

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FLORENCE COUNTY

D. Craig Brown, Circuit Court Judge

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MAR 24 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CLIFFORD CLAUDE CAMPBELL,

APPELLANT

APPELLANT CASE NO. 2013-001450

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE	)	CASE NO. 2012-GS-21-933

STATE OF SOUTH CAROLINA,

Plaintiff,

-vs-

TRANSCRIPT OF RECORD

CLIFFORD CLAUDE CAMPBELL,

Defendant.

June 17-18, 2013
Florence, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, Judge; and a jury

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

JOHN JEPERTINGER, Deputy Solicitor
Attorney for the Plaintiff

KIRK TRUSLOW, Esquire
Attorney for the Defendant

KRYSTAL J. SMITH
Court Reporter

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1 June 17, 2013

2 (WHEREAS this matter was scheduled for a trial, the
3 defendant appeared along with his counsel of record. The
4 hearing began at 11:11 a.m.)

5 THE COURT: We are now going to move forward with
6 selecting the first jury for trial this week. Mr. Truslow, is
7 your client here?

8 MR. TRUSLOW: Yes, sir.

9 THE COURT: All right. Is the State ready to move
10 forward with jury selection?

11 MR. JEPERTINGER: Yes, sir.

12 THE COURT: Defense counsel ready to proceed?

13 MR. TRUSLOW: Yes, Your Honor.

14 THE COURT: All right. Call your first case, Mr.
15 Jepertinger.

16 MR. JEPERTINGER: May it please the Court. The State
17 would call Clifford C. Campbell, 2012-GS-21-933.

18 THE COURT: All right. Ladies and gentlemen, the State
19 has called the case of the State of South Carolina versus Mr.
20 Clifford Claude Campbell. Mr. Campbell is charged by an
21 indictment with the offense of trafficking marijuana.

22 The indictment that I hold in my hand, ladies and
23 gentlemen, reads as follows: That Clifford Claude Campbell
24 did in Florence County on or about February 28, 2012,
25 knowingly sell, manufacture, cultivate, deliver, purchase or

1 bring into this state or aid, abet, attempt or conspire to
2 sell, manufacture, cultivate, deliver, purchase or bring into
3 this state or was knowingly in actual or constructive
4 possession or knowingly attempted to become in actual and/or
5 constructive possession of a quantity of marijuana in the
6 amount of ten pounds or more but less than one hundred pounds.
7 Marijuana being a controlled substance under Section 44-53-110
8 of the SC Code of Laws and in violation of Section 44-53-370
9 of the S.C. Code of Laws.

10 Ladies and gentlemen, this indictment that I hold in my
11 hand is not evidence in this case. It is simply the charging
12 document by which this case is brought into this court. The
13 defendant has pled not guilty -- has pled not guilty to this
14 offense. Therefore, the State of South Carolina bears the
15 burden of proving his guilt beyond a reasonable doubt. Beyond
16 a reasonable doubt is a legal term which I will further
17 instruct you on later during the course of this trial. But
18 again, the defendant has pled not guilty and therefore the
19 State of South Carolina bears the burden of proving his guilt
20 beyond a reasonable doubt.

21 Now, before we move forward with selecting a jury, there
22 are several questions that I must ask of you. Please listen
23 very carefully to these questions. Is there any member of the
24 jury panel that's related by blood, connected by marriage or
25 has a close personal, business or social relationship with Mr.

1 Clifford C. Campbell? If so, please stand.

2 (Whereupon, no one stands.)

3 THE COURT: All right. The following, ladies and
4 gentlemen, is a list of potential witnesses in this case.
5 They include: Ronnie Hinson, South Carolina Law Enforcement
6 Division; Robert Downey, South Carolina Law Enforcement
7 Division; Dennis Tracy, South Carolina Law Enforcement
8 Division; Angil Landrum, South Carolina Law Enforcement
9 Division. When I say that, I am referring to SLED. Okay?
10 Investigator Gary Lewis of the Florence County Sheriff's
11 Office; Rollins Rhodes of the FBI; Brad McDowell of the
12 Florence County Sheriff's Office; and Shawn Luron, L-U-R-O-N,
13 Davis.

14 Is there any member of the jury panel related by blood,
15 connected by marriage or have a close personal, business or
16 social relationship with any of the potential witnesses in
17 this case? If so, please stand.

18 (Whereupon, one potential juror stands.)

19 THE COURT: Yes, ma'am, your name and number, please.

20 THE POTENTIAL JUROR: Erica Hartman, 126. Just a close
21 friendship with one of them and his wife, Brad McDowell and
22 Liza McDowell.

23 THE COURT: You say you have a friendship with them?

24 THE POTENTIAL JUROR: Yes. It's just a personal
25 friendship. It's not family.

1 THE COURT: Do you engage in social activities together?

2 THE POTENTIAL JUROR: Occasionally.

3 THE COURT: The fact that you occasionally -- when you
4 say occasionally, how about define that for me?

5 THE POTENTIAL JUROR: Going to their house and playing
6 with their baby, spending time with their baby, here and
7 there.

8 THE COURT: All right, I'm going to set you aside for
9 trial in this case. Any objection by the State?

10 MR. JEPERTINGER: No, sir.

11 THE COURT: Defense Counsel?

12 MR. TRUSLOW: No, Your Honor.

13 THE COURT: All right. Any others, ladies and gentlemen?
14 (Whereupon, no one stands.)

15 THE COURT: All right. Mr. Jepertinger, if you would,
16 stand and introduce yourself, followed by you, Mr. Truslow.

17 MR. JEPERTINGER: My name is John Jepertinger. I am
18 deputy solicitor here in the Twelfth Circuit. That is derived
19 from Florence and Marion Counties.

20 THE COURT: Mr. Truslow?

21 MR. TRUSLOW: Good morning, ladies and gentlemen. My
22 name is Kirk Truslow. I represent Mr. Clifford Campbell this
23 morning. I am an attorney with offices in Myrtle Beach, but I
24 also practice here in Florence, as well as in state and
25 federal court.

1 THE COURT: All right. Is any member of the jury panel
2 related by blood, connected by marriage, have a close
3 personal, business, social relationship or ever been
4 represented by any of the attorneys involved in this case? If
5 so, please stand.

6 (Whereupon, one potential juror stands.)

7 THE CLERK: I think we have one.

8 THE POTENTIAL JUROR: I have a question. Does it matter

9 ---

10 THE COURT: Hold on. Hold on. Hold on. Hold on.
11 What's your name and number first?

12 THE POTENTIAL JUROR: Donna King, 83.

13 THE COURT: All right. Hold on, Ms. King. Can you come
14 forward, Ms. King? Will the lawyers approach as well? Hold
15 on just a minute and let the lawyers get up here.

16 (Whereupon, a bench conference is held in the presence of
17 the jury panel but out of the hearing of the jury panel
18 as follows.)

19 THE COURT: See, it is my job to ask the questions and I
20 don't want you to say something that might ---

21 THE POTENTIAL JUROR: Right.

22 THE COURT: --- taint the entire pool out there..

23 THE POTENTIAL JUROR: OKAY.

24 THE COURT: That's why I called you forward.

25 THE POTENTIAL JUROR: Okay.

1 THE COURT: Now, go ahead.

2 THE POTENTIAL JUROR: I go to church with Mr.

3 Jepertinger, but we're not close friends.

4 THE COURT: All right. I understand.

5 THE POTENTIAL JUROR: I was just told I needed to tell
6 you so.

7 THE COURT: Well, that's Okay. You go to church with
8 him?

9 THE POTENTIAL JUROR: Mm-hmm.

10 THE COURT: All right. Do y'all engage in any social
11 activities?

12 THE POTENTIAL JUROR: Do not.

13 THE COURT: Do you know him anywhere other than church?

14 THE POTENTIAL JUROR: No, sir, I do not.

15 THE COURT: Would that affect your ability to be fair ---

16 THE POTENTIAL JUROR: No, sir, it would not.

17 THE COURT: Let me finish. Fair and impartial to both
18 the State and the defense if you were selected in this case?

19 THE POTENTIAL JUROR: No, sir.

20 THE COURT: Okay. Thank you for letting me know me know.
21 You may be seated.

22 THE POTENTIAL JUROR: Thank you.

23 THE COURT: All right.

24 MR. TRUSLOW: I go to church, too.

25 THE COURT: Do what?

1 MR. TRUSLOW: I said I go to church, too.

2 MR. JEPERTINGER: At least she didn't say I was her
3 enemy, you know.

4 THE COURT: That's right.

5 (Whereupon, the bench conference ends.)

6 THE COURT: All right. Ladies and gentlemen, has any
7 member of the jury panel formed or expressed an opinion about
8 any issue or matter involved in this case? If so, please
9 stand.

10 (Whereupon, no one stands.)

11 THE COURT: All right. Is any member of the jury panel
12 aware of any bias or prejudice toward either the State or the
13 defendant in this case? If so, please stand.

14 (Whereupon, no one stands.)

15 THE COURT: All right. Is there any member of the jury
16 panel who is a member of or contributor to any group which has
17 as its primary concern the promotion of law enforcement or
18 victim's rights? These groups might include but are not
19 limited to MADD, SADD, or CAVE, Citizens against violent
20 crime. If so, please stand.

21 (Whereupon, one potential juror stands.)

22 THE COURT: Yes, ma'am, your name and number?

23 THE POTENTIAL JUROR: Rene Wiley, 165.

24 THE COURT: Of which one of those groups are you a member
25 of?

1 THE POTENTIAL JUROR: Well, I am trying to figure it out,
2 but I think it might be because I work with the Alcohol and
3 Drug Commission.

4 THE COURT: Okay.

5 THE POTENTIAL JUROR: In the prevention department.

6 THE COURT: Well, let me ask you this. Would that in any
7 way affect your ability to be fair and impartial to both the
8 State and the defense?

9 THE POTENTIAL JUROR: No, I would have no problem.

10 THE COURT: Okay. Thank you. You may be seated. Any
11 further voir dire from the defense counsel?

12 MR. TRUSLOW: Nothing, Your Honor.

13 THE COURT: All right. All right. Is there any member
14 of the jury panel that knows of any reason whatsoever why he
15 or she should not serve as a juror in this case with
16 particular emphasis being placed upon your ability to be fair
17 and impartial to both the State and the defendant? If so,
18 please stand.

19 (Whereupon, no one stands.)

20 THE COURT: Does the State have any additional voir dire,
21 Mr. Jepertinger?

22 MR. JEPERTINGER: No, sir.

23 The COURT: Mr. Truslow?

24 MR. TRUSLOW: No, Your Honor.

25 THE COURT: All right. Madame Clerk?

1 THE CLERK: You ready?

2 THE COURT: Five and five on the strikes, Mr.

3 Jepertinger, Mr. Truslow?

4 MR. TRUSLOW: Yes, sir.

5 THE COURT: One alternate sufficient?

6 MR. JEPERTINGER: Yes, sir.

7 THE COURT: Mr. Truslow?

8 MR. TRUSLOW: Yes, sir.

9 THE COURT: All right. One alternate, Madame Clerk. All
10 right.

11 (Whereupon, there is a pause in the proceedings.)

12 THE COURT: Ladies and gentlemen, if you will bear with
13 us just a minute, the clerk's office is generating a list of
14 potential jurors to serve on this particular jury. This list
15 is being generated by the clerk's office. Not all of your
16 names will be on that list. Not all of your names will be on
17 that list. A copy of the list will be given to each of the
18 lawyers and then we will move forward with selecting a jury
19 for this particular case.

20 THE CLERK: You ready, Judge?

21 THE COURT: Yes.

22 THE CLERK: Members of the jury, as I call your name,
23 please come through the side railing, face -- come to the
24 middle of the courtroom, and face the back of the courtroom.
25 26, Dexter Collins.

1 (Whereupon, a white male comes forward.)

2 THE COURT: Come on forward, sir. Come to this microphone
3 and face the audience, please, sir.

4 THE CLERK: What say the State?

5 MR. JEPERTINGER: Please present the juror.

6 THE CLERK: What say the defendant?

7 MR. TRUSLOW: Please present the juror.

8 THE CLERK: Please have a seat in the jury box. 149,
9 Andrew Stout.

10 (Whereupon, a white male comes forward.)

11 THE CLERK: What say the State?

12 MR. JEPERTINGER: Please present the juror.

13 THE CLERK: What say the defendant?

14 MR. TRUSLOW: Please present this juror.

15 THE CLERK: Please have a seat in the jury box. 23,
16 Jamie Clark.

17 (Whereupon, a white female comes forward.)

18 THE CLERK: What say the State?

19 MR. JEPERTINGER: Please present this juror.

20 CLERK: What say the defendant?

21 MR. TRUSLOW: Please excuse Ms. Clark from this case.

22 THE CLERK: You've been excused from this trial only.

23 You may return to your seat. 103, Deborah Miles.

24 (Whereupon, a white female comes forward.)

25 THE CLERK: What say the State?

1 MR. JEPERTINGER: Please present the juror.

2 THE CLERK: What say the defendant?

3 MR. TRUSLOW: Please present Ms. Miles.

4 THE CLERK: Please have a seat in the jury box. 167,
5 Cheyenne Wilson.

6 (Whereupon, a white females comes forward.)

7 THE CLERK: What say the State?

8 MR. JEPERTINGER: We excuse this juror for the purposes
9 of this trial only.

10 THE CLERK: You've been excused from this trial only.
11 You may return to your seat. 177, Nicholas Yock.

12 (Whereupon, a white male comes forward.)

13 THE CLERK: What say the State?

14 MR. JEPERTINGER: Please present this juror.

15 THE CLERK: What say the defendant?

16 MR. TRUSLOW: Please excuse Mr. Yock from this trial.

17 THE CLERK: You've been excused from this trial only.
18 89, Corrine Loughrey.

19 (Whereupon, a white female comes forward.)

20 THE CLERK: What say the State?

21 MR. JEPERTINGER: Please present this juror.

22 CLERK: What say the defendant?

23 MR. TRUSLOW: Your Honor, may I inquire of the employment
24 again? I didn't get it written down.

25 THE COURT: Hold on a minute. Ma'am, where do you work?

1 THE POTENTIAL JUROR: Monster Worldwide, sir.

2 MR. TRUSLOW: Monster?

3 THE POTENTIAL JUROR: Monster Worldwide.

4 THE COURT: Monster dot com.

5 THE POTENTIAL JUROR: Yes.

6 MR. TRUSLOW: Oh, okay.

7 THE COURT: Thank you.

8 MR. TRUSLOW: I thought it was Disney attractions. I

9 know what that is. Please present this juror. Thank you.

10 THE CLERK: Please have a seat in the jury box. 75,

11 Carolyn Jeffords.

12 (Whereupon, a white female comes forward.)

13 THE CLERK: What say the State?

14 MR. JEPERTINGER: Please present the juror.

15 THE CLERK: What say the defendant?

16 MR. TRUSLOW: Please present Ms. Jeffords.

17 THE CLERK: Please have a seat in the jury box. 1,

18 Jeannie Adams.

19 (Whereupon, a white female comes forward.)

20 THE CLERK: What say the State?

21 MR. JEPERTINGER: Please present the juror.

22 THE CLERK: What say the defendant?

23 MR. TRUSLOW: Please excuse Ms. Adams from this trial.

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

25 85, Betsy Langston.

1 (Whereupon, a white female comes forward.)

2 THE CLERK: What say the State?

3 MR. JEPERTINGER: Please present this juror.

4 THE CLERK: What say the defendant?

5 MR. TRUSLOW: Please present Ms. Langston.

6 THE CLERK: Please have a seat in the jury box. 106,

7 Dylan Moore.

8 (Whereupon, a white female comes forward.)

9 THE CLERK: What say the State?

10 MR. JEPERTINGER: Please present the juror.

11 THE CLERK: What say the defendant?

12 MR. TRUSLOW: Please present Ms. Moore.

13 THE CLERK: Please have a seat in the jury box. 50,

14 Latravius Gibbs.

15 (Whereupon, a black male comes forward.)

16 THE CLERK: What say the State?

17 MR. JEPERTINGER: I beg the Court's indulgence one
18 second. We would excuse this juror for the purposes of this
19 trial only.

