letting the jury know about unrelated convictions. But that's the way the statute is written.

MR. LUSK: Understood.

MR. BAYONA: Can I approach Co-Counsel real fast?

THE COURT: Sure. Uh-huh.

MR. LUSK: Yeah, I -- I think as long as the -- the charge is redacted, and that the clerk would not make any sort of mention as -- and I don't have any reason to think they would, but just to cover our basis, that they would not make any sort of testimony as to what the charge was, simply that they're the clerk, they certified that this was a prior conviction of a felony, I think that would probably be as good a compromise as we can come up with here.

MR. BAYONA: Your Honor, for the -- just -- can I go into it a little bit better? We have questions on our first board here that we submitted that we're going back through that are just about the prior convictions. Since you're allowing that, and we understand that's an element, could we maybe ask a couple of questions just about that? I'll -- I'll limit it to one, if that would help, your Honor.

THE COURT: Yes. That's a fair -- I mean, it's going to come in. That's -- that's -- that's -- that -- that's fair. Yeah.

MR. BAYONA: And I just wanted to -- I've got a copy

23

here if the Defense would like to look at that.

THE COURT: Yeah, let's -- let's do that. Yeah.

MR. BAYONA: Take a look at that. And I -- I do intend to mention this in opening as I would any other evidence that I intend to show, just to make that clear. Okay. Everything is showing except the name of the crime.

THE COURT: Okay.

MR. LUSK: And I don't know that I'll actually ask anything about it, but if it were to come up, would we be allowed to make -- mention that this was offered not as a guilty plea or trial?

THE COURT: No. Well --

MR. BAYONA: Well, it's -- it's written on there, so...

MR. LUSK: It is written on there. So they'll see it, but --

THE COURT: No. Oh, that's a question I've never had before. Okay.

MR. LUSK: Sorry.

THE COURT: Oh, can I? Okay. Well, what -- well, this -- this is what I'll -- okay. This is what I'll do. Okay. Let me -- I'm -- I'm -- I'm sticking this through my head. The answer is "No." And the reason for that is that -- that the element is not whether or not the Defendant committed the crime in a metaphorical sense. The question is: Does he have a conviction? And he does have a conviction.

And because -- I mean, it -- it -- I mean, I -- I would not let the solicitor get into the facts of it or anything. And if -- but if he did, then yes, you'd be able to ask your client -- you know, "Did you do this?" He can say, "No, it was an offered plea," but since we're not even going there, all that's coming in is a conviction. And it is a conviction.

MR. LUSK: That's -- that's fair.

MR. BAYONA: So, your Honor, would you -- it says North Carolina v. (inaudible), would you like me to redact that? Or the jury may not even know what that is, but do you want me to redact that out of here? Or just leave it and not mention it?

THE COURT: I think out of an abundance of caution in the -- in the -- you know what -- it's an offered plea. That's what it -- you know, I -- I won't leave it as it is.

MR. BAYONA: Without mentioning it?

THE COURT: Without mentioning it. Yes.

MR. BAYONA: Okay.

THE COURT: Because again, that the -- the requirement is that he be convicted. He is convicted, and the fact that it's an offered plea is not relevant.

MR. BAYONA: Yes, your Honor. I think that was -- I think that was all I had other than the Denno.

THE COURT: Let's -- let's watch the video because I

25

think that before I turn to Mr. Lusk and Mr. Meyer, I think some of the -- is the -- having seen the video will help me.

MR. BAYONA: Yes, your Honor.

MR. LUSK: May I --?

THE COURT: Is the Denno statement you're talking about, is it the statement that he has drugs in his pants, or what?

MR. BAYONA: So he -- the Denno statements are that when he finds the initial -- there are two bags of drugs of crack. The first bag is in the car. When he finds it, Officer Rodriguez goes over to him, arrests him, Mirandize -- Mirandizes him, asks him what it is, brings him over to the car. He says, "Is that crack?" And the Defendant nods, "Yes." And then he asks him, "How much is it?" And he said, "Less than a ounce." So those -- those are the first statements. And then after that, while he's -- they talked a little bit and then Officer Rodriguez asks, "Do you have anything illegal on you?" And he says, "I have a gun on me." And he pulls the gun out of his waist. Then I believe that's it for the statements that I think I can get in.

THE COURT: Okay.

MR. BAYONA: The rest is just the consent and just sort of what's happening.

THE COURT: Okay.

MR. BAYONA: So as to what he said.

THE COURT: Okay.

MR. LUSK: I think they'd probably also do something regarding the drugs that were on his person as well.

MR. BAYONA: Well --

MR. LUSK: Because that was after the gun -- just prior to getting loaded in the shop, as we talked about yesterday.

MR. BAYONA: Yes. He does make statements to Officer Holland, but I'm not -- I'm not introducing those because -- because of -- you know, I'm trying to get --

THE COURT: Right.

MR. BAYONA: -- that interaction out of there. So that video will begin as I'm going to introduce it with Officer Rodriguez coming up to him and just pulling the crack out of his pants.

THE COURT: Okay.

MR. BAYONA: He's under arrest. He's being searched.

THE COURT: Okay. Well -- well, let's see the video of the -- the -- the -- the consent.

MR. BAYONA: Okay. May I call Officer Rodriguez, or do you just want to see the video?

THE COURT: I just want to see the video -- I mean, the rules of evidence don't apply. I just want to see the video.

MR. BAYONA: Okay. Okay.

THE COURT: And then -- and then, we'll actually have the Denno hearing. Yeah.

27

MR. BAYONA: So Holland starts at 3:45.

MS. SMITH: I think so.

MR. LUSK: What's that?

MR. BAYONA: She's asking.

MR. LUSK: Oh, sorry.

MS. SMITH: I'm connected to the only plug I have.

THE COURT: Is your -- is your laptop outputting it, Ms. Smith? Sometimes on a laptop you have to press the button to tell it to send it to the HDMI output.

MS. SMITH: I don't know where that would be.

THE COURT: Can you bring it up? You -- I'll bring it up, I'll show you. Yeah, no. Usually one of the function keys. Okay. Step Eight (inaudible). And sometimes you have to, like, function F8, or it's that F8 key.

MS. SMITH: They have taken the ability for us to do that. I don't have an HDMI, I have, like, a little cord that goes in here.

THE COURT: Oh, wait, there's no HDMI output?

MS. SMITH: Well, at our desk, there's no HDMI cord. All there is -- is, like, the power cord.

THE COURT: Oh, no. There should definitely be an HDMI cord. Yeah.

MS. SMITH: I've used it in other trials, but I think in subsequent trials we have not had it.

THE COURT: Someone took the cord?

MS. SMITH: Yeah, because I think the point is -- is that the clerk needs to be the one admitting the video.

THE CLERK: Would you have to connect to the --?

MS. SMITH: And not us because we could -- I mean, I could do things on my computer while the video is playing that could be prejudicial to the Defendant. So I believe that they took the HDMI cord away from us. So that the cord --

THE COURT: You mean, like, pause it or something? Or, like -- I mean, I --

MS. SMITH: Well, like, my screen could come up with his case on it and his prior record could be on there. You know -- I mean, not anything --

THE COURT: Never happened. But I mean, it's confusing.

MS. SMITH: I don't even know what we would legitimately do, but I believe that's why they took it away from us because the clerk would not have that issue. The clerk would just be publishing the video. Like, there's -- you can see there's no HDMI cord here anymore.

THE CLERK: Yeah, there was a thick cord there.

MS. SMITH: Yeah. I've used it in trial before, so I know of it.

THE COURT: You mean, like, your IT staff took it?

MS. SMITH: I believe at the direction of the county.

29

Yes.

THE COURT: Okay. Well, I -- I -- I -- I mean -- I mean, Ms. Smith -- I mean, I -- it's up to you -- I mean, but the clerk is not equipped to play video -- I mean, it is always been from Counsel's table. And plus Counsel uses it for things like opening, closing -- I mean, there's -- there -- there -- there -- there's no -- I -- I -- I -- I mean --

MS. SMITH: I'm not the one that made that decision. I believe it was a county thing because the --

THE COURT: Who -- I mean, the -- the county IT?

MS. SMITH: The Solicitor's Office has gone off of county IT. We're totally separate now.

THE COURT: Okay.

MS. SMITH: And so, I believe county IT has made --

THE COURT: The -- they stole --

MS. SMITH: -- decision against us.

THE COURT: That's the most -- okay.

MS. SMITH: (Inaudible) IT down.

THE COURT: Now, I -- I don't -- I mean, I -- I -- I don't want to get into a war routine. We need an HDMI cord so that --

MR. BAYONA: There's one right here, your Honor.

THE COURT: Okay. So...

MR. BAYONA: I mean, I -- I got to unplug something, but there's one right here.

30

THE COURT: Well, let's just plug your laptop into the Defense's side. But I mean, Ms. Smith is -- I mean, you all are going to be handicapped if you can't do a closing -- I mean, so what -- my -- my advice to you is find an HDMI cord and plug it back in.

MS. SMITH: I believe we would have to get permission from the county, Judge.

THE COURT: Hold on. I'm giving you permission -- I'm giving you permission.

MS. SMITH: Okay.

THE COURT: This is a trial. This is my courtroom.

MS. SMITH: I'll let the county know that -- that --

THE COURT: Yeah.

MS. SMITH: -- policy needs to be changed.

MR. BAYONA: We need to get an order written down to file that.

THE COURT: You have my permission to get an HDMI cord.

MR. BAYONA: I don't know what it's hooked up to, but that's an issue.

THE COURT: It -- it'll be the output on the Defense's table -- I mean, the same thing -- you can use it to -- yeah. So it'll -- it'll go on the screen so you can -- you know, you can use it for opening, closing, whatever -- whatever you want. And that's --

MR. BAYONA: Not a trial without an IT problem.

31

THE COURT: Yes. But prefer -- preferably, we want to have them not self-inflicted when they're enough so...

MS. SMITH: So I think it was county-inflicted.

THE COURT: I understand. I'm just -- I'm telling you, this is my courtroom. And you have -- you may use the HDMI cord. That's -- that's a ridiculous -- yeah. So, yeah, I can see it. So if you -- it's not published. It's in preview. Well, no, it's -- it -- it's publishing. That is -- that's going to -- all right. Well, let's keep moving. I -- I can see it. It's at -- should be at Counsel's table. It's next to Officer Rodriguez on the big screen. It'd be in the jury box. The jurors can all see it. Actually, would you mind checking, is it turn -- can the -- is it on the screens in the jury box?

THE BAILIFF: It's on the sreen.

THE COURT: Okay, perfect. Okay. We're all good then. Yeah, try -- yeah. The old "on and off." Let's see.

MR. BAYONA: That's my IT expertise. Turn it off and turn it back on. I don't -- now it's broke. Just won't open for some reason.

UNIDENTIFIED MALE SPEAKER: Okay. Be on that TV. There you go. It's there.

MR. BAYONA: Yeah, but I can't -- I can't make it bigger for some reason.

UNIDENTIFIED MALE SPEAKER: Well, it looks like when

32

you maximize it, it goes to the side. So it looks like it's going to a different monitor. I was going to put, like, two guesses in on it.

THE COURT: Okay. Mr. Bayona, what that means is your computer is set up for the -- for the second output to be a different screen. Set -- set it -- set it to mirror the screen. Set -- set it -- set it to mirror.

MR. BAYONA: Right.

THE COURT: If you go to the video settings -- you know. Oh, yeah. That's got it. Yep.

MR. BAYONA: I don't know if this will have volume.

UNIDENTIFIED MALE SPEAKER: Volume doesn't kick in immediately.

MR. BAYONA: Well, it didn't have volume on my -- on my computer. Let's see here. Yeah, see.

THE COURT: We have a different one that has volume?

MR. BAYONA: Yeah. It was the VLC media. That one has volume. That's -- that's the one I was trying to open because this one won't give you volume.

THE COURT: Okay. Why does it not want to open on this? Okay.

MR. BAYONA: Well, I usually open it like this. I usually open it with --

THE COURT: Okay.

MR. BAYONA: -- VLC media player that gives you volume,

33

but it's not opening.

THE COURT: And try it.

UNIDENTIFIED MALE SPEAKER: I don't know what those -- I don't know if you have that right-click up. It's probably settings on the laptop. It's probably on your personal settings. You got to go to monitors and then, like, it has a way to (inaudible).

MS. SMITH: Did you right-click?

MR. BAYONA: Yeah. That didn't do anything, so...

MS. SMITH: That -- I mean, I used VLC.

MR. BAYONA: That's what I used too. It's like plain. It's on it, but it's there so we have to.

UNIDENTIFIED MALE SPEAKER: Open up.

MR. BAYONA: It is opening up. It's just going through your second monitor.

THE COURT: Yeah. Just try.

UNIDENTIFIED MALE SPEAKER: You got to go use your (inaudible).

MR. LUSK: There's got to be a setting.

THE COURT: Yeah. And just right -- right-click on the part of the main part of the screen not in the -- not, yeah. Close that. Yeah. Yeah. Close that. Close -- close all that. Yep. And then, right-click to the right of the white box somewhere where you -- yeah. Right-click. Yep. Right-click there. Display settings. Yep. See down there.

34

Yep. There you go. Multiple displays. Scroll down. Duplicate these displays. Yep. Yeah. Remember --

UNIDENTIFIED MALE SPEAKER: Make sure you hit "save."

THE COURT: Yeah.

MR. BAYONA: Is that all it means?

UNIDENTIFIED MALE SPEAKER: Yeah.

MR. BAYONA: Is that all you got to do?

THE COURT: That should be everything. Yep.

MR. BAYONA: (Inaudible) it down and you'll see.

THE COURT: Just close it. Yep.

UNIDENTIFIED MALE SPEAKER: Close the X out. This way it'll save the (inaudible).

THE COURT: There you go.

MR. BAYONA: Still not doing it. So...

THE COURT: Where?

UNIDENTIFIED MALE SPEAKER: (Inaudible) we got now. Sorry.

THE COURT: Where is it? I could -- I don't know why -- why it's -- what it's trying to do then.

UNIDENTIFIED MALE SPEAKER: What if you choose Screen One?

THE COURT: Okay. Try -- try --

MR. BAYONA: Screen One.

UNIDENTIFIED MALE SPEAKER: There you go.

MR. BAYONA: I don't revert back. We don't want to do

35

that.

THE COURT: Okay. Can you go back to that? I think try -- see that. There's a (inaudible) remember when new location based on monitor. I would say try un-click that.

MR. BAYONA: Okay.

THE COURT: Now try it.

MR. BAYONA: Oh, there we go. Genius.

THE COURT: Yeah -- yeah.

MR. BAYONA: All right.

THE COURT: Thanks, Support. Yeah. All right.

MR. BAYONA: I'm just going to play the portion that has it, but if you want to see --

THE COURT: Okay.

MR. BAYONA: -- this is the entire video, so if you want to see --

THE COURT: I want to see what you all want me to see.

MR. BAYONA: Yeah. Okay.

(Body-worn camera video starts at 10:39 to 10: 40 a.m.)

THE COURT: Pause it. Is it -- is that the consent?

MR. BAYONA: It's consent. Yes, your Honor.

THE COURT: So he says, "Would you mind if we search?" And the Defendant says, "Yes."

MR. BAYONA: Yeah.

THE COURT: But -- but then, he gets out of the car and lets in --

36

MR. BAYONA: He communicates consent to the officer. I understand the -- the "Do you mind?" "Yes," but that's colloquial speak.

THE COURT: I -- I -- I agree.

MR. BAYONA: No evidence that he did not consent. So I think that's good.

THE COURT: And that -- that's -- I mean, I -- I -- I think that's consent.

MR. LUSK: Okay, your Honor.

THE COURT: I mean -- and I understand the "Do you mind?" and then the response is ambiguous, but the rest of the context, the Defendant gets out of the car, the officer says, "Will you wait with the other officer?" He goes back there. And then, I'm assuming he does not object when the Defendant -- when the officer starts going through his car.

MR. LUSK: Okay. That's essentially correct, your Honor.

THE COURT: Okay. I'm going to -- I'm going to find there's consent.

MR. LUSK: Okay.

MR. BAYONA: Your Honor, would you like to do the Denno hearing now for the voluntariness of statements?

THE COURT: Sure. Uh-huh.

MR. BAYONA: Your Honor, do you mind --? well, I'm going to have to play some more -- some more videos, though.

37

Austin, do you mind just taking care of that? I'll call my witness, your Honor?

THE COURT: Yes, please do.

MR. BAYONA: Officer Rodriguez?

MR. RODRIGUEZ: Yes.

THE COURT: Have you all heard from -- are they ready for us to pick the jury?

THE CLERK: Yes. They said they were waiting.

THE COURT: Okay. Counsel, the jury is ready to be picked, so it -- it -- it's quarter to 11:00. I -- I mean, how much more time -- I mean, how long is a Denno hearing going to take?

MR. BAYONA: I mean, my questions will be -- I'll be done in less than, like, five minutes.

THE COURT: Okay.

MR. MEYER: We anticipate about five minutes for us as well. So about ten minutes altogether, your Honor. And I have no other pretrial for this. I don't know because we good. Right. This is our last pretrial motion.

MR. BAYONA: Yes.

MR. LUSK: Once we get through this, I think that would pretty much summarize everything.

THE COURT: Okay. I'm just -- I'm trying to think. Okay. So what I'm trying to decide is, is there anything you all want to do before lunch today as far as starting the

38

trial? Do you want to try to do anything?

MR. BAYONA: I'm okay either way, your Honor.

MR. LUSK: Whatever your Honor is fine with. If you want to --

THE COURT: How long is the trial going to take you?

MR. BAYONA: I have four witnesses. They're Ms. Strait, officer, chemist, evidence tech, and clerk. They shouldn't take very long. They're all -- it won't be the longest, and that will be -- you know, ten minutes or less. I don't know if they have anybody, but --

THE COURT: And then you all said, other than at least --

MR. LUSK: Ours would be two, it would possibly be our client if he decides he wants to take the stand, and it would possibly be Holland. I don't anticipate that. If it goes longer than tomorrow, I would be surprised. But --

THE COURT: Yeah. What -- what I -- what I'm trying to think is the -- the IT thing, it bothers me. There's -- there's no -- you all don't have access -- I mean, how -- how quick --?

MS. SMITH: Your Honor, I'm talking to them right now, and they're going to get me one.

THE COURT: Okay. Because what I'm considering is just starting the trial tomorrow -- I mean, we pick the jury today and we start it tomorrow. Do you all want it -- would you

39

all rather start it today? It's up to you -- it's up to you all.

MR. BAYONA: I would rather start it today.

THE COURT: Okay. That's what we'll do.

MR. LUSK: We're ready to go.

THE COURT: Then let's -- let's do it. Okay.

MR. BAYONA: It's a very -- it should be a short trial, like you said. It just shouldn't take very long at all.

THE COURT: Okay. Well, let's get -- we -- we'll have the jury hang out while we do the Denno hearing then, and then we'll get going. Yeah.

MR. BAYONA: I think you have to be here.

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

OFFICER ALEXANDER RODRIGUEZ,

being duly sworn, testified as follows:

THE COURT: Yes, sir.

MR. BAYONA: (Inaudible).

THE COURT: Right. It's still being public. This -- this TV is apparently broken, but -- but yeah, so thank you. Yeah. Okay.

DIRECT EXAMINATION

BY MR. BAYONA:

Q. Officer Rodriguez, please tell the Court your name and occupation.

40

A. My name is Alexander Rodriguez. I'm an officer at Rock Hill Police Department.

Q. How long have you been a police officer?

A. Approximately two and a half years.

Q. Were you working on December 6, 2024?

A. Yes, I was.

Q. Did you have video and audio equipment that day?

A. Yes, I did.

Q. Did you make contact with the Defendant that day?

A. Yes, I did.

Q. How so?

A. During a traffic stop.

Q. And he -- is he in the courtroom today?

A. Yes, he is.

Q. Was there another officer with you that day?

A. Yes.

Q. What did he do?

A. He assisted with the traffic stop.

Q. Okay. What were you -- what were you doing while he -- while the partner officer was talking to the Defendant?

A. I returned to my vehicle to do my routine traffic stop and run the Defendant's driver's license.

Q. Okay. Did you --?

MR. BAYONA: Your Honor, I was going to enter the video, but it's already in here. Can I just leave it in

41

there?

THE COURT: Sure.

MR. BAYONA: Okay.

THE COURT: Yeah.

BY MR. BAYONA:

Q. Did you search his car that day?

A. Yes.

Q. Okay. Why?

A. The Defendant provided consent.

Q. Who did he provide that consent to?

A. Officer Holland.

Q. And did Officer Holland communicate that to you?

A. Yes.

Q. What did you find when you searched this car?

A. Located crack cocaine.

Q. Where?

A. Between the driver's door and driver's seat of the vehicle.

Q. How was it packaged?

A. In a clear plastic baggie.

Q. What did you do when you found it?

A. I returned to the Defendant, placed him under arrest, and read him his Miranda.

Q. So you Mirandized him?

A. Yes.

42

Q. Okay. Rodriguez, starting at 7:40, is that your body camera from that day?

A. Yes.

(Body-worn camera video starts at 10:46 to 10:47 a.m.)

BY MR. BAYONA:

Q. All right. When you asked him what it was, that baggie that you found, what did he say to you?

A. He advised that it was crack.

Q. Did he tell you how much -- how much it weighed?

A. Approximately less than an ounce.

Q. And when you -- I -- I believe in the video we asked -- you asked him, "Is it crack?" And how did he acknowledge to you when you asked, "Is it crack?"

A. He shook his head, "Yes."

Q. Did you find anything else on the Defendant?

A. Yes, I did.

Q. What did you find?

A. A loaded firearm.

Q. How did that come about?

A. I asked the Defendant if he had anything further illegal on him, which he stated "Yes," he had a firearm.

Q. Okay. And did you retrieve it?

A. Yes, I did.

Q. Okay. Well, she's gone. All right. All righty.

(Body-worn camera video starts at 10:48 to 10:49 a.m.)

43

BY MR. BAYONA:

Q. After -- so you found the gun, you -- you seized that? Okay. Did you find anything else on the Defendant that was illegal?

A. Yes.

Q. What else did you find?

A. I located more crack cocaine in the Defendant's pants.

Q. So did you -- you searched him and -- and is that when you found it?

A. Yes.

(Body-worn camera video starts at 10:49 to 10:50 a.m.)

BY MR. BAYONA:

Q. What was that that you took out of his pants?

A. Approximately 99 grams of crack cocaine.

Q. Did he assist you in taking it out of his pants?

A. Yes, he did.

Q. Did you threaten the Defendant in any way during this interaction that day?

A. No.

Q. Did you coerce him in any way?

A. No.

Q. Did you point your gun at him?

A. No.

Q. Did you see the other officer there coerce him or

44

threaten him in any way?

A. No.

Q. Did the Defendant appear to be under the influence that day?

A. No.

Q. Did he answer your questions?

A. Yes.

Q. When he -- after you Mirandized him, did he appear to understand and waive his Miranda rights that day?

A. Yes.

MR. BAYONA: Thank you. Please answer any questions the Defense has.

MR. MEYER: Your Honor, just for -- do you want me here or do you want me over there?

THE COURT: Doesn't matter to me as long -- as long as you've got a microphone wherever you're comfortable.

MR. MEYER: All right. And you can hear me off this one, your Honor?

THE COURT: Okay.

MR. LUSK: I wanted to make sure.

CROSS-EXAMINATION

BY MR. MEYER:

Q. Good morning, Officer Rodriguez, correct?

A. Correct.

Q. Okay. I'm Albert Meyer. I'm with Jeffcoat. I

45

have a few questions for you. We'll keep this thing really light and short today, so we can move on. All right. So just to clarify, you've been with the Rock Hill -- Rock Hill Police Department for two and a half years?

A. Correct.

Q. Okay. And this happened December 6, 2024?

A. Correct.

Q. Okay. And that's when you saw the -- our client, Mr. Bostic here, you saw him driving?

A. Yes.

Q. And then, you pulled him over?

A. Correct.

Q. Okay. And when you first walked up to him, did you ask for his license, registration, or proof of insurance?

A. Yes.

Q. Did he give that to you?

A. Provided his license, correct.

Q. He did provide his license?

A. I believe so, yes.

Q. Okay. All right. So he -- so according to your testimony, he provided his license, registration, and insurance?

A. Correct.

Q. Okay. And was he free to leave?

A. No.

46

Q. No? So he was detained?
A. Yes.
Q. And you didn't Mirandize him then?
A. No.
Q. Are you supposed to?
A. No.
Q. So you're not supposed to Mirandize someone when they've been detained or arrested?
A. No, just during the traffic stop. I returned to my vehicle just to conduct a regular traffic stop.
Q. Okay. But just to be clear today, he was not free to leave that traffic stop from (inaudible)?
A. No.
Q. Okay. Do -- do -- do -- do -- do -- so going into the consent piece of it, you were at your car running his information, right?
A. Correct.
Q. Okay. So you didn't hear any conversation between Holland and the client -- and our client, right?
A. No.
Q. So you primarily relied on Holland telling you you have consent?
A. Yes.
Q. Did you confirm with our client that he gave consent?

47

A. No.
Q. Were you lead officer there?
A. Yes.
Q. So you -- you -- as lead officer, you didn't confirm with him, you just went with what Officer Holland said?
A. Yes.
Q. Okay. All right. And then after you're doing the search of the vehicle, right?
A. Yes.
Q. Okay. Then Officer Holland has him to the side, right? So you can't see Holland there?
A. Yes.
Q. Okay. So you do the search, come back, and then you arrest him?
A. Correct.
Q. And then, if -- according to that video, you tell Holland to take him back to your patrol vehicle, and pat him down, and put him in the car, right?
A. Correct.
Q. And that's when you're not there, so you're not seeing what Holland is saying to him or what that conversation entails, right?
A. Correct.
Q. Okay. And then Holland says, "Hey, he admitted to

48

having drugs on him"?

A. Yes.

Q. And then, you show up, and then, you find some drugs on him, right?

A. Correct.

Q. You didn't see that initial altercation?

A. No.

Q. So you don't know what happened?

A. That's all what I was told.

Q. You don't know what happened with the consent to search?

A. No.

Q. Okay. And you did not arrest our client until you completed that search of the vehicle?

A. At the time of locating the crack cocaine, he was under arrest.

Q. He was under arrest then?

A. Correct.

Q. All right. And just to re-clarify for me, I know I said it before just to re-clarify. So you have no clue about those conversations between Holland and the client, right?

A. No.

MR. MEYER: Okay. Thank you. No further questions, your Honor.

49

THE COURT: All right. Any questions from the State?

MR. BAYONA: Nothing further.

THE COURT: Okay. Do you all want any argument on the Jackson v. Denno issue?

MR. LUSK: Can I have a minute to confirm with Co-Counsel --

THE COURT: Sure.

MR. LUSK: -- your Honor? Yeah, it is more or less our argument for the Jackson v. Denno, would not come from the full arrest itself. So we're not mentioning right now, just after hearing the officer's testimony in this, it mainly goes into the fact of the consent to search. Our client was detained according to the officer's own testimony.

THE COURT: One thing at a time, Jackson v. Denno. The statements?

MR. LUSK: Yeah.

THE COURT: Do you have a -- do you want argument on the statements, the Jackson v. Denno?

MR. LUSK: It would just be statements of -- yes, he consented to the search, your Honor.

THE COURT: No, no. Okay. But again, I -- one thing at a time that -- that -- what the video has him saying he has a gun in his pants, he has drugs in his pants. Do you have any objection under Jackson v. Denno to those statements coming in?

50

MR. LUSK: It would just be for the drugs in the pants, your Honor.

THE COURT: Okay. And what do you want argument on that?

MR. LUSK: So for the drug -- for the drugs in the pants, it would be that he relied primarily on Holland to tell them they were there, and that's when he showed up.

THE COURT: Okay. But the -- the -- the consent thing is separate?

MR. LUSK: Yes.

THE COURT: Jackson v. --

MR. LUSK: I'm going to be talking about the drugs in the pants, your Honor.

THE COURT: Okay. But the -- the Jackson v. Denno thing is the voluntariness of the statement under Jackson v. Denno. Do you have any argument you want to make on that? That's what --

MR. LUSK: Not the voluntariness part, your Honor.

THE COURT: Okay. So the Jackson v. Denno, no -- no argument from the Defense. And I -- I -- just for the record, I agree -- I mean, reviewing the fact there is just absolutely nothing here. It's broad daylight, a very short stop. There's no physical duress, there's no deprivation of food, and the Defendant is an adult. There's absolutely nothing under Jackson v. Denno. So statement's voluntary

51

coming in.

MR. LUSK: Okay.

THE COURT: So now back to the consent.

MR. LUSK: Yes.

THE COURT: Okay.

MR. LUSK: All right. Yeah, we're just going into that consent piece, right?

THE COURT: Okay.

MR. LUSK: I mean, from the officer's own testimony, he stated he took our client's information, license, registration, proof of insurance. And according to South Carolina law, when he took that information, that driver at that moment is detained. He's not free to leave according to the officer's testimony.

THE COURT: Well, he's detained from the moment the blue light comes on.

MR. LUSK: Yes.

THE COURT: Okay.

MR. LUSK: So -- so just -- so -- just -- just going into more detained, since he was detained, he was not Mirandized when he was detained, it wasn't until the search of the vehicle had been completed, he had been arrest (inaudible) fully arrested for.

THE COURT: You -- you've lost me entirely. What is the relevance of all that?

52

MR. LUSK: Oh, I'm just going back -- back into the fact of calling it into consent, your Honor. That's what I was talking about.

THE COURT: Okay. But the consent and Miranda are two different things. Okay. Miranda is statements made by the Defendant whether or not they come in. Okay. Miranda is -- consent to search is not a Miranda issue.

MR. LUSK: Yeah. Yes. Okay. I get that, your Honor. And this goes to a little bit before the consent because when Officer Holland, I -- I -- I'm sorry, I was trying -- I usually write up my motion before I do the --

THE COURT: That's okay.

MR. LUSK: This is the harder part from what I'm trying to spitball. So it kind of goes into right before when Officer Holland first shows up on screen and talks to him, this is before the arrest, before the consent issue even arises.

THE COURT: Okay.

MR. LUSK: He asked him -- our client, "Do you know why that officer pulled you over?" And our client said -- well, he said, "I crossed the center of the lane, so I guess I messed up." And that's kind of what we're getting into right there with that piece of it.

THE COURT: Okay. I -- I'm -- listen you -- you've lost me entirely. Okay. What are you asking me to do right

53

now? What is -- what is -- what is -- what is --?

MR. LUSK: It's just (inaudible) the initial conversation from the very beginning when the client says, "Yes, I know I was pulled over for this reason."

THE COURT: Okay. Are you -- are you wanting me to -- to -- I mean, are the Defense going to offer that on the video?

MR. LUSK: Okay. Well, I will -- we didn't -- we didn't know if they were or were not, your Honor.

THE COURT: That's okay. So that's --

MR. LUSK: It's just for that first, I guess, 30 seconds.

THE COURT: The State is not offering it.

MR. LUSK: Okay. Then we're good, your Honor.

THE COURT: Okay. So any -- as far as the statement -- so what the State played is going to come in with no voluntariness objection from the Defense; is that correct?

MR. LUSK: That's correct.

THE COURT: Okay. Now I want to -- now I want the record to be very clear on the consent issue, okay?

MR. LUSK: Yeah.

THE COURT: The -- the -- what the -- the way I am thinking this through is whether or not there was consent is a legal issue for the Court to determine. And I have seen a video what -- I'm sorry. Go ahead, Mr. Bayona.

54

MR. BAYONA: I'm sorry, I didn't want to cut you off. It's -- I was just going to add that I -- I believe the Court already ruled on the consent issue.

THE COURT: I know. I just want to make sure for the record because I mean, if the Defendant is convicted and gets 30 years or whatever -- I mean, it's going to be an appeal. So...

MR. LUSK: I can show the Court exactly what I intend to --

THE COURT: No, I'm -- I'm just -- I'm just thinking. So in the Court's -- it's a legal issue. Did the Defendant consent or not consent? There was a video the Court has seen that shows him in the Court's view consenting -- I mean, that's -- I mean, I understand the answer is ambiguous, but he gets up out of the car, he leaves. So, I mean, I -- I -- from the -- the -- the Court's view, I -- I think it's -- I -- I -- I think it's -- it's clear that he consented to the search. Is there anything else you need a ruling from me on?

MR. LUSK: Very -- very quickly.

THE COURT: Okay.

MR. LUSK: And this is what we talked about where I thought --

THE COURT: I don't want to rush you, your client is facing very serious charges -- I mean, I want you to make -- make a record -- you know.

55

MR. LUSK: And this is regarding the marijuana charge that they said they're not going forward on today.

THE COURT: Okay.

MR. LUSK: We would ask for a motion to dismiss with prejudice on that because we have not been provided any laboratory testing of the marijuana. He is scheduled for trial today. We were ready -- we are going to trial this week. They're now choosing not to try it, letting us know this morning that they're not trying it. And I assume it's because they don't have any laboratory testing for the marijuana. But you were -- you did that --

THE COURT: Hold on one second. Is that -- is that correct, Mr. Bayona?

MR. BAYONA: Yes, your Honor. We -- we -- it requires special testing. As the Court knows, we have not done it. I also -- and I can -- I can let him finish his argument, but I'll just reply.

THE COURT: I just want to see if that was factually -- Go ahead. Yeah.

MR. LUSK: Essentially, the argument is that we were scheduled to show up for trial for all four charges. That's what the trial notice was. You did the first offer rejection where the State made it very clear they weren't going to delay this just because we got hired late. So we're ready to go on it. They weren't willing to delay it then. I don't

56

see why just that marijuana charge would get delayed because they didn't get testing. They could have chosen to wait until they had all of the evidence that they needed for all of the charges.

THE COURT: Mr. Lusk, I understand all of what you're saying, but I mean, from a legal perspective, what would be the basis of me granting a motion to dismiss -- I mean, the State can elect to try the -- in two different trials. There's no -- there's no -- what -- what would -- why would I dismiss the case? You want me to dismiss?

MR. LUSK: So the trial notice was for all four trials.

THE COURT: Okay. Do you have any case law saying that -- that -- that the trial notice is given, that the State can't elect to try the -- under -- in the charge separately?

MR. LUSK: I -- I would have to go try to --

THE COURT: You -- you can look at it -- I mean, I -- I'm going to -- I mean, I'm not aware of any such law, so -- I mean, I'm going to deny the motion. If you find out that I'm wrong and show me some law on that, I'll -- I'll be happy to let you argue it again. But I --

MR. LUSK: Yes, sir.

THE COURT: -- I'm not aware of any law that the State -- that the trial notice binds the State.

MR. LUSK: Yes, your Honor.

MR. BAYONA: Your Honor, just for the record, I just

57

want to put Court's 1 that video into (inaudible).

THE COURT: All right. And I just want to make sure for the record, so the -- the -- the -- the -- the Defense is basically -- the motion that you -- well, other than the motion to dismiss that I just ruled on, the -- your motion is -- is basically that the consent was invalid; is that correct?

MR. LUSK: Yes, your Honor. That's essentially.

THE COURT: Okay. And for the record, let's -- for the record to be totally complete. Let -- let's see whether or not officer -- the Officer Rodriguez can authenticate the body-cam video that we saw from the other officer that has the consent on it.

MR. BAYONA: Yeah. Right now or --?

THE COURT: Yeah, let's do it now because it's for the pretrial. Yeah. Okay.

MR. BAYONA: Okay. Also, may I approach the witness?

THE COURT: Uh-huh.

RE-DIRECT EXAMINATION

BY MR. BAYONA:

Q. I'm showing you what's marked as Court's 1. Do you know what that is?

A. Yes.

Q. You can open it up and take a look at that exhibit, please. What -- what is that?

58

A. Officer Rodriguez's body cam. My body cam.
Q. Is there another body cam on there too?
A. Officer Holland's.
Q. Okay. How do you recognize that -- that DVD?
A. It's my signature and today's date.
Q. Okay. And is -- are is -- are the videos on there a fair and accurate representation of your body camera and Officer -- Officer Holland's body camera from that day?
A. Yes.
Q. And when we watched Officer Holland's body camera when he was interacting with the Defendant, where were you exactly?
A. At my patrol vehicle.
Q. Okay. Could -- did you have eyesight of Officer Holland?
A. Yes.
Q. Okay. And did he say anything to you?
A. Yes.
Q. At the end of that interaction that we watched?
A. Yes.
Q. What did he say to you?
A. Defendant had crack cocaine in his pants.
Q. No, no, I'm talking about before you searched the car.
A. Uh-huh.

59

Q. When he gave Officer Holland consent?

A. Yes.

Q. Did Officer Holland communicate that to you on your body camera?

A. Yes, he did.

Q. Is that the same communication that you saw on Officer Holland's body camera from that day?

A. Yes.

Q. That's the scene that you -- you -- you were at that day with Officer Holland?

A. Correct.

MR. BAYONA: Your Honor, I'll -- I'll move to admit Court's 1.

THE COURT: Mr. Meyer, do you want to cross him on whether he can authenticate that video? Okay.

MR. MEYER: Yes, please, your Honor. Just a few questions.

THE COURT: Sure.

RE-CROSS EXAMINATION

BY MR. MEYER:

Q. All right. Morning again, Officer Rodriguez. All right. So you're the first officer on scene, right?

A. Correct.

Q. Okay. And when you showed up, I know you stated earlier that you -- so Holland kind of took the Defendant

60

from you when you went back in your patrol car or, like, to look over the license, registration, and insurance?

A. Correct.

Q. Okay. So you're sitting in your patrol -- your patrol car, right, watching them, correct?

A. I'm running the Defendant's driver's license and also keeping an eye on the officer.

Q. Okay. So you're, like, multitasking between the two?

A. Correct.

Q. Okay. Could you hear them?

A. No.

Q. All right. So could you see their lips move?

A. No.

Q. No? And how far away were you roughly?

A. Approximately 10 feet.

Q. Roughly 10 feet. But you're in a closed-off car?

A. No, my door was open.

Q. The door was open. But you couldn't hear or see what they were actually doing?

A. I could see, not hear.

Q. You could see, not hear? Okay. So when Officer Holland then pops up and talks to you, says he has consent, you didn't have that consent when he would actually talk to him, he got his impression, right? You just had him relying

61

on it to you?

A. Yes.

MR. MEYER: Okay. All right. All right. That would be it, your Honor.

THE COURT: Okay. In -- in the Court's view, the video sufficiently authenticated, and the Court's relying on the video to find there was consent for the search.

(Court's Exhibit Number 1 admitted into evidence.)

MR. BAYONA: Thank you, your Honor. And just to be clear, that -- that Holland's video, I -- I do not intend to introduce in front of the jury.

THE COURT: Right. But you're introducing it here.

MR. BAYONA: Yeah -- yeah.

THE COURT: That -- that -- that's -- that's what -- I mean, I -- my -- my ruling is for the legal issue of -- was there -- because -- I mean, there's a separate issue of what he was told, but for the legal issue of did consent exist, I'm relying on the video of Officer Holland, which this witness has said is an accurate depiction of the scene.

MR. BAYONA: Thank you, your Honor.

THE COURT: All right. Anything else?

MR. MEYER: We just need to pick the jury, your Honor.

THE COURT: All right. Any -- any further pretrial from the State?

MR. BAYONA: No -- no pretrial, your Honor.

62

THE COURT: Okay. Mr. Meyer, do you have your -- your voir dire list trimmed down to something a little more manageable?

MR. MEYER: Yeah, I have 16 questions, your Honor.

THE COURT: Okay. Let me --

MR. MEYER: I know you said 10, I said 15.

THE COURT: It's okay -- I mean, I -- I mean, I'm not --

MR. MEYER: May I approach, your Honor?

THE COURT: Sure. Yeah.

MR. MEYER: It should be 1 through 13 minus 7 to 12, and the rest are -- I think it's 54 and 65 and --

MR. LUSK: I wrote a bunch of marks --

MR. MEYER: Yeah.

THE COURT: Okay. So there is State's voir dire. Okay. You said you might have one other witness. Who would that be? So further -- when I ask about that -- the jury or about --

MR. MEYER: It would only be Mr. Bostic and possibly Officer Holland.

THE COURT: Officer Holland? Okay. Okay.

MR. MEYER: Possibly.

THE COURT: What's his first name? Carson Holland? All right.

MR. BAYONA: Your Honor, are you going to make

63

decisions on their questions, or may I look at them, or --?

THE COURT: Oh, you do not have a copy?

MR. BAYONA: I apologize. I don't know which ones they chose and just --

THE COURT: Okay. Just walk around the bench so we can also -- I mean, so yeah, you all can both -- it'll be easier this way.

THE CLERK: Yeah. I'm just going to play something right up that doesn't have anything to do with this trial.

MS. SMITH: Okay.

THE COURT: You want these 12 questions. Okay. Plus this one. Okay. Here's so -- this one is okay. This one, I'm not sure. So what -- I mean, the -- the law in South Carolina allows people to carry a firearm without a license unless they have a conviction.

MR. BAYONA: Uh-huh.

THE COURT: So are you -- are you asking, do they agree with the law?

MR. BAYONA: No, I'm asking it -- I wrote it, your Honor, so...

THE COURT: Yeah.

MR. BAYONA: Okay. Basically we're asking -- it's kind of like with a DUI with the moral ethical consumption of alcohol.

THE COURT: Right.

64

MR. BAYONA: It's kind of like asking that about moral -- moral, ethical concerns to carrying the firearms: Could we do a blanket statement? Do you -- a blanket question, do you have (inaudible)?

THE COURT: I just -- I mean, to me it's like asking a DUI case, do you believe people should be allowed to drink and drive -- I mean, the law is very --

MR. MEYER: Would you change it to: "Do you have a religious or moral opposition to the people?"

MS. SMITH: I believe the firearms (inaudible).

THE COURT: That I'm fine with.

MR. MEYER: That you're fine with?

THE COURT: Yeah.

MR. MEYER: It's just like -- same with the DUI, I had wrote it, but I didn't want to put that in there.

THE COURT: Okay. Do you -- do you do -- does anyone -- how about -- does anyone have a moral objection to the private ownership of firearms?

MR. MEYER: Yeah.

THE COURT: Okay. Any objection to that?

MR. BAYONA: No, I think that's fine. The only objection is just these and that one. There's --

THE COURT: And there's one circle there and two on this page.

MR. BAYONA: Yep.

65

THE COURT: I don't ask questions, like, I -- I -- I'm going to instruct them on the law and what the burden of proof is. So -- and I'm going to tell them they can file. I don't like asking -- it's sort of saying: Are you going to do what I tell you to do so...? I'm not -- not doing that. Do you think --?

MR. BAYONA: The reason for that one is since they're going to get the prior --

THE COURT: Yeah, I think that's -- I think that's fair. And normally I would say, "No." And this case, is an element of your crime. I'm going to -- I'm -- I'm -- I'm going to allow it. Yep. Okay.

MR. LUSK: And I'm not sure about the -- I feel like this is getting into their decision-making.

THE COURT: If all the other jurors reached a different decision than you.

MR. LUSK: I mean, I believe that would have a lot of effect (inaudible) in an unanimous jury.

THE COURT: I'm okay. I've never had a defense attorney ask that before, but I think --

MR. LUSK: Okay. I haven't seen it either.

THE COURT: I mean, let me -- the wording is a little bit -- okay -- so okay.

MS. SMITH: Did you instruct them, though?

THE COURT: That it has to be unanimous? Yeah.

66

MR. LUSK: Yeah.

THE COURT: Okay.

MR. LUSK: And I get the instruction part, but what I'm saying is if with someone feels like they're -- wait, the question what I'm trying to get to, your Honor, was: If everyone else has one opinion, would they convert their opinion to that opinion? And if we need to rewrite that statement, we can, but I do believe it's necessary.

THE COURT: You're basically getting -- wanting me to ask them, would they give into peer pressure if it was 11 to 1?

MR. LUSK: Yeah, that's peer pressure.

THE COURT: Okay -- I mean, I --

MR. LUSK: I don't know. I just -- that's why I made -- I smirked because I -- it's kind of going -- getting into the juror's decision-making process versus (inaudible) I just want to ask -- that was my -- it's not a confidential thing we're asking them now, if everyone there says "One," and you say "Two," would you cave in to them and say "One"?

THE COURT: I'll -- I'll ask.

MR. BAYONA: It could go either way.

THE COURT: Okay. Let me ask --

MS. SMITH: (Inaudible) to do that.

THE COURT: Okay. I'm going to say if the vote -- I'm not going to say "Convict." I'm going to say, "If the vote

67

was 11 to 1, and you disagreed, does anyone believe they could not maintain their independence?" How about that?

MR. LUSK: Yeah, that's fine.

THE COURT: Could not -- okay. Maintain independence. All right. Okay. Been a witness.

MR. LUSK: Some of this was actually asked --

THE COURT: Yeah.

MR. LUSK: -- yesterday in qualification.

THE COURT: I am not going to ask 12. It's like -- I mean, do you have trouble keeping -- no one is going to say that they have trouble keeping an open mind -- I mean, that's --

MR. LUSK: You'd be surprised, your Honor, I have people answer that. They do. And I would -- I would hold that -- some -- that needs to be asked to the jury.

THE COURT: Okay. If you -- I mean, I -- to me, I can't imagine anyone saying "Yes" that -- if you say that to somebody --

MR. LUSK: I had it happen before, I kid you not, in Beaufort County General Session, when guys stood up and said, "Well, I think is what I think, and you all can't tell me otherwise."

THE COURT: Okay. Yeah, I'll ask it. All right. All right.

MR. LUSK: All right.

68

THE COURT: All right.

MS. SMITH: Your Honor, just some (inaudible) they did bring an HDMI cord, they -- our IT is not able to work on that TV unless county allow them to. So they have called the county (inaudible).

THE COURT: Okay. Okay. I -- I think what we're going to end up doing -- I mean, folks, I -- I -- I don't think -- I mean, we're going to be done with jury selection by a little before 12:00. I think we just take a lunch break and start the trial at 2:00. Does that suit you all?

MS. SMITH: That's correct.

THE COURT: Okay.

MS. SMITH: Fine.

THE COURT: So, Ms. Smith?

MR. LUSK: Oh, your Honor, I'm sorry. Can we address the Defendant's bond?

THE COURT: Yeah. So let me --

MR. LUSK: Okay.

THE COURT: One thing at a time. So tell them to be here at 12:00 the IT, and they'll have from 12:00 to 2:00 to work on it. We'll be out of here. Thank you, Ms. Smith. Okay. Yeah. So if he's out on bond?

MR. LUSK: He -- he's -- and I don't know (inaudible).

THE COURT: I mean -- I mean, has he complied with his bond conditions?

69

MR. LUSK: As far as I know, your Honor, he has.

THE COURT: Okay. My -- my practice is to allow the defendant to remain out on bond if he's -- he's shown up for court for trial -- I mean, that -- it says bonds have been okay with him staying on the bond -- on the bond?

MR. LUSK: He has not told me anything otherwise. He's been here every time he's supposed to, he's shown up for two offer rejections.

THE COURT: Mr. Bostic, just so you know -- I mean, if you -- if you don't show up for trial one day, or you -- you know, you don't -- that will issue a bench warrant for your arrest, and the trial can go on with your absence. Do you understand that? It will -- the trial won't stop, and the jury will probably not like the fact that they're here and you're not. Okay. So, all right. Anything else?

MR. BAYONA: Nothing from the State.

THE COURT: Anything from the Defense?

MR. LUSK: Your computer is showing up here it looks like...

MS. SMITH: Yeah, but it -- it's not published.

MR. LUSK: Okay. Okay. I just wanted to make sure it doesn't -- we could see your -- your --

MS. SMITH: Yeah, I mean --

MR. LUSK: I just wanted --

MS. SMITH: I'm not going to do anything sketchy.

70

MR. LUSK: No, I just -- I just thought sometimes people think about it. That's all. I just want to make you really aware. That's all.

THE COURT: All right. Let's bring them up.

MS. SMITH: I'm good.

MR. LUSK: Yes.

(Jury enters room at 11:13 a.m.)

THE COURT: And thank you all for your patience. My name is Judge Bill McKinnon. As you probably already heard, there are two different trials going on this week. So Judge Kelly has already done jury selection for the first trial. I will do jury selection for the second trial. Okay. Counsel -- Mr. Bayona, do we have backup trials this week? So is there any -- if they don't get picked today, is there anything else?

MR. BAYONA: No, these are the last two trials.

THE COURT: Okay. So ladies and gentlemen, so I just confirmed with the -- the State that if you are not picked today for this trial, your jury service is complete. There are no more trials. Okay? So I have some more questions to ask you, ladies and gentlemen. It is very important that you answer these questions honestly. So please, if I -- if the question applies to you, please stand up. I may have follow-up questions, and if that question is -- is too personal to discuss out loud, that's okay. Tell me, "Judge,

71

I'd like to speak to you privately," and I'll bring you up here. Okay? All right. But I -- I do need you to stand up if I ask a question and it -- it applies to you. Ladies and gentlemen, let me get -- let me see, should be at the right spot.

Okay. Ladies and gentlemen, I'm going to introduce the Defendant first. This is the -- the State of South Carolina versus Jeremiah Bostic. I'm going to ask Mr. Bostic to stand up and face the jury. Okay. Ladies and gentlemen, does any member of the jury panel know Mr. Bostic socially, or are you related to him by blood or marriage? If so, please stand. Thank you, sir. You can sit down.

Ladies and gentlemen, representing the State, I have Attorneys Kevin Bayona and Austin Smith, please stand. Ladies and gentlemen, same questions: Is any member of the jury panel related to Mr. Bayona or Ms. Smith by blood or marriage, or have a close, personal relationship with them? Thank you, Counsel. Representing the Defense, Chris -- Christopher what? Mr. -- Mr. Christopher Lusk and Mr. Albert Meyer. Same question: Is any member of the jury panel related to Mr. Meyer or Mr. Lusk by blood or marriage, or have a close, personal or social relationship with them? If so, please stand. Thank you, Counsel.

Ladies and gentlemen, now has any member of the jury panel been represented by any of those four attorneys that

72

stood up? Meaning you, at some point in your life, have hired them. That would be Mr. Bayona, Ms. Smith, Mr. Lusk, or Mr. Meyer. Has any member of the jury panel ever been retained one of these attorneys? All right. No response.

Ladies and gentlemen, has any member of the jury panel ever been prosecuted by the York County Solicitor's Office? You know, the -- what? Any -- any member of the jury panel been prosecuted by the solicitor's office? Okay. What about has any member of the jury panel had a member of your household prosecuted by the solicitor's office? So someone who lives with you but not you. All right. No response. All right.

Ladies and gentlemen, in just a second, I'm going to read a list of possible witnesses in this case, and it's -- it's basically the same question. If you're related to one of these witnesses by blood or marriage, or if you have a close, personal or social relationship with them, please stand. The possible witnesses are: Officer Alexander Rodriguez from the Rock Hill Police Officer. Officer Rodriguez, if you don't mind standing up. So same question: Anybody know Officer Rodriguez or related to him by blood or marriage? Thank you, sir. There's another former officer of Rock Hill Police, Carson Holland, John George, Dee Johnson, and Lynn Strait from the clerk's office here at the courthouse. All right. No response.

73

All right. Ladies and gentlemen -- let's see. This is a -- a case involving alleged possession of drugs and an -- and an illegal firearm. And the -- the -- the events occurred on December 6, 2024, so December 6th of last year, next to the Platinum Cuts Barber Shop on the corner of Summit and Saluda Streets in Rock Hill. Okay?

So my question -- it involved a traffic stop where drugs and a gun were allegedly found by the police. So my question is: Does anyone have any information about that traffic stop? Has anyone seen it, heard about it, an eyewitness? Anybody have any information about that traffic stop? If so, please stand. Has anybody made up their mind about any issues in this case? If so, please stand. All right.

Ladies and gentlemen, has any member and -- and the -- so the questions I'm going to be asking, ladies and gentlemen, doesn't -- they're not bad or good, or doesn't mean we're trying to find some more things about you. Okay. So they're not right or wrong answers. My first question is -- of this next group is: Has any member of your immediate family ever been either arrested for or investigated for a drug or gun offense? If so, please stand. Okay. Sir, tell me your jury number.

JUROR NUMBER 21: Juror Number 21.

THE COURT: Okay. And, sir, could you still be fair

74

and impartial to both sides in this case?

JUROR NUMBER 21: Probably not. I just got drugs and guns involved because my brother needs --

THE COURT: Okay. Come up. Come up. Let me speak to you. Yep. Counsel, approach.

JUROR NUMBER 21: (Inaudible).

THE COURT: (Inaudible).