20 THE CLERK: You've been excused from this trial only,
21 sir. You may return to your seat. 101, Lorraine McKnight.

22 (Whereupon, a black female comes forward.)

23 THE CLERK: What say the State?

24 MR. JEPERTINGER: Please present this juror.

25 THE CLERK: What say the defendant?

1 MR. TRUSLOW: Please present Ms. McKnight.

2 THE CLERK: Please have a seat in the jury box. 40,
3 David Ellis.

4 (Whereupon, a white male comes forward.)

5 THE CLERK: What say the State?

6 MR. JEPERTINGER: Please present this juror.

7 THE CLERK: What say the defendant?

8 MR. TRUSLOW: Please excuse Mr. Ellis from this trial.

9 THE CLERK: You've been excused from this trial only,
10 sir. You may return to your seat. 114, Lacyona Muldrow.

11 (Whereupon, a black female comes forward.)

12 THE CLERK: What say the State?

13 MR. JEPERTINGER: Please present the juror.

14 THE CLERK: What say the defendant?

15 MR. TRUSLOW: Please present Ms. Muldrow.

16 THE CLERK: Please have a seat in the jury box. 125,
17 Renee Prosser.

18 (Whereupon, a white female comes forward.)

19 THE CLERK: What say the State?

20 MR. JEPERTINGER: Please present the juror.

21 THE CLERK: What say the defendant?

22 MR. TRUSLOW: Please excuse Ms. Prosser from this trial.

23 THE CLERK: You've been excused from this trial only.

24 102, Alicia Mendiola.

25 (Whereupon, a white female comes forward.)

1 MR. JEPERTINGER: Please present ---

2 THE CLERK: What say the State?

3 MR. JEPERTINGER: Please present this juror.

4 MR. TRUSLOW: Please present.

5 THE CLERK: Does the defendant wish to challenge this

6 juror for cause?

7 MR. TRUSLOW: Please present the juror.

8 THE CLERK: Please have a seat in the jury box. 135,

9 Carlton Sellers.

10 (Whereupon, a black male comes forward.)

11 THE CLERK: What say the State?

12 MR. JEPERTINGER: Please present this juror.

13 THE CLERK: Does the defendant wish to challenge this

14 juror for cause?

15 MR. TRUSLOW: No. Mr. Sellers will be fine. Thank you.

16 THE CLERK: Please have a seat in the jury box. 117,

17 Sean Newell.

18 (Whereupon, a white male comes forward.)

19 THE CLERK: What say the State?

20 MR. JEPERTINGER: Please present this juror.

21 THE CLERK: Does the defendant wish to challenge this

22 juror for cause?

23 MR. TRUSLOW: No, ma'am. We would love to have Mr.

24 Newell.

25 THE CLERK: Alternate number one, Judge. Number 4,

1 Brandon Anderson.

2 (Whereupon, a white male comes forward.)

3 THE CLERK: What say the State?

4 MR. JEPERTINGER: Please present the juror.

5 THE CLERK: What say the defendant?

6 MR. TRUSLOW: Please excuse Mr. Anderson.

7 THE CLERK: You've been excused from this trial only,
8 sir. 170, Ren Wong.

9 (Whereupon, an Asian male comes forward.)

10 THE CLERK: What say the State?

11 MR. JEPERTINGER: We would excuse Mr. Wong for the
12 purposes of this trial only.

13 THE CLERK: You've been excused from this trial only,
14 sir. You may return to your seat. You may sit down. 115,
15 Stephen Murphy.

16 (Whereupon, a white male comes forward.)

17 THE CLERK: Does the State wish to challenge this juror
18 for cause?

19 MR. JEPERTINGER: No, he'd be fine.

20 THE CLERK: What say the defendant?

21 MR. TRUSLOW: Present Mr. Murphy.

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

23 THE COURT: All right. Are there any matters of law that
24 we need to take up with regards to jury selection from the
25 State?

1 MR. JEPERTINGER: Yes, sir.

2 THE COURT: All right. All right. Ladies and gentlemen,
3 I am going to have to ask you all to step to the jury room for
4 just a minute. Do not discuss the case. You don't know
5 anything about it other than what I've already told you, but
6 do not discuss the case at all. Please step to the jury room
7 and I'll get you back out here in just a minute.

8 (Whereupon, the jury exits the courtroom at 11:41 a.m.)

9 THE COURT: How many jurors we got? Is that tenth -- is
10 that tenth floor courtroom being utilized right now?

11 THE CLERK: Tenth floor?

12 MR. JEPERTINGER: Ninth floor?

13 THE COURT: Excuse me, ninth floor. I'm sorry.

14 THE CLERK: Not that I know of.

15 THE COURT: Well, I need to open up that room.

16 THE CLERK: I will get Mr. Propps to take them down.

17 THE COURT: Okay. All right. Ladies and gentlemen,
18 those of you who are seated out in the audience, I am going to
19 have to ask you to step outside of the courtroom while we deal
20 with a matter of law outside of your presence. Mr. Propps, if
21 you would, take them down to the ninth floor courtroom.

22 THE BAILIFF: Yes, sir.

23 THE COURT: If you would, take them down there, please,
24 sir.

25 (Whereupon, the jury panel exits the courtroom at 11:42

1 a.m.)

2 THE COURT: All right. Mr. Jepertinger?

3 MR. JEPERTINGER: Okay. May it please the Court, Your
4 Honor. I would move under I believe Georgia v. McCullom,
5 which is a case that followed Batson v. Kentucky, Your Honor,
6 for seeking the reasons that the defendant struck his jurors.
7 Your Honor, I would notice specifically the ones I am calling
8 into question are jurors 23, 177, and 125. Juror 23, from the
9 information provided during the ---

10 THE COURT: Qualifications?

11 MR. JEPERTINGER: --- questioning of the jury --
12 qualifications, Judge, was a fifth grade teacher for Florence
13 School District One. I believe she said she taught at
14 Greenwood Elementary. Juror 177 I believe is also a teacher
15 for Florence School District One at Williams Middle School.
16 Juror 125, a Mrs. Prosser, is an administrative assistant, a
17 secretary basically I suppose, at Florence School District
18 Number Five, Your Honor.

19 Your Honor, they are all of the white race, Your Honor.
20 We would have two females and a male. I did notice that the
21 defense had no objection to Juror 101, who happens to be a
22 school nurse who the State would argue has as much contact
23 with students and she works at J.P. Truluck School in the Lake
24 City area. A school nurse, certainly she would have as much
25 contact with students -- and she is an African-American female

1 -- as some of the teachers and certainly more than the white
2 administrative assistant.

3 And, Your Honor, I notice that Juror 125, Ms. Prosser,
4 lives in the Lake City area. Juror 101 lives in the Lake City
5 area. So in terms of distance, it's basically the same
6 distance. There are just two different races and one would
7 have as much contact or more contact and is seated on this
8 jury as the one that was struck.

9 THE COURT: All right. Anything else?

10 MR. JEPERTINGER: No, sir. Those were the specific
11 objections I had. I did notice that he struck Juror 1 and 40,
12 Your Honor, but I am not contesting those, Your Honor.

13 THE COURT: All right. Mr. Truslow?

14 MR. TRUSLOW: May it please the Court, Your Honor.
15 First, kind of working backwards, as an officer of the court,
16 I paid no attention to where they were from. Until he just
17 mentioned it, I didn't know either of those two jurors he
18 referenced were from Lake City. Geographical area had no --
19 nothing to do with what I chose the jury.

20 I did want to stay away from school teachers,
21 particularly in this day and age where we've got numerous
22 amounts of drug problems in the schools. Teachers see that
23 stuff first hand. Juror number 23 was a teacher, Juror Number
24 177 was a -- was a school teacher, and Juror Number 125 was an
25 administrator.

1 There was twofold from Juror Number 125. Her husband was
2 a fireman. In terms of that, there is some cases --
3 particularly drug cases, but any time the police are involved
4 in a prosecution where I'm from in North Myrtle Beach, in
5 municipal court the firemen and policemen takes turns in
6 shifts. I know that's not everywhere, but to me there is a
7 kinship among policemen and firemen. That was the reason for
8 that juror. 23 and 177 was because they were school teachers,
9 active school teachers participating on a day-to-day basis
10 with the children that they teach.

11 Juror Number 101 as far as I could tell was not married,
12 she's single, and she was a school nurse. There are times
13 often in criminal cases where counselors and oftentimes nurses
14 I like to have on my jury. I find nurses tend to be the type
15 people who are, for lack of a better term, people pleasers,
16 Your Honor. People who want to help people. People who go to
17 the extreme to help people, their patients, whether they be a
18 school nurse or they be a nurse at the hospital. In regards
19 to that, I have often put nurses and counselors -- not so much
20 doctors, but therapists, nurses, counselors on my jury.

21 And then, honestly, I ran out of strikes so he had the
22 pick of the litter after that. Race did not come into play in
23 striking white jurors. That was about all I had to choose
24 from. I think it were only three black jurors called, if I am
25 not mistaken. So, you know, I've given three race neutral

1 reasons which is -- which is put onto me to give to the Court,
2 and I've given them 23 and 177 because they are school
3 teachers and unlike Juror 101 who I put on is a school nurse.
4 Had she been a school teacher, I probably would have struck
5 her.

6 Juror Number 125 is a high school administrator. I
7 struck her. She is not in the classroom unlike Juror Number
8 23 and 177. In addition to that, her husband is a fireman, at
9 least my notes reflect that. So I didn't strike them because
10 they were Caucasian or white or any other reason.

11 THE COURT: Okay. Thank you, Mr. Truslow.

12 MR. TRUSLOW: Yes, sir.

13 MR. JEPERTINGER: Your Honor, I would just -- I would --
14 I would tend to think -- I think she said she was an
15 administrative assistant, which is different than a school
16 administrator, Your Honor, where they would have more hands-on
17 contact with students than if she were an administrator.
18 She's a school secretary, Your Honor. Basically, she calls
19 herself an administrative assistant.

20 However, with that being the fact, I just -- you have
21 more contact I would say with a school nurse and all that --
22 even though he says a nurse is a people pleaser, she's also
23 seen the -- I would say the dangers of drugs, Your Honor, and
24 people and students that come in high or drunk at school and
25 having to deal with those medical concerns of children.

1 MR. TRUSLOW: Just in response, Your Honor, that is no
2 different than any other nurse who would who would witness
3 that. It's the fact that she chose to be a nurse instead of a
4 teacher that interested me in her being my juror on my case
5 and that's why I selected her.

6 THE COURT: All right. I am going to respectfully deny
7 the State's motion. I believe that defense counsel has
8 certainly given a race neutral, gender neutral reason for the
9 strikes. He has not given any invalid reason as to any strike
10 or any reason that would lead the Court to believe that they
11 were race or gender reasons for such strikes. Therefore, I am
12 going to respectfully deny the State's motion under Batson at
13 this time. Anything further from the State?

14 MR. JEPERTINGER: Your Honor, since the jury's not
15 sitting in here during the voir dire, I would ask that you
16 would hear Mr. Truslow's motion. He made a motion for
17 continuance. I think now would be an appropriate time before
18 we have to do one little bit of work on this case.

19 THE COURT: Well, what I am going to do, I'm going to
20 bring this jury out that we've selected. I'm going to release
21 them for lunch. It is five minutes till twelve. I'm going to
22 ask that they be back at two thirty and I will hear motions of
23 defense counsel at that time. Any objection to that?

24 MR. JEPERTINGER: Hear the motions at two thirty?

25 THE COURT: No. We're going to -- I'm going to let them

1 go right now ---

2 MR. JEPERTINGER: Okay.

3 THE COURT: --- until two thirty and I'm going to hear
4 y'all's motions.

5 MR. JEPERTINGER: Okay.

6 THE COURT: And we'll reconvene at two o'clock. The jury
7 will be here at two thirty. Depending on what my rulings are,
8 okay, I will instruct the jury from there. Any objection to
9 that?

10 MR. JEPERTINGER: None ---

11 MR. TRUSLOW: No, Your Honor.

12 MR. JEPERTINGER: --- from the State. Do you have
13 anything with that jury?

14 MR. OZMENT: Judge Nettles told us to come up here and
15 pick a jury with Your Honor.

16 THE COURT: Well, the jury panel is in the ninth floor
17 courtroom in that assembly room. Doris, how much is it going
18 to -- what's it going to take to run them -- to move them to
19 tenth floor? You all can go select it in front of Nettles.

20 THE CLERK: It would be a lot easier. All they would
21 have to do is walk up one flight.

22 THE COURT: Right. Do -- what -- is he still doing pleas
23 down there?

24 MR. OZMENT: He was, but he was not on the bench when I
25 just walked up here.

1 THE COURT: I'm going to walk down there. Just hold on a
2 second.

3 (Whereupon, there is a break in the proceedings from
4 11:55 a.m. until 11:57 a.m.)

5 THE COURT: Thank you. Be seated. If you will, bring me
6 the jury, please.

7 (Whereupon, the jury enters the courtroom at 11:57 a.m.)

8 THE COURT: All right. Mr. Murphy?

9 THE JUROR: Yes, sir.

10 THE COURT: All right. That is your assigned seat
11 throughout the trial of this case. Okay?

12 THE JUROR: So I've heard, Judge.

13 THE COURT: Everybody else on the jury, you do not have
14 assigned -- an assigned seat at this time. However, when the
15 foreperson is selected they will sit where this young lady is
16 seated closest to me on the front row. Okay? But I will
17 advise you all of such at a later time, but that will be the
18 foreperson's seat when they are named.

19 Now, what we are going to do, ladies and gentlemen, I am
20 going to release you all for lunch. Okay? It is twelve
21 o'clock and there are some matters that I need to -- that we
22 need to take up outside of your presence. Rather than you all
23 sit back there and wait while we deal with those matters, I am
24 going to go ahead and let you all go to lunch. I am going to
25 ask that you be back in the jury room here on the eleventh

1 floor at two thirty -- at two thirty and we will start the
2 trial of this case as promptly at that time is possible.

3 Before I release you, let me give you a few preliminary
4 instructions. Okay? We typically start court in the morning
5 about nine o'clock. That is when I like to start when we are
6 in trial. And we typically run an hour and half, maybe two
7 hours, and have a break in the morning, a mid-morning break
8 and then we'll break for lunch, usually take about an hour and
9 half, an hour fifteen minutes for lunch. We will typically
10 resume about two o'clock and go to sometime between five and
11 six.

12 Now, sometimes we break before five o'clock. It just
13 depends on where we are with the witness. If we finish a
14 witness say at four thirty or ten minutes to five or a quarter
15 to five and the next witness is going to be a long witness, I
16 may go ahead and release you all for the balance of today or
17 the day rather than make you sit here for, you know, past
18 five. It could lead on until six o'clock. I do not like to
19 make you stay up here longer than six o'clock, but I am not
20 going to cut off a witness if they are on this stand
21 testifying right at five o'clock on the dot and say let's go
22 home for the day. I am not going to do that.

23 So, I am telling you that to kind of make plans if you
24 need to make arrangements, just kind of giving you an idea how
25 we -- what our hours are up here. Also, some of you may have

1 noticed when you came in here today some of you may have been
2 cold, some of you may have been hot, I don't know. Bring a
3 jacket. I mean it typically stays cool in here and that's
4 pursuant to my request. Okay? I like it cool in here. I
5 mean I'm up here usually about all morning drinking coffee,
6 but I'm also wearing this robe, shirt and tie and undershirt
7 and I get quite warm in here. Okay? And so I would ask that
8 you all bring a jacket. I want you to be comfortable while
9 you're seated in here.

10 Now, during your service this week not only as it relates
11 to this trial, but during your jury service this week I am
12 going to instruct you and I will tell the lawyers -- the
13 lawyers know this as well because they hear me say it -- hear
14 judges say it all the time, not just me, but do not -- do not
15 have any discussions with any of the parties, lawyers, or
16 litigants that are involved in cases up here this week. As
17 you can imagine, innocent conversations -- innocent
18 conversations could be misconstrued. Okay? So I don't want
19 you having any discussions with anybody involved in any cases
20 up here this week. The best thing for you to do is kind of
21 stay to yourself and go about your own business as you're up
22 here this week. Again, I don't want any innocent
23 conversations to be misconstrued. Okay?

24 Furthermore, you all, ladies and gentlemen, have been
25 selected as fair and impartial jurors in this case. You are

1 to decide this case. You are to decide this case based solely
2 -- solely upon the testimony that's elicited from this witness
3 stand together with any exhibits that may be introduced during
4 the course of this trial. That is where you're to -- that's
5 what you're to decide this case based upon. You are not --
6 and I emphasize, you are not to do any independent
7 investigation or your own, whether it be about lawyers,
8 parties, subject matter, et cetera. You are not to do any
9 independent investigation of your own.

10 You are to decide this case based solely upon the
11 evidence and testimony that's presented in this courtroom and
12 nowhere else. Your failure to do that could result in being
13 held in contempt of court. Okay? I say that not to scare
14 anybody; it's just simply to advise you of where you're
15 supposed to decide this case. The law is that you are to
16 decide the case based upon the evidence and testimony in the
17 courtroom, not anywhere else. Okay?

18 Now, I am going to excuse you all for lunch and I'm going
19 to ask that you be back in your jury room at two thirty -- at
20 two thirty. And again, you all are going to get tired of
21 hearing me say this, but you are not to discuss this case with
22 anyone -- with anyone until you are instructed to do so.
23 Okay? That means your family, friends, co-workers, et cetera.
24 Anything further from the State before I release the jury
25 panel until two thirty?

1 MR. JEPERTINGER: No, sir.

2 THE COURT: Defense counsel?

3 MR. TRUSLOW: No, Your Honor.

4 THE COURT: All right. Please be back at two thirty and
5 we will resume -- we will start the trial of this case at that
6 time or as promptly as possible.

7 (Whereupon, the jury exits the courtroom at 12:04 p.m.)

8 THE COURT: Are they clear?

9 THE BAILIFF: Yes, sir.

10 THE COURT: All right. Some matters -- it's my
11 understanding there are some matters that we need -- we needed
12 to take up outside the presence of the jury. I will note for
13 the record that Mr. Truslow, who is here with the defendant,
14 filed a motion. Well, I don't know if it's filed or not. It
15 was sent to me on I believe Thursday, June 13th, via fax. A
16 motion for continuance was sent by Mr. Truslow via fax to me
17 requesting a continuance. I have not ruled on that matter as
18 of yet because the State did not consent to it. They
19 certainly had a right to be heard on it -- had a right to be
20 heard on it.

21 MR. TRUSLOW: And, Your Honor, we're withdrawing that
22 motion at this time. I have spoken to my client. That motion
23 is no longer an issue.

24 THE COURT: All right. Easy enough. All right. Defense
25 motion for continuance is hereby withdrawn. Next motion?

1 MR. TRUSLOW: First motion that I have before you today
2 is a motion to suppress based upon an illegal warrantless
3 arrest of my client and I'll be very brief. The facts of this
4 case, Your Honor, are that -- depending on which document you
5 look at, but there's evidence in here that a CI advised police
6 there would be a package at FedEx with marijuana. They showed
7 up there; they searched out packages with a K-9. They found
8 marijuana, repackaged the marijuana and the officers then took
9 control to make a controlled delivery of the marijuana.

10 They delivered it to the residence that was the mailing
11 address on the package. At that point in time, when the
12 officer drove up in the yard, the co-defendant who is no
13 longer a co-defendant, Mr. Davis, was walking around the front
14 of the yard. He met with the person. He took possession of
15 the sealed FedEx package. He sat out front for a little bit
16 with it. Then he put it over his shoulder -- and I am
17 paraphrasing the reports -- and he walked around the back of
18 the house.

19 Once they lost contact with him, visual contact, they at
20 that point decided to move in. They moved in and the reports
21 -- and my client reports to me as well as the police reports,
22 that they arrested Mr. Campbell and Mr. Davis at the back door
23 of the residence. They had an anticipatory search warrant and
24 the triggering event -- and that's a second motion, but it
25 plays into this one -- was that if the package was accepted by

1 somebody at this residence, then that would be the triggering
2 event and they would search the home.

3 They searched the home and I think in a bedroom, if I'm
4 not mistaken, they found the package still sealed. Well,
5 maybe it was open at that point, I'm not sure, but so little
6 time had elapsed from him taking the package and going around
7 and then executing the search warrant. My client, Mr.
8 Campbell -- and they arrested Mr. Davis with other drug
9 offenses. His case went federal as a result of that as the
10 police report says being his primary residence.

11 Judge, my client is from Florida. He was visiting South
12 Carolina. He was visiting this residence. He was not inside
13 the house; he was outside of the home. There is -- there is
14 absolutely no probable cause at that point in time to -- that
15 Mr. Campbell, my client, knew that Mr. Davis was going to
16 receive a package from FedEx, that he knew what was in the
17 sealed FedEx package that Mr. Davis alone took possession of
18 and carried into his primary residence, Mr. Davis that is, and
19 put away.

20 So when the police come up, they arrest Mr. Campbell. At
21 that point -- and this goes into the third motion, but it's
22 relevant here. They arrest Mr. Campbell and in the police
23 reports, it says that they took from him two cellular phones
24 incident to arrest, which is a whole 'nother issue in just a
25 little bit.

1 Now, they say that they found a text in there or numbers
2 that connected with Arizona. Now, Arizona is where allegedly
3 the package was shipped from. Now, Mr. Campbell will probably
4 testify that -- that Mr. Davis let him use that phone, but
5 that doesn't really play into it because those phones were
6 taken incident to arrest. He was placed immediately under
7 arrest, handcuffed, arrested based upon mere presence at this
8 residence and not even inside this residence. His name did
9 not appear on any package. He was arrested before they had
10 determined anything -- that he had anything to do with
11 anything. He was arrested simply because he was standing at
12 the back door of this residence.

13 There's no evidence and, of course, part of a trafficking
14 charge is knowledge. The package was delivered by somebody
15 made up to be a FedEx agent in a sealed FedEx package. Mr.
16 Davis accepted the package, brought it inside the house.
17 There is no evidence that he even went inside the house.

18 So, my question is: what's the probable cause for his
19 arrest when he was arrested? Now, according to State v.
20 Frazier and citing State v. Baccus, for a warrantless arrest,
21 a probable cause for a warrantless arrest exists when the
22 circumstances within the arresting officer's knowledge are
23 sufficient to lead a reasonable person to believe that the
24 crime is being committed by the person being arrested.

25 So Mr. Campbell is the person being arrested. The

1 circumstances within the arresting officer's knowledge at that
2 point is that they have a package that's addressed to this
3 residence. It turns out to be the primary residence of Mr.
4 Davis. Mr. Davis accepts the package. Mr. Davis then carries
5 the package into his primary residence. They go around the
6 back once they decide to deploy and then they arrest Mr.
7 Campbell at the back door for merely being present at the back
8 door.

9 Now, I cannot identify any circumstances within the
10 arresting officer's knowledge at the time of his arrest that
11 would lead a reasonable person to believe that Mr. Campbell
12 committed a crime. He was simply present at this house when
13 Mr. Davis received a FedEx parcel. Now, when you boil it
14 down, that is simply all that took place up to the point of
15 his arrest and apprehension. He was merely present at the
16 back door in the back yard of Mr. Davis' primary residence
17 when Mr. Davis received a sealed FedEx package from a FedEx
18 truck and FedEx agent, and it was sealed and brought into the
19 home. There is no evidence he either saw it, knew what was
20 in, and simply, Judge, we would ask that you suppress
21 everything that was seized following the illegal arrest of my
22 client. And that's the first motion.

23 THE COURT: Mr. Jepertinger?

24 MR. JEPERTINGER: Your Honor, based on counsel's argument
25 to the Court, he has argued that this individual's merely

1 present, that he's merely a casual guest there at the house.
2 Based on that fact, I would say he has no reasonable
3 expectation of privacy and the Fourth Amendment wouldn't apply
4 to him. Whether a defendant has a reasonable expectation of
5 privacy obviously depends on his status. Obviously, the
6 Fourth Amendment offers more protection to an overnight guest
7 than one who is merely a casual guest or conducted a business
8 transaction. I think that's State v. Missouri cited at 603
9 S.E.2d 594, a 2004 case.

10 I have not heard from him that he has any reasonable
11 expectation of privacy in the residence, Your Honor, one way
12 or the other. So therefore, if his -- he has a legal argument
13 that he can make to a jury that he was merely present.
14 However, in terms of the Fourth Amendment, unless he claims
15 some interest in that house being an overnight guest or
16 something of that nature, then I don't think the Fourth
17 Amendment applies.

18 Mr. TRUSLOW: Your Honor, just briefly in response, the
19 Fourth Amendment always applies to arrests. The issue of
20 reasonable expectation in the home has no analysis in this.
21 What I'm talking about is probable cause to arrest him, and
22 without that the arrest of Mr. Campbell is illegal and
23 anything taken thereafter is fruits of the poisonous tree.

24 And as cited, Baccus, which sets forth what it takes to
25 have probable cause for a warrantless arrest, he was arrested

1 without a warrant for the -- the simplified version of what I
2 told you and that's all that was present at the time he was
3 placed under arrest. The -- him having a reasonable
4 expectation in the home, I don't -- I don't believe that he
5 had a reasonable expectation in the home, but I believe that
6 he had a reasonable expectation to not be arrested without a
7 warrant, without probable cause. And that's just basic
8 constitutional law and that's our argument. It's not got
9 anything to do with the house.

10 THE COURT: All right. Any testimony the State wishes to
11 put up with regards to this?

12 MR. JEPERTINGER: In terms of this issue, I'd put up the
13 officers, Your Honor.

14 THE COURT: All right.

15 MR. JEPERTINGER: I would call Officer Ronnie Hinson.

16 THE COURT: Let me ask this question. He can come -- you
17 can come on around. Mr. Truslow, any additional motions other
18 than your motion to suppress that we can address while these
19 officers are on the stand? I want you to bring them to the
20 Court's attention at this point rather than they come up here,
21 we address one issue, and they have to come back and come back
22 and come back to address various issues. Sir, you ---

23 MR. TRUSLOW: There are two, Your Honor.

24 THE COURT: All right.

25 MR. TRUSLOW: If you want me to identify them just so ---

1 THE COURT: Yeah. I mean I want to know what they are so
2 we address them.

3 MR. TRUSLOW: Judge, one -- the two additional motions
4 would be regarding the search warrant for the two cellular
5 phones and that the affidavit does not set forth sufficient
6 probable cause. And the second one would be the warrantless
7 search of the telephones prior to the search warrant which
8 they claim was incident to arrest. Now, of course, if we
9 prevail in this first motion, that would make the other
10 motions moot, but I will address what I need to for those two
11 motions as well and I guess the officers can, too. They took
12 two cell phones once he was arrested. Apparently, they went
13 into them and started searching through them incident to
14 arrest.

15 What I would raise, Your Honor, is Arizona v. Gant, which
16 was a traffic case, but it overruled Belton, and basically the
17 reasoning of that was that there's no longer any need for the
18 exception to a search warrant for incident -- search incident
19 to arrest unless the person can get to and get rid of evidence
20 or that you believe there's going to be evidence found there
21 of what you had probable cause of going on. They subsequently
22 about a year later got a search warrant for the cell phones.
23 When it's relevant, I will provide the Court for that
24 affidavit for that search warrant, but prior to that they
25 searched the phone without a search warrant on the scene. So

1 we're asking that what they found during the search incident
2 to arrest and we're claiming that under recent -- under
3 current law that there's no longer an exception to a warrant -
4 - to not having a search warrant as Belton has been overruled
5 by Arizona v. Gant.

6 And thirdly, the third motion is that the affidavit for
7 the search warrant for the phones when they decided to get a
8 search warrant a year later is insufficient. So those are the
9 -- the warrantless arrest, search incident to arrest, and the
10 search warrant for the phones are the three motions that we
11 have.

12 MR. JEPERTINGER: Okay. If I could address the phone
13 issue first, Your Honor. I would cite United States v.
14 Murphy. It is a Fourth Circuit Court of Appeals case. I
15 don't think the Gant case is really relevant in this matter.
16 That was a -- that was a search incident to arrest where they
17 stopped him for a traffic offense in a car and there would be
18 no further evidence of poor driving once they arrested him
19 and, Your Honor, the -- the Murphy case, specifically on page
20 nine, kind of addresses what we're -- what we're dealing with
21 here. It is a Fourth Circuit Court of Appeals Case. I would
22 ask that even though it may not be controlling, I would
23 certainly say it's very persuasive in terms of that issue,
24 specifically on page nine.

25 THE COURT: All right. Go ahead.

1 MR. TRUSLOW: Judge, just for the record ---

2 THE COURT: Hold on a minute.

3 MR. TRUSLOW: Yes, sir.

4 THE COURT: I've let you argue and I will give you an
5 opportunity to respond. I'm giving him -- anything else, Mr.
6 Jepertinger, on that issue.

7 MR. JEPERTINGER: Not in terms of the cell phone records.
8 I think we -- well, they did the search warrants out of an
9 abundance of caution, but it was overkill. I don't think they
10 needed it based on the Murphy case, Judge.

11 The other matter that will have to be taken up -- and I
12 think I've provided Mr. Truslow -- excuse me. He's got the
13 copy. I don't know if I provided it or his private defense
14 attorney gave him a copy of a 528 debriefing that they had
15 with the co-defendant, Shawn Luron Davis, Your Honor. He
16 talks about Mr. Campbell being involved in drug trafficking
17 with him for at least a two year period, Your Honor. That
18 raises the issue of maybe 404(b) evidence coming in. I would
19 argue, Your Honor, that we need to look at that. I would
20 argue that we do that a little bit later, Judge, before Mr.
21 Davis testifies to fully ---

22 THE COURT: Okay.

23 MR. JEPERTINGER: --- put meat on the bones.

24 THE COURT: All right. Now, Mr. Truslow, anything in
25 response to Mr. Jepertinger and his handling of this U.S. v.

1 Murphy?

2 MR. TRUSLOW: I would just point out to Your Honor that
3 this Murphy case was decided January 15, 2009, prior to
4 Arizona v. Gant. What I'm arguing is that Arizona v. Gant
5 would apply to this situation with reasoning it would make
6 perfect sense that search incident to arrest -- they overruled
7 Belton, which was search incident to arrest. Now, Gant did
8 deal with Belton in the automobiles, but you know what's funny
9 is that there's more of a reason not to have a search incident
10 to arrest with cell phones taken off of a person who's under
11 arrest than the mobility of a vehicle, which is what Gant did
12 in overruling Belton.

13 So I mean actually the reasoning makes even more sense
14 with this because they seized the cell phones and he is in
15 handcuffs and under arrest. So this case predates Arizona v.
16 Gant which overruled U.S. -- or Belton. Then I just don't
17 want to get a little lost from where we were on the first
18 issue because I think that really decides a lot in this case.
19 It almost would make moot the rest of this.

20 THE COURT: All right. Mr. Jupertinger, let's go ahead
21 and put up whatever testimony ---

22 MR. JEPERTINGER: Okay.

23 THE COURT: --- you have.

24 MR. JEPERTINGER: I would call Special Agent Ronnie
25 Hinson from SLED to the stand.

26

27

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 THE CLERK: If you will, sir, place your left on the
2 Bible and raise your right hand. Do you swear to tell the
3 truth, the whole truth, and nothing but the truth, so help you
4 God?

5 AGENT RONNIE HINSON: I do.

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

8 AGENT RONNIE HINSON: Special Agent Ronnie J. Hinson,
9 Jr., SLED.

10 MR. JEPERTINGER: Okay.

11 SPECIAL AGENT RONNIE HINSON, being
12 first duly sworn, testifies as follows:

13 DIRECT EXAMINATION

14 BY MR. JEPERTINGER:

15 Q: Agent Hinson, can you tell the Court how you came into
16 contact with the main package in this case? The box?

17 A: Yes. We got ---

18 Q: That box?

19 A: We got a tip from a confidential informant that a -- that
20 a parcel was being delivered in Florence County and that it
21 was coming through the FedEx sort facility in Florence County
22 and we were -- we were there that morning to intercept it.