THE COURT: All right. Juror 21 is excused. Ladies and gentlemen, is any member of the jury panel, or a -- or a member of their immediate family either employed by a criminal defense attorney, or know one socially? All right. Does any member of the jury panel have moral, or religious, or philosophical objections to sitting in judgment of a fellow citizen in a criminal case? If so, please stand. All right. Has any member of the jury panel ever been on a criminal jury before? If so, please stand. Okay. Sir, tell me your juror number.

JUROR NUMBER 73: 73.

THE COURT: Okay. And was it here in South Carolina?

JUROR NUMBER 73: Yes.

THE COURT: Okay. What kind of case was it?

JUROR NUMBER 73: Robbery, theft.

THE COURT: Okay. Could you still be fair and impartial to both sides in this case?

JUROR NUMBER 73: Yes.

75

THE COURT: Thank you, sir. Yes, ma'am?

JUROR NUMBER 28: 28.

THE COURT: Okay. And was it here in South Carolina, ma'am?

JUROR NUMBER 28: Charleston.

THE COURT: Okay. And what kind of case was it?

JUROR NUMBER 28: It was murder.

THE COURT: Okay. Could you still be fair and impartial to both sides on this case?

JUROR NUMBER 28: Yes.

THE COURT: Thank you, ma'am. Has any member of the jury panel ever been a jury in a civil case where somebody was suing somebody for money? Okay. No response. Has any member of the jury panel ever been a witness in a case? And I'm not asking about a divorce case where -- you know, so not in family court, but either a civil lawsuit or a criminal case. Has anyone ever been a witness in court before? If so, please stand. All right.

Has any member of the jury panel been the victim of a crime where the case went to court, where you were -- you were the -- you were the victim? No response. All right. Does any member of the jury panel work in law enforcement, or have a close family member or friend who works in law enforcement? If so, please stand. All right. Sir, tell me your juror number.

76

JUROR NUMBER 153: 153.
THE COURT: Okay. And who is it?
JUROR NUMBER 153: My cousin.
THE COURT: Okay. And what does your cousin do?
JUROR NUMBER 153: He's a state trooper in New Jersey.
THE COURT: Okay. Could you still be fair and impartial to both sides in this case?
JUROR NUMBER 153: Yes, sir.
THE COURT: Thank you, sir. Sir, in the plaid shirt there.
JUROR NUMBER 152: 152.
THE COURT: Okay.
JUROR NUMBER 152: My brother works for the sheriff's office here.
THE COURT: Here in York County?
JUROR NUMBER 152: Yes.
THE COURT: Okay. Could you still be fair and impartial to both sides?
JUROR NUMBER 152: Yes.
THE COURT: Thank you, sir. The gentleman in the blue shirt?
JUROR NUMBER 54: 54.
THE COURT: Okay. And who is it?
JUROR NUMBER 54: Brother-in-law is a (inaudible) agent.

77

THE COURT: Okay. And, sir, could you still be fair and impartial to both sides?

JUROR NUMBER 54: No.

THE COURT: Okay. Sir, can you approach the bench please?

JUROR NUMBER 54: (Inaudible).

THE COURT: (Inaudible). Tell me your juror number.

JUROR NUMBER 54: 54.

THE COURT: Juror 54 is excused. Okay. Yes, ma'am, in the black? Oh yeah, sorry. In the back row. Yeah, sorry. Yes, ma'am?

JUROR NUMBER 56: I have a cousin cop.

THE COURT: Okay. And, ma'am, could you still be fair and impartial to both sides?

JUROR NUMBER 56: Yes.

THE COURT: Thank you. And, yes, ma'am?

MR. BAYONA: Juror number?

MR. LUSK: Number?

THE COURT: Ma'am, just real loud, what's your juror number?

JUROR NUMBER 56: 56.

THE COURT: Thank you, ma'am. Okay. Yes, ma'am?

JUROR NUMBER 165: 165.

THE COURT: Okay.

JUROR NUMBER 165: Through marriage. My cousin's

78

husband works for the sheriff's department. He's also on a student loan.

THE COURT: Okay. And, ma'am, could you still be fair and impartial to both sides?

JUROR NUMBER 165: Yes.

THE COURT: Thank you, ma'am. Tell -- ma'am -- ma'am, what was your juror number?

JUROR NUMBER 165: Me?

THE COURT: Yes, ma'am.

JUROR NUMBER 165: 165.

THE COURT: Thank you. Yes, ma'am?

JUROR NUMBER 25: 25.

THE COURT: Okay.

JUROR NUMBER 25: My brother is a (inaudible) in North Carolina, and my uncle was a former police officer in Lincoln County Court.

THE COURT: Okay. And, ma'am, could you still be fair and impartial to both sides?

JUROR NUMBER 25: No.

THE COURT: Ma'am, if you can approach the bench?

JUROR NUMBER 25: (Inaudible).

THE COURT: (Inaudible). Juror 25 is excused. Okay. And yes, ma'am, in the back row there?

JUROR NUMBER 36: Captain Neely, and my son-in-law, he is retired now, Judge.

79

THE COURT: Okay.

JUROR NUMBER 36: And my grandson is a juvenile officer.

THE COURT: Okay. And, ma'am, could you tell me your juror number?

JUROR NUMBER 36: 36.

THE COURT: And could you still be fair and impartial to both sides?

JUROR NUMBER 36: Yes.

THE COURT: Thank you, ma'am. Is there anyone in the jury panel who believes that they are -- have trouble keeping an open mind to new information? If so, please stand. All right. Ladies and gentlemen, if -- if the vote in the jury room after deliberation was 11 to 1, and you were the 1, is there anyone who thinks they could not maintain their independence as the one voter? No response. All right.

Is there any member of the jury panel who is aware of any possible bias or prejudice they have one way or the other? This case involves someone with a prior conviction for a criminal act. Does anyone believe that a prior conviction means someone is more likely to be guilty on a different charge today? If you believe that, please stand. All right.

Has any member of the jury panel served on the York County grand jury in the last three years? No response.

80

Ladies and gentlemen, is there any member of the jury panel who is a contributor to or a member of a pro law enforcement or victims' rights organization, something like Mothers Against Drunk Driving, The -- The Sheriff's Association, State Trooper Association, any -- you know, Citizens Against Violent Crime, any kind of organization? Yes, sir. Tell me your jury number.

JUROR NUMBER 97: 97.

THE COURT: Okay. And what organization are you a member of?

JUROR NUMBER 97: State Trooper and Federal Internal Police.

THE COURT: Okay. Could you still be fair and impartial to both sides in this case?

JUROR NUMBER 97: Yes.

THE COURT: Thank you, sir. Does any member of the jury panel know any reason whatsoever why you should not be a juror in this case, with particular emphasis being placed on your ability to be fair and impartial to both sides? If so, please stand. Are there any additional questions the State would like me to ask?

MS. SMITH: Your Honor, we do need to address one juror member up at the bench.

THE COURT: Okay. Come on up quick.

(Bench conference at 11:36 to 11:38 a.m.)

81

THE COURT: All right. Ladies and gentlemen, I did accidentally miss one question. Does any member of the jury panel have a moral objection to private ownership of firearms? If so, please stand. Okay. Ma'am, come over. Approach the bench, please.

JUROR NUMBER 160: (Inaudible).

THE COURT: (Inaudible). Thank you, ma'am. Juror 160 is excused. All right. Ladies and gentlemen, does --? let me ask one more time. Mr. Bayona, does the State have any additional questions they'd like me to ask?

MR. BAYONA: No, your Honor.

THE COURT: Mr. Lusk, the Defense?

MR. LUSK: No, your Honor.

THE COURT: Okay. All right. Ladies and gentlemen, that brings us to the end of my questions. What will happen now is the actual jury selection process. I'm going to give the attorneys ten minutes to think about this before we start the process. So for the next ten minutes, feel free to talk amongst yourselves.

You may have seen the jury selection process on TV, or in a movie, or something. It -- it -- it's different in every state. What will happen in South Carolina is, I have -- we all have a random strike sheet. It has your names and juror numbers, but mixed up in a random order. And these ladies in front of me, from the clerk's office, will call you

82

up one at a time, and you'll walk up here, and you'll face the attorneys, and the each -- and the attorneys will each get a chance to say either "Present the juror," or "Seat the juror." And if they both say that, that means you have been chosen as a juror in the case. And the bailiffs will tell you to go come sit in the jury box.

If either side says "Excuse the juror," or "Strike the juror," that means you have not been chosen as a juror in this case, and you can come back and have a seat where you're sitting. Does that make sense? Okay. We are almost done with this process. I think we'll be done in -- by 12:00 at the latest.

Is there anyone who cannot wait on a restroom -- and needs a restroom break now, and can't wait till 12:00? If so, please raise your hand. Nobody at all? Okay. Well, ladies and gentlemen, again, feel free to talk amongst yourself. I'm going to give the attorneys about ten minutes to look at the strike sheet.

(Off the record at 11:41 a.m.)

(On the record at 11:48 a.m.)

MR. BAYONA: Yes, your Honor.

THE COURT: Defense is ready?

MR. LUSK: Yes, sir.

THE COURT: All right. Madam Clerk, pick us the jury.

THE CLERK: When I call your name and number, please

83

bring all your belongings, and come to the front, and face the attorneys. Juror Number 149, Erinn Roper. What say you for the State?

MR. BAYONA: Please present the juror.

MR. LUSK: Please seat the juror. I apologize.

THE CLERK: You're fine. Please have a seat in the jury box. Juror Number 165, Mary Thompson. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

MR. LUSK: Please excuse the juror.

THE COURT: You have been excused from this case. Juror Number 153, Adam Scull. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

MR. LUSK: Please excuse the juror.

THE CLERK: You have been excused. Juror Number 44, Natasha Douglas. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat in the jury box. Juror Number 5, Lisa Artenian. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

84

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat in the jury box. Juror Number 82, Cynthia Jelinek. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat in the jury box. Juror Number 67, Angela Harmon. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat. Juror Number 158, Kimberly Sipes. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat. Juror Number 161, Scott Souza. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

MR. LUSK: Please strike the juror.

THE CLERK: You've been excused. Juror Number 74, Terry Herrington. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

85

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat. Juror Number 154, Jeannie Seanor. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: What say you for the Defense?

MR. LUSK: Please excuse the juror.

THE CLERK: You've been excused. Juror Number 59, Christopher Garner. What say you for the State?

THE DEFENDANT: Please present the juror.

THE CLERK: And the Defense?

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat. Juror Number 113, Robert Moore. What say you for the State?

MR. BAYONA: Please excuse the juror.

THE CLERK: You have been excused. Juror Number 102, Jennifer Matheny. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: And the Defense?

MR. LUSK: Please seat the jury.

THE CLERK: Please have a seat. Juror Number 155, William Sexton. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: And the Defense?

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat. Juror Number 108, Dawn

86

Meredith. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: And the Defense?

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat. Juror Number 84, Ny'ziem Jordan. What say you for the State?

MR. BAYONA: Please excuse the juror.

THE CLERK: You've been excused. Juror Number 157, Mars Simpson-Leibold. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: And the Defense?

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat.

THE COURT: You -- Counsel, that's our 12. So first alternate.

THE CLERK: Juror Number 139, Brooke Pitsenbarger. What say you for the State?

MR. BAYONA: Please present the juror.

THE CLERK: And the Defense?

MR. LUSK: Please seat the juror.

THE CLERK: Please have a seat.

THE COURT: Second alternate.

THE CLERK: Juror Number 11, Brianna Bergseng. What say you for the State?

MR. BAYONA: Please present the juror.

87

THE CLERK: And the Defense?
MR. LUSK: Please strike the juror.
THE CLERK: You've been excused. Juror Number 97, Kenneth Lusk. What say you for the State?
MR. BAYONA: Please present the juror.
THE CLERK: And the Defense?
MR. LUSK: Please strike the juror.
THE CLERK: You've been excused. Juror Number 99, Aiden Martin. What say you for the State?
MR. BAYONA: Please present the juror.
THE CLERK: And the Defense?
MR. LUSK: Please seat the juror.
THE CLERK: Please have a seat.
THE COURT: All right. Does the State have any objections or motions regarding juror qualification or selection?
MR. BAYONA: No, your Honor.
THE COURT: The Defense?
MR. LUSK: No, your Honor.
THE COURT: All right. Ladies and gentlemen, if you're still sitting out there on the benches, that brings -- your jury service is complete. There are no more trials this week, and you are not selected for this trial. So on behalf of the State of South Carolina, York County, and myself, thank you very much for your willingness to serve. You all

88

have a great afternoon. Your jury service is complete.

(Prospectus jury exits room at 12:01 p.m.)

THE COURT: All right. 1:30. Counsel, is that reasonable?

MR. BAYONA: That's fine with the State, your Honor.

THE COURT: Defense?

MR. LUSK: That's fine, your Honor.

THE COURT: Okay. All right. Ladies and gentlemen, since it's 12:00 noon, we're going to go and take our lunch break. I'm going to ask you to be back at 12:00 -- at 1:30 to start the trial, okay? Before I let you go, I do have to give you a few rules. The first one is: You are not permitted to discuss the case with anyone, okay? That means family or friends, even each other until it's the end of the case and you've heard all the evidence. Okay? So you're free to go to lunch with each other if you want to, that's fine. You just can't discuss the case. All right?

And -- you know, it's normal when you get home tonight, your family and friends are going to say, "Well, what happened in court today?" All you can tell them is you got picked for as -- as a juror in a criminal case. Okay? And then when the trial is over, all those restrictions are lifted, you can say anything you want. But during the trial until you have a verdict, you cannot discuss a case with anyone even each other. Okay?

89

Secondly, it's very hard to predict these days what makes the news. So in the event a reporter does come and something about this case is in the newspaper, or on the TV, please read something else and change -- or change the channel, okay? Don't read or watch news reports.

You are not permitted to do any outside research, okay? So please do not google the lawyers, or the name of the Defendant, or look up that intersection where this happened. Don't do any of that, okay? You'll hear all the evidence in the case, and you don't need to do any outside research, and you're not permitted to do that. Okay? Let me make sure I've given...

Ladies and gentlemen, further, the attorneys in the case are not permitted to talk with you outside of the formal setting, okay? So York is a small town, you may end up at the same place for lunch, or in the elevator, or whatever, with one of the lawyers, they're not going to talk to you, okay? And they're not being rude, they're just not permitted to -- to have any discussion with the juror. Okay?

Let me make sure I have not left anything out here. All right. Ladies and gentlemen, I think I've covered everything. So that said, I hope you all have a great lunch. The bailiffs will take you out the back door here. We'll see you back at 1:30.

(Jury exits room at 12:04 p.m.)

90

THE COURT: Counsel, that -- that was -- that was Juror 149. She informed me she has a 2-year-old child, and she's breastfeeding, and has to pump. And so she said that she could stick -- could not stay past 5:30. And I said, "Well, I can guarantee you, unless it's deliberation, you will not" -- "you will not have to stay past 5:30. But if you're deliberating, obviously, can't guarantee that." And I said, "Do you want to continue or do you want me to replace you with an alternate?" And she said she wasn't sure. And so I said, "I need your decision by tomorrow before the jury begins deliberating." So -- and I told her I wish she had told me that before we picked the jury.

MR. LUSK: Thank you, your Honor.

THE COURT: So -- but we have two alternates. It's a very short trial, so I don't think you'll present a problem.

MR. LUSK: Okay.

THE COURT: Mr. Bayona, you look -- you look -- I mean --

MR. BAYONA: No, no, I was just thinking about that -- everything you were saying. No, I -- I think that's -- that's fine -- I mean, I can't -- I mean, we can't guarantee how long this goes.

THE COURT: You know.

MR. BAYONA: All should be over by then, I think.

THE COURT: Yeah. All right. Anything from the State

91

before we break for lunch?

MR. BAYONA: No, your Honor. And I just ask that when -- when we come back and Mr. Rodriguez comes back, that he's allowed to stay as he is the case agent.

THE COURT: That'll be -- he's a case agent. That'll be fine.

MR. BAYONA: Thank you.

THE COURT: Anything from the Defense?

MR. LUSK: No, your Honor.

THE COURT: All right. See you all at 1:30.

MR. BAYONA: Thank you.

(Off the record at 1:19 p.m.)

(On the record at 1:37 p.m.)

MR. BAYONA: My second witness is not here yet, so I just don't want a gap. We can start if you want, but the witness that (inaudible) isn't here yet.

THE COURT: Well, how long -- I mean, how long -- is he on the way?

MR. BAYONA: Presumably, he's on the -- he was here this morning. I think he went --

THE COURT: Is he -- where -- coming from where?

MR. BAYONA: Rock Hill. But I don't know where he went for lunch.

THE COURT: I mean, we -- we have opening argument and all that, so it seems like we've got a good -- a good amount

92

of time, right?

MR. BAYONA: That's fine. We can take -- yeah, I just wanted to bring that to your attention.

THE COURT: No, I appreciate it. But I -- I think we can go and get started. Yeah.

MR. BAYONA: Yeah.

THE COURT: Defense is ready?

MR. LUSK: Yes, sir, your Honor.

THE COURT: Let's bring them in.

(Jury enters room at 1:38 p.m.)

THE COURT: All right. Welcome back, ladies and gentlemen. I'm going to give you kind of a general introduction right now. This is not my explanation or a charge on the law, that will happen at the end of the case, but I'll kind of give you a general introduction. The Defendant, Mr. Bostic, is charged with two things: He is charged with trafficking crack cocaine, and possession of a firearm by a person convicted of certain crimes.

So I'm going to read you these indictments now. Before I do that, I want to make sure you understand these are accusations. These are the accusations the State is making. They're not proof, they're not evidence. And it'll be your job as jurors to determine whether or not the State has proved these accusations. Does that make sense? Okay. So that said, the Defendant, Jeremiah Rashad Bostic, is alleged

93

that he -- on or about December 6, 2024, in York County, that he knowingly sold, manufactured, delivered, purchased, or brought into the State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell or manufacture, or deliver, or purchase, or bring to the State -- excuse me, or was an actual, or constructive possession, or attempted to become an actual or constructive possession knowingly of 100 grams or more of crack cocaine in violation of the laws of South Carolina.

And on the other charge, it's alleged that the Defendant, Jeremiah Rashad Bostic, did on or about December 6, 2024, in York County, South Carolina, willfully and unlawfully have in his possession a firearm, and the Defendant had been convicted of a crime punishable by more than one year in the past. So ladies and gentlemen, as I said, the Defendant has pled not guilty. So it'll be up to the State to try to prove those accusations, and it'll be your decision as to whether or not they've done that.

The burden of proof in this case is beyond a reasonable doubt. So some of you may have been jurors in civil cases where someone is suing for money damages, and in those cases, the burden of proof is lower. It's just "More likely than not," or "Preponderance of the evidence." And in a criminal case, the State has to be more -- the State's proof has to be more powerful than that. It has to be beyond a reasonable

94

doubt. And I'll explain what that means in detail later, but that's -- that's the burden of proof.

Ladies and gentlemen -- excuse me, your purpose as jurors is to find and determine the facts. You are the sole judge of the facts. If at any time I say anything that makes you think I have an opinion regarding the facts, please disregard it. As a judge, I'm not permitted to have an opinion as to the facts. And you should determine what the facts are based on the testimony you hear from the witness stand and the other evidence introduced in court.

It's especially important that you determine your -- that -- that you perform your duty of determining the facts diligently and conscientiously. Because ordinarily, there is no way to correct an error made by a jury in determining the facts. The law makes you the judge of the facts, and makes me the judge of the law. The law as I explain it to you, is the only law which you may consider. You must accept and follow the law even if you disagree with it. I'm not allowed to tell you what the facts are, and you are not allowed to disagree with me about what the law is, or what you think it ought to be. It's your job to take the law as I explained it to you, and apply it to the facts as you find them from the testimony and of the evidence, and then render your verdict.

As I said earlier, until it's time to begin jury deliberations, which will be at the end of the case when all

95

the evidence is in and the attorneys have made their arguments, you may not discuss this case with anyone, even including fellow jurors. Similarly, as I said earlier: Do not read, watch, or listen to any news reports about this case, that includes anything on the newspapers or the internet. Similarly, do not do any outside research of any kind. Please keep an open mind, and not decide any issue in the case until you've heard all the evidence and the arguments of the attorneys.

It's your solemn responsibility to determine the guilt or innocence of the Defendant. And you must base your verdict solely on the evidence as presented to you in the trial, and the law, as I instruct you. Ladies and gentlemen, it's very important that you be able to hear okay? Because obviously that's what you're going to be making your decision on. If you can't hear what someone is saying, please raise your hand and tell me, "Judge, I can't hear what someone is saying," because that's -- we have -- we have to be able to fix that. Similarly, if you need a restroom break or something, please raise your hand. We don't want you to sit there and we're not trying to torture anybody. Just raise your hand and say, "Judge, I have to take a break." Okay?

In just a second, the attorneys are going to make opening statements in this case. They're going to give you -- what -- usually what they'll try to do is give you a

96

preview of what they think the evidence is going to show in the case. These are very important, but just remember that what the attorneys say is not the same thing as evidence. Evidence is what you hear from the witness stand and the written evidence I let in. Okay?

From time to time during the trial, you may hear the attorney say something like, "I object," or "Your Honor, we have to discuss something at the bench." What that means is there's a legal issue that I have to rule on as a judge. If it's something I think I can handle quickly, I will deal with it at the Judge's bench. If I think it will take longer than that, I'll send you back to the jury room so I can handle the legal matter. But that's what's going on. Okay?

Ladies and gentlemen, I do not permit jurors to take notes. And the reason for that is some people based on their job or their education are better notetakers than other people. And when it comes time for you to go back in the jury room, I don't want it to become a battle -- a battle of who has the best notes. Okay? So please pay close attention to the testimony. Everything in the courtroom is being recorded. So when you're deliberating there -- we won't have a written transcript yet, but it's all audio recorded. And if you cannot agree on what some important witness says, it can be played back for you during deliberations, okay?

Ladies and gentlemen, it's my job as a judge to decide

97

what witness -- witnesses can testify. But once the witness is on the witness stand, it's your job to determine whether or not the witness is believable or not. You can determine if the witness is believable completely, or not at all, or you can believe some of what they say and not other parts. And in making that determination, you have the right to consider any possible interest, or bias, or prejudice of the witness, or whether they have the chance to see or hear the things they're testifying about, and what they have said on the witness stand. You have the right to consider everything that's in evidence. Okay?

Ladies and gentlemen, please try to focus on the testimony. It's a hard thing to do to sit for hours on the end listening to people talk. Okay? So just -- but do your best. And like I said, if you need a break, please raise your hand and let me know, and I'll give you a break, okay? Ladies and gentlemen, on your first break, I'm going to ask you to elect a foreperson, what used to be called "A foreman of the jury."

Every -- in South Carolina, the jury has to be unanimous. It's one person and one vote. You have to all agree, but the foreperson has two additional jobs: The first is: If there's any issue you need to let me know about, or you have a question for me about something, anything from "We're out of coffee" or there's some big issue, let me know

98

with a note, okay? The foreperson will -- will write a note, hand it to the bailiff, and they'll bring it to me, and I can deal with it, okay?

The second thing is: When it becomes time to deliberate in the jury room, it's the job of the foreperson to make sure everyone has a chance to give their opinion, and one person is not dominating the discussion. Okay? Does that make sense? All right. So let me know when you've selected your foreperson on your first break. Ladies and gentlemen, I'm going to ask the clerk to swear you in.

THE CLERK: Ladies and gentlemen of the jury, please stand, and raise your right hand.

(Jury sworn at 1:46 p.m.)

THE CLERK: Thank you.

THE COURT: All right. Ladies and gentlemen, to make sure I've not made a mistake, I'm going to give the attorneys a chance to object to anything I've said. Any objections from the State?

MR. BAYONA: No, your Honor.

THE COURT: From the Defense?

MR. LUSK: No, your Honor.

THE COURT: Okay. All right. Ladies and gentlemen, the State has a burden of proof. So they go first. Mr. Bayona?

MR. BAYONA: December 6, 2024, Officer Rodriguez,

99

sitting right over there, was patrolling in Rock Hill, and he sees a car committing a traffic violation, as they do, and he stops this car. The driver is Jeremiah Bostic, the Defendant sitting right over there. He talks to the Defendant for a little bit about his license, and registration, and all that. And then, he eventually searches his car. Mr. Bostic gave him permission to do so. So he starts to search it.

When he got to the driver's side of the car, in between the passenger seat and the door, there's a plastic baggie with some crack cocaine. And so he talks to Mr. Bostic and says, "What is this?" And he brings him over, and he says -- and this is on video, and you'll see the video. "Is this crack?" And the Defendant nods his head, and says, "Yes." And then he says, "How much do you think it is?" And he answers "About less than an ounce."

And you'll see later through the evidence that, in fact, that piece of crack cocaine weighed about 22 grams, which is less than an ounce. So then he -- now he's under arrest, of course, and he's Mirandized, that's from the video.

And then, he searches the car some more, and then later he begins to talk to Mr. Bostic some more, and he asks him: "Is there anything else illegal on you?" And he says, "Yeah, I got a gun on me." Pulled that gun with a 30-round magazine with ammunition from his waist, it's on video. Puts it down,

100

then continues searching the car some more, and then later on comes back to Mr. Bostic, the Defendant, to search him out. Of course, he's getting into the back of his police car, right? He's under arrest, he's going away, searches him, and inside his pants, it's on video, he pulls out another 100 grams of crack cocaine. The Defendant helps the officer pull it out of his pants. So now we have about 120 grams of crack cocaine.

Ladies and gentlemen, that's -- this is going to be a fairly short trial. That's the entire case. It -- it -- it's pretty simple and straightforward. The Defendant, you'll see is on camera committing all three crimes. And so, you're going to hear from Police Officer Rodriguez, you'll hear some testimony from him. You're going to hear some testimony from an evidence technician about how the evidence was booked. You're going to hear from a chemist who tested the crack cocaine, and will tell you that it is in fact crack cocaine. And you're going to hear from a clerk, who will tell you that the Defendant has been convicted in the past of a crime that carries a maximum punishment of one year or more, therefore, making it illegal to carry a firearm. That's -- that's the entire case. And so, that -- there's not much else to say about it really. And you'll see it with your own eyes.

And so at the end of this trial, I'm going to come back

101

here, and I'm going to ask you that you find him guilty of all three crimes: Trafficking crack cocaine -- and we'll talk about what trafficking means later. You know, that's part of the law. The Judge will tell you what the law is, but we'll talk about that later. Trafficking crack cocaine, at least 100 grams or more, possessing a weapon during conduction of a violent crime. Trafficking crack cocaine and possessing a weapon by -- by a person who's been convicted of a crime with a maximum punishment of more than one year.