23 Q: All right. And who received that tip in your office?

24 A: Special Agent Dennis Tracy.

25 Q: And he's present in the courtroom today?

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: Yes. He was -- he was with Lexington County Sheriff's
2 Department at the time, but he's now a special agent with
3 SLED.

4 Q: All right. And what did you do when you got to FedEx?

5 A: When we got to FedEx, we identified the parcel in
6 question, looked at the characteristics of the parcel, and the
7 delivery address and the weigh bill and everything. We took
8 that parcel along with several other clean parcels, other
9 parcels off the belt, and put them in an array. An array is
10 what we call an array for our narcotics K-9 to -- to do a
11 narcotics sniff on the packages.

12 Q: Okay. And did you conduct a narcotics sniff on the
13 package? Not yourself personally, but a K-9?

14 A: Yes. A SLED narcotics K-9 conducted a sniff on the
15 package and alerted -- and he alerted to -- she -- I'm sorry
16 -- alerted to the presence -- to smell the presence of illegal
17 narcotics.

18 Q: Okay. And the -- did you pull out the box that the dog
19 alerted on?

20 A: Yes. We pulled the parcel in question off.

21 Q: Okay. And was the tracking number on that -- what was
22 the tracking number on that parcel? I will show you a copy of
23 your search warrant.

24 A: Okay. The tracking number on the parcel was 5-3-9-3-2-5-
25 6-1-1-5-0-9-9-8-5-8.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: And did you run that tracking number through any Google
2 or anything?

3 A: Yeah. We ran it through the FedEx site. You can find it
4 on Google and run any tracking number on -- on the FedEx site
5 -- website.

6 A: Okay. And where did that come back to?

7 Q: The origin of the package?

8 Q: Yes, sir.

9 A: Phoenix, Arizona.

10 Q: All right. And that package was addressed to whom?

11 A: Let me look up my information here. It was addressed to
12 a Jhon, spelled J-H-O-N, Gibson at [REDACTED] [REDACTED] [REDACTED],

13 [REDACTED] [REDACTED].

14 Q: And did the packaging have an incorrect -- if it is
15 originally from Arizona, did it have another kind of return
16 address from California -- Cerritos, California?

17 A: Yes. It did have Cerritos on the -- on the outside.

18 Q: Okay. Did it have who it was being sent from?

19 A: I think it just said Cerritos and then maybe an address.
20 I don't have the picture with me.

21 Q: Okay. Did -- did it have Shawn Davis's name as the
22 person to receive that package?

23 A: No, it didn't.

24 Q: Did it have Clifford Campbell's name on there to receive
25 that package?

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: No, sir, it didn't.

2 Q: All right. What did you do once the K-9 sniffed on it?

3 A: After the K-9 sniffed on it, we -- we took the package

4 and got a search warrant for the parcel from the Florence

5 County Magistrate Judge Cooper.

6 Q: Okay.

7 A: In order to open the parcel.

8 Q: And was that the search warrant I just -- a copy of the

9 search warrant I've just shown you?

10 A: Yes.

11 Q: All right. And let me show you that search warrant and

12 ask you to tell us what did you seek to search and what were

13 you seeking?

14 A: Okay. I've got a copy here.

15 Q: All right.

16 A: Description of the property sought was any illicit

17 narcotics including but not limited to marijuana, cocaine,

18 crack cocaine, methamphetamines, heroine and all scheduled

19 narcotics being illegally possessed. Any papers of ownership

20 or relating to the shipping of said package or relating to

21 origin or destination. The description of the premises or

22 thing to be searched was one cardboard box shipped FedEx home

23 delivery tracking number 5-3-9-3-2-5-6-1-1-5-0-9-9-8-5-8,

24 addressed to John Gibson, [REDACTED], [REDACTED], [REDACTED], [REDACTED]

25 [REDACTED].

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: All right. Before you start, I'm going to show you a
2 picture of that package. Is that what we're talking about?

3 A: That's it.

4 Q: Okay and the return address was?

5 A: The return address was Midway, Inc., I-N-C, of 13131 E,
6 as in echo, 166 Street, Cerritos, California 90703.

7 Q: Did you check to see if that was a valid address at all?

8 A: I think we did and it was not.

9 Q: It was not valid?

10 A: Yeah.

11 Q: All right. Now, what did you do -- go on and what did you
12 do then?

13 A: We -- we received a signed search warrant from -- from
14 Judge Cooper, Florence County. At this time, we served a
15 search warrant on the -- on the package. We opened the
16 package up and to see what was inside the package.

17 Q: What was inside the package?

18 A: There was one bale -- one wrapped bale of green plant
19 material consistent with marijuana.

20 Q: All right. And after that, what did you do?

21 A: After -- after opening the package and determining that
22 it was marijuana, we resealed the package back as it was
23 originally sealed and -- and we -- at that time, we -- we put
24 in our plan of action to conduct a controlled delivery to the
25 residence where the package was going..

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: And how did that -- how did that transfer -- what did you
2 do to prepare for that?

3 A: We had a briefing with ourselves and Florence County
4 Sheriff's Office, who were helping us out that day, and like I
5 said, he had a -- we had a briefing and we reboxed -- we
6 already repackaged the -- the marijuana in the box and then we
7 decided how we were going to do the controlled -- conduct the
8 controlled delivery.

9 Q: Okay. And how were you going to conduct the controlled
10 delivery? What was the plan?

11 A: The plan is we -- we use an undercover agent posing as a
12 FedEx delivery driver who would take the box to the residence
13 as a -- as a delivery. We had surveillance units -- units
14 around the residence in various different areas watching the
15 delivery take place and watching the residence. The delivery
16 driver would -- would take the parcel to the residence,
17 deliver it to the residence. We had already -- we had -- we
18 had -- we had already gotten an anticipatory search warrant
19 for the residence signed. I've got it here. This was signed
20 by Judge Timmons of Florence County.

21 Q: Okay. And is that dated the same date, February 28, 2012?

22 A: Yes.

23 Q: And could you tell the Court what was the terms of the
24 description of the premises, person or thing to be searched?

25 A: The description of the premises was [REDACTED]

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 located in the Effingham area of Florence County, South
2 Carolina, described as a light blue single wide trailer with
3 white underpinning, numbers [REDACTED] on mailbox in front of the
4 residence. Additionally, all persons in the residence and all
5 vehicles associated with the occupants, personal effects,
6 locked containers, and any and all parcels or boxes.

7 Q: Okay. And what were you going to try to -- the
8 description of the property, what were you going to try to
9 look at? Any records, papers, electronics, and so on?

10 A: Yeah. I'm sorry. Yeah. Any records, papers or
11 electronic showing involve -- involvement in the importation
12 of controlled substances; any computer, digital media related
13 to controlled substances, tracking numbers, previous shipping
14 labels, packing materials and boxes in the residence. Large
15 amounts of currency consistent with narcotic sales, cellular
16 phones, palm-pilot-style devices containing contact
17 information for source areas, any other items or contraband
18 located in the -- in the pursuit to find the above listed
19 items, and FedEx parcel with tracking number 5-3-9-3-2-5-6-1-
20 5-0-9-9-8-5-8.

21 Q: Was that the same package that we were talking about that
22 the dog alerted on at FedEx?

23 A: Yes. Same package.

24 Q: All right. So you got that from Judge Timmons?

25 A: Judge Timmons.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: Is that correct? All right.

2 A: Yes, sir.

3 Q: Then after you got that, what did you guys do?

4 A: Okay. After we got the anticipatory search warrant, we

5 -- we then did our final brief of -- of our operation for the

6 controlled delivery. Like I said, the undercover delivery

7 officer posing as a FedEx employee delivered the box to the

8 [REDACTED]. We had surveilling units -- surveillance

9 units out once the box -- the -- Shawn Davis received the box

10 from ---

11 Q: Let's -- let's stop here first.

12 A: Okay.

13 Q: Now, who did you use as your agent to drive the FedEx

14 truck?

15 A: We used agent Dennis Tracy.

16 Q: All right. And he's seated in the courtroom right next

17 to Mrs. Knight?

18 A: Correct.

19 Q: All right. And what did -- did you procure a private van

20 or FedEx truck or what -- what -- what was deal there?

21 A: Yes. We had -- we had a van that -- that we normally use

22 to different things in, that we use to deliver this plain

23 white van to deliver this box with.

24 Q: All right. And Agent Tracy, was he -- did he have

25 surveillance equipment on him?

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: Yes.

2 Q: All right. And he videotaped his delivery of this
3 package; correct?

4 A: Correct.

5 Q: And at that point, were you guys also in surveillance of
6 what was going on?

7 A: Yes.

8 Q: In case something happened?

9 A: Yes.

10 Q: All right. What happened when Agent Tracy got to [REDACTED]
11 [REDACTED] in Effingham?

12 A: He backed the van up into the yard. There was a black
13 male out front in the front yard who met agent Tracy. Agent
14 Tracy set -- at that time turned the box over to the black
15 male up front.

16 Q: Was that -- did Agent Tracy verify who he was?

17 A: Not at that time. I think he -- and Agent Tracy can
18 testify to this. I think he signed. He may have signed for
19 the package, but I'm not sure what name he signed for he
20 didn't know who he was at the time.

21 Q: Okay. Very good. After he signed for it, what did the
22 African-American male do?

23 A: He -- he stood -- he stood out there with it for a little
24 bit. Then eventually he -- he placed it on his shoulder and
25 walked from the front yard around the right side of the

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 trailer to the back of the trailer.

2 Q: All right. And did he come -- what did you guys do then
3 ---

4 A: We ---

5 Q: --- after he walked around to the side of the trailer?

6 A: We waited for just -- we waited a couple of moments just
7 to see if there would -- there would be any vehicle leaving or
8 any other -- any other activity at the residence. We lost
9 sight of him. We didn't have -- we were unable to put anybody
10 around back to do surveillance so we lost sight of the black
11 male and the -- and the parcel.

12 Q: All right. What happened then?

13 A: So we gave it a couple of minutes -- I'm not sure exactly
14 how long -- and then gave the order to move on in and -- and
15 -- and execute the anticipatory search warrant that we had
16 already gotten and secure the box and secure the residence and
17 any -- any subjects that were in or around the residence.

18 Q: All right. And did you secure anybody that was around
19 the residence?

20 A: Yes. We secured -- we ended up securing two black males.

21 Q: All right. And is that common police practice to secure
22 individuals that are in, around, in the curtilage of the house
23 ---

24 A: Yes.

25 Q: --- in executing a search warrant?

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A Yes. For our safety, our first main concern is our
2 safety and our officers' safety. We secure anybody in and
3 around the residence and then we'll do a -- do a preliminary
4 search for any other persons inside or outside the residence
5 and secure all them also.

6 Q: All right. Was -- was there anybody on the inside of the
7 residence?

8 A: No.

9 Q: Okay. Who did you find on the outside of the residence?

10 A: On the back porch was Clifford Campbell and Shawn Davis.

11 Q: All right. Was the FedEx box in their presence at that
12 point?

13 A: It was right inside a door through a little hallway in
14 the -- in the -- I think he called it the workout room,
15 sitting on the bench.

16 Q: So it was on the inside of the -- of the home?

17 A: Correct.

18 Q: Okay. And they were on the outside?

19 A: Yes.

20 Q: At that point, what did you do specifically with the --
21 let's start with Shawn Davis. What did you do with him
22 first?

23 A: Officers immediately pat each suspect down for any
24 weapons or anything and to retrieve items or whatever from --
25 from their pockets.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 Q: And did that happen in this case?
- 2 A: Yes.
- 3 Q: Okay. Do you know what you got from Shawn Davis?
- 4 A: I think there was a sum of money in one of his pockets
- 5 and -- and I'm not sure if he had some cell phones with him or
- 6 in his pockets or not. I didn't -- there was a lot of
- 7 officers involved. I didn't do the initial searching of the
- 8 suspects. I can refer to my ---
- 9 Q: Please refer to your report.
- 10 A: Yeah. Mr. Davis had a large sum of money in his pocket
- 11 ---
- 12 Q: Okay.
- 13 A: --- and two cell phones.
- 14 Q: All right. Anything else? Any controlled substances on
- 15 him, any weapons or ammunition or anything of that nature on
- 16 his physical person?
- 17 A: Nothing on his person.
- 18 Q: Okay. Now, how about Clifford Campbell?
- 19 A: Clifford Campbell had a Verizon Samsung cellular phone, a
- 20 Sprint Samsung cellular phone, and an iPod Touch on him when
- 21 he was placed in handcuffs and searched.
- 22 Q: All right. The same question, any controlled substances
- 23 on him, anything of that nature?
- 24 A: No.
- 25 Q: Drugs? Large quantities of money?

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: No.

2 Q: Weapons?

3 A: Nothing.

4 Q: All right. At that point, did you or one of your
5 officers do anything to Clifford Campbell's cell phone?

6 A: I think at -- I am not sure right at that point, but
7 eventually we'll -- we'll look through them to see any recent
8 call history after taking into custody.

9 Q: All right. And what did you see on that cell phone that
10 piqued your interest?

11 A: We found a -- I think we found a call to Phoenix,
12 Arizona.

13 Q: And where was the tracking -- where did this package
14 originate from?

15 A: Phoenix, Arizona.

16 Q: Okay. And based on that fact, did you feel that Clifford
17 Campbell was involved with this crime?

18 A: Yes.

19 Q: All right. And obviously after that did you make an
20 arrest of Clifford Campbell for trafficking in marijuana?

21 A: Yes.

22 Q: All right. Now, you did search the house. We are not
23 going to go into that, but you found quantity -- other than
24 that box of marijuana, you found quantities of more marijuana?

25 A: Yes.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 Q: What else did you find at that house?
- 2 A: Several different types of guns, ammunition, different
- 3 digital scales, vacuum sealers, Rival vacuum sealer that --
- 4 that normally used to seal narcotics, more currency.
- 5 Q: I believe you found a little bit of crack or cocaine in
- 6 the house as well?
- 7 A: Yeah. A little bit of cocaine in one of the bedrooms.
- 8 Q: Right. Did you verify if -- at that point if Mr.
- 9 Campbell was -- lived at that residence?
- 10 A: We did ask. I think we asked who was staying there to
- 11 Mr. Davis.
- 12 Q: All right. And what did he tell you?
- 13 A: And -- and he did say that both of them had stayed there
- 14 off and on. I think that Campbell's room was the middle
- 15 bedroom that he stayed in some.
- 16 Q: Okay. So he had Campbell in that residence?
- 17 A: Yes.
- 18 Q: Where you found him, and were these drugs that you saw
- 19 around the house, were they visible if you walked through the
- 20 house?
- 21 A: Yes. You could like in the closet, yeah, the ones that
- 22 we had already that we found, yeah.
- 23 Q: All right. Now, on the outside of the house, did you
- 24 find anything interesting in terms of the vehicles?
- 25 A: Yeah. We did find a large sum of money in one of the

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 trunks of one of the vehicles.

2 Q: I believe the dog alerted on that?

3 A: Yes.

4 Q: One of the sheriff's dogs?

5 A: Yes. Florence County dog alerted on that vehicle.

6 Q: And how much money did you find in that vehicle?

7 A: \$33,020.00.

8 Q: Right. And the total -- total amount of money that you

9 -- that you found?

10 A: It was roughly, \$45,000 -- \$46,000. Roughly.

11 Q: All right. Now, after -- after you got -- got that

12 evidence, at that point did you charge both of them with their

13 -- with crimes?

14 A: Yes.

15 Q: Okay. With Campbell, what did you charge him with?

16 A: Trafficking in marijuana.

17 Q: How about Davis?

18 A: Davis was charged in -- with trafficking in marijuana and

19 also felon in possession of a firearm and possession of a

20 weapon during a violent crime.

21 Q: Did he claim those weapons?

22 A: Yes.

23 Q: All right. Now, Davis -- Davis's case was adopted by the

24 United States Government; is that correct?

25 A: Correct.

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: And Davis was prosecuted and convicted I guess in federal
2 court?

3 A: Correct.

4 Q: Okay. The federal government did not take Mr. Campbell's
5 case; is that correct?

6 A: No.

7 MR. JEPERTINGER: All right. Okay. That's all I have in
8 terms of this witness on that issue.

9 THE COURT: Cross examination?

10 MR. TRUSLOW: Yes, sir.

11 CROSS EXAMINATION

12 BY MR. TRUSLOW:

13 Q: Agent, where were you when the other agent delivered the
14 package? Where were you physically?

15 A: I think I was down -- I was in my vehicle with another
16 agent down the road a little ways.

17 Q: Okay.

18 A: I wasn't one of the actual surveillance units --
19 surveillance units looking at the house.

20 Q: So you did not see which -- Mr. Davis come up and accept
21 the package?

22 A: No, not personally.

23 Q: Were you one of the first people on the scene around the
24 back of the house?

25 A: No. I was probably one of the closest to the back

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

1 because I was a little ways away sort of running the show if
2 you say.

3 Q: So was Mr. Campbell in handcuffs by the time you got over
4 there?

5 A: Yes. Both of them were.

6 Q: Okay. So how can you testify he was on the porch when he
7 was arrested?

8 A: That's, you know, from -- from the other agents on the
9 scene.

10 Q: Well, I mean is there any reports that you can refer to
11 that that's written down or is that from memory that's
12 something they told you?

13 A: Yeah. Let me look back at my report. Yeah. I got a
14 surveillance report that I don't have with me right here that
15 I could probably -- that would probably have it on there.

16 Q: Okay. So you were not involved in the arrest of Mr.
17 Campbell?

18 A: No.

19 Q: Okay. When you mentioned after he was arrested that he
20 -- that his -- that there were phones taken and you found
21 something on the phone that interested you in the case, that
22 was a connection to Arizona?

23 A: Correct.

24 Q: Okay. So albeit after the arrest, you found what? A
25 phone number in the phone to Arizona or what?

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: Yes.
- 2 Q: Okay.
- 3 A: Well, I think it was actually a call phone number to
- 4 Phoenix, Arizona.
- 5 Q: Okay. So Mr. Campbell was located in the back somewhere
- 6 in the back of this residence the backyard or wherever. You
- 7 were told on the back porch. He was not in the residence;
- 8 correct?
- 9 A: Neither one of them were in the residence.
- 10 Q: Okay. Well, so Mr. Davis had to go in the residence
- 11 because the box was in the residence; right?
- 12 A: Yeah.
- 13 Q: Okay. So he was in the back and then he was arrested.
- 14 You didn't arrest him?
- 15 A: No.
- 16 Q: Okay. And then somebody says that they took phones from
- 17 him; right?
- 18 A: Yes.
- 19 Q: And somebody saw an Arizona phone number?
- 20 A: Correct.
- 21 Q: Okay. And based upon that, he was charged with
- 22 trafficking in marijuana?
- 23 A: Based upon that and the search of the residence and him
- 24 being at the residence and staying ---
- 25 Q And the marijuana in the residence?

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

1 A: And staying at the residence. Correct.

2 Q: Okay. And the Arizona phone number was not found until

3 he was arrested; right?

4 A: Correct.

5 Q: Because you searched him incident to arresting him;

6 correct?

7 A: Correct.

8 Q: Now, which officer delivered the package to Mr. Davis?

9 A: Officer Tracy.

10 Q: Okay. And after that, there were other officers that

11 could surveil the front of the home?

12 A: Correct.

13 Q: And they, in fact, watched Mr. Davis sit down in front of

14 the home in the front with the package for a while?

15 A: Yeah. I think he -- I think -- they're -- I think he was

16 standing beside it or something with the package sitting on

17 the ground.

18 Q: But he stayed in the front for a while?

19 A: For a minute.

20 Q: Okay.

21 A: Yeah. For a little bit.

22 Q: So one agent handed it to Davis; right?

23 A: Correct.

24 Q: Spent enough time with him to do that and have Mr. Davis

25 sign something; right?

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: I think so, yes.
- 2 Q: Looking at him face to face. Other agents had Mr. Davis
3 surveilled him for a minute or however long you say he stayed
4 in the front; correct?
- 5 A: Correct.
- 6 Q: And then when he went around the back, you no longer had
7 a visual contact?
- 8 A: Correct.
- 9 Q: And that's when you waited a few minutes to see if a car
10 would leave maybe; right?
- 11 A: Correct.
- 12 Q: And then you moved in; correct.
- 13 A: Yes.
- 14 Q: And you were not the first one there?
- 15 A: No.
- 16 Q: You did not arrest Mr. Campbell or Mr. Davis?
- 17 A: No.
- 18 Q: By the time you got there, he was already in handcuffs;
19 correct?
- 20 A: Yes.
- 21 Q: Had his -- had the the cell phones been removed at that
22 time when you got there?
- 23 A: I think they'd been removed out of his pocket.
24 Everything had been removed out of each of them's pockets.
- 25 Q: Okay. Who had the cell phones? Which officer?

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: I'm not sure. I'm not sure right offhand.
- 2 Q: All right. Now, when you said that you think you asked
- 3 Mr. Davis who was staying there at the home ---
- 4 A: Yeah.
- 5 Q: --- he indicated that he and Mr. Campbell were on and
- 6 off?
- 7 A: I think they stated -- yeah, he said they stayed in on
- 8 and off.
- 9 Q: Okay. And now, I got some very detailed reports. Have
- 10 you got anything that you can point to where you ever wrote
- 11 that down or any officer ever put that in a report?
- 12 A: I'm not sure if I've got it in here or if there's some
- 13 other statement from -- from the Florence officer or what. I
- 14 don't have anything with me up here.
- 15 Q: Okay. Is there -- is there anything that you know of
- 16 that has that?
- 17 A: Not -- not a report. Yeah, a debriefing from Mr. Davis
- 18 has it in there I think.
- 19 Q: All right. A debriefing of him saying that he was
- 20 staying there on and off or a debriefing or a statement that
- 21 you have where you ---
- 22 A: No.
- 23 Q: --- beyond memorialize that he said it that day?
- 24 A: No.
- 25 Q: You don't have anything ---

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: No.
- 2 Q: --- that says he said it that day?
- 3 A: That's from my memory.
- 4 Q: Okay. And when you got up there and they were both in
- 5 handcuffs, is that when you started talking to them?
- 6 A: Yeah. I don't think -- like I said, I was the case agent
- 7 and it was my -- it was my duty to initiate the search
- 8 warrants. So we have a ton of officers there. You know, we
- 9 had other officers doing the interviews and stuff like that,
- 10 and I was doing the returns and stuff for the search warrant
- 11 to get all the evidence.
- 12 Q: But the returns are important. You got to list down
- 13 every single thing on there. So you were busy with that?
- 14 A: Yeah. Well, I had a guy writing for me, but they were
- 15 bringing it to me to keep everything in my custody, all the
- 16 evidence.
- 17 Q: Okay. So when did you interview Mr. Davis on the scene
- 18 where he told you that he was staying at the residence on and
- 19 off?
- 20 A: I think it was -- I think was -- I'm not sure if it was,
- 21 you know, through passing. It wasn't -- it wasn't a sit down
- 22 talk interview. Just one of those things who stays here or --
- 23 you know -- you know, me and my boy or something. I'm not
- 24 sure.
- 25 Q: So he could have said me and my boy?

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: Yeah. He could have said me -- me and my boy here or
2 something.

3 Q: Okay. So he may not even have even said Mr. Campbell's
4 name?

5 A: He may have not said Mr. Campbell.

6 Q: All right.

7 MR. TRUSLOW: Nothing -- nothing, Your Honor.

8 THE COURT: All right. Any redirect, Mr. Jepertinger?

9 MR. JEPERTINGER: No, sir.

10 THE COURT: All right. Sir, you may step down.

11 AGENT RONNIE HINSON: Thank you, sir.

12 (Whereupon, the witness leaves the stand at 12:50 p.m.)

13 MR. JEPERTINGER: We would call Dennis Tracy.

14 THE CLERK: Do you swear to tell the truth, the whole
15 truth, and nothing but the truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Please be seated and state your full name for
18 the record.

19 THE WITNESS: Special Agent Dennis Tracy.

20 MR. JEPERTINGER: Okay.

21 SPECIAL AGENT DENNIS TRACY, being
22 first duly sworn, testifies as follows:

23 DIRECT EXAMINATION

24 BY MR. JEPERTINGER:

25 Q: Agent Tracy, can you tell the Court how you got involved

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 with this case, please?

2 A: Earlier or prior to the arrival of the parcel, I was
3 contacted by a source of information in Phoenix, Arizona,
4 advising me that there was an inbound suspicious shipment
5 destined for an address in Florence, South Carolina. I ---

6 Q: Let me just stop you right there. You've been qualified
7 as an expert in terms of packaging and parceling and all that
8 sort of stuff in terms of drug interdiction.

9 A: Yes, sir.

10 Q: Have you not?

11 A: Yes, sir.

12 Q: All right. So that wasn't unusual for you to receive a
13 phone call from Phoenix, Arizona; is that correct?

14 A: No, sir, not at all.

15 Q: In fact, is it true that you -- you get information
16 nationwide?

17 A: Yes, sir.

18 Q: All right. And go ahead. I'm sorry.

19 A: I was provided the sender and recipient information.
20 Actually, I stand corrected. I was -- I was provided the
21 recipient information and a tracking number. I then conducted
22 research of the name, found the name not to be associated with
23 the address of [REDACTED].

24 Q: All right. And then what happened?

25 A: I then contacted Agent Hinson with SLED, advised him that

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 there was an inbound parcel, and had him coordinate getting a
2 drug detection K-9 and myself and him to the FedEx location on
3 the day the parcel was scheduled to arrive.

4 Q: And you did all that; correct?

5 A: Yes, sir.

6 Q: Okay. After that, I think Agent Hinson said they got --
7 he got an anticipatory search warrant and then you basically
8 executed it; did you not?

9 A: I know an anticipatory search warrant was obtained. I do
10 -- I couldn't tell you who signed for the anticipatory search
11 warrant.

12 Q: Okay.

13 A: And after the controlled delivery, I left the scene. So
14 I'm assuming that the search warrant was executed.

15 Q: Okay. You were the FedEx ---

16 A: Yes, sir.

17 Q: --- the focus FedEx person ---

18 A: Yes, sir.

19 Q: Correct? And you were -- you had audio visual equipment
20 on you?

21 A Yes.

22 Q: Okay. And I believe the co-defendant, Mr. Davis, signed
23 for the package?

24 A: Yes, sir.

25 Q: Okay. And did you ask him if he were John Gibson?

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 A: Yes, sir.
- 2 Q: Okay. And he said yes; correct?
- 3 A: I believe so.
- 4 Q: All right. What was -- what were the physical conditions
5 around the property that day?
- 6 A: The front yard was -- was maintained. The rear of the
7 residence was muddy and quite wet. I -- after the fact, I
8 came back to the location to see the -- the rear area of it,
9 but the house didn't appear vacant, which is one of my --
10 which is something I always take a look out for to make sure
11 that somebody is actually living in these houses that we are
12 doing these controlled deliveries to.
- 13 Q: All right. And when you came back, what did you
14 ultimately do?
- 15 A: Like I said, the rear was -- if I recall, it being
16 slightly muddy. There probably been some rain fall and it
17 just hadn't drained off within the past day or two or previous
18 day or two.
- 19 Q: Did you notice if either of these defendants had mud --
20 mud on their boots or pants or shoes?
- 21 A: I don't remember. I don't remember either one of the
22 defendants being muddied up.
- 23 Q: At -- at that point, can you tell us anything to cell
24 phone retrieved from Clifford Campbell.
- 25 A: No, sir. I didn't -- I didn't witness that.

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: Okay. And was that your only involvement in the case?

2 A: For the most part, yes, sir.

3 Q: Okay. All right. Now, let me ask you: you've been an
4 agent with SLED for a period of time. What is your policy in
5 terms of deliveries with individuals that are on the property
6 of -- where -- when warrants are being executed?

7 A: When warrants are being executed, all persons located at
8 the property are detained. Detaining is not necessarily an
9 arrest; it just means that they are detained for their safety
10 and the safety of the officers on the scene. Their properties
11 are removed from their person usually. If -- for an example,
12 if somebody is found in the backyard and they are standing by
13 a car, we're going to take the property out of the pockets and
14 place it on the car in front of them just so that they can't
15 damage or destroy any potential evidence on cell phones or by
16 removing the SIM cards or anything along those lines. Any
17 weapons would be secured and any narcotics would be seized off
18 their person.

19 Q: All right. What is policy in terms of if you retrieve
20 a cell phone? I think you just mentioned that -- do you all
21 look to see who the person's contacted?

22 A: In this case, for the most part, our anticipatory search
23 warrants do have language to say that the electronic devices
24 on scene are to be searched for indicia of involvement in the
25 importation of narcotics or shipping of drug-related currency.

AGENT DENNIS TRACY - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: Based on -- not your -- I guess observation, but what you
2 know happened in this case, was that done?

3 A: It was.

4 Q: All right. And would you feel that -- did you -- would
5 you feel that there would be probable cause based on an
6 individual having a Phoenix phone number and the package just
7 coming from Phoenix?

8 A: With the other -- with the subject being on scene with a
9 -- with a phone number that had the same origin as our -- as
10 the drug-laden package, I would feel comfortable saying that
11 there was probable cause to believe he's involved in the
12 importation of marijuana.

13 Q: All right. Thank you. Please answer any questions that
14 the defense may have.

15 THE COURT: Cross examination?

16 CROSS EXAMINATION

17 BY MR. TRUSLOW:

18 Q: Now, this cell phone information that you found, that was
19 -- you found that after he was arrested; right?

20 A: Sir, I didn't find any cell phone information.

21 Q: Okay. Well, what were you just talking about with him?

22 A: He was saying with the -- with the facts -- with the
23 facts presented, if I found cell phone information on a phone
24 with the same origin as a parcel, would I feel there is
25 probable cause to believe that there was -- that there was

AGENT DENNIS TRACY - CROSS EXAMINATION BY MR. TRUSLOW

1 probable cause to arrest the subject and I said yes. I didn't
2 search your client's phone.

3 Q: Okay.

4 A: He was asking me a hypothetical I believe.

5 Q: Let me show you the search warrant. Where it's got the
6 description of premises to be searched, does that not tell you
7 you can search the residence and any persons inside the
8 residence?

9 A: It says additionally all persons in the residence and all
10 vehicles associated with the occupants, personal effects,
11 locked containers, and all -- any and all parcels or boxes.

12 Q: Okay. Now, Mr. Campbell was not in the residence; right?

13 A: That's -- that's what I've been led to understand.

14 Q: Okay. So after you delivered the parcel, what -- what
15 did you do after that personally? You yourself?

16 A: I sat on -- I had backed my van into the driveway of the
17 residence. I sat there for a few minutes acting like I was
18 doing paperwork. I then pulled my vehicle out and departed
19 the neighborhood.

20 Q: So did you have anything to do with the arrest of Mr.
21 Campbell in the backyard?

22 A: No, sir.

23 Q: Were you even back there?

24 A: No, sir.

25 Mr. TRUSLOW: I have no further questions.

AGENT DENNIS TRACY - REDIRECT EXAMINATION BY MR. JEPERTINGER

1 MR. JEPERTINGER: All right.

2 REDIRECT EXAMINATION

3 BY MR. JEPERTINGER:

4 Q: Let me ask in terms of your understanding, the residence
5 also includes curtilage to the residence; is that correct?

6 A: Yes, sir.

7 MR. JEPERTINGER: All right. Thank you so much.

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

9 AGENT DENNIS TRACY: Thank you, Your Honor.

10 (Whereupon, the witness leaves the stand.)

11 MR. JEPERTINGER: Your Honor, that's all I'm going to
12 have on this issue. Thank you.

13 THE COURT: All right. Anything further with regards to
14 argument from defense counsel?

15 MR. TRUSLOW: No, sir.

16 THE COURT: Anything further with regards to argument
17 from the ---

18 MR. JEPERTINGER: No, sir.

19 THE COURT: All right. Can I see the anticipatory
20 warrant, please, sir?

21 MR. JEPERTINGER: Yes, sir.

22 THE COURT: That was testified to?

23 MR. JEPERTINGER: Yes, sir.

24 THE COURT: Thank you.

25 (Whereupon, there is a pause in the proceedings.)