The evidence will show that he's guilty of all three crimes. And so, that's why at the end of this trial, I'm going to come here, I'm going to ask you to find him guilty of all three crimes because he is guilty. Thank you.

THE COURT: And, ladies and gentlemen, I -- I did misspeak. There is a third there -- there are two firearms offenses. One is the one that I read to you. The other is possession of a weapon during the conviction of a violent crime. And it says that the Defendant while committing the violent crime of trafficking crack cocaine, possesses a handgun. So in other words, that's a -- that's a third offense. And trafficking crack cocaine is considered a violent offense under South Carolina law. So in order to find him guilty of that offense, the -- the second gun charge, you must also find that he was trafficking cocaine -- crack cocaine. Does that make sense? Okay. Yes, sir. Mr.

102

Lusk?

MR. LUSK: Your Honor, may it please the Court? Good afternoon. So my name is Chris Lusk. I'm with the Jeffcoat Firm. Albert Meyer is here with me as well from my firm. We're here to speak on behalf of Jeremiah Bostic. He's a young man that is presumed innocent.

This case is about assumptions, beliefs, and officer-expectations. You are going to see some video. There is a traffic stop. You're not going to see from the beginning of the traffic stop. You won't see the Defendant's car until Officer Rodriguez pulls up on scene where he is lawfully parked. Keys are out of the ignition, car is off. He's been there for an unknown period of time.

You're also going to -- as you heard, you're going to hear from four witnesses from the State. You're not going to hear from everyone that you see in the videos. You're only going to hear from Officer Rodriguez from the videos. There's going to be some testimony about the way that Mr. Bostic acted during the traffic stop. Some nervousness. Nervousness is not proof of guilt. Nervousness is a normal reaction when you're involved with law enforcement.

You're also going to hear some stuff about prior records. Any sort of evidence about a prior record is not evidence to prove crimes committed here. It is an element of one of the crimes involved. But just because there's a prior

103

record, it does not mean that somebody is guilty today of all three charges here in front of you.

Like I said, at the end of the day, there's going to be gaps in what you see. It's not all video. Everything is not going to be laid out and answered for you. So what I'm going to ask you at the end of this trial -- and the solicitor is right, this is going to be a short trial, I'm going to ask that you find him not guilty of all three charges. That is crack cocaine, 100 to 200 grams, possession of a firearm during commission of a violent crime. And then lastly, felony in possession of a firearm. Thank you.

THE COURT: And ladies and gentlemen, before we call the next witness, I -- I want to make sure I read the indictment for the third charge. And this is -- again, this is the -- the -- the third charge I forgot to read at the beginning. The Defendant, Jeremiah Rashad Bostic, did on or about December 6, 2024, in York County, while committing the violent crime of trafficking cocaine, possessed a handgun. Okay? And again, that's an accusation. That's not proof. It'll be your job to determine if the State has proven that. Mr. Bayona, you may call your first witness.

MR. BAYONA: Yes, your Honor. Officer -- State calls Officer Rodriguez.

THE COURT: All right.

THE CLERK: Please raise your right hand.

104

OFFICER ALEXANDER RODRIGUEZ,

being duly sworn, testified as follows:

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. BAYONA:

Q. Good afternoon. Can you tell the jury your name and occupation?

A. My name is Officer Alexander Rodriguez, and I work for the Rock Hill City Police Department as a police officer.

Q. And how long have you been a police officer?

A. Approximately two and a half years.

Q. And what are your duties as a police officer?

A. My duties as a police officer is to protect and serve the citizens of Rock Hill.

Q. Were you working on December 6, 2024?

A. Yes, I was.

Q. Did you have audio and video equipment that day with you?

A. Yes, I did.

Q. Did you make contact with the Defendant that day?

A. Yes, I did.

Q. How so?

A. During a traffic stop.

Q. Is he in the courtroom today?

A. Yes, he is.

105

Q. Can you point him out to the jury?

A. He's right over there sitting with a purple shirt.

Q. Thank you. And did your contact occur in York County?

THE COURT: Record will reflect that the witness identified the Defendant.

MR. BAYONA: Thank you, your Honor.

THE COURT: Yes.

BY MR. BAYONA:

Q. Did this contact occur in York County?

A. Yes, it did.

Q. Okay. So during the traffic stop once you initiated it, tell me -- tell me what happened.

A. I initiated the traffic stop. I found the Defendant later -- a couple blocks away from where I initially saw the violation of the traffic stop. The Defendant drove left of center, he deviated from his appropriate lane usage, and crossed over to another lane. I then located the Defendant parking at -- above the location of Saluda and Summit. And I got out and initiated the traffic stop. From that traffic stop, I asked the Defendant for his driver's license, registration, and proof of insurance, and returned to my vehicle to conduct further the traffic stop.

Q. Did you ever find yourself searching his car?

106

A. Yes.
Q. Okay. And how did that come about?
A. The Defendant gave us consent to search the vehicle, in which we then did.
Q. So when you initially started to search his car, did you find anything that was illegal?
A. Yes, I did.
Q. What did you find initially?
A. Approximately 22 grams of crack cocaine.
Q. And where -- where was that?
A. It was between the driver's seat and the driver's door of the vehicle.
MR. BAYONA: May I approach, your Honor?
THE COURT: You may.
BY MR. BAYONA:
Q. I'm showing you what's marked as State's 1. Do you know what that is?
A. Yes.
Q. Can you tell the jury what that is?
A. That is both myself and Officer Holland's body camera.
Q. Officer Holland's? Or just yours?
A. Mine.
Q. Okay. And how do you recognize it as your body camera?

107

A. It has my signature and the date when I watched this video.

Q. Okay. Is it a fair -- is the video on that CD, a fair and accurate representation of your contact with the Defendant that day?

A. Yes, it is.

MR. BAYONA: The State moves to admit State's 1 into evidence.

THE COURT: It was okay -- is that both officers' body cam, or just --? okay. Any objection?

MR. MEYER: No objection to this evidence, your Honor.

THE COURT: State's 1 into evidence without objection.

(State's Exhibit Number 1 admitted into evidence.)

MR. BAYONA: May I publish, your Honor?

THE COURT: You may publish.

(State's Exhibit 1 was played from 1:58:04 to 1:58:17 p.m.)

BY MR. BAYONA:

Q. On -- on the right side of the camera there, you can see your thumb. What are you grabbing there?

A. I'm grabbing the crack cocaine.

Q. Okay.

(State's Exhibit 1 was played from 1:58:31 to 1:58:55 p.m.)

THE COURT: Stop, stop. Pause it. Pause it. Yep. Okay. Yes, sir.

MR. MEYER: I don't believe the foundation for being

108

inside the vehicle has been laid at this point.

THE COURT: Counsel, approach.

(Bench conference from 1:59 to 2:00 p.m.)

THE COURT: Objection is overruled.

MR. BAYONA: Thank you, your Honor.

THE COURT: Uh-huh.

(State's Exhibit 1 was played from 2:00 to 2:01 p.m.)

BY MR. BAYONA:

Q. When you asked him if it was crack, what did he do?

A. He nodded his head "Yes."

Q. And when you asked him how much it was, what did he say?

A. Less than an ounce.

Q. What did you do with those drugs after that interaction?

A. I seized the drugs.

Q. So after that, what did you do then?

A. After placing the Defendant under arrest?

Q. Yes.

A. Reading his Miranda.

Q. Yes.

A. I then continued to search the vehicle, and asked the Defendant if he had anything illegal.

Q. And what was his response?

109

A. His response was, "Yes, I have a firearm."
Q. And did you seize that firearm?
A. Yes, I did.
MR. BAYONA: Permission to publish, your Honor?
THE COURT: You may publish.
MR. BAYONA: Number 2.
(State's Exhibit 1 was played from 2:01 to 2:02 p.m.)
BY MR. BAYONA:
Q. So when you asked him if he had anything else that was illegal on him, what did he say?
A. He stated he had more crack cocaine in his pants.
Q. Right here on this video.
A. On this video, he at first said, no, he does not have anything illegal on him.
Q. Okay. And then, what did he tell you?
A. And then proceeded to say, "I do have a firearm on me."
Q. Okay. And after you -- we just saw you pull that firearm out of his waistband, or his pants, what did you do with that firearm?
A. I then ran its serial number, and seized the firearm.
Q. Okay. Did you talk to him more -- some more after this interaction?
A. Yes.

110

Q. Okay. Did you search him?
A. Yes.
Q. And when you searched him -- was this -- why were you searching him this -- this last time?
A. At this point in time, the Defendant is under arrest. So this is a such incident to the arrest of the Defendant.
Q. Okay. And when you searched him, what did -- did you find anything?
A. Yes, I found an extra 100 grams of cocaine.
MR. BAYONA: Okay. Permission to publish, your Honor?
THE COURT: You may publish.
(State's Exhibit 1 was played from 2:03:22 to 2:03:42 p.m.)
BY MR. BAYONA:
Q. Officer, what did you just pull out of his pants there?
A. Crack cocaine.
Q. What did you do with all that evidence?
A. All the evidence was seized and dropped into evidence.
MR. BAYONA: Okay. May I approach the witness, your Honor?
THE COURT: You may approach.
BY MR. BAYONA:
Q. I'm showing you what's been marked as

111

State's 2 to 6. Okay. 2, 4, 3. 2, 3, 4. 2 to 4. Okay. Can -- do you know what those things are?

A. Yes.

Q. What are they?

A. These are the items that were seized during that traffic stop.

Q. How do you recognize all three items?

A. I was the one to drop it into evidence.

Q. Okay. That -- that crack cocaine, is that the crack cocaine that you seized from the Defendant that day?

A. Yes, it is.

Q. Are those drugs in the -- substantially the same condition as when you took them into evidence?

A. Yes, it is.

Q. Did you sign those two packets?

A. Yes, I did.

Q. What about what's in the box? Do you want to take -- do you want to open that up and take a look at that box there? Tell the jury what that is.

A. Firearm and also two mags with ammunition.

Q. Okay. And is that the gun, and magazine, and the ammo that the Defendant had in his possession that day?

A. Yes, it is.

MR. BAYONA: Your Honor, the State moves to admit State's 2 only as non-fungible evidence.

112

THE COURT: Okay. Any objection to the firearm coming in as State's 2?

MR. MEYER: As non-fungible evidence, no, your Honor.

THE COURT: Okay. You're agreeing it's non-fungible? Okay.

MR. MEYER: Yeah. As he presented it. Yes, sir.

THE COURT: Okay. Counsel -- Counsel, approach.

(Bench conference from 2:05 to 2:06 p.m.)

THE COURT: All right. So State's 2, the firearm is in evidence without objection.

(State's Exhibit Number 2 admitted into evidence.)

BY MR. BAYONA:

Q. Last question, Officer. Is trafficking crack cocaine a violent crime under the law?

A. Yes, it is.

MR. BAYONA: Thank you. Please answer any questions that the Defense has.

THE WITNESS: Okay.

THE COURT: Yes, sir.

MR. MEYER: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. MEYER:

Q. Good afternoon, Officer Rodriguez. All right. All right. I just have a few questions for you. Again, my name is Albert Meyer. If you don't understand something, let

113

me know, and I can rephrase it so you understand the question. Okay? All right. So you've been an officer for two and a half years, right?

A. That's correct.

Q. Okay. And has it just been with Rock Hill, or has it been other places?

A. Only with Rock Hill.

Q. Only with Rock Hill? Okay. So going in -- into this real fast, what's your current rank, is -- what's your current rank?

A. Current rank is Police Officer 2.

Q. Okay. And -- like, scale-wise, so I know, like, the chief is on top, right?

A. Right.

Q. So where would you be on that scale?

A. Police Officer 1, next level up.

Q. So you're, like -- okay, so you're second level, right? Okay.

A. Right.

Q. I want to make sure I had it right for my own records. All right. So you testified earlier that you were driving, and you were patrolling the area, and then you see our client, Jeremiah Bostic, right?

A. Correct.

Q. Okay. And what was he driving again?

114

A. He was driving a Honda Accord.

Q. He was driving a Honda Accord. And you say that -- did he -- so was it, like, you were sitting somewhere and then you saw him?

A. No, I was going down Little Street and approached him driving north on Little Street. I was going south on Little Street.

Q. Okay. And would that be on your dashcam?

A. No.

Q. No. Okay. Was your dashcam not turned on?

A. No.

Q. No, it wasn't turned on? Okay. So then you put your blue lights on, right?

A. When I located the vehicle, I turned on my blue lights.

Q. Okay. And how far was it from when you saw him? Just go to the -- just to make sure I'm right, you saw him curve across the double yellow line, right?

A. Correct.

Q. Okay. And what time did you see that happen?

A. In the time frame from when the traffic stop -- when I seen the violation, approximately two minutes.

Q. Okay. And then, you put on blue lights when you found the vehicle, so... right?

A. Correct.

115

Q. So how, like, how long was that gap in between when you saw it to when you put blue lights on?

A. Approximately 20 seconds.

Q. 20 seconds? So you don't know where he went or what he did during those 20 seconds, allegedly, right?

A. No.

Q. So there could have been someone else in that vehicle?

A. No, I observed the Defendant when I passed him to be the only person inside the vehicle.

Q. Okay. But someone could have been laying down on the floorboards, right?

A. Correct.

Q. Okay. So you don't know what happened that 20 seconds?

A. I do not.

Q. Okay. Now, playing with this further, you put the blue lights on, you find him outside that -- so I'm going to mess up the place, Saluda and Sumter, right?

A. It is.

Q. Okay. So you find him at that -- that -- that area, that barbershop next to Saluda and Sumter, you turn on your blue lights and you approach him, right?

A. Correct.

Q. Okay. And after you've approached him, you asked

116

for his license, registration, and proof of insurance?

A. Correct.

Q. And you -- did you tell him why you stopped him?

A. Correct.

Q. And what was you -- what did you tell him?

A. I told the Defendant that both -- he rolled a stop sign at an intersection, and crossed a double-center line.

Q. Okay. Is this your first time meeting with the Defendant?

A. I believe so.

Q. So you've never seen him before?

A. I've seen him, yes.

Q. Oh, so what do you mean by you've seen him?

A. He was in the area that I work.

Q. Okay. So you have -- you've had to run errands with him?

A. Negative.

Q. Negative? But you knew who he was?

A. No.

Q. No? Okay. So you put the blue lights on, you pull up, you go through this -- kind of walking back first -- we're getting into this, and then he show up his license, you tell him center of -- it was the running the stop sign and center of the lane, "License registration, proof of insurance?" What did he tell you?

117

A. I don't recall.

Q. You don't recall, but you do recall taking the information and going back to your vehicle, right?

A. Correct.

Q. Okay. So when I watched those body cams earlier, there was a second officer there. Who was that officer?

A. Officer Carson Holland.

Q. Okay. And he's the one who spoke to the Defendant?

A. Correct.

Q. Okay. And he's the one who got consent to search the vehicle?

A. Correct.

Q. Okay. Did you confirm with the Defendant that he consented to search of the vehicle?

A. No, I did not.

Q. Okay. And so, what did you primarily rely on to conduct that search of the vehicle?

A. Officer Holland's statements towards me.

Q. Okay. And after that search of the vehicle, you arrested the Defendant, right?

A. Correct.

Q. Okay. Then from what we saw, he tells you he has a handgun on him, right?

A. Correct.

118

Q. And then, you take the handgun and do what with it?

A. Placed it on his vehicle, and ran the serial number.

Q. Okay. And as he's doing that, what happens with him and Officer Holland?

A. I don't know.

Q. You don't know? So what do you -- so the next thing apparently is that what we saw in the video is that you were alerted that he had other drugs on him?

A. Correct.

Q. And did he admit that to you?

A. No.

Q. Did he admit it to Officer Holland?

A. Correct.

Q. Okay. Does Officer Holland still work for this Rock Hill Police Department?

A. No, he does not.

Q. And why is he -- did he quit? What happened to him?

A. He was let go.

Q. He was let go? Okay. Is he --?

MR. MEYER: Can I have one second to confer with Co-Counsel, your Honor?

THE COURT: Yes, sir.

119

BY MR. MEYER:

Q. So just to clarify, the -- you didn't get the consent, right? You didn't confirm the consent, and you didn't -- she -- when he admitted that, you picked up the drugs, right?

A. Correct.

Q. Okay. And Officer Holland would be the one who would be able to affirm all of that?

A. Officer Holland's body cam can affirm to it.

Q. But could he confirm to it as well?

A. Correct.

MR. MEYER: Okay. Thank you. No further questions, your Honor.

THE COURT: Any re-direct, Mr. Bayona?

RE-DIRECT EXAMINATION

BY MR. BAYONA:

Q. You said that the other officer doesn't work for Rock Hill anymore?

A. Correct.

Q. He -- he -- he was let go? Was he let go for a reason unrelated to this case?

A. Yes.

Q. Okay. And to just verify again, Officer Holland was the one talking to the Defendant while you were running his information in your car?

120

A. Correct.

Q. Okay. And then, did Officer Holland say anything to you while you were in your car?

A. Yes.

Q. That part is fine. I just wanted to make sure he didn't get into anything that was said because we would attest to hearsay. What did -- okay, so he provided the consent? He told you that he had -- that the Defendant gave him consent to search?

MR. LUSK: Your Honor, objection to what Holland told him.

MR. BAYONA: Your Honor, they opened the door. They -- they -- they had a whole colloquy about consent, and who -- what Officer Holland said and asked.

THE COURT: I mean, it's -- it is effect (inaudible) in the case. So I'm going to overrule the objection.

MR. LUSK: Yeah.

BY MR. BAYONA:

Q. What did Officer Holland tell you?

A. Officer Holland stated that we gained consent to search the vehicle through the Defendant.

Q. When you began to search the vehicle, did the Defendant tell you to stop?

A. No.

Q. Did he get out of his car voluntarily?

121

A. Yes.

Q. Did he do or say anything to indicate that he didn't want you to search his car during that -- during that interaction?

A. No.

MR. BAYONA: Okay. No further questions.

THE COURT: Re-cross?

MR. MEYER: Yes. Just quick re-cross. I'll make it very brief, your Honor.

RE-CROSS EXAMINATION

BY MR. MEYER:

Q. Okay. Just first off, were you there when -- when the initial -- where he got out of the vehicle, or were you still in your vehicle running this place?

A. I was still in my vehicle.

Q. So you don't know exactly what happened?

A. No, I was able to see it.

Q. You were able to see it? So you're also able to see where he was told to walk to the back, and stand next to you during the course of that search?

A. The Defendant never stood next to me.

Q. But he was advised when he was out of the vehicle to walk back that way?

A. Correct.

Q. Okay. So he at that time was told to go stand

122

next to an officer?

A. Correct.

MR. MEYER: Okay, thank you. And it's probably good. Okay. Just so -- okay. And yeah, just the last question, I'll just -- just to re-clarify it, so -- and to the point of the -- next to you -- yeah, that'll be all, your Honor. No further questions.

THE COURT: Any re-direct?

MR. BAYONA: Briefly, your Honor.

RE-DIRECT EXAMINATION

BY MR. BAYONA:

Q. The crack cocaine you found in the driver's side door when you asked him what it was, what -- you asked him if it was crack cocaine, and what did he do?

A. He stated, "Yes, it is."

Q. You asked him how much it weighed, and did he give you an answer?

A. Yes, he said, "Less than an ounce."

Q. And the rest of the -- the crack cocaine, the 100 grams, where was that found?

A. That was found in his pants.

Q. Where was the gun found?

A. On his person's.

Q. And when you passed him, did you see anyone else in the car?

123

A. No

MR. BAYONA: That's it, your Honor. Thank you.

THE COURT: Re-cross?

MR. MEYER: One second.

THE COURT: Okay.

MR. MEYER: All right. No further re-cross at this time, your Honor.

THE COURT: All right. Thank you, sir. You can step down. Mr. Bayona, I know you had said that your witness was on the way. Do you know -- is -- is the witness present?

MR. BAYONA: Going back just to make sure.

THE COURT: Okay. You may call your next witness.

MR. BAYONA: State calls John George.

THE CLERK: Raise your right hand.

JOHN GEORGE,

being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BAYONA:

Q. Good afternoon.

A. Good afternoon.

Q. Can you tell the jury your name and occupation?

A. My name is John George. I'm an investigator with the Rock Hill Police Department, currently assigned to our evidence room.

Q. How long have you been in the evidence room?

124

A. Evidence room, two years with the police department. 29 I was a supervisor over the forensics unit prior to this.

Q. How long have you been with Rock Hill Police?

A. 29 years.

Q. What are your duties in the evidence room?

A. For the evidence room, basically we secure all the evidence that's taken in by officers or detectives, forensics unit. They will come to either put it in -- we have sets of lockers that lock from the outside. We are the only ones with a key. We also have drop-in, like a -- like, you would drop a money in a -- in the bank slot, that accesses only from the evidence room, or they will come and actually hand us the evidence right at the door when we're working.

Q. Can you explain to the jury the process of how you receive evidence, and what you do once you get it?

A. So when we receive the evidence, it will have a label on it from when the officer scanned it in, and log the evidence in. It has signature lines on it, that way every person that touches that piece of evidence, it will have to be signed, dated, and then the time on it.

Q. How do you secure it?

A. We secure it in different bins throughout the evidence room.

Q. And once it's placed -- evidence is placed in a

125

drop-box like you mentioned before --

A. Yep.

Q. -- who has access to that?

A. Myself and Christina Barnes, who was the other evidence technician. And then, we have a part-time technician, Allison Scott.

Q. Is the evidence sealed when you receive it?

A. Yes. It would have evidence tape on the back of the evidence envelope, and then, it's initialed and dated by the officer.

Q. Now, if it wasn't sealed and/or it appeared tampered with in some way, what would you do?

A. We would call the officer. We would secure it in one of our lockers until the officer could actually come and fix it, or he could tell us why it is not like that.

MR. BAYONA: May I approach, your Honor?

THE COURT: You may approach.

BY MR. BAYONA:

Q. I'm going to show you State's 3 and 4. Can you tell the jury what that is?

A. That would be two drug evidence envelopes that were turned in by Officer Rodriguez. One with 26.6 grams of crack cocaine, and the other one with 99.98 grams of crack cocaine.

Q. Is your signature on that?

126

A. Yes, there's a signature from Officer Rodriguez to the evidence room, and when we picked it up -- and then Christina Barnes, who was the other evidence technician. And then, another signature is mine to the drug chemist when we -- when I brought it over to the lab over here at the sheriff's department to be tested.

Q. So you do recognize the other signatures on there?

A. Yes.

Q. Okay. You've seen them before and you know who they are?

A. Numerous times. Yes.

Q. And you may have answered this already, but -- so once you received those two items, what did you do with them exactly?

A. So these would be stored in an evidence bin. Actually, we have a section that is set aside just for drugs, we have a section just set aside for guns, and then general evidence would go in another section.

Q. And is the evidence that you see here today, is it in substantially the same condition as it was when you received it?

A. When it was originally turned -- turned in, you can see there's a cellophane or a bag on here. That would be where the drugs lab, once they were done testing it, would seal it. That's why there's a chain of custody on the front

127

that's inside this, and then an additional one. So once they seal it, we would get it with the chain of custody on the outside of that bag.

MR. BAYONA: Thank you. I have no further questions. Please answer any questions the Defense has.

THE COURT: Mr. Lusk?

MR. LUSK: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. LUSK:

Q. Good afternoon.

A. Good afternoon.

Q. So you've been with the City of Rock Hill 29 years?

A. Yes, sir.

Q. And I think you said the last two years were with evidence?

A. Yes.

Q. Okay.

A. Probably a year -- about a year and a half. I retired back in October, and came back into the evidence room.

Q. Okay. So you did a period of time as a -- I think you said a forensic investigator, retired, and then moved into the evidence? Okay. I think you also testified it's a small group that works in the evidence room. It's yourself

128

-- is it Ms. Barnes, Ms. Goggins?

A. Yes. Ms. Goggins is -- she's also a forensics investigator, and then she will fill in if we need help part-time.

Q. Okay. So she kind of -- if there's a lapse in coverage, she'll help fill?

A. Or if one of us is sick on vacation, or things like that. Yes.

Q. Got you. I think you testified there's a few different ways that evidence can come in. There's a locker?

A. Correct.

Q. How does -- how exactly does the locker work, just to go into it?

A. So there's different-sized lockers and each locker has its own individual locker, or a -- lock on it, that we keep the keys inside the evidence room, which is alarmed and locked. And so, the only way to get the lockers open is from either the back side, or we have to go unlock it with the key that we have in a lockbox in the room.

Q. Okay. You also mentioned of, like, a drop-box, kind of like you're putting money at a bank. What does -- how does that work?

A. So the drop bin is basically just like you're depositing money at the bank, ATM machine. The inside of it

129

actually opens to the inside of the evidence room. So you -- once the officer puts it in there, they can't -- nobody can gain access to it except for us in the evidence room.

Q. And I think the third way you testified is if they happen to catch you there when they come in, they can just hand it directly?

A. They can just hand it to us.

Q. Okay. There's no other way that evidence can come in?

A. Those are normally the ways. Other than that, I can't think of another way.

Q. Okay. How did it come in in this case?

A. In this case, so Officer Rodriguez dropped it to evidence, and if you see the next line down it says: "Drop bin." That's where we would've gotten it from, out of our drop bin, which is the one that's like the bank deposit slip.

Q. Okay. And then you testified too, there's signatures that go along to try to ensure who's had it?

A. Yes, sir.

Q. Whose signatures again are in -- on this one?

A. Let's see. State's -- State's Exhibit 3. It's from Rodriguez to evidence, the drop bin to Christina Barnes. Then from the evidence room to me, me to Dee Johnson, who was the drug chemist over at the sheriff's department, and then from her back to me, and then into evidence, and then to

130

Officer Rodriguez today to bring it over here. And they're both the exact same way.

MR. LUSK: Okay. Just beg the Court's indulgence just one second?

THE COURT: Yes, sir.

MR. LUSK: Nothing further, your Honor.

THE COURT: All right. Any re-direct?

MR. BAYONA: No re-direct, your Honor.

THE COURT: Thank you, sir. You can step down. Any objection to excusing this witness?

MR. BAYONA: No, your Honor.

THE COURT: Any from the Defense?

MR. LUSK: No, your Honor.

THE COURT: Thank you, sir. You're excused. You may call your next witness.

MR. BAYONA: State calls Dee Johnson.

THE CLERK: Raise your right hand.

DEE ANNE JOHNSON,

being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BAYONA:

Q. Good afternoon.

A. Hi.

Q. Can you tell the jury your name and occupation?

A. My name is Dee Anne Johnson, and I'm a forensic

131

chemist with the York County Sheriff's Office.

Q. And how long have you been a chemist?

A. I've been a chemist since the late '90s, but I've worked here for 10 and a half years.

Q. And what are your duties as a chemist here?

A. I'm responsible for analyzing suspected controlled substances for the sheriff's office that they take on the street.

Q. And what sort of training and education have you received to become a chemist?

A. I have a bachelor of science degree in criminal justice from 1989, and a bachelor of science in chemistry from 1993, both from the University of South Carolina in Columbia. And I completed the forensic chemist seminar from the Drug Enforcement Administration. My training is predominantly from the State Law Enforcement Division in Columbia. I've developed a laboratory at the Columbia Police Department. I've also worked at the Charlotte Mecklenburg Crime Laboratory before coming here.

Q. Have you -- and so, you may have answered this already, but have you analyzed substances to determine whether or not they were crack cocaine before?

A. Yes, sir, I have.

Q. And how many times have you done that?

A. We don't actually count the type of drug that we

132

analyze, but we've been doing this for approximately 20 years, so probably thousands of cases.

Q. Have you ever been qualified to testify as an expert in this area?

A. Yes, I have.

Q. How many times?

A. In excess of 50.

Q. 50 times?

A. Yes.

MR. BAYONA: Your Honor, I'll -- I'll move to declare this witness as an expert in the field of chemistry and the analysis of illicit drugs.

THE COURT: Any objection?

MR. MEYER: No objection, your Honor.

THE COURT: All right. Ladies and gentlemen, this witness has been qualified as an expert in the field of chemistry and in the analysis of illicit drugs. What that means is regular witnesses are only allowed to tell you what they saw, what they heard, things like that. They can't give the -- can't give you their opinion about something. However, the expert witness is the exception.

Someone who based on their training or their experience or their background is an expert, they're allowed to give you their opinion on something. So, however -- like every other witness, you are -- should decide whether you should believe

133

the witness or not. So just because someone is an expert does not mean you have to believe them. You should evaluate their testimony just like that of any other witness. Yes, sir.

MR. BAYONA: May I approach?

THE COURT: Yes, sir.

BY MR. BAYONA:

Q. I'm showing you State's 2 and 3, do you recognize them? 3 and 4, sorry.

A. 3.

Q. 3 and 4.

A. Yes, I do.

Q. What are they?

A. These are two pieces of evidence that I signed for in February of this year from the Rock Hill Police Department.

Q. And do you recognize them because your signature was on there?

A. Yes, sir.

Q. How did it come into your possession, those two items?

A. The evidence technician, John George, from the Rock Hill Police Department gave these to me in February of this year.

Q. Do they appear tampered with in any way?

134

A. No, they do not.
Q. Were they continuously in your custody and control when you had them?
A. Yes, they were.
Q. And what did you do with them?
A. When I first received them, we store them until we're ready to actually do the analysis, and then of course, we pull the evidence to do the analysis, and then reseal the evidence.
Q. So after -- so what do you do with them after you finish the analysis? Do you reseal it?
A. Put them in this outside bag and reseal them and then store them until they -- the agency picks them up again.
Q. Okay. Does anyone check your work after you do it, your analysis?
A. Yes. We have 100 percent peer-review policy, meaning that everything that we send out is -- is examined by another chemist in the laboratory.
Q. Okay. So did you -- in your analysis, did you determine what those two substances are?
A. Yes, sir, I did.
Q. What did you determine them to be?
A. State's Exhibit 3 and State's Exhibit 4 were both determined to be crack cocaine.
Q. And what kind of tests did you run?

135

A. I did a presumptive -- or a wet color chemical test, and also a confirmatory test on both of these.

Q. And how reliable are those tests?

A. They're widely acceptable, and reliable in the forensic science community.

Q. Okay. And how do you protect against any cross contamination when you're in the lab?

A. We only open one case at a time, and we also wear gloves, and change our paper after each item, dispose of those papers after each item.

Q. Did you weigh each item?

A. I did.

Q. What was the weight?

A. Let's see. State's Exhibit 4, which is my Item 1, is -- weighed 99.68 grams, and State's Exhibit 3, which is my Item 2, weighed 21.63 grams.

Q. And how do you ensure that your weights are accurate?

A. We verify our balances monthly with calibrated weights. And then once a year, we have an annual certification -- I'm sorry, twice a year we have a certification from an outside agency.

Q. Is crack cocaine a narcotic drug?

A. It is, yes, sir.

Q. And what drug schedule is it in?

136

A. Schedule 2.
Q. Did you prepare a report after you did your analysis?
A. I did.
MR. BAYONA: The State first -- the State moves to admit Items 3 and 4 into evidence.
THE COURT: Any objection?
MR. MEYER: No objection.
THE COURT: State's 3 and 4 in evidence without objection.
(State's Exhibit Numbers 3 and 4 admitted into evidence.)
BY MR. BAYONA:
Q. You -- did you say you prepared a report?
A. I did, yes, sir.
Q. Showing you what's been marked as State's 5. Do you recognize that?
A. Yes, I do.
Q. What is it?
A. It is a copy of the report that I prepared for this case.
Q. How do you know that's the report that you prepared?
A. There's an electronic signature that matches my name, and obviously the description of evidence, and the results.

137

Q. Okay. And that's the report for the analysis for these two items of evidence that we just admitted?

A. Yes, sir.

MR. BAYONA: Okay. State moves to admit State's 6 into evidence.

THE COURT: Six not five?

MR. BAYONA: Five, sorry.

THE COURT: Okay.

THE WITNESS: Sorry.

THE COURT: Okay. It's okay. Any objection?

MR. LUSK: No objection, your Honor.

THE COURT: State's 5 into evidence without objection.

(State's Exhibit Number 5 admitted into evidence.)

MR. BAYONA: Thank you.

BY MR. BAYONA:

Q. What does the report say?

A. The results -- is that what you're asking about?

Q. Yes.

A. Okay. Item 1 was determined to contain cocaine-based crack, weighing 99.68 grams. And Item 2 was determined to contain cocaine-based crack, weighing 21.63 grams.

Q. And so, what is the total weight of the crack cocaine?

A. I did a previous calculation, the total is

138

121.31 grams.

MR. BAYONA: Thank you.

THE WITNESS: Uh-huh.

MR. BAYONA: That's it, your Honor. Please answer any questions the Defense has.

THE WITNESS: Sure.

THE COURT: Cross-examination?

MR. MEYER: Yeah.

CROSS-EXAMINATION

BY MR. MEYER:

Q. Good afternoon, Ms. Johnson.

A. Hello.

Q. Hi, my name is Albert Meyer. I'm going to -- I'm from the Defense, okay?

A. Okay.

Q. I have a few questions for you.

A. Sure.

Q. If you don't understand anything, let me know, and I'll rephrase it for you, okay? All right. So just real quick, you said you got this, I guess, the sample from a guy named John George?

A. Yes, sir.

Q. Okay. And he works for Rock Hill, and you work for SLED? Is that how that works?

A. I work for York County. He does work for Rock

139

Hill. That's correct.

Q. Okay. Okay. So you -- I'm -- I'm sorry. That's what I was -- because I know you mentioned SLED. I was just kind of -- I was a little confused there for a second.

A. That's okay.

Q. Okay. So Rock Hill, he gives it over to you, and you don't know where he got it from, right? You just know it came to you?

A. That's correct.

Q. Okay. All right. And you mentioned that every year 100 -- your company does 100 -- excuse me, the government does 100 -- 100 percent peer review?

A. Yes, sir.

Q. And do you know which peer reviewed it for you?

A. I do not. I'd have to look that up in the software.

Q. Okay. All right. And then, they -- so they -- so you did your review, they reviewed it, and then confirmed what you had?

A. That's correct.

MR. MEYER: Okay. All right. That'll be it, your Honor.

THE COURT: Any re-direct?

MR. BAYONA: No, your Honor.

THE COURT: All right. Thank you, ma'am. You can step

140

down.

MS. JOHNSON: Thank you.

THE COURT: Any objection to excusing this witness?

MR. BAYONA: No, your Honor.

THE COURT: From the Defense?

MR. MEYER: No, your Honor.

THE COURT: Thank you, sir. You -- ma'am, you're excused.

MS. JOHNSON: Thank you.

THE COURT: You may call your next witness.

MR. MEYER: I -- I apologize. I was going to talk to Co-Counsel.

THE COURT: Hold on -- hold on, yeah.

MR. LUSK: Before the next witness, can we have, like, a five-ish-minute break, your Honor?

THE COURT: Sure. You know, I don't like to do five-minute breaks because then people are running out of the bathroom. So let's take a 10-minute recess, and we'll see you all in a few minutes. Okay?

MR. LUSK: Thank you, your Honor.

MR. BAYONA: Thank you.

(Jury exits room at 2:34 p.m.)

THE COURT: Counsel, while we've got a break, have you discussed stipulating to this testimony?

MR. LUSK: The -- the clerk's testimony?

141

THE COURT: Yes, sir.

MR. LUSK: We're not going to ask any questions on -- on cross. I -- I think we talked about it earlier. He's probably just going to ask less than five minutes of questions.

THE COURT: Sounds good to me.

MR. BAYONA: It's very quick. It's probably --

THE COURT: I mean, you said -- or you can -- you can stipulate that it's authentic. I mean --

MR. BAYONA: He wants to stipulate that's -- that's fine.

THE COURT: It's up to you all. Yeah.

MR. LUSK: I think we'll probably make him go through the motions, but --

THE COURT: All right.

MR. LUSK: -- we are not going to ask on cross.

MR. BAYONA: I don't mind. It's not really --

THE COURT: Fair enough.

MR. LUSK: It should be very clear.

THE COURT: Counsel, just say -- I mean, it is possible. I don't know what you're thinking, Mr. Lusk, but if your client elects not to testify, and you had tried not to call Officer Holland, we are not going to go into closing and just deliberation today -- I mean, it's almost 3:00. So we will -- we'll do -- we will close tomorrow morning if that

142

happens.

MR. LUSK: That's totally fine.

THE COURT: Yeah.

MR. LUSK: And I -- and if we're going to do something like that, would it be okay if we had a period of time before we decide whether or not --?

THE COURT: Sure. I'll give you some time. Yeah.

MR. LUSK: 20, 30 minutes and walk through it.

THE COURT: Okay.

MR. LUSK: Maybe not that long, but just a period of time.

THE COURT: Sure.

MR. BAYONA: Thank you, your Honor. Just to be clear, when I -- when the clerk comes up, I have the unredacted version as Court's 2, which I -- I will give the Court.

THE COURT: Right.

MR. BAYONA: And the redacted version of State's 6.

THE COURT: Okay.

MR. BAYONA: The jury will see, correct?

THE COURT: Let -- let's -- yes, sir. That's exactly -- let's stay -- let's stay on the record. Mr. Meyer, I wanted to give you a chance on -- you made an objection about when Mr. Bayona played the video, you said it was a foundation objection.

MR. MEYER: Foundation.

143

THE COURT: I don't understand that. Yeah.

MR. MEYER: Okay.

THE COURT: All you say -- my understanding of foundation is a question is asked and the predicate foundation has not been laid. For example, the old -- "When did you stop beating your wife?" "Objection. There's no evidence I beat my wife," but this is a -- this video is in evidence, so I don't -- so...

MR. MEYER: Yes, your Honor. I think what I used was the wrong word because it was (inaudible).

THE COURT: Okay.

MR. MEYER: What -- what -- what we were just really talking about was taking the full video.

THE COURT: Ah, well, that -- that's a different -- that's a different objection.

MR. MEYER: That's what I was trying to say, the foundation of it of who worn the full video (inaudible).

THE COURT: Okay.

MR. MEYER: But in the end, I believe it's a moot point.

THE COURT: Okay.

MR. MEYER: Not just --

THE COURT: That -- that is an objection I would've sustained -- I mean, you -- you -- you -- you -- you can ask for the whole video to be played.

144

MR. MEYER: Yeah. We were just -- we were conferring about it. But then once we spoke, and I'm like -- and we -- we talked about it trial strategy wise, we're like, it's considered moot at this moment anyway.

THE COURT: Okay.

MR. MEYER: Which is why we tailored the rest of the trial to it.

THE COURT: Okay. But I -- I mean -- but yes -- I mean, if -- if you -- you -- if you wanted the whole video played, you can -- you can have it played. Yeah.

MR. MEYER: My objection would -- to that would've been that I -- I don't know that I'm -- I'm required to play the entire video. I think they have access to the video.

THE COURT: Right. They -- but I'm saying they -- they can play it.

MR. MEYER: Oh, yeah, yeah.

THE COURT: They -- yeah. They -- you could -- yes. That's -- yeah.

MR. MEYER: In that moment, we're subjected --

THE COURT: Yeah.

MR. MEYER: -- on the full video play, which was late. And that's when I went with the foundation saying we were trying to lay -- I used the wrong word in that moment. I had, like, 10 seconds once --

THE COURT: It -- it -- it's okay. I just -- I just

145

wanted to make sure -- I just wanted to make sure that if I -- I didn't under -- when I -- when I don't entirely understand something, I want to make sure I didn't miss something. So that -- that's what I need. Thank you.

MR. MEYER: And, your Honor, thank you for letting me use the -- I'm on a diuretic because I got diagnosed with chronic kidney stones, like, few weeks ago.

THE COURT: It's okay. Yeah.

MR. MEYER: And so when I'm on it, it makes me go.

THE COURT: It's okay. I understand -- you know. On rest, Mr. Bayona?

MR. BAYONA: Yes.

THE COURT: Why don't you just take this time and -- and discuss it with your client, whether he's going to testify, and where is our bail -- oh, would you mind telling the jurors that the break is going to be a little bit longer than I thought it may be, either 10 or 15 minutes. And if any of them are smokers, this would be a good time.

THE BAILIFF: Yes, sir.

MR. LUSK: Do you want to put this court order in?

THE COURT: Yes, please. Uh-huh.

(Off the record at 2:46 p.m.)

(On the record at 3:02 p.m.)

THE COURT: Has your client made up his mind?

MR. LUSK: Yes, sir, your Honor.

146

THE COURT: Okay. We'll do it -- I mean, I -- we'll do it again theatrically for the -- in the presence of the jury, but let's go ahead and knock it all out now. So for the record, Mr. Bayona, do you have any further witnesses?

MR. BAYONA: No, your Honor.

THE COURT: Okay. The State has rested. Mr. Lusk, before we get to that, do you have any motions you want to make?

MR. LUSK: We would make a motion for a directed verdict at this time. I don't believe that the testimony provided has met the statutory elements to the crimes, your Honor.

THE COURT: Okay. And in the Court's view, the -- the -- viewing the evidence in the light most favorable to the State, there's enough to send it to the jury.

MR. BAYONA: Yes. And, your Honor, I just want to put on the record, although we've rested, the -- the Defense has stipulated to the Defendant's prior --

THE COURT: Thank you for reminding me of that. You need to be put on the record. Yes. So by stipulation, again, I -- we'll do it theatrically for the jury, but for the record, the State is -- the -- the parties have stipulated that there -- the Defendant has a conviction for an offense that carries more than one year in prison, and stipulated the admission of State's 6.

147

MR. BAYONA: Thank you, your Honor.

THE COURT: Okay. And let me -- Mr. Bostic, I'm going to ask the clerk to swear you in, please. Mr. Bostic. Yes. Thank you.

THE CLERK: Please raise your right hand.

JEREMIAH RASHAD BOSTIC,

being duly sworn, testified as follows:

THE CLERK: Thank you.

THE COURT: Mr. Bostic, at this time, I'm going to explain some of your rights to you. If you don't understand anything I say, please let me know. If you want me to explain anything in more detail, please let me know. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: We have now reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States, which reads in part: "No person shall be compelled in any criminal case to be a witness against himself." This means that you cannot be required to testify on this case.

You have the right to testify on your own behalf. However, nobody can make you testify. This is a personal right, and no one can waive or give it up except you. If you do decide to testify, you'll be subject to the same rules

148

that govern other witnesses, and you may be examined or cross-examined on any relevant issue.

In addition, if you have convictions involving dishonesty or false statements, or for crimes carrying imprisonment more than one year and determine the probative value, it outweighs the prejudice, the Solicitor will be able to introduce your record to attack your credibility.

If you do decide to testify, this decision on your part must be freely, voluntarily, and intelligently made, with knowledge of the protection given to you by the Fifth Amendment, and the consequences of your decision to testify or not testify. If you decide not to testify, I will instruct the jurors that they cannot give the fact that you did not testify any consideration whatsoever. And there is to be absolutely no prejudice to you because you did not testify.

In fact, I will tell the jurors that they cannot even mention the fact you did not testify in the jury room. It's left entirely up to you whether or not to testify. You can get advice from your attorney, your family, or friends, or anyone else. The final decision is entirely up to you. Do you understand what I've just explained?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about what I've explained?

149

THE DEFENDANT: No, sir.

THE COURT: Have you discussed with your lawyers whether or not you should testify?

THE DEFENDANT: Yes, sir.

THE COURT: Do you need any more time to talk with them?

THE DEFENDANT: No, sir.

THE COURT: Let the record reflect the Defendant had about a 15-minute conference with his attorneys just now. Do you want to testify?

THE DEFENDANT: No, sir.

THE COURT: Okay. Anything else? Okay.

THE DEFENDANT: No, sir.

THE COURT: Do you plan to call the -- Officer Holland?

MR. LUSK: No, your Honor.

THE COURT: Okay. So in that case, what we'll -- what we'll do then, we'll go through and tell the jury that both parties have rested. We'll do a closing argument tomorrow, and then we'll -- we'll send it to the jury tomorrow. Does that suit everybody?

MR. BAYONA: Yes, your Honor. And we'll mention the -- the stipulation.

THE COURT: I will do that as well. Thank you. Yeah. And just -- you all have never tried a case in front of me. The one thing I do that's a bit different -- is I charge

150

prior to close. Okay. So you'll have a written copy of my charge and you can argue the -- the charge to the jury. And you'll -- they have already heard it from me. And you can say, "Well, you heard the judge say X, Y, Z," and you can argue it. Okay?

MR. LUSK: Yes, sir, your Honor.

THE COURT: All right.

MR. BAYONA: And, your Honor, is there --? I know you've made your decision, but is there any way we could do closings today? I -- I -- my closing is not very long. It'll be long as -- a little bit longer than my opening, which wasn't very long.

THE COURT: Mr. Bayona, just don't want to send it -- I mean -- we -- I mean, I -- I like to give attorneys time to prep their close -- I mean, I -- I -- I -- I mean, there's just no reason to jam -- to cram it in like that -- I mean, is -- is there -- is there a reason to do that?

MR. BAYONA: No, I just thought we were early enough in the day that we could do it and have deliberation.

THE COURT: I mean, we don't even have a charge. We have to do a charge conference. We don't have a charge. I -- I just -- I -- I -- I -- I think -- I mean, if you both tell me you want to stay late tonight, and -- and let's do it, I'll do it. But I -- I --

MR. BAYONA: I just wanted you to consider, I don't

151

know how the Defense feels, but I -- I just wanted you to consider doing it today.

MR. LUSK: And, your Honor -- and I would be more than fine with doing it tomorrow, especially considering one of the jury members made an issue with you about the timing.

THE COURT: Well, that -- that was what I thought too -- I mean, she'll have -- she has childcare issues.

MR. LUSK: Okay.

THE COURT: And again, I just -- I mean, we don't even have a charge prepared because I -- this trial -- I'll be honest, went much -- much faster than any trial I've ever done before. So I -- we -- I'm just not ready. But if you -- again, if you tell me we have to do it today, I will go back there and get cranking.

MR. LUSK: I don't think there'd be any disadvantage to doing it tomorrow. And that way the closings are abutted to the jury going back, and it's --

THE COURT: I'm sorry. Yeah.

MR. LUSK: -- fine. And that way they don't sleep on it or --

THE COURT: And you all get a little chance to -- you know, to cogitate on your closes before you give them.

MR. BAYONA: Yes, your Honor.

THE COURT: Okay. Well let's do it.

MR. BAYONA: Okay.

152

THE COURT: Let's bring them back in. All right. And, Mr. Lusk, you will have the last close with no reply from the State. You've not entered any into evidence.

MR. LUSK: Yes, sir.

(Jury enters room at 3:08 p.m.)

THE COURT: All right. Welcome back, ladies and gentlemen. Mr. Bayona, you may call your next witness.

MR. BAYONA: The State rests, your Honor.

THE COURT: The State has rested. Ladies and gentlemen, the parties do have a stipulation or an agreement. The parties have agreed that the Defendant does have a prior criminal conviction for a crime carrying more than one year in -- in prison. And they have stipulated to a written copy of that conviction coming into evidence. Okay. You may call your witness, Mr. Lusk.

MR. LUSK: The Defense rests, your Honor.

THE COURT: All right. Ladies and gentlemen, the Defendant has exercised his right to remain silent and not testify. So that means that the evidence part of the trial is over. Okay? So what remains is my charge to you in what the law is, and then your deliberation, and your verdict as a -- as a jury and the -- the closing argument through the attorneys. I am not going to do that today.

I mean, it's -- it's -- it's after 3:00. I know one of our jurors said she might have childcare issues, so I'm going

153

to send you home in just a couple minutes, and ask you to be back at 9:30 tomorrow morning. That includes my two alternates -- I mean, for my alternates, it probably will be a very short day for you tomorrow, and I'll cut you loose, but there's always a chance when the other jurors get sick overnight, or have some kind of family emergency, and we might need you tomorrow, okay? So I know that's kind of unfortunate, but I will ask you to come back tomorrow at 9:30, and if everyone else comes back and is good, we probably won't need you for very long. All right?

So ladies and gentlemen as I said, remember, don't discuss this case with anyone overnight. Don't read or watch any news reports, so don't do any outside research, but that said, ladies and gentlemen, thank you all for paying such close attention today. Have a great evening. We'll see you back at 9:30 tomorrow morning.

(Jury exits room at 3:10 p.m.)

THE COURT: Stay on the record, by the way. Yeah. Counsel, I've received a note from the jury. They have elected Juror Lisa Artenian, Juror Number 5 as foreperson. All right. Anything from the State before we break?

MR. BAYONA: No, your Honor.

THE COURT: Anything from the Defense?

MR. LUSK: No, sir, your Honor.

THE COURT: Counsel, this is -- I think it'll be a

154

pretty straightforward charge -- I mean, Mr. Pope does my charges, and he does an amazing job -- I -- I mean, I'll look him over of course, but -- you know, he -- he does a really good job. If you have anything unusual you want him to charge, please email him and CC me on it, and we'll talk about it tomorrow. But I -- I'm thinking this will be a pretty -- pretty standard -- standard charge. But like I said, if you want anything charged, email us overnight and we'll talk about it tomorrow. Do you all need my email? And you all probably have my email address. Mr. Lusk, do you know my email?

MR. LUSK: Yes, sir, your Honor.

THE COURT: Okay. So you know, WMcKinnonLC for Mr. Pope, and WMcKinnonJ for me. So just CC. Anything else I can do for you all?

MR. BAYONA: No, your Honor.

THE COURT: See you tomorrow. Mr. Lusk?

MR. LUSK: Nothing, your Honor. Thank you.

THE COURT: See everybody at 9:30 tomorrow morning.

(THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT 3:11 P.M.)

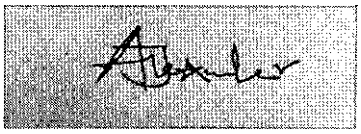
155

CERTIFICATE OF TRANSCRIBER

I, JACKSON ALEXANDER, 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 trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 16 of York County, South Carolina, on June 3, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

November 17, 2025.



JACKSON ALEXANDER

Transcriber

State of South Carolina) In the Court of General Sessions
) Sixteenth Judicial Circuit
County of York) 2024-GS-46-06772
2024-GS-46-06772A
2024-GS-46-06773
2024-GS-46-06774

The State of South Carolina,)
)
)
vs.) Transcript of Record
)
Jeremiah Rashad Bostic.)
)
)

June 4, 2025
York, South Carolina

B E F O R E:

The Honorable William A. McKinnon, Judge, and a jury

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

Kevin Bayona, Esquire
Austin Smith, Esquire
Attorneys for the State

Christopher Lusk, Esquire
Albert Meyer, Esquire
Attorneys for the Defendant

Jackson Alexander
Transcriber

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

I N D E X

Description Page No.

WEDNESDAY, JUNE 4, 2025

Jury Charge 23

Closing Argument by Mr. Bayona 42

Closing Argument by Mr. Lusk 51

Verdict 57

Jury Polling 58

Sentencing 72

Certificate Page 75

E X H I B I T S

(None)

PROCEEDINGS - JUNE 4, 2025.

THE COURT: scsolicitor16.org?

MR. BAYONA: Right.

MS. SMITH: Can you send it to me too, your Honor?

THE COURT: Yes. Austin.Smith, same?

MS. SMITH: Yes, sir.

THE COURT: All right. It should be coming through.

MR. BAYONA: Your Honor, I do -- I do have one matter, Austin can look at the instructions while --

THE COURT: Okay.

MR. BAYONA: If that's okay.

THE COURT: Sure.

MR. BAYONA: The only thing I want to bring up is I would move that the Defense be precluded in closing from talking about consent, its validity, since it's a legal issue. And the Court decided on that. I only bring this up because they danced around the issue in questioning during the trial. So I don't think they should be able to bring up that issue at all. It -- its validity is not an issue, and it's not proper for the jury.

Same thing for the traffic stop and its legality. It wasn't challenged, but it's also a -- a legal matter that I believe is presumed lawful. And it's -- it's not a matter also proper for the jury in the State's opinion. And I just don't want them to go beyond the scope of what they can say

about Officer Holland, which we discussed earlier. So that -- I would move that they be precluded from talking about that in closing.

And also, the Court's inclined to perhaps give an instruction as part of your -- during the charges, that they are not to consider consent or the legality of the traffic stop in their deliberations, since those are legal issues, one of which you have made a -- a ruling on already.

THE COURT: Mr. Lusk, Mr. Meyer?

MR. LUSK: Your Honor, I -- I don't think we necessarily have to go into the validity of the consent because you have ruled on it. But I do think that because evidence was presented at trial, at least in part about Holland, I don't think there should be a -- a -- we would be very, very lightly on it, if we touched on it, but...

THE COURT: Well, I mean, I -- you can comment on the fact that Officer Holland was terminated --

MR. LUSK: Right.

THE COURT: -- but not in the context of the consent or the traffic stop. I mean, that's just -- that's where we just can't -- we just can't go there.