1 THE COURT: All right. Based on the testimony that's
2 been enlisted from this witness stand and arguments of
3 counsel, I am going to respectfully deny defense counsel's
4 motion. I do find that defendant's -- sufficient probable
5 cause existed for the defendant to be arrested based upon the
6 evidence and testimony that's been elicited from this stand.

7 Furthermore, I find that law enforcement had sufficient
8 leave or justification to search the defendant, his cell
9 phone, and the premises pursuant to a search warrant -- that
10 anticipatory search warrant that had been issued prior to law
11 enforcement's arrival on the scene.

12 I certainly respect and understand Mr. Truslow's argument
13 regarding the mere presence issue, but I believe that is a
14 factual issue for the jury to determine as to whether or not
15 mere presence existed which would absolve the defendant from
16 any criminal activity at all. I believe that is a jury issue.

17 Therefore, I am going to respectfully deny defense
18 counsel's motion as it relates to the lack of probable cause
19 for the arrest, as well as unlawful search and seizure of the
20 cell phone number that was retrieved from the defendant upon
21 his arrest. Anything further with regards to that issue from
22 defense counsel?

23 MR. TRUSLOW: No, Your Honor.

24 THE COURT: From the State?

25 MR. JEPERTINGER: No, sir.

1 THE COURT: All right. Any other matters that we need to
2 address right now? I know that Mr. Jepertinger brought up
3 this issue of the defendant -- excuse me -- the co-defendant
4 being involved with the defendant for a period of time in the
5 marijuana business; was that correct?

6 MR. JEPERTINGER: Yes, Judge, and I have just a -- have
7 you seen this?

8 MR. TRUSLOW: Yeah.

9 THE COURT: What is that?

10 MR. JEPERTINGER: This is a ---

11 THE COURT: Let me give you that back.

12 MR. JEPERTINGER: This was a single page debriefing done
13 by Agent Rhodes and McDowell on May 28, 2013, of this
14 defendant -- specifically of this defendant, Your Honor, and
15 obviously paragraph two is -- talks about timeframe in terms
16 of being involved with Clifford Campbell.

17 THE COURT: Well, I mean is there any -- first of all, is
18 there any motion by defense counsel with regards to this
19 issue?

20 MR. TRUSLOW: Yes, sir. That it goes above and beyond
21 what he needs to testify and what we are here for today. It
22 brings in other crimes or evidence of other wrongs, acts. In
23 other words, once the feds got a hold of him, he started going
24 into historical type stuff. That historical stuff is highly
25 prejudicial and it's not really relevant to what my client is

1 charged with. We're not charged in any conspiracy. He's
2 charged with trafficking cocaine on that specific date,
3 February 28th.

4 MR. JEPERTINGER: I'm glad the defense attorney brought
5 that up because part -- an element of the trafficking statute
6 is conspiracy, Your Honor, and that -- in your initial charge
7 to jury when he explained what they're being -- what he is
8 being charged with as indicted, that is a complete state
9 statute and it talks about conspiracy to sell and do a whole
10 lot of things, Your Honor.

11 MR. TRUSLOW: But it talks about ---

12 THE COURT: Hold on a minute ---

13 MR. TRUSLOW: --- conspiracy ---

14 THE COURT: Hold on a minute.

15 MR. TRUSLOW: Yes, sir.

16 THE COURT: Say that again, Mr. Jepertinger?

17 MR. JEPERTINGER: If you look at the trafficking statute,
18 it says, Your Honor, to knowingly sell, manufacture,
19 cultivate, deliver, purchase or bring into this state or aid,
20 abet, attempt or conspire to sell, manufacture, cultivate,
21 deliver, purchase or bring into this state or was knowingly in
22 actual or constructive possession. Part of the statute
23 itself, Your Honor, an element of that statute is conspiracy.

24 THE COURT: Okay. Now, Mr. Truslow?

25 MR. TRUSLOW: What I was saying was that is like aiding

1 and abetting. That means, you know, that it would be
2 sufficient if they conspired on February 28th to do that as
3 opposed to the co-defendant doing it actually himself or being
4 the principal. He's not charged with a conspiracy which is a
5 separate crime. Which -- which -- which encompasses that
6 there was a period of time where something was going on.
7 Conspiracy in that context just means that it would be enough
8 that they conspired to traffic marijuana on February 28th or
9 that they aided -- somebody aided and abetted on February 28th
10 to traffic marijuana.

11 THE COURT: All right. All right. I'll take this issue
12 under advisement. I want to look at -- I want to look at a
13 couple of things on that and I'll let you know ---

14 MR. TRUSLOW: All right.

15 THE COURT: --- my ruling once I've looked it up.

16 MR. JEPERTINGER: Your Honor, I would like to put a few
17 more things on the record in terms of that issue and ask you
18 to consider some of these cases, Your Honor.

19 THE COURT: Okay.

20 MR. JEPERTINGER: In terms -- I think that under -- in a
21 404(b) analysis you have several prongs here, but you have an
22 intent prong, Your Honor. I think there is a case of State
23 versus Gore, if I'm not mistaken. I have a copy for you, Mr.
24 Truslow. That I would ask that you look at, Your Honor.
25 Testimony relating defendant's drug past and his distribution

1 activity is admissible to establish intent, Your Honor. Let
2 me get you a copy of State v. Gore. Also, Your Honor, there's
3 several cases you have under common scheme and plan, Your
4 Honor. Under Raffaldt and Moultrie are cases that talk about
5 common scheme and plan.

6 In terms of this issue -- and I would distinguish the
7 latest case of State v. Humphries in this matter. There, an
8 independent party in Humphries offered evidence of a prior
9 act. And here, a co-defendant involved offered -- will be
10 offering evidence inculpatory to this defendant, Your Honor.
11 I'll give a copy to Mr. Truslow.

12 Your Honor, I -- and I think, you know, we're going to
13 have a co-defendant, should you -- should you allow some
14 testimony in, who has firsthand knowledge involved himself in
15 the crime and I believe the courts have said a witness with
16 direct knowledge of the prior bad acts may satisfy the clear
17 and convincing standard, Your Honor.

18 THE COURT: All right. I'll take a look at it over lunch
19 and I'll let you know what my ruling is on it. Anything
20 further, Mr. Truslow, at this time?

21 MR. TRUSLOW: Your Honor, I'd raise the third thing. You
22 addressed the two. Now, the first was the warrantless search
23 so this may not make any sense ---

24 THE COURT: Well ---

25 MR. TRUSLOW: --- to argue the search warrant of the

1 phones but ---

2 THE COURT: Well, hold -- and I'll let you finish your
3 argument.

4 MR. TRUSLOW: Okay.

5 THE COURT: But let me ask this. Well, go ahead Go
6 ahead. I'm sorry.

7 MR. TRUSLOW: Well, I mean based on your ruling in
8 regards to the phones, Your Honor may not think that need a
9 search warrant for the phones, which may just -- but I still
10 want to put on the record that I object. What happened is
11 they saw something on the phones, you know, and then he went
12 to jail. About a year later, they obtained a search warrant
13 for the same two phones, which they then from that generated a
14 list of texts and incoming and outgoing phone calls, and I
15 object to that evidence based upon the search warrant that
16 they provided, specifically that the affidavit to the search
17 warrant does not contain sufficient probable cause to issue
18 the search warrant.

19 THE COURT: Well, one of things -- and this is one of the
20 reasons I wanted to look at the anticipatory search warrant to
21 begin with. The anticipatory search warrant even had in there
22 cell phones. Okay? So they had a warrant to search that
23 phone and I made a finding -- or at least if I wasn't clear on
24 it, I want to make it clear for the record that they had a
25 warrant to search that phone the day that he was taken into

1 custody. When they went out there, delivered that package,
2 and subsequently arrived at that house and took each of these
3 defendants, Mr. Davis and Mr. Campbell, into custody, they
4 already had a warrant to search the phone when they went out
5 there. So regardless of whether or not they subsequently
6 sought -- which your argument is that they did about a year
7 later got a search warrant to search this phone. They already
8 had a search warrant for the phone when they went out there,
9 an anticipatory search warrant when they went out there and
10 arrested each of these two individuals.

11 MR. TRUSLOW: Judge? Judge, the way I'm reading the
12 warrant is that they had a search warrant to search the home,
13 any persons inside the home, and then any other items of
14 contraband located in the pursuit to find the other things,
15 including cell phones, a palm pilot. So if they didn't have a
16 warrant to search him, then they wouldn't have a warrant to
17 search his phone, and he was not inside the residence.

18 In other words, you know, if there'd have been cell
19 phones laying in the back yard, of course, they may be
20 abandoned, but then you're saying the warrant would cover
21 those phones and they could just go start searching those.

22 THE COURT: I mean I think you just ---

23 MR. TRUSLOW: The warrant says that the address of the
24 residence, and additionally all persons in the residence, and
25 all vehicles associated with occupants, personal effects,

1 locked containers, any other parcels and boxes, meaning of the
2 occupants of the residence.

3 THE COURT: Can I see the warrant again, Mr. Jepertinger?

4 MR. JEPERTINGER: Yes, sir.

5 THE COURT: Mr. Truslow?

6 MR. JEPERTINGER: Oh, you got one?

7 MR. TRUSLOW: That's the warrant and that's the
8 affidavit, which is pretty much the same.

9 THE COURT: Each of these property descriptions -- and I
10 would ask that a copy of this be made and allow it to be made
11 as a Court's exhibit.

12 (Whereupon, the search warrant is marked as Court's
13 Exhibit Number 1.)

14 THE COURT: Well, each of these pieces of property are
15 separated by semicolon, separating each particular specific
16 piece of property to be searched. I certainly recognize and
17 understand your argument, Mr. Truslow, but I think each of
18 those pieces of document -- pieces of property -- excuse me --
19 are separate and distinct as to what is to be searched. But
20 I'm -- again, your objection is so noted for the record, but I
21 am respectfully ---

22 MR. TRUSLOW: May I make this a Court's exhibit as well,
23 the search warrant for the cell phones? The actual warrant
24 itself because I object to that as well?

25 THE COURT: That's fine.

1 MR. TRUSLOW: All right.

2 THE COURT: I mean I want you to make whatever record you
3 feel like you need to -- to make to protect your client's
4 interest.

5 (Whereupon, the cell phone search warrant is marked as
6 Court's Exhibit Number 2.)

7 MR. JEPERTINGER: If you could make a copy of what Mr.
8 Truslow ---

9 THE COURT: I'm going to give this back, this search
10 warrant of the residence, the anticipatory search warrant.
11 I'm going to have that marked as Court's Exhibit Number 1.
12 Any objection to this being made Court's Exhibit Number 1, Mr.
13 Truslow?

14 MR. TRUSLOW: No, Your Honor.

15 THE COURT: All right, Court's Exhibit Number 1. Does
16 that also include the subsequent search warrant?

17 MR. JEPERTINGER: No, it does not.

18 THE COURT: Okay. She's making a copy of it.

19 MR. TRUSLOW: No, sir. That should be Court's Exhibit
20 Number 2.

21 THE COURT: Okay. You can hold onto that. What will be
22 marked as Court's Exhibit Number 2 without objection is the
23 subsequent search warrant that Mr. Truslow has referred to
24 that was obtained approximately a year after the defendants
25 arrest for the purpose of searching his cell phone. Is that

1 right, Mr. Truslow?

2 MR. TRUSLOW: Yes, sir.

3 THE COURT: Is that right?

4 MR. TRUSLOW: Yes, sir.

5 THE COURT: Any objection? Okay. All right. Both of
6 those are being made Court's exhibits without objection. And
7 here is this statement that you handed up, Mr. Jepertinger.
8 Let me give that back to you.

9 MR. JEPERTINGER: Yes, sir.

10 THE COURT: Let me ask this question while we're waiting
11 on that copy. Is there a need for me to make a ruling on this
12 issue concerning Mr. Davis' testimony about prior dealings
13 with Mr. Campbell? Is there a need for me to make a ruling on
14 that prior to y'all's opening statements and what testimony
15 we're going ---

16 MR. JEPERTINGER: Yeah, absolutely. And I would ---

17 THE COURT: Okay.

18 MR. JEPERTINGER: I would -- Your Honor, I have Mr. Davis
19 up here for that issue to testify if the Court needs to hear
20 from him.

21 THE COURT: All right. I don't need to hear from him
22 right now unless -- well, I don't need to hear from him now.

23 Mr. JEPERTINGER: Here you go, Judge. Court's Exhibit
24 Number 2.

25 THE COURT: Court's Exhibit Number 2 is the subsequent

1 search warrant. All right. We'll stand down right now. I
2 would ask that you all be back here at two fifteen -- two
3 fifteen. I'll make a ruling on that and we'll start the case
4 -- the trial of this case at two thirty.

5 MR. TRUSLOW: Yes, sir.

6 THE COURT: All right. I notice that Mr. Campbell is --
7 appears to be out on bond.

8 MR. JEPERTINGER: He is.

9 THE COURT: What's the State's position on him remaining
10 out?

11 MR. JEPERTINGER: Judge, he's been coming to court every
12 time I've asked him to come to court.

13 THE COURT: Okay. All right. I will allow him to remain
14 out on bond over lunch. Mr. Campbell, I will tell you this.
15 That I've -- you've heard me tell court personnel to be back
16 in here at two fifteen, that the trial of your case is to
17 begin at two thirty. I will allow you to remain out on bond.
18 However, if you fail to appear back here at two fifteen, a
19 bench warrant will be issued for your arrest, and if you fail
20 to appear, your case can still go forward even in your absence
21 since I've advised you that your case will go forward in your
22 absence if you fail to appear. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right, two fifteen.

25 MR. TRUSLOW: Thank you, sir. Hey, just wait right out

1 there for me. I'll be right there.

2 (Whereupon, there is a break in the proceedings from 1:21
3 p.m. until 2:15 p.m.)

4 THE COURT: All right. I have reviewed these cases that
5 were submitted by the State on this 404(b) matter which is the
6 prior statement of Mr. Campbell's co-defendant, Mr. Davis,
7 when Mr. Davis allegedly makes the comment to law enforcement
8 in his debriefing that Mr. Campbell and Mr. Davis had been
9 engaged in the trafficking of marijuana for a couple of years
10 I believe, Mr. Jepertinger, and please correct me if I
11 misstate something here, either one of you attorneys.

12 I have looked at State v. Gore that was handed up by Mr.
13 Jepertinger, 299 S.C. 368. In that particular case, the
14 appellant was convicted of possession of cocaine, as well as
15 conspiracy to distribute cocaine. In that case, under cross
16 examination the solicitor -- upon cross examination of the
17 appellant by the solicitor, the appellant denied selling drugs
18 out of the trailer. Over -- the trial judge relied on trial
19 testimony by a confidential informant who stated he had
20 purchased cocaine from appellant at the trailer on two prior
21 occasions.

22 The Appellate Court -- the Supreme Court said that the
23 reply testimony in question was not admissible unless it could
24 have been admitted as part of the State's case in chief. The
25 State argued that the testimony was admissible in the case in

1 chief. The prior two occasions of drug activity occurred only
2 one month prior to the incident for which the appellant was
3 arrested. Therefore, the Court concluded that the probative
4 value would outweigh the prejudicial effect to the appellant.

5 In State v. Raffaltdt, R-A-F-F-A-L-D-T, 456 S.E.2d 390,
6 which is a 1995 case, the defendant was indicted for
7 trafficking cocaine, alleging that he along with another five
8 individuals conspired to bring more than -- excuse me --
9 conspired to bring 100 grams or more of cocaine into the state
10 from December of '89 to March of '91. The Court in that case
11 concluded that the prior conduct giving rise to the cocaine
12 transactions was admissible as a common scheme or plan. The
13 Court noted that the prior dealing between the appellant and
14 one of his co-defendants, Edward, Pritchett, was quite similar
15 to the cocaine conspiracy and, therefore, allowed the
16 testimony of such prior conduct.