MR. LUSK: Completely understood. And I don't think any sort of -- of jury charge would be necessary here. If we're already going to be limited on it, I think that would be doubling down to have a -- a jury charge that on top of

it, that we can't really do anything about, your Honor.

MR. BAYONA: And my response to that, your Honor, would be, is that the reason I would like the jury charge, at least on the consent issue, is that they danced around the issue and questioning. They raised it, and they talked about it, and they sort of made implications about the consent and Officer Holland. And -- well -- you know, you didn't hear it. You -- did you see it? You didn't know what they were talking about. It's -- it's out there. And so I -- I think that an instruction would be proper so that the jury doesn't think that they are to consider consent.

MR. LUSK: Your Honor, because I was the one who -- I did the cross of that -- I was just --

THE COURT: Yes, sir.

MR. LUSK: When we did this, we did not -- we never asked about it. The consent to the stop was legal. That question was never asked.

THE COURT: I know, but there's no reason to bring it up if you're not -- if that's not -- I mean, I -- I -- I mean -- I --

MR. LUSK: We're not getting into the validity of it. We were just saying when we brought it in, what was talked about on direct, and then cross, was: he didn't hear it.

THE COURT: So what's the relevance of that?

MR. LUSK: That the video itself for that consent

wasn't played.

THE COURT: Right. But what's the relevance of that? I mean, the -- there's -- it's not relevant unless you're at least impliedly attacking the consent. Right?

MR. LUSK: It's not attacking the consent. We're just going into what the officer said, and since he testified to it that he didn't hear it, we should have the right in closing to bring that up and reinforce that to the jury.

THE COURT: Why? It's not relevant. I mean, it's absolutely not relevant.

MR. LUSK: It would go into the relevant facts of what that officer (inaudible) heard, and what he --

THE COURT: But -- but in this case -- I mean, remember that the -- the definition of relevant is something that -- that makes either a matter in question more or less likely. The consent of the search is not in question for the jury. It's just not relevant.

MR. LUSK: Your Honor, understanding that ruling, I would again, just ask for no jury charge because if we are not going to get into it, I don't believe it would be necessary to add an additional jury charge for something that they're not going to hear based on this ruling and this understanding, your Honor. I think it would again be doubling down if we are not going to get into the validity of the search, if we're not going to get into -- you know,

besides that there was another officer on scene that had been terminated that they didn't hear from. I think that would pretty much be the limit of what will come in.

THE COURT: That's absolutely fine. But I -- I think Mr. Bayona is right. I mean, Mr. Meyer, you didn't -- you didn't violate my instructions or anything, but you did -- I mean, you kept bringing up the issue of who heard the consent and all that kind of stuff. I think I'm going to give an instruction that says that that's not an issue for the jury.

MR. LUSK: Okay.

THE COURT: So that's -- and just -- that's basically all it will say is that the -- the -- I -- I may use the -- well, I'll say the -- the -- I'll say "The permission to search whether that's legitimate or not is an issue for the judge, not the jury. And I've already ruled on it." That would be it.

MR. BAYONA: Thank you, your Honor.

MR. LUSK: Thank you, your Honor.

MR. BAYONA: And we're going through those jury instructions, your Honor.

THE COURT: Do you want us to print you a copy? And sometimes I like to have printed copies that I'm going through.

MS. SMITH: Your Honor, I just went through them, and I don't see any issues with them other than our request to add

them.

THE COURT: Okay. Mr. Lusk, Mr. Meyer, any objections to the charge?

MR. LUSK: I -- I think they're sufficient. I'm going to reraise the objection to the jury charge regarding the consent and all of that, just to preserve it for the record.

THE COURT: Absolutely.

MR. LUSK: But the -- the standard jury charges that -- I forgot your law clerk's name, I apologize.

THE COURT: Mr. Pope.

MR. LUSK: Mr. Pope wrote, "I think they're sufficient."

THE COURT: And I -- I don't want to say --

MR. LUSK: I know you -- you --

THE COURT: I mean, Mr. Pope does a great job, but I write -- what -- yeah, I mean, he -- I write them, and he -- he -- because we've just -- you know, most of the charge is not -- doesn't change from case to case, so...

MR. BAYONA: I just -- and I just looked at it really quick. I just have one request for the charge for possession of a weapon by a person convicted of a certain crime. I have no objection to the charge except at the end. And I believe I -- I sent -- I emailed you a -- a -- a requested charge that included -- similar to the possession of a weapon during the commission of a violent crime, that says the Defendant

has been convicted of a crime, that carries a maximum punishment of more than one year.

THE COURT: Right. Just -- we'll just put a -- put a -- in the -- the parties have stipulated.

MR. BAYONA: That's fine.

THE COURT: So to give you -- you know --

MR. BAYONA: Part of the charge so they don't forget, so...

THE COURT: Yeah. Counsel, we have -- you have draft verdict forms that -- you all want us to come up? Yeah?

MR. BAYONA: Yeah.

THE COURT: And the -- the reason for the 1(a) and 1(b) is we actually had to send a verdict back to the jury last week in Union. It was an attempted murder charge where the jury found the defendant not guilty of attempted murder, but guilty of possession of a weapon during the commission of a violent crime.

MR. BAYONA: Okay.

THE COURT: And I had to send it back, so that -- that's why I -- you know --

MR. LUSK: Do you want this back, your Honor, or is this ours?

THE COURT: No, no, it's yours to keep now.

MR. BAYONA: Your Honor?

THE COURT: I think it's reversed there, Preston.

THE REPORTER: It is.

THE COURT: It is. Yeah. This -- yeah, so this -- this should be -- this should be "guilty" if they answer this question -- if this was guilty.

MR. LUSK: That was what I was going to ask you.

THE COURT: Counsel, I mean, I -- I -- I can't imagine we're going to be deliberating at 5:00 today in this case, but we have a juror that says she has to leave at 5:00. So we have two alternates. I mean, what -- what do you all want to do? I mean, that's --

MR. LUSK: Your Honor, just -- I -- I don't think this is going to go to 5:00 as well for deliberations. I know she said 5:40, since that would be the -- what? We still have two alternates. So the first alternate would take her place.

THE COURT: Well, in -- in criminal cases, it has to be drawn by lot. You have to -- what we typically do is put two Post-it notes in a coffee cup and the clerk will draw one.

MR. LUSK: That's fine then, your Honor.

THE COURT: Okay. But you all want to release -- go and release her?

MR. BAYONA: What do you think?

MR. LUSK: I -- I'm thinking -- and I'm just -- just thinking out loud here; I would expect your jury charge to take anywhere from 15 minutes maybe, roughly.

THE COURT: Yes, sir.

MR. LUSK: I would assume Mr. Bayona is going to take 10 --

MR. BAYONA: 10 minutes.

MR. LUSK: -- give or take on close. I'll probably take --

THE COURT: I think they'll have it by 11:00.

MR. BAYONA: Yes.

MR. LUSK: I would be shocked if they didn't have it by 11:00. Even if they break for lunch, that's --

THE COURT: And they will not break for lunch. The clerk -- the clerk is really care -- nice here and they will buy them lunch, so...

MR. LUSK: That's six hours of deliberation, I believe, before it became an issue. I don't think it would be necessary to --

THE COURT: And you know what? I mean --

MR. BAYONA: I agree, your Honor. I don't think we'll go that long, and I'd rather not change any jurors.

THE COURT: I -- I -- I -- I agree. So let's -- I think just leave it as is. Are you all okay with that? You know, and if worse comes to worst, it's only Wednesday. If they're still deliberating at 5:00 this afternoon, I mean, we might as well send them home and tell them to come back tomorrow.

MR. BAYONA: I was going to say also --

THE COURT: We still have -- we still have Thursday and Friday. I mean, that -- okay. All right. We're all in agreement then.

MR. BAYONA: And, your Honor, I have one more issue when you're ready.

THE COURT: Okay. What -- the language I have drafted for that additional charge is the determination of whether the Defendant gave consent to search his vehicle is a legal question decided by me, the judge, and is not something you should consider. And I understand that you don't want me to give the charge at all, but is the State okay with that?

MR. BAYONA: I think that's sufficient, your Honor.

THE COURT: Okay. And I know you don't want me to give the charge at all, but that -- that would -- maintaining that objection, or that you won't have any suggestions about how to word it?

MR. LUSK: Maintaining the objection, I think the language is okay.

THE COURT: And, Mr. Bayona, what I added to that, the end of that paragraph on the gun charge was: "The parties have agreed that the Defendant has been convicted of a crime which is punishable by a term of imprisonment of more than one year." Is that --?

MR. BAYONA: That's sufficient. That's fine, your Honor. And --

MR. LUSK: That's sufficient.

MR. BAYONA: May I make one suggestion for the -- the -- the consent instruction charge?

THE COURT: Sure.

MR. BAYONA: Would you mind adding a sentence that indicates that you have determined the consent to be valid?

THE COURT: I -- I -- I don't -- I -- I don't want to go there. I don't want to be biased -- I mean, what I've told them now is they're not to consider that issue.

MR. BAYONA: Okay.

THE COURT: I don't want to go beyond that.

MR. BAYONA: Okay. And the other issue was just -- I was looking through the jury instructions, and I believe the law changed recently on whether the voluntariness of statements of the jury matter. It is now solely a legal matter, and I think you might still have the old language in there.

THE COURT: I do. Okay. You know, but I -- I reread that case. I mean, with the court -- the court said -- did the court directly hold -- it's not (inaudible) to the front of the jury anymore as there was a decision saying that it's now -- the appellate courts are going to review it as an issue of law, in fact, de novo from now on. But I -- I reread the case yesterday. Was it a second case I missed?

MR. BAYONA: I'm trying to find the case.

THE COURT: Yeah, that's --

MR. BAYONA: For you exactly here.

THE COURT: Because I -- I -- I thought the same thing, and I did the research yesterday, and -- and I couldn't find the case saying that, and so I told Preston to put that in, so that -- that's on me if I'm on -- you know --

MR. BAYONA: We're bringing up the case.

THE COURT: Okay. Go ahead and -- you know.

MR. BAYONA: I just noticed it last minute though. Yeah.

THE COURT: Because the -- the case, let me pull up the case that I read yesterday. I -- that was my memory too, but I -- I couldn't find the case when I -- you know, yesterday when I was looking. I don't -- maybe I just -- you know, wasn't searching right. Yeah, it's -- State v. Miller is the case that I read. You mean --

MR. BAYONA: Yeah. Collins. State v. Collins, 442.

THE COURT: Yeah, well, hold on -- hold on a minute. Westlaw. Okay. 442. Okay.

MR. BAYONA: I see 444.

THE COURT: 444.

MR. BAYONA: And it references Miller.

THE COURT: Okay. Tell me where -- where am I looking in that case?

MR. BAYONA: I have -- I -- I -- this -- I'm -- this is

a screenshot, but I can read you the part of the -- the case.

THE COURT: Yeah. Uh-huh.

MR. BAYONA: It says, "In Miller, we recognize that because voluntariness is a legal question, it is unnecessary going forward for trial courts to submit the question of voluntariness to the jury. But the parties may continue to argue to the jury why a statement is more or less trustworthy based on its voluntary nature. In other words, a trial court's pretrial determination of voluntariness will not prevent the defendant from challenging the reliability of a statement during the trial as credibility remains an issue for the jury." So I think it's a -- it's a distinction.

THE COURT: Okay. Hold on.

MR. BAYONA: That's the -- the quote.

THE COURT: I mean, if -- if that's what it says, it's like -- I mean, let's see -- you said it says in Miller?

MR. BAYONA: "In Miller, we recognize that..."

THE COURT: Okay. Ah, well, there's my -- okay, it's Footnote 6 and that's why. Okay. That's -- that's why I missed it. Okay. It's Footnote 6. Thank you. Okay. So that is -- you know, I will say -- I mean, both of these cases, though, describe it as a mixed question of law and fact. And -- and so that's why when I did the research, it's a little bit strange that they say -- I mean -- you know, questions of law and -- anyway, but that is exactly what

Footnote 6 explicitly says -- I mean, but then they -- they say in this case, it's a mixed question of law and fact.

MR. BAYONA: Yeah. And there is a distinction, but I think it's a meaningful one. I think they can call into question the believability or credibility of a -- of a -- of a witness.

THE COURT: Right.

MR. BAYONA: If they testified. But it -- the voluntariness of a -- a defendant's statement is -- it's a legal matter. It's clear as they -- and they cannot comment on that, which is what Denno is for. So the judge -- the court can make a -- a legal determination, which it has.

THE COURT: I mean, that -- I mean, I guess my question -- I mean -- you know, Miller says, "We agree with those jurisdictions that have found the question of voluntariness as a mixed question of law and fact." If it's a question -- if it's mixed law and fact, the voluntary -- I mean, anyway, but, yes, so we are explicitly instructed by the Supreme Court in Footnote 6. We will delete that.

MR. BAYONA: Thank you, your Honor.

THE COURT: Yeah, you're correct. Thank you. Mr. Lusk, is -- is as explicit as it can be that comes out, so...

MR. LUSK: I -- I was just going to harp on the -- it -- they specifically say it's a mixed question of law.

THE COURT: I -- you know, I -- what -- what can I say?

I mean, I -- it -- and that -- and that's what I read yesterday and that's what I told Mr. Pope to leave it in -- to put it in, but -- I mean, Footnote 6 says no. So if the Supreme Court tells me not to charge it, I'll not charge it.

MR. LUSK: Your Honor, just for clarification in the record, I'm going to object to it coming out, but I understand your ruling and all of that.

THE COURT: Yeah. Yeah. And -- and -- and -- you know, and has -- they're quoting, it's in the same language as in Miller. So I don't -- I mean, I -- I -- it -- it -- I don't -- I -- I still struggle with how something can be a mixed question of law and fact, but not be a question for the jury. That --

MS. SMITH: Your Honor, I think the mixed part is about, like, the contents of the statement. The jury can determine whether or not what the person is saying is credible, but not that what they're saying was given voluntarily. They're -- the purpose of Denno is to determine whether -- by you --

THE COURT: Oh, okay. So that's --

MS. SMITH: Whether or not they are voluntarily making that statement. I think what the Court is saying is they can still consider whether the statement --

THE COURT: Was in fact made or legitimate.

MS. SMITH: -- is a legitimate statement or --

THE COURT: Right. Okay.

MS. SMITH: -- you know, I think that's where it's saying they're mixing law and fact.

MR. BAYONA: That's what I -- so your part would be the law and their part would be the fact about credibility. Your part would be the law about voluntariness, and I think that's what they're referring to there.

THE COURT: Well said. All right. Well, that -- I mean -- so, yeah, so based on both of those two cases, we will take out the language about -- about Denno. So let me do one last run through here. We'll print them out and get rolling. Counsel, let me ask you one more question. I -- I -- the -- the one sort of standard charge that everyone uses in South Carolina, I absolutely despise, it's a circumstantial evidence charge. It's incredibly confusing for a layperson, and I don't think there's any circumstantial evidence in this case. Does the State object to me taking that out?

MR. BAYONA: I -- I -- I don't think so. I -- I suppose -- I mean, I don't think so. I guess the -- the -- the -- the bag -- the baggie in the car.

THE COURT: I'll leave it if either of you want it, but I -- I -- I don't -- I hate that charge. It's suits the word. It's just -- it's really convoluted wording. I -- I -- it's --

MR. LUSK: I prefer you leave it in just --

THE COURT: Okay.

MR. LUSK: -- just in case the jury believes that there was --

MR. BAYONA: Yeah, I -- sorry.

MR. LUSK: -- circumstantial evidence involved in this. I think out of an abundance of caution, it would be best to leave it.

MR. BAYONA: And I -- I just -- after sort of discussing -- thinking about it, I mean, I -- I kind of agree that the all evidence of all three offenses was directly observed by a police officer and is on video. So I don't know that there is answer.

THE COURT: How about this? The other thing I thought about is giving them -- I mean, one of the classic examples attorneys use -- you know, when you're dealing with circumstantial evidence is, now, if you wake up in the morning and then you see the ground is wet outside, that is circumstantial evidence that it rained. Would you all object to me doing that? Because I just -- I mean, what we have on this charge is just -- is just legal gobbledygook about inferences and -- I mean, is that -- would --?

MR. BAYONA: That's very clear to me.

THE COURT: Sure. Yeah.

MR. LUSK: I think that's a fair compromise, your

Honor.

THE COURT: Okay.

MR. LUSK: That gives an example that most people can understand, and it's a little less confusing, but it still touches on it just in case circumstantial is relevant.

MR. BAYONA: And I -- I agree. I think if there is any circumstantial, I -- I think it's not (inaudible), but if there is any, I think that charge probably will be better for the jury. It's very clear, and --

THE COURT: Okay. I -- I'm thinking I may start using that in the future because I just -- every time I read that charge to the jury, I -- I mean, it's just -- you know, inferences that prove some addition -- it -- it's really badly worded, and I just -- I can't imagine. So let me -- all right. So let me -- let me put that in.

MR. BAYONA: Okay.

THE COURT: So what I've added is: "As an example, a witness testifying they saw it raining is direct evidence of raining. A witness testifying the ground was wet when they woke up is circumstantial evidence of raining." Is that --?

MR. BAYONA: That's fine with the State, your Honor.

THE COURT: Right.

MR. LUSK: That's good, your Honor.

THE COURT: Okay. Right. All right. Go ahead and print four copies please, and four copies of the new verdict

form.

MR. LUSK: Your Honor, new verdict form?

THE COURT: Oh -- oh, you've already done the new verdict form. Okay.

MR. LUSK: Your Honor?

THE COURT: Yeah.

MR. LUSK: One good question.

THE COURT: Yes, sir.

MR. LUSK: I know that in the -- the -- I can't remember if it was cross or direct testimony, the testimony was that trooper -- oh, not trooper, Officer Holland was let go. Does it -- and I only really intend to say one thing about it in closing, does it make a difference to you if it the words are "let go" or "terminated"?

THE COURT: You can say "fired." I mean, you -- I mean you -- I mean the -- the -- as a fact he would -- you can -- you can use whatever wording you want to.

MR. LUSK: I'm not going to go into anything about why or anything like that.

THE COURT: No.

MR. LUSK: I just wanted to make sure that it wouldn't be improperly to use fired.

THE COURT: I appreciate you asking. You can -- you can -- you can say "fired," or as the British say "sacked," if you want to say sacked. No, I just -- for my personal

curiosity, what -- what -- what were -- what happened? What was the -- well, if you -- if you -- I don't -- I don't want to -- I mean --

MR. BAYONA: I don't know all the details.

THE COURT: Okay.

MR. BAYONA: But my understanding is that he -- it was a personal matter. There was a --

THE COURT: Turn off the -- I wanted to go off the -- you know.

(Off the record at 10:11 a.m.)

(On the record at 10:14 a.m.)

THE COURT: Okay, let's go back on the record. Mr. Bayona, just so are we in agreement that the Defense did not put any evidence in, and that you did not get a reply today?

MR. BAYONA: I agree with that.

THE COURT: All right. Anything else before we bring the jury in?

MR. BAYONA: No, your Honor.

THE COURT: From the Defense?

MR. LUSK: No, your Honor.

THE COURT: Let's bring them in.

(Jury enters the room at 10:15 a.m.)

THE COURT: All right. Ladies and gentlemen, welcome back. Were you all able to follow the rules I gave you

overnight? Thank you very much. And I'm sorry to keep you waiting this morning. That was my fault. We sent the attorneys my charge. I'm going to explain it to them -- the law -- to look at it and see if they had any objections overnight. And there was a mistake in the email address, and one of the attorneys did not get it, so we had to talk about it this morning. So I -- I -- that's my fault, I apologize.

And one other issue, one of -- one of your jurors -- your fellow jurors said that she had childcare issues. So we are not -- we will not stay past 5:00 tonight. I mean, I think you will have the -- the -- the case will be in your hands for deliberation prior to lunchtime. If you do not have a unanimous verdict by 5:00 today, we'll just come back tomorrow. Okay? So we're not going to -- we're not going to hold anyone late tonight, and the county will take care of lunch today, so you'll be able to deliberate during lunch, I think.

Does anyone have, like, a dietary issue with pizza? Normally, what we like to do is just order pizza so it's easy to order, you can share them, and it's not -- does anyone have a dietary issue, or they can't eat pizza? Okay. That's what we'll do.

All right. So, ladies and gentlemen, and Madam Foreperson and members of the jury, this is my charge by the way. You have now heard the evidence, and you will soon hear

the closing arguments of both sides. First, I'm going to explain to you the rules of law you must follow and apply in deciding this case. When I have finished, you will hear their arguments, and then you will go to the jury room and begin deliberations.

I will give you a written copy of these instructions, take back with you. During the deliberations you may refer to the instructions to guide your decision-making. You must consider the instructions as a whole and not follow some and ignore others. Your decision must be based only on the evidence presented here. You must not be influenced in any way by either sympathy for or prejudice against anyone.

The indictments in this case charged the Defendant, Mr. Bostic, with the following crimes: Trafficking crack cocaine, more than 100 grams, but less than 200, possession of a weapon during the commission of a violent crime, and possession of a weapon by a person convicted of certain crimes. As I said at the beginning of the case, these indictments are simply the formal written instruments which contain the charges or accusations made against the Defendant.

I'll remind you of the fact that the Defendant was arrested and charged and indicted is not evidence, and is not -- cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of

guilt.

Multiple charges. The indictments in this case allege more than one offense or crime against the Defendant. Each indictment charges a separate and distinct offense. You must decide each indictment separately on the evidence and the law applicable to it uninfluenced by your decision as to any other indictment. The Defendant may be convicted or acquitted on any or all of the offenses charged. You'll be asked to write a separate verdict of guilty or not guilty for each indictment.

Presumption of innocence. The Defendant has pled not guilty and that puts the burden of proof on the State to prove him guilty beyond a reasonable doubt. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent.

I charge you that it is an important rule of law that the defendant in a criminal trial, no matter how serious a charge, will always be presumed to be innocent of the crime for which the indictment was issued, unless guilt has been proven by evidence satisfying you, the jury, of their guilt beyond a reasonable doubt.

This presumption of innocence does not end when you begin your deliberations, but accompanies the Defendant throughout the trial until you reach a verdict. The presumption of innocence is not a mere legal theory or legal

catchphrase. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence that the defendant is guilty beyond a reasonable doubt.

So what is reasonable doubt? Some of you may have served as jurors in a civil case or someone suing for money damages where you were told it was only necessary to prove something was more likely true than not true, or such a -- or in other words, "The greater weight of the evidence."

In a criminal case, the State's proof must be more powerful than that. It must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases, the law does not require proof that overcomes any possible doubt.

If based on your consideration of the evidence you are firmly convinced the Defendant is guilty, you should find him guilty. If on the other hand you think there's a real possibility he's not guilty, you must give the Defendant the benefit of the doubt and find him not guilty. Put another way. A reasonable doubt is the kind of doubt that would require -- that would make a reasonable person hesitate to act.

Duties of the judge and jury. I'll remind you that

during the trial, you and I have had different duties to perform. As a trial judge, it was and is my responsibility to preside over the trial of the case. And I also have the duty to rule on the admissibility of the evidence offered during the trial. You should consider only the evidence in the trial.

If I ordered any testimony stricken from the record, you should disregard that testimony. You should consider the only evidence that has been presented from the witness stand, any exhibits that were made part of the case -- the record, and any stipulations of counsel. Actually, let me stop and mention something before... We will send you back the evidence in the case, that includes the drugs. Please do not open the bag of drugs. Okay? If there is some reason that you really absolutely feel you want to see the bag open and we can -- I'll figure out some way, but you -- please don't handle the -- it is real crack -- I mean, well, okay. Was it stipulated? Okay -- okay. I take that back. Okay.

The State has offered -- well -- well, it -- okay. The State has to prove that it's crack and so please don't -- I haven't examined the crack; I don't have any personal knowledge. Please disregard that statement I just said. Okay? But if it is in fact crack, you should not be handling it in the jury room. Okay? Yeah. Yes, sir?

MR. LUSK: We may need to address something real

briefly.

THE COURT: Okay. Ladies and gentlemen, let -- let me -- let me talk to the lawyers real quick. Let me -- I ask you to go out to the jury room. Yeah, I need to -- I need to speak to the lawyers briefly.

(Jury exits the room at 10:21 a.m.)

THE COURT: Yes, sir?

MR. LUSK: Your Honor, at this time, I'm going to move for a mistrial based on the statement that it is real crack. It was not stipulated it was real crack. It's for the jury to determine based on the evidence that was provided, whether or not it is in fact that substance. So we respectfully move for mistrial, your Honor.

THE COURT: I'm going to deny the motion. I mean, I -- I absolutely should not have said that, that was a mistake on my part. However, I immediately corrected it, and I will recorrect it when the jury is brought in. And further, the Defendant did say on video that it was crack. That's my recollection. So -- I mean, I -- I -- I don't think there's any prejudice when the Defendant's on video saying it's crack, but I absolutely apologize.

I should not have said that. I got carried away. I don't -- but I -- I just don't -- I don't want the jury out there seeing -- wanting to say, "I want to know what crack feels like," but I will correct it again, but I'm not going

to grant a mistrial.

MR. LUSK: Understood, your Honor. Just --

THE COURT: Okay.

MR. LUSK: -- for the record.

MR. BAYONA: Thank you, your Honor.

THE COURT: All right. Uh-huh. Let's bring them back in.

(Jury enters the room at 10:23 a.m.)

THE COURT: All right. Ladies and gentlemen, I just want to clarify again. I misspoke to you just now, what I meant to say, and what I should have said is, "The State alleges that it is real crack." Okay? Instead I said, what you heard me say.

I want to make sure you understand I am not allowed to have an opinion in this case. I don't have any more knowledge than you do of what's in those plastic bags. I mean, that is something the State has to prove whether or not that is crack. And I misspoke. I should -- what I should have said is, "The State alleges that is real crack, so please don't handle it." Okay? All right. That's my mistake and I apologize.

Ladies and gentlemen, the only thing I'm not going to send back with you to the jury room is the gun, okay? Some people are uncomfortable handling firearms. It is safe. It has a -- it has a trigger lock that's been run through the

action. So if you asked me to examine the gun, I will send it back, okay? But I'm not going to send it back automatically because not -- not everyone is comfortable handling a pistol, but it is safe, it has a trigger lock through the action, and if you ask the bailiff to bring it back to you, they will do it. Okay?

Ladies and gentlemen, going back to my -- my duties. In addition, I'm charging you on the law applicable to this case as the presiding judge. I am the sole judge of the law of this case, and it is your duty as jurors to accept and apply the law as I now state it to you. If you already have any idea as to what the law is, or what you think it ought to be, and that idea does not agree with me, you must abandon your idea because you are sworn to accept and apply the law exactly as I state it to you. And every case tried in this court before a jury, the jury is the sole and exclusive judge of the facts in the case.

As a trial judge, I can't comment, state, or intimate, or make any statement at all about the facts in the case. Since you the jury are the sole judge of the facts in this case, you are not to infer from anything I've said in ruling upon the admissibility of evidence, or otherwise, or -- or anything I'm now saying that I have any opinion about the facts in this case. The law does not allow me to have any opinion about the facts. And the facts are solely a matter

for you, the jury, to determine. As jurors, it is your duty to determine the effect, the value, the weight, and the truth of the evidence presented during the trial.

Objections. From time to time, you've heard the attorneys make objections. In reaching your verdict, you are not to consider the objections or the Court's ruling on them. You should not hold any objections made against either party.

Evidence. As I said before, you must consider only the evidence that I've admitted in the case. Evidence includes the testimony of witnesses, and the exhibits that have been admitted. You should not assume from anything I've said that I have any opinion about the facts in this case. In fact, except for my instructions on the law, which I'm giving you now, you should disregard anything I've said in arriving at your own decision about the facts.

Your own recollection and interpretation of the evidence is what matters. And in considering the evidence, use your reason and common sense to make deductions and -- and conclusion -- and reach conclusions.

Redactions. Ladies and gentlemen, during the presentation of this case, you may have noticed that certain sections of the audio, video, or documents that were presented were redacted or edited out. This is by a mutual agreement of the parties, and due to the rules of court, and decisions made by me. Please do not try to speculate as to

what may or may not have been contained in the edited portions, and do not hold them against either party.

Direct and circumstantial evidence. There are two types of evidence generally presented during a trial, direct evidence and circumstantial evidence. Direct evidence is a testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness. It's evidence which immediately establishes the main fact to be proved.

Circumstantial evidence is proof of a chain of -- of facts and circumstances indicating the existence of another fact. It's evidence which immediately establishes collateral facts from which the main fact may be inferred.

Circumstantial evidence is based on inference and not on personal knowledge or observation. As an example, if a witness testifies they saw it raining, that is direct evidence of rain. If a witness testifies that they woke up and the ground was wet, that is circumstantial evidence of rain.

The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence, nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. However, to the extent the State relies on circumstantial evidence, the circumstances must be consistent with each other, and when taken together, point conclusively to the

guilt of the accused beyond a reasonable doubt. That these circumstances merely portray the Defendant's behavior as suspicious, the State's proof has failed.

The State has the burden of proving the Defendant's guilt beyond a reasonable doubt. This burden rest -- rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or a combination of the two.

You should weigh all the evidence in the case, and after weighing it, if you're not convinced of the guilt -- defendant of guilt -- excuse me. If you're not convinced of the guilt of the defendant beyond a reasonable doubt, you must find the defendant not guilty.

Arguments of the lawyers. While the arguments of the attorneys is a -- are a beneficial part of every trial, please remember that is not the same thing as evidence. In presenting their arguments, the attorneys often refer to the evidence. However, you should base your verdict on the evidence as you remember it. Therefore, if you're any -- if there are any conflicts between the recollection of counsel about the evidence and your own recollection, you should rely upon your own understanding of the evidence.

Believability of witnesses. When I say you must consider all the evidence, I do not mean you must accept all the evidence as true or accurate. You should decide whether

you believe what each witness had to say, and how important that testimony was. In making those decisions, you may believe or disbelieve any witness in whole or in part, on the number of witnesses testifying about a particular point does not necessarily matter.

In deciding whether to believe a witness, I suggest you ask him a few questions -- ask yourself a few questions. Did they impress you as someone telling the truth? Did they have any particular reason to not tell the truth, like, a personal interest in the outcome of the case? Did they have a -- seem to have a good memory? Did they have the opportunity and ability to accurately observe the things they testified about? Did the witness appear to understand the questions and answer them directly? Did the witness's testimony differ from other testimony or other evidence?

However, please keep in mind that a simple mistake doesn't mean a witness wasn't telling the truth as he or she remembers it. People naturally tend to forget some things or remember them inaccurately. So if a witness misstates something, you must decide whether it's because of an innocent lapse in memory or an intentional deception. The significance of your decision may depend on whether the misstatement is about an important fact or unimportant detail.

Defendant not testifying. I instruct you and emphasize

that the fact the Defendant in this case did not testify is not a factor to be considered by you in any way in your deliberation and your consideration of the guilt or innocence of the Defendant. It must not be considered by you in any manner whatsoever. A defendant in our country has the constitutional right to remain silent, and the use of this right may not be considered by you.

I'll repeat. Under your oath as jurors you were to draw no conclusion whatsoever from the fact the Defendant did not testify, and the fact he did not testify should not even be discussed in the jury room in any way.

Permission to search. The determination of whether the Defendant gave consent to the law enforcement to search his vehicle is a legal question decided by me, the judge, and is not something you should consider.

Expert witnesses. The rules of evidence ordinarily do not permit a witness to give their opinion or conclusion. Normally, a witness can only testify about the things they saw or heard. An exception to this rule exists for witnesses that we call "Expert witnesses." A witness who either through education or experience has become an expert in the art, or science, or profession, can give their opinion on relevant and material matters in which they're an expert, and may also give the reasons for their opinion. You should consider any expert opinion received in the case in like any

other evidence, give it the weight you think it deserves.

If you decide the opinion of an expert witness is not based on sufficient evidence and experience, or if you conclude that reasons given in support of the opinion were not sound, or that the opinion was outweighed by other evidence, you can disregard the opinion entirely. An expert witness's testimony is not to be given greater weight than other witnesses simply because they're an expert. Further, you are not required to accept an expert's opinion, even if it's not contradicted.

State must prove every element. The burden is on the State to prove every element of each crime charged. If you find, after reviewing all the evidence, the State has mere -- has proved the Defendant was only present at the scene of a crime, and the State has not proved beyond a reasonable doubt of participation in the crime, you're required to find the Defendant not guilty.

Jurisdiction. The first element of every crime is jurisdiction. The statements proved beyond a reasonable doubt that either the criminal conduct occurred in the State of South Carolina, or the Defendant intended the results -- results to occur in South Carolina, and those results did occur in South Carolina.

A defendant intends for something to happen in South Carolina if any one of the following is true: If they have a

conscious purpose that the results occur in a place that the defendant knows is in South Carolina, or the defendant has a conscious purpose that the results occur somewhere within the territory boundaries of South Carolina, or the defendant has a conscious purpose that the results occur in a place, and that place is South Carolina, even if the defendant didn't know it was South Carolina.

First offence is trafficking cocaine between 102 and 200 grams. The Defendant is charged with trafficking crack cocaine. The State must prove beyond a reasonable doubt that the Defendant knowingly sold, manufactured, cultivated, delivered, purchased, brought into the state, provided financial assistance, or otherwise aided or abetted, or attempted, or conspired to sell, or manufactured, or cultivated, or delivered, or purchased, or brought into the state, or knowingly attempted to become an actual or constructive possessor of crack cocaine.

Actual possession means the crack cocaine was in the actual physical custody of the Defendant. Proof of constructive possession means the State must prove the Defendant had the right and the power to exercise control over the drugs, and the Defendant had the knowledge of the drugs and the intent to control their disposition. The State must also prove beyond a reasonable doubt in this case that the crack weighed more than 100 grams, but less than 200.

Possession of a weapon during the commission of a violent crime. The Defendant is charged with possession of a weapon during the commission of a violent crime. The State must prove beyond a reasonable doubt the Defendant was in -- was in possession of a firearm or visibly displayed what appeared to be a firearm during the commission of a violent crime, and was convicted of that crime. Trafficking crack cocaine 100 grams or more is a violent crime under the laws of South Carolina.

Possession of a weapon by a person convicted of certain crimes. The Defendant is also charged with possession of a weapon by a person convicted of certain crimes. That means the State must prove beyond a reasonable doubt the Defendant has a prior conviction of a crime punishable by a term of more than one year, and was in possession of a firearm or ammunition within the state. The parties have agreed the Defendant does have a conviction of a crime for a crime punishable by more than one year.

Ladies and gentlemen, Madam Foreperson, and members of the jury, when you go back to begin your deliberations, I express the hope that each of you'll be mindful of the importance of your responsibility. You're not called upon to serve as jurors very often, and the proper performance of the -- of the duty requires each of you to reach the height of freeing your mind of all improper influences.

As the presiding officer of this court, I am vitally concerned with whatever verdict you find, that it will be the result of your going into that jury room, and confining your considerations to the evidence and the law you've heard, weighing it fairly and impartially as I has -- as I have every confidence that you will do. Your verdict in this case cannot be based on sympathy or compassion or prejudice, or emotion, or anything not found in the evidence.

Ladies and gentlemen, remember that your verdict must be unanimous. This is the verdict form, ladies and gentlemen. The first question says -- is asking about the offense of the trafficking in crack cocaine, and has a "guilty" or "not guilty." You check the box. If you find him not guilty on that charge, you can skip the violent crime charge because if there -- the -- if there's no violent crime, he can't be convicted under that charge.

And then the third question is on possession of a weapon by a person convicted of certain crimes. Okay? So, ladies and gentlemen, again, you have to have a unanimous verdict, which means all 12 of you must agree. Once that happens, the foreperson will check "guilty" or "not guilty," and there is no -- I mean, don't -- don't read anything in me saying guilty or not guilty. There -- one of them has to be listed first. There's no -- there's no significance in the order in which I listed them, but you check the boxes, and

then the foreperson will sign and date it, and then knock on the door and let the bailiff know that you have a verdict. Okay?

Ladies and gentlemen, when I send you back to the jury room, and after you've heard the closing argument, it is not quite time to begin deliberation, okay? The attorneys and I need to make sure that all of the evidence is collected, all right? And once that -- your signal to begin deliberations will be when the bailiff brings you the evidence and the verdict form and the charge, okay? So when they bring that back to you, that's your signal. It's time to begin deliberations.

You are welcome to use the restroom, or if any of you are smokers, you can go out for a smoke break or whatever. The only restriction is all 12 of you must be present to be talking about the case, okay? So if someone steps out to the restroom, or to get -- or some -- for some other reason, you just have to talk about something else until that person comes back. All right? Like I said, the county will take care of lunch. Ladies and gentlemen, I'm going to give the attorneys a chance to object to anything I said.

MR. BAYONA: No objection, your Honor.

THE COURT: Other than the objection you've already made? Okay.

MR. LUSK: Yeah, just reiterate the prior objection,

your Honor.

THE COURT: Yes, sir. All right. Ladies and gentlemen, as I said at the beginning of the case, the State has the burden of proof. So they go first in closing.

MR. BAYONA: Madam Clerk, can you pause it? Okay. Sometimes it's just so clear and obvious. Sometimes it's no mystery, trick or -- or trick. That's what we have here. It -- it -- it's clear and obvious, and so let's talk about it.

So at the beginning of this trial, I told you during opening and after the trial, I would come back here and I would ask you to find the Defendant guilty of all three offenses. And so we're going to go over why. Okay?

So he's charged with three offenses: Trafficking crack cocaine 100 grams or more, possession of a weapon during the commission of a violent crime -- trafficking crack cocaine is a violent crime, and possession of a weapon by a person convicted of a crime that carries a maximum punishment of more than one year. And as you've heard, we've all agreed that he has in fact been convicted of a crime that carries a punishment of more than one year. And he was possessing a gun that day. You saw it with your own eyes.

All right. So let's talk about the charges first, okay? And we'll go over all the evidence. Trafficking crack cocaine 100 grams or more. So what is that? And the judge read to you what trafficking means. And I -- I told you we

would talk about what that means a little bit, and it means a lot of things. It means -- it could mean delivering, or purchasing, manufacturing, bringing into the state. Forget all that.

What we're talking about here today is the other one he read, which is possessing. That's all trafficking means in this case. Possessing a certain amount of crack cocaine. In this case, more than 100 grams. 100 grams or more. Knowingly and actual or constructive possession. So there -- there's two types of possessions, right? Actual and constructive. So these are the three elements. That's it. We presented evidence that he possessed crack cocaine, both knowingly and constructively, I suppose, 100 grams or more.

You heard evidence that he had in total about 120 grams of crack cocaine. You heard from the chemist who tested it, the crack cocaine that you have there, it is in fact crack cocaine. And you can take the bag if you'd like to see it and look at it. You can see it through the bag. It's a giant cookie of crack cocaine, the big one, and then the small one -- the smaller rock of crack cocaine. You can see it.

You heard from the expert. She tested it. She's been doing this a long time. It's in fact crack cocaine. The actual possession -- well, sometimes you just have to believe your own eyes, believe your own ears. He pulled -- he

assisted -- the officer went to go search him, and he helped the officer pull out a giant bag of almost 100 grams of crack cocaine in his pants. He was actually possessing it, the bag of 22 grams or so that was found in the car, stuck between the -- the -- the driver's seat and the driver's door, that he likely placed it there when he was trying to get away from the -- the police and stopped at the barbershop and stuck it there, okay?

He constructively possessed that. He was the only person in the car. He's driving his car; it's right there. And let's not forget Officer Rodriguez brought the Defendant over and said, "Is that crack?" And what did he do? Yeah, you saw his face. I mean, he -- yes, it's crack. He knows it's crack. It's his crack. How much does it weigh? He know exactly how much it weighed. About less than an ounce. 22 grams, which is just under an ounce. Altogether, 120 grams of crack cocaine.

And that's the definition of constructive possession, okay? That he had dominion and control over that smaller bag of crack cocaine in his car, that he was just there driving it. He got pulled over. He exercised control over that car. He acknowledged it was his. I mean, forget the constructive possession. He acknowledged it was -- it was crack, and he told the officer how much it weighed.

Actual possession, it was in his pants. I mean, I -- I

don't -- I don't know what else to say about that. Sometimes you just have to believe your own eyes and your own ears. Possession of a weapon during a violent crime. Was he in possession of a firearm? Yes. You saw it for yourself. "Do you have anything else that's illegal on you?" The Defendant told you, "Yes, I have a gun." They pull -- the officer pulls it out of his waist. A very distinctive-looking gun right there if you'd like to see it. That's the gun, old, black.

Did he possess that weapon? So that's -- that's -- that's beyond -- that's beyond dispute. Did he possess the weapon while committing a violent crime? Yes, he did. He was trafficking crack cocaine while in possession of that gun. Case closed. Beyond a reasonable doubt. And we'll talk about what that means. Was he possessing -- is he -- is -- is this -- is this the person who was convicted of a -- of a crime that carries a maximum punishment of more than one year? Yes, he is.

We've -- the Defense has agreed that he has been convicted of a crime that carries a maximum punishment of more than one year. Therefore, that makes it illegal for him to possess a firearm. Again, was he possessing a firearm that day? Yes. You saw it with your own eyes. Pulled it right out of his waist, told the officer, "I have a gun. And here it is."

Reasonable doubt. Okay. So let's talk about that. That can be a confusing concept sometimes for jurors and lawyers many times. What is it? The judge told you a little bit about what reasonable doubt is. So let's talk about it a little bit. It's the kind of doubt that would cause a reasonable person to hesitate to act. Now, hesitate to act -- it doesn't mean that you're out -- when you go back there, that you deliberate, or talk about it, or think about it. That's not hesitating. That's just you doing what you're supposed to do.

Going back there and considering all the evidence, and discussing it, talking about it, discussing what it means, that's not what that is. It's proof beyond -- proof beyond a reasonable doubt that leaves you firmly convinced of his guilt.

So after discussing all the evidence that you saw today, all the testimony that you heard, if you find yourself firmly convinced, okay, he clearly was trafficking 100 grams or more of crack cocaine, and then he obviously had a gun on him, you find yourself firmly convinced of -- of those facts, then you should find him guilty. You must find him guilty.

It is not proof beyond all doubt. That's an impossible standard. That's not the standard here. It is only proof beyond a reasonable doubt. So if there is no reasonable doubt, you should find him guilty. All I'm asking you to do

is to put all the evidence together, to use your common sense, use your good judgment, and to find him guilty because he's guilty.

Now, let's just go over the evidence one more time. Okay. The Defendant is driving the car. He's pulled over for a traffic violation. He's the only person in the car. There's no one else in the car. You heard from Officer Rodriguez, they passed each other. He's inside the car; there's no one there. He found him -- I believe the testimony was 20 seconds later parked by barbershop. Bag of crack cocaine just happens to be right there next to the driver's seat between the door, right where the Defendant was sitting.

Defendant comes over later when he is asked about what that is. "Is that crack?" Yeah, he nods. "Yes, that was crack." "How much does it weigh?" "Little under ounce." And it weighs 22 grams, a little bit under an ounce. Coincidence he -- he knows exactly what it is and exactly -- almost exactly how much it weighs. The Defendant tells the officer, "I have a" -- in response to -- to a question, "I have a gun on me. Here it is." And he assists him in pulling out the gun. There it is with a 30-round magazine -- a 30-round magazine while trafficking crack cocaine. I wonder why he's carrying the gun while he is trafficking drugs. Perhaps because he's trying to protect himself,

protect his drugs, his 120 grams of crack cocaine.

Later when he gets searched, because he's under arrest, of course, and he's going to be put in the police car, he finds the -- the -- the large cookie, another almost 100 -- I believe 99 grams of crack cocaine. You see the Defendant help the officer pull it out of his -- his pants. There it is. Sometimes you just got to believe your eyes and believe your ears.

Qualified prior conviction. The Defense has agreed, he has the prior qualified conviction of a crime that carries a maximum punishment of more than one year, making it illegal for him to have a firearm. He had one. You saw it. You know, many times, I -- I get up here and I talk to the jury and I try and -- you know, argue to them why someone is guilty of something, of some crime.

And I will say, well -- you know, look -- look at that -- look at all -- look at all this evidence. Look at all the evidence I have. Oftentimes circumstantial evidence, not here. This is all you hear about circumstantial cases. This is all -- this is not circumstantial case. It's all direct. It was all observed by a person and by you because it was captured on video.

And so -- but many times it's circumstantial. And I'll say -- you know, look at all this evidence I have, ladies and gentlemen, A, B, C, D, E, F. Look at all these individual

pieces of evidence. By themselves they may not prove anything, but put them all together and a picture starts to emerge about what actually happened. That's what I do often. And you come to your conclusion about what actually happened, right?

And I'll say something like, "You know what? You're right. I have all this, but you know what I don't have? I don't have a video of the Defendant committing the crime. I wish I did. I don't have that, that would make it a lot easier for me to prove to you beyond a reasonable doubt that he did it. I don't have one, but I have all these other things. Look at all this other evidence and put it together." Well, that's not the case here.

There is literally a video of the Defendant committing all three crimes because he committed them in front of a police officer who was wearing a body camera. And you saw him. You literally watched him traffic 120 grams of crack cocaine. It was on him; it was in his car. You watched him possess a gun. You know that he has a qualified conviction. It's there for you. And I -- I -- I find myself at a loss for words because sometimes there just isn't anything else to say. Sometimes there's just no mystery. There's no trick. It's just -- it is what it is. It's there.

Now, I close first and the Defense will close after me, and I cannot go after them. And so, and I have no idea what

they're going to say. I can only guess and anticipate what they're going to say. And -- you know, they may -- you know, they may try and say something like, "I don't know -- you know, who really knows? Is it real? You know, was there's someone else there?" You know, I -- I don't know. I don't know, but don't be distracted -- don't be distracted. Don't be -- don't have your attention diverted into something that is obviously not the case. Don't let them convince you not to believe your own eyes and ears.

Sometimes it's just so clear and so obvious. Like I said before, I often can't do this. I -- I can't come up to you and say, "I wish I had a video of him committing the crime because that would make this easier." Well, that's what we have here. That's exactly what we have here.

Beyond a reasonable doubt. Ladies and gentlemen, I -- I -- I mean, I -- I go as far as to say, although it's not the standard, beyond all doubt. Beyond all doubt, he's guilty of trafficking crack cocaine 100 grams or more, and possessing a weapon during the commission of a violent crime, crack -- crack cocaine and possessing a weapon after having been convicted of a crime that carried a maximum punishment for more than one year. He's agreed to that. It's all there. There's nothing else to consider.

So I ask you to go back there, think about everything I've said, all the evidence that you've heard, that you've

seen, use your common sense, and your good judgment, and just come to the obvious conclusion that the Defendant is guilty of all three crimes. Thank you.

THE COURT: Mr. Lusk?

MR. LUSK: Thank you, your Honor. May it please the Court?

THE COURT: Yeah.

MR. LUSK: Reasonable doubt is going to rule today. You heard a jury charge from the judge that explained what reasonable doubt was. It is proof that leaves you firmly convinced of the Defendant's guilt. Each of you on this jury were picked because you're reasonable people. So if any of you have doubt, that would be reasonable doubt.

I'm also going to point out something that the solicitor just said there at the end. He contended that this is proof beyond all doubt. He brought that up. That is not the standard in South Carolina, but he thinks he reached it. So I think you guys should consider that, since he made that mention.

I'm going to go into the evidence real quick here, and I'm going to start with the prior conviction. It was stipulated that there's a prior conviction here, but a prior conviction is not evidence of a propensity to commit another crime. It doesn't have anything to do with the trafficking crack cocaine 100 to 200 grams. It also has nothing to do

with possession of a firearm by a person convicted of a certain crime. It has nothing to do with those charges, and shouldn't be considered as elements for those charges.

I'm going to go into some of the additional evidence that we had here today, or yesterday -- excuse me. Officer Rodriguez got on the stand, he testified that he lost sight of the Defendant for at least 20 seconds. He didn't know with any certainty that my client, Mr. Bostic, was the only individual in the car. So he was the only individual that he saw, but he did not know if there are other parties in the vehicle. He didn't know what happened during that time period, the -- the "at least 20 seconds" where he wasn't visible. He didn't know if anyone stopped by his vehicle when he got to Platinum Cuts. Didn't know any of that.

There's also some gaps in the evidence, and I'm going to bring up former Rock Hill Police Department, Officer Holland. He was not here to testify even though he did see him briefly on the body cam videos. He's not here to testify because he was fired from the Rock Hill Police Department. You also heard additional testimony involving some opinions, opinions of the officer of what the substance might be. Opinions of the chemist of what the substance might be.

You guys are the determiners of facts in this case. Each and every one of you will go back, you'll consider the evidence, you're going to look at everything that you've

heard, everything that was testified to. You're going to deliberate, and you are going to determine the facts here.

There are some gaps in this case. This is not as clear-cut as the solicitor is trying to paint the evidence. Like I talked about earlier, there's gaps in the -- the visual. There's gaps in what happened. There's gaps in who showed up to testify. Mr. Bostic is presumed innocent. It's a staple of our constitution. He stands here today an innocent man. The State has the burden of proof in this case. The State has to convince you guys beyond a reasonable doubt that each and every element of these crimes occurred, not with some of the elements occurred. They have to prove beyond a reasonable doubt.

With this in mind, when you all break for deliberation, I want you guys to look at all of the evidence. I want you guys to deliberate, consider everything that you've heard and seen over this short -- I'll call it a two-day trial here. And at the end of this, I want you to decide, based on the evidence, that my client, Mr. Bostic, was not guilty of these offenses. Thank you.

THE COURT: All right. Ladies and gentlemen, that is the end of the -- the -- the -- the case you've heard now from the attorneys, their closing arguments. So in just a second, I'm going to ask you all to go back to the jury room. I do need my two alternates to stay in the courtroom, but the

rest of the -- the principal 12 jurors can head on back. And like I said, everything is done now except don't begin deliberation until the bailiff brings you the evidence, and the jury charge, and the verdict form. Okay?

Once you have that, that's your signal and you'll have everything back there except the gun. If you want to see the gun, ask the bailiff, and I'll have it sent back to you. Okay? It is safe, but I don't -- but if you -- if you don't want to see it, you don't have to. Okay? Thank you, ladies and gentlemen, head on back to the jury room.

(Jury exits the room at 10:57 a.m.)

THE COURT: All right. Ms. Pitsenbarger and Mr. Martin, I just want to thank you all very much. I know it's kind of a frustrating job. You -- you sit through the trial, and then you don't get to vote on it, okay? And -- but nevertheless, it's an important job. If someone else had -- had some kind of emergency or gotten sick, you could have stepped in. Okay?

So on behalf of the State of South Carolina, and York County, and myself, thank you very, very much for your jury service. Your jury service is now complete. You're free to do whatever you want. It's 11:00. If you want to stay and get free pizza, you're welcome to do that. You just can't eat with the other jurors, okay? But you're welcome. The county will be happy to get you pizza. You're now released

from any other restrictions that I've talked about.

So attorneys, they want to get better at their jobs like other people do. And so they may contact you and they may say, "How did I do? Or what did you think about when I said this or when I did that." You do not have to talk to the lawyers if you don't want to, but if you do want to, you can. And you can talk to family, friends, you can share anything you'd like about your jury experience. Okay? Either way all the restrictions are lifted.

Do you have any questions? Do you need work excuses or anything like that? Okay. Thank you, y'all, very much. You're all set. If you want to stay and wait for the verdict, you can do that too. If you have personal belongings in the jury room, the bailiff will grab them for you. Just tell -- tell -- ask the bailiffs, and they'll -- they'll get it for you.

JUROR NUMBER 139: Thank you, sir.

THE COURT: Yes, ma'am.

Counsel, let me apologize for what I said, and the -- the -- that I just got carried away. I -- that's a complete unforced error on my part. If you want more argument on that, I'm happy to give it to you. I don't think a mistrial is warranted. Like I said, in this case, the Defendant is on video nodding his head when he's asked if it's crack. We had a chemist saying it was crack. Nevertheless, I should

absolutely not have said that. But the -- the State wouldn't put anything on the record -- you know.

MR. BAYONA: I -- you've made your ruling, I obviously would've opposed a mistrial. I don't think there's any manifest necessity. And I think a correction on your part and the overwhelming evidence that it is crack is sufficient to preclude a mistrial in this case.

THE COURT: Mr. Lusk?

MR. LUSK: I -- I respect your ruling as long as it's preserved for the record --

THE COURT: It is.

MR. LUSK: -- in case anything is necessary. We would obviously have a different opinion than Mr. Bayona on the situation. We would think that the statements of a judge would hold a lot of weight in a jury because everyone is going to obviously understand the position that you're in. So we would've fought for that, but as long as the objection -- everything is here preserved for the record; I don't think it's necessary to continue to fight.