17 In State v. Moultrie, 451 S.E.2d 34, the defendant or
18 appellant was convicted for possession of marijuana with
19 intent to distribute. There was testimony elicited concerning
20 the defendant's prior drug-related activities. The facts of
21 this particular case were that on June 15th, 1991, which was
22 two days prior to the defendant's arrest, a cooperating
23 witness gave law enforcement a statement detailing drug
24 transactions involving the defendant. This detailed account
25 of drug transactions involved the defendant involved in drug

1 activity and concerned personal experience of the cooperating
2 witness.

3 In that case, the defendant focused entirely on the
4 cooperating witness's testimony concerning the defendant or
5 appellant's involvement since '87 in the drug trade. The
6 trial court ruled that it was admissible to prove a common
7 scheme. Challenge testimony was clearly relevant according to
8 the Court of Appeals on the question of whether the defendant
9 or appellant possessed drugs with intent to distribute them on
10 the night of his arrest.

11 The Court pointed out the specifics of the cooperating
12 witness's -- excuse me. The court noted that the cooperating
13 witness's testimony related to specific -- to specifics of the
14 defendant's mode of operation when conducting prior drug
15 deals. That such was extraordinarily similar to the evidence
16 discovered on the night of the defendant's arrest and it
17 tended to show the nature and content of the defendant's
18 previous drug dealing.

19 In looking at the rule, it is clear, and looking and
20 reviewing these cases, that the Court's analysis as to the
21 admissibility of such. In Mr. Campbell's case, the Court must
22 look at the logical relevancy of the other crimes. Here we
23 have bad acts, not necessarily criminal convictions.

24 Furthermore, under State v. Brooks, 335 S.C. 140, the
25 trial judge must clearly perceive the connection between the

1 other crimes and the crime charged. Other crimes which are
2 not the subject of conviction, which we do not have here, must
3 be proven by clear and convincing evidence. Mr. Jepertinger
4 argued prior to or raised this issue prior to the lunch break,
5 and that is that Mr. Davis would testify to such and that that
6 -- correct me if I'm wrong here, Mr. Jepertinger.

7 MR. JEPERTINGER: Yes, sir.

8 THE COURT: That is clear and convincing evidence. Is
9 that what ---

10 MR. JEPERTINGER: I've got -- I believe so and I think I
11 cited for authority State v. Aiken, 470 S.E.2d 404. I think
12 it stands for the proposition that a witness with direct
13 knowledge of the prior bad acts may satisfy the clear and
14 convincing standard. You should have a copy of that case. I
15 do Judge.

16 THE COURT: Let me see that.

17 (Whereupon, there is a pause in the proceedings.)

18 THE COURT: Well, even in this case -- in State v. Aiken,
19 the Court focuses on the similarities and the conduct. What I
20 have before me at this point right now is no evidence of
21 similar conduct other than the co-defendant -- a prior co-
22 defendant, albeit he is not a co-defendant now -- saying that
23 he's engaged this kind of conduct with the defendant over the
24 last two years. There is no similar related conduct and in
25 each of these cases where it -- it's allowed, the Court

1 focuses on similar past conduct in specifics regarding the
2 similar past conduct and how they are related and how similar
3 they are. Any -- and I know I haven't given you a full ruling
4 at this point, but I'm stopping to say anything else you want
5 to argue on this?

6 MR. JEPERTINGER: Judge, obviously in terms of Aiken, I
7 would point out that the co-defendant testified he had
8 participation for the two of them committed the crimes
9 together, and I was looking at the second to last sentence. I
10 would -- I would point out, Judge, that I think if we were to
11 take the testimony now of Shawn Davis, who's here, in terms of
12 the similarity of related conduct, they not only found the
13 marijuana in the FedEx box, but there was also a big cache of
14 marijuana in a -- I believe a UPS box. That was in the house
15 that Mr. Davis would specifically argue on -- I think the
16 night before or two days before or something of that nature,
17 within a close proximity of time of when they were arrested,
18 was being heat-sealed and packaged for distribution and that
19 not only he did it, but Mr. Campbell assisted him because Mr.
20 Campbell stayed at that house.

21 THE COURT: Okay. Well, I will -- I will reserve ruling
22 until I hear such from the State. I mean based upon what I've
23 heard thus far, simply by argument, I don't think it's
24 admissible. I think the prejudicial effect outweighs any
25 probative value, but I will hear what Mr. Davis has to say at

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1 the appropriate time before, you know, coming to a conclusion
2 -- full conclusion on my ruling.

3 MR. JEPERTINGER: Judge, could I put up Mr. Davis now?

4 THE COURT: If you think it's necessary for you to do
5 that prior to opening statements, I will hear from him.

6 MR. JEPERTINGER: Yes, sir.

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

8 THE CLERK: If you will, sir, come to the witness stand.

9 SHAWN DAVIS: This good?

10 THE CLERK: Yes, sir, right there were the Bible's at.
11 If you will, stop right in front of the Bible and place your
12 left hand on the Bible and raise your right hand as best as
13 you can. Do you swear to tell the truth, the whole truth, and
14 nothing but the truth, so help you God?

15 SHAWN DAVIS: Yes.

16 THE CLERK: Please have a seat right there in the witness
17 chair and state your full name for the record.

18 SHAWN DAVIS: Shawn Luvon Davis.

19 MR. JEPERTINGER: Okay.

20 SHAWN DAVIS, being first duly sworn,
21 testifies as follows:

22 DIRECT EXAMINATION

23 BY MR. JEPERTINGER:

24 Q: Mr. Davis, could you tell the Court how you got involved
25 with Clifford Campbell, when you got involved with him -- I

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1 know it's a two part question -- and how that whole situation
2 started with you and Campbell?

3 A: I got involved with him with weed deals that we was
4 making or the weed deals come from Twix out of Arizona. Then
5 we started dealing back and forth probably -- probably about
6 two to three years or whatever, and it was during -- him and
7 another guy that used to be with Twix or whatever, and we
8 started dealing back and forth with weed, and I'm going and
9 putting money in different accounts and I tell him I wasn't
10 putting no money in accounts or nothing like that no more.
11 That's when they had Clifford to come down to oversee all the
12 money and the transactions with the dealers and making sure
13 the weed and stuff get here to me.

14 Q: Okay. I know that's a general overview. Where did you
15 meet Twix?

16 A: Twix is from Johnsonville.

17 Q: Okay. Does he also go by the name of Antwan Eaddy?

18 A: Yes, sir.

19 Q: All right. And where did you meet Antwan Eaddy?

20 A: You talking like where I meet him at in Florence to get
21 the weed or whatever?

22 Q: Well, how'd you know him? How did you know him?

23 A: From previous drug deals that me and him used to have
24 going on in Johnsonville/Hemingway area.

25 Q: Okay. Now, prior to you getting -- getting arrested with

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1 Campbell on February 28, 2012, I think you said that Twix
2 introduced you to Clifford Campbell?

3 A: Yeah, it was ---

4 Q: Where did he introduce you?

5 A: We was at -- at -- next to mall side -- next to mall
6 side.

7 Q: To where?

8 A: Over next to the mall -- to the mall in Florence.

9 Q: The mall?

10 A: Yeah.

11 Q: Okay. And was Campbell with him?

12 A: Yeah. It was him and another guy.

13 Q: Okay. And did you find out where Campbell was from?

14 A: All that started coming to play when Campbell started
15 staying over at with me. All that came in that he was from
16 Florida.

17 Q: Okay. Now, how long ago -- how many years before you got
18 arrested was that?

19 A: That what? That me and Campbell was dealing?

20 Q: Yes, sir.

21 A: Well, before -- before all this had happened, Campbell
22 was staying down with me probably about a month to three
23 months probably.

24 Q: Okay.

25 A: If that.

SHAWN DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 Q: Now, in that month to three month period that he was
2 staying with you, are you talking about him living at the
3 residence on [REDACTED] Road?
- 4 A: Yes, sir.
- 5 Q: Now, that was not your full-time residence; was it?
- 6 A: No. No, sir.
- 7 Q: Okay. You live somewhere else in Florence?
- 8 A: Yes, sir.
- 9 Q: Correct?
- 10 A: Yes, sir.
- 11 Q: What did you primarily do at the [REDACTED] address?
- 12 A: We sold drugs.
- 13 Q: Okay. Now, was Campbell present with you at that
14 residence when you sold drugs?
- 15 A: Yes. He helped me package up weed or whatever. Things
16 like that, whatever I was doing.
- 17 Q: All right. Now, how would you conduct these operations?
18 Where would you receive the marijuana? Specifically, where
19 would you receive marijuana from?
- 20 A: Where it was coming from?
- 21 Q: Yes, sir.
- 22 A: It was coming probably from Arizona or different little
23 places and we'd have it mailed to [REDACTED] or another spot
24 in Conway.
- 25 Q: Okay. So it was either [REDACTED] or Conway?

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1 A: Mm-hmm.

2 Q: Was -- was Campbell aware that drugs were being sent to
3 the [REDACTED] address and the Conway address from Arizona?

4 A: Yeah. He was aware of everything that was going on.

5 Q: Okay. When you received the marijuana from Arizona or
6 other parts, what would you do with it once it came into the
7 [REDACTED] address?

8 A: We carried it in, we -- we'd bust it down. Then he'll
9 help me get it sealed up -- vacuum sealed up. Then he'll take
10 some of out to keep for himself.

11 Q: For personal use?

12 A: Yeah, to smoke himself.

13 Q: All right. How about -- how would you -- how would you
14 pay for this since it was coming from a different state?

15 A: Well, that part right there -- me paying for it, that's
16 where he came into play at first. I was just sending it going
17 to different banks at Wachovia and putting it in an account,
18 and then he came into play then however he was going to get it
19 to whoever -- to Twix and them. I don't know how he was
20 going to do it, but I had -- I had some in the trunk already
21 packaged up ---

22 Q: Okay.

23 A: --- that me and him was going to pick up money.

24 Q: All right. Now, let me ask when you talk about things
25 packaged up, are you talking cold cash?

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- 1 A: Yes, sir.
- 2 Q: Okay. And the cash was supposed to go to whom?
- 3 A: Twix.
- 4 Q: Okay. And who was going to send the cash back?
- 5 A: Campbell.
- 6 Q: All right. Now, did you ever have an occasion to go with
- 7 Campbell to get money from other people that owed Twix?
- 8 A: Yeah. We went to Olive Garden and picked up a box -- a
- 9 UPS box, supposed to have been \$22,000 in the box, and then me
- 10 and him went on another occasion to pick up \$10,000 on 501
- 11 from a fireworks places like Sparky's I think. We met some
- 12 guy from the beach that gave him ten grand in the bag.
- 13 Q: All right. And how -- how long was this before you got
- 14 busted on February 28th, 2012?
- 15 A: Days after we picked up the money and stuff, that's --
- 16 that's when everything had came in.
- 17 Q: So ---
- 18 A: That's when we got busted.
- 19 Q: So you would say within the week -- the week's time?
- 20 A: Yeah. That's when we got busted.
- 21 Q: All right. And that would have been multiple thousands
- 22 of dollars that you received within a week's time?
- 23 A: Exactly.
- 24 Q: All right. Did you have an occasion to receive a UPS box
- 25 at your residence the -- a day or two before the FedEx box

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1 came in?

2 A: Right. We had one box came in and that box came in to
3 Conway.

4 Q: All right.

5 A: In that box, it was UPS. Then we had -- we stripped the
6 box down.

7 Q: Where did you -- did you go to Conway to pick it up?

8 A: Yeah. We went to Conway to pick it up.

9 Q: Did you bring it back to [REDACTED]?

10 A: Yes, sir.

11 Q: And who was with you when you did that?

12 A: Me and Campbell.

13 Q: All right. And what did you do with that box that --
14 wait a minute. Before you answer that, how long was it before
15 this FedEx box came? Was it a day or two?

16 A: A couple of days -- a couple days later.

17 Q: Okay. And when you got that box and busted it up like
18 you said, did you package individual packets?

19 A: No. We pile everything up and vacuum seal.

20 Q: Okay. And what was the -- what were you going to do with
21 that box there?

22 A: The box? The empty box?

23 Q: Yeah.

24 A: We was supposed to have throwed it out so that way it
25 wouldn't have never been at the house.

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- 1 Q: Okay. And the packaged marijuana, were you going to sell
2 it or was Campbell going to sell it?
- 3 A: Both of us was going to sell it.
- 4 Q: All right. And do you know how much marijuana was in
5 that particular UPS box?
- 6 A: Maybe about twenty-seven -- maybe thirty pounds.
- 7 Q: I'm talking about the UPS box.
- 8 A: The one that's already at -- already opened?
- 9 Q: Yes.
- 10 A: Yeah, about twenty -- about twenty-four pounds -- twenty-
11 five pounds.
- 12 Q: And -- and were you set -- how much -- how much did it
13 cost per -- per pound?
- 14 A: What we was selling for or what we was paying for it?
- 15 Q: What were you paying for it?
- 16 A: \$1,000 a pound.
- 17 Q: What -- what profit were you going to make?
- 18 A: Probably \$200 to \$300. All depends on how many pounds
19 they was going to get from us.
- 20 Q: So were you going to sell it for \$1,200 a pound?
- 21 A: Yeah. We could say that.
- 22 Q: Okay. All right. And was Campbell -- Campbell was
23 present when you did that; correct?
- 24 A: Yes, sir.
- 25 Q: Now, how about this FedEx box with the name of John

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1 Gibson that they -- that they -- that the cops delivered to
2 you on February 28th? What -- what was the deal with that?
3 A: The box was coming in and Campbell know all about the
4 deal because he had set the deal up and when the box -- when
5 the box first came, he was in the bathroom so I went outside.
6 So when I went outside, the guy came to me with the box and he
7 was like, is this the Gibson residence? I told him yeah and
8 he said you got a package. I said put it down right there.
9 So I got on the phone to call Twix. When I called Twix,
10 another guy answered the phone, another Jamaican guy. I don't
11 remember his name, but another Jamaican guy answered the
12 phone. So when he answered the phone, I asked him where's
13 Twix and he tell me Twix is not there right now, and I guess
14 Twix was packing up some more stuff. Then I said, yo, how you
15 sent it, white or brown?
16 Q: What did that mean? By -- by FedEx truck?
17 A: White is FedEx; brown is UPS..
18 Q: Okay.
19 A: So I said how you sent it, white or brown. He said he
20 not sure. I said, well, you need to tell me something because
21 I'm not fixing to pick up this box I got, right? Because a
22 white van drop it off and it ain't got -- the van ain't got no
23 labels or nothing on it.. And he said, oh, yeah, they started
24 to use their own personal vehicles or whatever, and I said,
25 all right, you sure? And he said, yeah. So I picked the box

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- 1 up. I picked the box up and went to carry the box in the
2 house, and by that time he was coming out the bathroom. Then
3 when he was coming out the bathroom, me and him was fixing to
4 leave out of the house. We was on the back step and that when
5 the police came in.
- 6 Q: Okay. Now, how long had he been staying at your place on
7 [REDACTED]?
- 8 A: A while.
- 9 Q: Okay.
- 10 A: Quite some time.
- 11 Q: Was that your house on [REDACTED] or was it somebody's
12 else's house?
- 13 A: It was someone else's house.
- 14 Q: Okay. Was it a woman's house?
- 15 A: Yeah.
- 16 Q: Okay. Was she living someplace else?
- 17 A: Yeah. She was living in Conway at the time.
- 18 Q: Okay. And she just allowed you to use that house;
19 correct?
- 20 A: Right, to stay at the house.
- 21 Q: All right. Now, how did he get to [REDACTED] once he got
22 to Florence County? Did he drive to [REDACTED] or ---
- 23 A: Yeah. Him -- like I said, him and another guy, I only
24 met them then they drove in and then the other guy left.
- 25 Q: Where did they drive to?

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1 A: To [REDACTED] to the house.

2 Q: Okay.

3 A: To the trailer on [REDACTED].

4 Q: Okay.

5 A: When he drove in, then the other guy left. He left and
6 went to the airport. Fly back. He left -- he left Fresh with
7 me.

8 Q: Okay. His nickname is Fresh?

9 A: Well, yeah. He left Fresh with me. He left him with me.

10 Q: Okay.

11 A: So me and him had to go to the airport to get the vehicle
12 that the guy had left at the vehicle -- at the airport.

13 Q: Okay. And what did you do with the vehicle?

14 A: We bring it back to [REDACTED] and then he call somebody
15 to come get the truck. He called somebody from Georgetown to
16 come get the truck. And the guy came like a day later and got
17 the truck.

18 Q: Okay. So Mr. Campbell didn't have any independent means
19 of transportation to and from [REDACTED] once -- once that ---

20 A: Once the truck left, no.

21 Q: Once the truck left? So he was there?

22 A: Right.

23 Q: And if -- if -- if you had to go somewhere or if he had
24 to go somewhere, he had to ask you; correct?

25 A: Right.

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- 1 Q: Or call someone else to pick him up; correct?
- 2 A: Well, he wasn't going to call nobody else. He had to go
3 through me, yeah.
- 4 Q: Okay. All right. How long was he going to stay there?
5 Do you know?
- 6 A: It was untelling until all this here had happened. We
7 was already made plans for him to stay here. So that was --
8 so that way Twix could constantly send the weed.
- 9 Q: All right. Had you not -- had you not been caught with
10 this FedEx package that got -- that got sent to you, had you
11 all concocted to do anther deal or ---
- 12 A: We was going to do -- we was do plenty more deals. If
13 this never would have happened, we would been still been doing
14 it there now.
- 15 Q: All right. So to sum up, was he involved with you in the
16 terms of trafficking marijuana?
- 17 A: Absolutely, yes.
- 18 Q: Did he receive money for his troubles?
- 19 A: Yeah. He was getting paid also. He was getting paid
20 also.
- 21 Q: Okay. Did he help you package the marijuana?
- 22 A: Every time, yeah.
- 23 Q: Did you help him package the marijuana?
- 24 A: We helped each other.
- 25 MR. JEPERTINGER: That's all I have. Thank you, Judge.

1 THE COURT: Cross examination?

2 MR. TRUSLOW: Nothing, Your Honor.

3 THE COURT: All right. Sir, you may step down. If
4 you'll go back over here with the Sheriff's Department.
5 Anything further by way of argument from the State or defense
6 counsel? Mr. Jepertinger?

7 (Whereupon, the witness leaves the stand at 2:48 p.m..)

8 MR. JEPERTINGER: Judge, I just want to flesh the thing
9 out a little -- a little more, Judge. I think there is a
10 connection in nexus between the prior dealings and this one
11 certainly was obviously getting the marijuana from Conway.
12 That was some of the marijuana they found -- the police found
13 at the scene and seized that we have in court today. Because
14 it was not only -- not only the FedEx box that they had, but
15 when they did a search of the house, they also found a
16 quantity of marijuana.

17 MR. TRUSLOW: Do I have a drug report for the other
18 marijuana?

19 JEPERTINGER: It's all included in the same.

20 MR. TRUSLOW: From both boxes?

21 MR. JEPERTINGER: Yes.

22 MR. TRUSLOW: Your Honor?

23 THE COURT: Yes, sir?

24 MR. TRUSLOW: First of all, I still don't think that he's
25 talking in real specifics. Secondly, as far as clear and

1 convincing evidence, I think it is anything but. In his
2 statement and what we all talked about leading up to him
3 coming in here was that he was conspiring with Campbell to
4 deal illicit drugs approximately two years prior to their
5 arrest, and he just testified maybe one to three months. So,
6 you know he's -- he's missing about close to two years. He's
7 just all over the place.

8 And in terms of when you weigh the credibility, when you
9 weigh the clear and convincing standard, when he told the FBI
10 he had been doing this with him for two years, and then he
11 testified under oath today one to three months, and then also
12 in his debriefing with the FBI he never mentioned any of this
13 other stuff. You know, you have to weigh all that against the
14 prejudicial effect. How probative is his statement when he's
15 already gone from two years to one to three months? Now, he's
16 talking about a Conway house which has never surfaced in
17 discovery or in his statement ever. So -- and I believe -- I
18 could be wrong, but I believe he even said that at some point
19 in here that Mr. Twix lived in Johnsonville and now he's
20 saying Mr. Twix is who he was getting it from in Arizona. So
21 I ---

22 THE COURT: He did testify that Twix was from
23 Johnsonville.

24 MR. JEPERTINGER: Originally.

25 MR. TURSLOW: Yeah.

1 THE COURT: And that's what I heard.

2 MR. TRUSLOW: Well, so I mean I just think that if you
3 look at the probative weight and value of -- of this witness's
4 testimony, the prejudicial effect in a trafficking case of now
5 just, you know, being able to take the stand and talk about
6 anything that happens to come to mind is very prejudicial,
7 more prejudicial than probative.

8 MR. JEPERTINGER: Okay. Your Honor, I just -- I heard
9 his testimony a little bit differently. He said he'd been
10 dealing with Mr. Jones for two years, but he said he came to
11 live in Florence County for the last one to three months. I
12 think that's a little bit different. You can deal with
13 someone just like, you know, he's been dealing with Eaddy,
14 also known as Twix. However, he never said Twix came to live
15 at the residence.

16 MR. TRUSLOW: He didn't testify that he did any deals for
17 two years.

18 THE COURT: All right.

19 MR. TRUSLOW: Any dealing during two years. Only one to
20 three months.

21 THE COURT: All right. Bear with me just a second.

22 (Whereupon, there is a pause in the proceedings.)

23 THE COURT: All right. Based upon the testimony that I
24 heard from Mr. Davis, I do find that there is a close degree
25 of similarity or connection between the prior bad act of this

1 defendant, Mr. Campbell, and the crime for which he stands on
2 trial, but further note that the law requires that there be
3 some connection between the crimes for it to be admissible.
4 The testimony was that they had been involved in drug
5 transactions for at least the last two or three years, and
6 that this defendant had come to stay with him sometime within
7 the last one to three months. That their conduct of their
8 particular business was the utilization of FedEx and UPS, that
9 the drugs were heat-sealed, that it was shipped from Arizona,
10 that this defendant was involved in the prior conduct of where
11 and how these drugs were sent.

12 I believe that the previous act as testified to by Mr.
13 Davis certainly enhances the probative value of the evidence
14 so as to overrule any prejudicial effect. I certainly
15 understand that it is prejudicial to the defendant. However,
16 I believe that the probative value outweighs the prejudicial
17 effect to this defendant and, therefore, will allow the
18 testimony.

19 All right. Anything further at this time with regards to
20 this matter from defense counsel?

21 MR. TRUSLOW: No, Your Honor.

22 THE COURT: From the State?

23 MR. JEPERTINGER: No, sir.

24 THE COURT: All right. Anything else before I bring the
25 jury in from the State?

1 MR. JEPERTINGER: No, sir. Let me just talk to my
2 officers just real quick.

3 (Whereupon, there is a pause in the proceedings.)

4 MR. JEPERTINGER: Thank you, judge. We do have some --
5 we got a disc from the -- from the video of the FedEx -- the
6 delivery, Judge, and we marked -- I don't have a jacket. We
7 got a jacket here. Thank you. I'd like to pre-mark that as
8 State's Exhibit 1.

9 THE COURT: Any objection?

10 MR. TRUSLOW: As marking it as an exhibit?

11 THE COURT: As State's Exhibit Number 1.

12 MR. TRUSLOW: No, no, no objection to the exhibit.

13 THE COURT: Okay.

14 MR. JEPERTINGER: Okay. We'll just lay -- lay the
15 foundation, Judge. Obviously, I know he's got an ongoing
16 objection to State's Exhibit 2, which would be the Samsung and
17 I guess the iPad touch or iPod touch that they got off of the
18 defendant and mark that as State's Exhibit 2.

19 THE COURT: All right.

20 MR. JEPERTINGER: And State's Exhibit 3, I don't think
21 you have any objection to that?

22 MR. TRUSLOW: No, no objection to that.

23 MR. JEPERTINGER: That's just a diagram.

24 THE COURT: Of the trailer?

25 MR. JEPERTINGER: The trailer, yes, sir. And that would

1 be in evidence. And there will be other things, but we can
2 deal with those when we get to them.

3 THE COURT: All right.

4 MR. JEPERTINGER: Thank you.

5 THE COURT: All right. Bring me a jury, please, ma'am.

6 (Whereupon, the jury enters the courtroom at 3:03 p.m.)

7 THE COURT: All right. Madame Clerk, would you swear the
8 jury, please?

9 THE CLERK: If you will, stand and raise your right hand
10 to be sworn. You shall well and truly try and a true
11 deliverance make between the State of South Carolina and the
12 defendant at the bar whom you shall have in your charge and a
13 true verdict render according to the law and evidence, so help
14 you God. You may be seated.

15 THE COURT: All right. Ms. McKnight, I am going to ask
16 that you switch places with this gentleman on the end. I am
17 appointing you as the forelady of this jury. That will be
18 your assigned seat throughout the remainder of this trial.
19 Okay?

20 THE FORELADY: Okay.

21 THE COURT: All right. Ladies and gentlemen, we are
22 about to begin the case or the trial of the State of South
23 Carolina versus Mr. Clifford Claude Campbell. Before we begin
24 the trial of this case, I want to tell you that this trial
25 will probably be different from what you might expect. Many

1 people do not have the chance to attend actual court sessions
2 as you're doing now and may think from watching television or
3 movies or reading books that trials are always full of high
4 drama, intense action, and riveting circumstances. While all
5 of these things may be true at times, this trial is not for
6 entertainment.

7 It is a fundamental part of our democracy. A search for
8 the truth in an effort to make sure that justice is done
9 between the parties before the Court. Searching for the truth
10 and making sure that justice is done is often slow, deliberate
11 and repetitive, the opposite of what you may have seen on
12 television or in movies or read in books. This courtroom is a
13 place of honor dedicated to the protection and preservation of
14 citizens' rights through what many have called the greatest
15 justice system ever created.

16 The attorneys appearing before you are advocates for the
17 parties that they represent, but first and foremost, they are
18 officers of the court, sworn to uphold the integrity and
19 fairness of our judicial system and to help you in the search
20 for the truth. You should expect them to be professional,
21 competent, and ethical in the representation of their clients'
22 interest. Remember that you have just taken an oath to try
23 this case and reach a fair and just verdict, and you are also
24 expected to be professional, reasonable, and ethical. Thank
25 you, ladies and gentlemen, for accepting this important

1 responsibility of jury service and for your contribution to
2 our judicial system.

3 Now, what I will now tell you is intended to serve as an
4 introduction to the trial of this case. These remarks are not
5 a charge on the law in this case. I will instruct you on the
6 law applicable to this case at the end of the trial before you
7 retire to consider your verdict. This is merely an
8 explanation of the procedure that we will follow in the trial
9 of this case so that you may better understand what may be
10 happening.

11 The defendant in this case, ladies and gentlemen, Mr.
12 Clifford Claude Campbell, is charged by an indictment in this
13 court with the crime of trafficking in marijuana, the elements
14 of which will be explained to you later. The indictment that
15 I hold in my hand, ladies and gentlemen, is simply the charge
16 by which this case is brought into the court and it is not, in
17 any sense, evidence of any of the allegations that it
18 contains. The defendant has pled not guilty to this
19 indictment. The State, therefore, has the burden of proving
20 his guilt beyond a reasonable doubt, and it will be your duty,
21 ladies and gentlemen, to decide whether the State has met its
22 burden.

23 Your purpose as jurors is to find and determine the
24 facts. You are the sole judge of the facts. If at any time I
25 make any comment regarding the facts, you must disregard it.

1 You are to determine the facts from the testimony you hear and
2 the other evidence introduced in court.

3 It is up to you to determine the inferences which you
4 feel may properly be drawn from the evidence. It is
5 especially important that you perform your duty of determining
6 the facts diligently and conscientiously because ordinarily
7 there is no way to correct an erroneous determination of the
8 facts by a jury.

9 On the other hand and with equal emphasis, the same law
10 that makes you the judge of the facts makes me the judge of
11 the law. The law as given by the Court is the only law that
12 you may consider. You must accept and follow it, even though
13 you may disagree with it. I cannot tell you what the facts
14 are, ladies and gentlemen, and you cannot disagree with me
15 about what the law is or should be.

16 Your job is to take the law as I give it to you and apply
17 it to facts as you find them from the testimony of the
18 witnesses and any other evidence that is introduced. After
19 doing that, you will render your verdict, a true and just
20 verdict under the solemn oath that you just took as jurors.

21 Now, until I advise you to begin your deliberations, you
22 must not discuss this case with anyone, including your fellow
23 jurors, friends, family members, and anyone involved in this
24 case. This includes discussions face to face, and those by
25 telephone, email, text, blogs, or any other method of

1 communication. You may not use a computer, cell phone or
2 other electronic device with communication capabilities at any
3 time while in the courtroom or during your deliberations.

4 During your breaks for meals or overnight, if necessary,
5 you may use these devices. However, you may not at any time
6 use those devices to get or send information about a party, a
7 witness, an attorney, or a court officer, news accounts about
8 the case, research on any topics raised, any topics you may
9 think would be helpful in deciding the case or any testimony
10 presented by any witness during the trial.

11 I don't think you're going to see anything, but you're
12 instructed not to read, listen to, or watch any news reports
13 about this case. This includes anything that may be in the
14 newspaper or on the internet, radio, or television. You must
15 not consider anything you may have read or heard about the
16 case outside this courtroom, whether before or during trial.

17 Now, after the case is submitted to you, you must discuss
18 it only in the jury room with your fellow jurors. The
19 attorneys and parties in this case have been advised that they
20 are not to talk to you at all. So if you see anyone involved
21 in this case and they don't speak to you, they are not being
22 unfriendly. They are following the instructions of this
23 court.

24 It is important, ladies and gentlemen, that you keep an
25 open mind and not decide any issue in this case until all of

1 the evidence has been presented, the parties have made their
2 closing arguments, and I have instructed you on the law in
3 this case. It is your solemn responsibility to determine the
4 guilt or innocence of the defendant, and your verdict must be
5 based solely on the evidence as it is presented to you in this
6 trial and on the law as I instruct you during and at the close
7 of this trial.

8 Now, in just a moment, the solicitor or the prosecutor
9 will make what is called an opening statement in which the
10 solicitor will explain to you the issues in this case or at
11 least what the solicitor thinks the issues are in this case.
12 The attorneys for the defendant or the attorney for the
13 defendant may also make an opening statement, although he is
14 not required to do so.

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

21 Now, from time to time during the trial, you may hear one
22 the attorneys say something like: Your Honor, I believe that
23 we have a question of law or a matter of law to discuss with
24 you. Or: Your Honor, may we approach the bench? Or sometimes
25 I myself might find it necessary to excuse you from the

1 courtroom for a short while so the attorneys and I can discuss
2 a matter of law.

3 The reason for this is because you are the judge of the
4 facts in this case and sometimes when I am discussing matters
5 of law with the attorneys, it may be necessary for me to make
6 some comment as to the facts in connection with ruling whether
7 or not a particular law applies. I am not supposed to tell
8 you what I think the facts are so I will excuse you from the
9 courtroom while these discussions take place so that in no way
10 will you be influenced by anything that I might say or do in
11 connection with the facts.

12 In determining what the true facts are in this case, you
13 must decide whether or not the testimony of the witnesses is
14 believable. It will be my responsibility to rule as a matter
15 of law as to whether certain testimony is admissible at all or
16 not. But once the testimony is admitted, whether or not you
17 believe it is solely for you to determine.

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

1 That means that it is your duty, ladies and gentlemen, to
2 pay close attention to these witnesses, to observe the
3 witnesses, to listen to the witnesses, and to pay close
4 attention to the attorneys and to the Court. Please don't let
5 your thoughts wander, but give strict attention to the
6 testimony in this case so that at the end of all the
7 testimony, after the arguments of counsel and the charge on
8 the law by the court, you will then be in a position to
9 determine what the true facts are and to apply the law to
10 those facts and thus render a true and just verdict.

11 It will be your added duty