THE COURT: It's a -- it is absolutely preserved, and I -- I apologize to both of you all. I should not have said that. Now, Counsel, if you all want to come take a look at the evidence and make sure everything is there. I got "Busted to see the gun." So send -- send -- send it on -- send it on back.

MR. BAYONA: All right. Well --

(Off the record at 11:02 a.m.)

(On the record at 11:45 a.m.)

THE COURT: Okay. Let's bring them.

(Jury enters the room at 11:46 a.m.)

THE COURT: All right. Madam Foreperson, do we have a verdict?

THE FORELADY: Yes.

THE COURT: If you could fold it in half and hand it to the bailiff, please. Defendant, please rise. Madam Clerk, please publish the verdict.

THE CLERK: "State of South Carolina versus Jeremiah Rashad Bostic, indictment number 2024-GS-46-06772, 2024-GS-46-06772A, 2024-GS-46-06774. We, the jury, by unanimous consent, find the Defendant, Jeremiah Bostic, as to the charge of the trafficking crack cocaine more than 100 grams, but less than 200 grams, guilty.

We, the jury, by unanimous consent, find the Defendant, Jeremiah Bostic, as to the charge of possession of a weapon during the commission of a violent crime, guilty. We, the jury, by unanimous consent, find the Defendant, Jeremiah Bostic, as to the charge of possession of a weapon by a person convicted of certain crimes, guilty." Signed and dated by the foreperson.

Ladies and gentlemen of the jury, if that be your

verdict, say so you all by raising your right hand. Let the record show all jurors affirm the verdict.

THE COURT: Mr. Lusk, would you like the jurors individually polled?

MR. LUSK: Yes, sir, your Honor.

THE COURT: Okay. So, ladies and gentlemen, what's going to happen now is the clerk is going to ask you all to stand, and then she's going to ask you individually, "Do you agree with the verdict?" And when she says that, sit down, please. Okay. You can you go ahead and stand. Okay. Yeah.

THE CLERK: Juror Number 5?

JUROR NUMBER 5: Yes.

THE CLERK: Is this your verdict?

JUROR NUMBER 5: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 5: Yes.

THE CLERK: You may be seated. Juror 149, is this your verdict?

THE COURT: 14?

THE CLERK: It's 149.

JUROR NUMBER 149: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 149: Yes.

THE CLERK: You may be seated. Juror 44?

JUROR NUMBER 44: Yes.

THE CLERK: Is it still your verdict?

THE COURT: And just, ma'am, just let -- just for the record, let her -- let her ask the question. Yeah.

THE CLERK: Is -- is this still your verdict?

JUROR NUMBER 44: Yes.

THE CLERK: You may be seated. Juror 82?

THE COURT: Just you have to ask the question each time so they -- so that the record is clear.

THE CLERK: Is this your verdict?

JUROR NUMBER 82: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 82: Yes.

THE CLERK: You may be seated. Juror 67, is this your verdict?

JUROR NUMBER 67: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 67: Yes.

THE CLERK: You may be seated. Juror 158, is this your verdict?

JUROR NUMBER 158: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 158: Yes.

THE CLERK: You may be seated. Juror 74, is this your verdict?

JUROR NUMBER 74: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 74: Yes.

THE CLERK: You may be seated. Juror 59, is this your verdict?

JUROR NUMBER 59: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 59: Yes.

THE CLERK: You may be seated. Juror 102, is this your verdict?

JUROR NUMBER 102: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 102: Yes.

THE CLERK: You may be seated. Juror 155, is this your verdict?

JUROR NUMBER 155: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 155: Yes.

THE CLERK: You may be seated. Juror 108, is this your verdict?

JUROR NUMBER 108: Yes.

THE CLERK: Is this still your verdict?

JUROR NUMBER 108: Yes.

THE CLERK: You may be seated. Juror 157, is this your verdict?

JUROR NUMBER 157: Yes, ma'am.

THE CLERK: Is this still your verdict?

JUROR NUMBER 157: Yes.

THE CLERK: You may be seated.

THE COURT: All right. Ladies and gentlemen, on behalf of the State of South Carolina, York County, and myself, thank you very much for your jury service. I could tell you paid close attention, and -- and worked hard on this case, so I really appreciate it. Your jury service is complete. So at this time, you are released from all my restrictions I've told you about. You can discuss the case with anyone you want; you can talk about your experience.

Attorneys, like most people, want to get better at their jobs, so they may contact you and say, "What could I do better? What did you not like? What did you like?" You do not have to talk to them if you don't want to. Just -- you can just say, "I don't want to talk to you. I'm -- I'm done with my jury service, and I'm" -- you know, but if you want to talk to the attorneys, it's fine. Okay. And you can talk to anybody you want. All the restrictions are lifted. Does anybody have any questions? Okay. Does anyone need a work excuse or anything? All right. Madam Foreperson, I do need you to sign the indictments, but for everyone else, thank you very much. You're excused.

(Jury exits the room at 11:52 a.m.)

THE COURT: All right. Does the State have a

sentencing sheet prepared?

MR. BAYONA: Yes, your Honor. May I bring them up?

THE COURT: Please.

MR. BAYONA: Okay. To point to an issue, your Honor, and I don't know if the Defense has an opinion on this. It says Taylor Bell. I don't know if he's the --

MR. LUSK: The -- the filing is for Taylor Bell. He's the senior defense attorney.

THE COURT: Okay.

MR. LUSK: But it's under the same umbrella, same firm and everything, if you'd like to change it?

THE COURT: I don't -- I -- I mean, is he the list attorney on -- of record?

MR. LUSK: He's the attorney in the paragraph, yes, sir, your Honor.

THE COURT: That's -- that's fine. Okay. Okay.

MR. LUSK: And I can -- I can sign it -- you know, my name --

THE COURT: Okay.

MR. LUSK: -- for however you'd like to do that, your Honor.

THE COURT: All right. Let me see. Let's go ahead and head into sentencing. So, Mr. Bayona?

MR. BAYONA: Your Honor, typically on a case like this -- I -- I -- you know, there's a mandatory minimum of 25

years and I would probably surpass for that mandatory minimum of 25 years. However, I think this case is a little different. He -- the Defendant is young, he's 25, he's about to turn 26. However, he does have a record for being such a young person, and it is very recent, and his record includes a PWID second defense and a proximity charge. He got a probationary sentence for that happened from 2023 -- 2022 -- I'm sorry, a distribution second offense.

A '22 possession of a Schedule II drug and failure to stop for a blue light. 2021, driving without a license and possession of marijuana, 2020 UCAP, 2019 UCAP, and 2017 UCAP. And you got a YOA for that. He has built up a pretty good record for being such a young person, in addition to having several drug charges -- charges already.

Your Honor, and the facts of this case, I mean, we're not talking about -- you know, he just made trafficking. We're talking about 120 grams of crack cocaine while carrying a gun with a 30-round magazine. He wasn't out there doing anything good. I think we all know what he was out there doing.

And the -- the -- the crack -- the crack rock that was about almost 100 grams. It was a freshly cooked cookie of crack cocaine, meaning he either made it himself or he just bought it from somebody who made it, and he was going to go out to distribute it, sell it to capitalist people, and it --

where it was going to do a great deal of harm very likely.

In addition to that, your Honor, he didn't take responsibility. He took -- now, it's his right to have a trial, but he didn't take responsibility in a case where the evidence of his guilt was so overwhelming. I don't understand why he wouldn't take the State's offer. It was very overwhelming. He -- he committed essentially all three offenses on camera, and he refused to -- to -- to take an offer from the State. And I understand he can exercise his right to -- to a trial, but that's telling, I think, that we -- we had to go through this, you know, when he -- when -- when the -- when the evidence of his guilt was so strong.

So for all those reasons, your Honor, I think that the Court is obviously required to impose a mandatory minimum of 25 years, but that the Court should also impose at least on one of the gun charges, specifically possession of a weapon during the commission of a violent crime, a consecutive five years. Yes. And I think his -- his most recent drug charge, the distribution from 2023 was prosecuted by Austin Smith, and I think she wants to address you on that.

THE COURT: Yes, ma'am?

MS. SMITH: Yes, your Honor, the Defendant did plead to distribution in that case, and proximity charge that he pled in 2023. He was a second offense at that time. My -- he received probation that is not normally my offer for a

distribution second offense.

In his case, the DU agent that had his videos accidentally deleted his videos, and that is the only reason why he received an offer of probation. I believe that that was his break. He should have taken that break, and he should have changed his behavior, but he didn't. And he has escalated that.

In that case, he did have a co-defendant. Some of that co-defendant's videos weren't deleted. And candor to the Court, the videos that we did have of his co-defendant weren't any good either. And that co-defendant still got a five-year sentence. So that's what I would've been going for -- for Mr. Bostic's case -- had the videos not been deleted. I think that that break that he was given should be taken into account with this sentencing. Had he gotten the five-year sentence in that case, he wouldn't have even been out in order to traffic these drugs here. So instead of taking that break, he escalated to trafficking. I think that deserves more time.

THE COURT: How much time served credit does he have?

MR. BAYONA: I have -- I -- I think just two days, your Honor.

THE COURT: Mr. Lusk, is that correct?

MR. LUSK: That's what we have as well, your Honor. He bonded out fairly quickly after.

THE COURT: Anything else from the State?

MR. BAYONA: Nothing from the State, your Honor.

THE COURT: All right. Yes, sir, Mr. Lusk?

MR. LUSK: Thank you, your Honor. I am going to be asking you to go along with the 25 year -- the mandatory sentence for the -- the drug charge. I'm going to ask you to run the gun charges concurrently -- concurrently. Made sure I said that correctly. Sorry.

The accountability, I don't think is appropriate in this situation, especially when the offer after hiring our office was 17 years, and we found out on the day of the offer rejection, the issues with Officer Holland.

This isn't a lack of accountability. This is a belief that there was a legitimate legal issue as to whether or not the case could have proceeded. The only way to bring that legal issue to the Court is to do it in a pretrial motion before a trial. The -- the difference between 25 and 17, I don't believe was a large enough difference to waive that possible legal issue.

And -- and just again, you have a constitutional right to a jury trial if you see fit. He is a young man; he's in his mid-20s. If you do the 25-year sentence, he's -- he's going to be pushing 50 before he gets back out into the world. I know SCDC does their math, and I'm not going to sit here and -- and calculate it, but -- he's got good family

support. His grandma is here with him. I've got a couple of character letters from his aunt and his uncle, his uncle is his pastor. Just reiterating his character.

You know, he obviously has been convicted of a crime that -- that is a -- a bad decision here. But I don't believe that there is a need to do these sentences consecutively here. And if you are inclined to do them consecutively, I don't think it needs to be full five years there.

If you're inclined to do a consecutively, maybe a year or two added on as a -- a middle ground here, but I don't think doing the 25-year mandatory minimum sentence on the -- the trafficking crack cocaine case, and then doing the five-year consecutive sentence would be appropriate. I would argue that the 25-year sentence is appropriate here. That is a significant amount of time, and he will serve that punishment and pay for his crimes, but I think adding an extra five years, I don't believe is necessary in this instance, your Honor.

And it's -- it's kind of -- I guess ironic is the word that the solicitor brought up -- the issues with that -- that offered plea. It wasn't a guilty plea, but the issues with the officer involved with that case, we had more issues with the officer involved here. Just -- I guess, kind of ironic that that's how it's -- it's played out there. But I would

ask that you not do these consecutively for the full 30 here. I'd ask for 25 or a middle ground where maybe a year or two was -- was consecutive, your Honor.

THE COURT: All right.

MR. LUSK: And may I approach with the --?

THE COURT: Yes, sir.

MR. LUSK: And I think his grandmother would like to speak, if that's okay.

THE COURT: That'd be fine. I'm reading his aunt's letter. Both of his parents are paralyzed?

MR. MEYER: Yes, your Honor.

MR. LUSK: And his father is sitting before the Court.

THE COURT: Were they in an accident all together, or what -- how did that happen?

MR. MEYER: In an accident.

THE COURT: Okay.

MR. LUSK: Just a series of bad luck. It's -- it's been on his family. It's -- it's bad enough to have one parent that has to -- to suffer through that. He -- he actually had two, and it's obviously made his upbringing a little more challenging than -- you know, you or I would have to deal with, or the average person, your Honor. Is it okay if she stands here, sir?

THE COURT: Of course. And if she can be seated, if -- if she's more comfortable sitting down.

MR. LUSK: Would you rather sit or stand? Sit down? Do you want me to bring the microphone?

THE COURT: She can just sit at the counsel table.

MR. LUSK: Okay.

THE COURT: It -- it's fine. You know, and that -- use that -- use the microphone at the attorney's table.

MS. BOSTIC: My name is Gladys Bostic, and I'm Jeremiah's grandmother. Jeremiah is not no bad boy, not no gangster. He doesn't make any mistakes. And 25 years is too long for me not to see my grandson. He'S been with me all his life. Now, I'm going to miss him, but he don't need to be sent away for 25 years because of a mistake. And I asked the judge please don't give him all that.

THE COURT: Ma'am, I -- I don't have any discretion on the drug charges. It's an -- it's an automatic minimum of 25, and then it goes up to 30. It's not -- I -- I can't give him lower than that.

THE DEFENDANT: Can I give my grandmother a hug?

MR. LUSK: Your Honor (inaudible)?

THE DEFENDANT: This might be the last time I see her. Can I get a hug?

THE COURT: Yeah, usually is okay with the -- with -- Deputy Turner, Deputy Hassan, is that okay? Yeah, that'll be okay.

MS. BOSTIC: (Inaudible).

THE DEFENDANT: Okay. It's going to be okay. I promise it's going to be okay.

MS. BOSTIC: I'll miss you every day. I'll miss you every day. (Inaudible).

THE DEFENDANT: (Inaudible).

MR. LUSK: Your Honor, our client does have money on him. Is he able to take that back with him, or does he need to give it to his family?

THE COURT: I'm actually not sure of the answer to that. Did Deputy Hassan or Deputy Turner -- you all -- what does he -- has -- the Defendant has cash in his pocket?

MR. LUSK: He's just has cash on him.

THE COURT: Should he give it to his family or what? What do you all --?

MR. LUSK: He cannot take it in?

THE DEPUTY: (Inaudible).

THE COURT: Okay. I do -- is -- is Mr. Williams here? The -- the -- his uncle and pastor?

MR. LUSK: He wasn't able to make it.

MR. MEYER: They had to run.

THE COURT: Okay. I mean, I was going to ask because his letter says that -- that Mr. Bostic has shown genuine remorse for his actions. And I wanted to ask him what he meant by that. But do you want to --

THE DEFENDANT: I want to real quick --

THE COURT: You want -- well, I mean maybe your attorney can tell me what he -- what he means by that.

MR. LUSK: I -- I think it's regarding his -- you know, continuing to go to -- to church and -- and have that pastor as a counselor of sorts where he -- you know, he talks to him about aspects of this, and -- and what's right, and what's wrong, and things like that.

And just to reiterate, your Honor, I know there's only so much discretion you have in something like this. I understand there is no discretion in the drug charges. I'm not bringing that up. It's -- it's really the discretion is about the guns.

MR. MEYER: Your Honor, I just talked with the client about the remorse option, and what he was telling me -- what the remorse about what he was telling me. In addition to going to the church and working with him, part of that was that he needed to take a firmness -- a firm stance at home and work with himself, especially in his family, which is why he has been working with his grandmother almost every single day since this to kind of limit, but at the same time help him grow as a person. And that's kind of where that remorse has come from.

THE COURT: All right. Mr. Bostic, do you want to say anything before I sentence you? You don't have to, but you can.

THE DEFENDANT: I'm good.

THE COURT: All right. I mean, that -- you know, the -- the -- the -- the -- the -- there's no discretion to go below 25 on the -- on the -- the -- the cocaine charge. That's what I'm going to do. I mean, the -- the legislature has added -- I mean, the -- it's the opinion of the legislature that people who do these kinds of things and carry guns deserve additional punishment.

So I am going to run the -- the fire -- the possession of a firearm by person convicted of certain crimes consecutive, but I'm only going to do two years. And the reason, Mr. Bostic, I'll be honest, the reason I'm doing that is because when you got pulled over, you were very cooperative with law enforcement. You didn't -- you -- you -- you -- you told them you were armed, and you let them -- and you -- you -- I mean, you told them about -- and the -- the -- the drug -- the -- the drugs in your pants. So you were -- because you were very cooperative with law enforcement, especially involving the gun, I'm going to give you two years instead of -- instead of anything more on the gun charge, and the other gun charge, I'm going to run concurrent.

So State of South Carolina versus Jeremiah Rashad Bostic, indictment 2024-GS-46-06772, charges are trafficking crack cocaine 100 grams or more, possession of a firearm by a

person convicted of certain crimes, first offense, and possession of a weapon during the commission of a violent crime. On the trafficking crack cocaine charge, Mr. Bostic is committed to the custody of the Department of Corrections for a period of 25 years.

On the possession of a weapon by a person convicted of certain crimes, the sentence of the Court is Mr. Bostic is committed to the custody of the Department of Corrections for a period of two years to be run consecutive to the other charge. And then, finally, on the possession of a weapon during the commission of a violent crime, sentence of the Court is Mr. Bostic is committed to the custody of the Department of Corrections for a period of five years that has to be run concurrent with the trafficking charge. Good luck to you, sir. All right. 10 days for post-trial motions.

MR. LUSK: Yes, sir, your Honor.

THE COURT: All right. Thank you, Counsel.

MR. LUSK: Thank you.

THE COURT: Mr. Bayona, I assume you all will have some pleas for me tomorrow?

MR. BAYONA: Tomorrow, yes -- yes.

THE COURT: Okay.

MR. BAYONA: We are -- we are done in this work for today.

THE COURT: Okay. All right.

MR. BAYONA: Your Honor, I'm asking what --

THE COURT: Well, I -- I mean -- do you need -- I mean --

MR. BAYONA: Well, I know we had some matters scheduled here, but I don't know if they've been moved over or not.

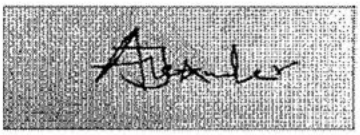
(THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT 12:10 P.M.)

CERTIFICATE OF TRANSCRIBER

I, JACKSON ALEXANDER, 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 trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 16 of York County, South Carolina, on June 4, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 27, 2026.



JACKSON ALEXANDER

Transcriber

WITNESSES

RHPD

Witnessing Officer: Smith

ARREST WARRANT NUMBER

2024A4620302572

ACTION OF GRAND JURY

TRUE BILL

Kelly Wilson

Foreperson of Grand Jury
Date: 4/10/25

VERDICT

Guilty on both charges

Foreperson of Petit Jury

4/04/25

Foreperson of Petit Jury
Date:

DOCKET NO. 2024-GS-46-06772
DOCKET NO. 2024-GS-46-06772A

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

APRIL 10, TERM 2025

THE STATE

VS.

JEREMIAH RASHAD BOSTIC

INDICTMENT FOR

TRAFFICKING CRACK COCAINE

SC Code: § 44-53-375(C)
CDR Code: 0368

INDICTMENT FOR

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

SC Code: § 16-23-0490
CDR Code: 0549

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on April 10, 2025, the Grand Jurors of York County present upon their oath:

TRAFFICKING CRACK COCAINE

The defendant, Jeremiah Rashad Bostic, did on or about December 6, 2024, in York County, South Carolina, knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of one hundred (100) grams or more of crack cocaine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), all in violation of 44-53-375(C), Code of Laws of South Carolina (1976, as amended).

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

The defendant, Jeremiah Rashad Bostic, did on or about December 6, 2024, in York County, South Carolina, while committing the violent crime of trafficking crack cocaine, possess a handgun, all in violation of 16-23-0490, *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

KEVIN BAYONA
ASSISTANT SOLICITOR

KB

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK) INDICTMENT/CASE#: 2024-GS-46-06772

) AW#: 2024A4620302572

STATE vs.) Date of Offense: 12/06/2024

ORIGINAL

Jeremiah Rashad Bostic) S.C Code§: 44-53-375(C)

AKA: SSN: [redacted]) CDR Code #: 0368

RACE: B SEX: M DOB: [redacted]1999) Range of Offense: Trafficking Crack Cocaine 100g or more (25 YEARS & $50,000)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Trafficking Crack Cocaine 100g or more Range of Offense Pled: (25 YEARS & $50,000)

In violation of § 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0368

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____

/s Kevin Bayona 104596 /s J. Taylor Bell 100022

Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program for a determinate term of 25 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall pay a fine of $ _____; provided that upon the service of 0 days/months/years/Time Served and or payment of $ _____ plus costs and assessments as applicable* ; balance is suspended with **probation** for _____months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC 20 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

☐ PTUP _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other: _____

☐ **RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))**

Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months

Restitution		$
FINE:		$
§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1) Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-1995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
§14-1-212 (Law Enforcement 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	$
☐ Appointed PD or appointed other counsel. Provisio requires $500 to be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund	$40	$
	TOTAL	$ 215.00

/s Angie Bryant

Clerk of Court/Deputy Clerk

DCRP 276 / McKinnon June 3, 2025 2761

Court Reporter Judge Code Sentence Date Presiding Judge

SCCA217B
01/27/2025

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

INDICTMENT/CASE#: 2024-GS-46-06772A
AW#: 2024A4620302571
Date of Offense: 12/06/2024
S.C Code§: 16-23-0490
CDR Code #: 0549
Range of Offense: Possession of a Weapon During the Commission of a Violent Crime (5 years)

ORIGINAL

STATE vs.
Jeremiah Rashad Bostic
AKA: SSN: [redacted]
RACE: B SEX: M DOB: [redacted]1999

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS TO: Possession of a Weapon During the Commission of a Violent Crime Range of Offense Pled: (5 years)

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____

/s Kevin Bayona	104596	/s J. Taylor Bell	100022
Solicitor	SC Bar #	Attorney for Defendant	SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program for a determinate term of 5 days/months/years Time Served ☐ YOA NTE _____ years and/or shall pay a fine of $ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of $ _____ plus costs and assessments as applicable* ; balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2024-GS-46-06772

☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC 20 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

☐ PTUP _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months

Restitution		$
FINE:		$
§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1) Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-1995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
§14-1-212 (Law Enforcement Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$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	$
☐ Appointed PD or appointed other counsel. Provisio requires $500 to be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund	$40	$
	TOTAL	$ 125.00

/s Angie Bryant
Clerk of Court/Deputy Clerk

DCP
Court Reporter

McKinnon 2761
Judge Code

June 3, 2025
Sentence Date

2741
Presiding Judge

SCCA217B
01/27/2025

WITNESSES

RHPD

Witnessing Officer: Smith.

ARREST WARRANT NUMBER

2024A4620302573

ACTION OF GRAND JURY

TRUE BILL

Kelly Will

Foreperson of Grand Jury

Date: 4/10/25

VERDICT

Guilty

[signature]

4/14/25

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-46-06774

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

APRIL 10, TERM 2025

THE STATE

VS.

JEREMIAH RASHAD BOSTIC

INDICTMENT FOR

POSSESSION OF A FIREARM BY A PERSON CONVICTED OF CERTAIN CRIMES - FIRST OFFENSE

SC Code: § 16-23-0500(A)
CDR Code: 3434

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____ hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on April 10, 2025, the Grand Jurors of York County present upon their oath:

POSSESSION OF A FIREARM BY A PERSON CONVICTED OF CERTAIN CRIMES - FIRST OFFENSE

The defendant, Jeremiah Rashad Bostic, did on or about December 6, 2024, in York County, South Carolina, willfully and unlawfully have in his possession a firearm and/or ammunition, and said defendant has been convicted of a crime punishable by a maximum term of imprisonment of more than one year, all in violation of 16-23-0500(A), *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

KEVIN BAYONA
ASSISTANT SOLICITOR

KB

STATE OF SOUTH CAROLINA | SENTENCE ORDER | IN THE COURT OF GENERAL SESSIONS

COUNTY OF YORK

ORIGINAL

STATE vs. Jeremiah Rashad Bostic

AKA: SSN: [redacted]

RACE: B SEX: M DOB: [redacted]1999

INDICTMENT/CASE#: 2024-GS-46-06774

AW#: 2024A4620302573

Date of Offense: 12/06/2024

S.C Code§: 16-23-0500(A)

CDR Code #: 3434

Range of Offense: Possession Of A Firearm By A Person Convicted of Certain Crimes - first offense (NMT 5 YEARS &/OR $2,000)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Possession Of A Firearm By A Person Convicted of Certain Crimes - first offense

Range of Offense Pled: (NMT 5 YEARS &/OR $2,000)

In violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense ☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated _____ ☐ Recommendation _____

/s Kevin Bayona 104596 — Solicitor / SC Bar #

/s J. Taylor Bell 100022 — Attorney for Defendant / SC Bar #

The Defendant is committed to the ~~☒~~ SCDC ☐ County Detention Center ☐ Home Incarceration Program for a determinate term of 2 days/months/~~years~~/Time Served ☐ YOA NTE _____ years and/or shall pay a fine of $ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of $ _____ plus costs and assessments as applicable* ; balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☐ CONCURRENT or ~~☒~~ CONSECUTIVE to sentence on: 2024-GS-46-06772

~~☒~~ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC 2 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

☐ PTUP _____

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months

Restitution		$
FINE:		$
§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1) Conv. Surcharge)	$100	$100.00
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-1995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
§14-1-212 (Law Enforcement Funding)	$25	$25.00
§14-1-213 (Drug Court Surcharge)	$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	$
☐ Appointed PD or appointed other counsel. Provisio requires $500 to be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund	$40	$
	TOTAL	$125.00

/s Angie Bryant
Clerk of Court/Deputy Clerk

DCRP — Court Reporter

2761 — Judge Code

June 3, 2025 — Sentence Date

Presiding Judge

SCCA217B
01/27/2025

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED
Sep 11 2026
SC Court of Appeals

Respectfully Submitted,

Wanda H. Carter
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 11th day of September, 2026.

RECEIVED
Sep 11 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Honorable William A. McKinnon, Circuit Court Judge

THE STATE,

RESPONDENT

V.

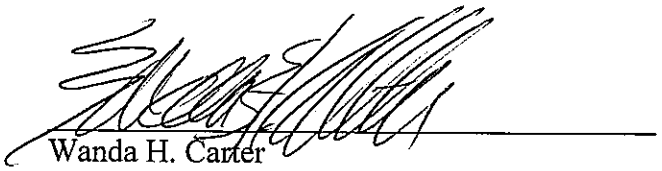
JEREMIAH BOSTIC,

APPELLANT

APPELLATE CASE NO. 2025-001188

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 11th day of September, 2026.



Wanda H. Carter
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT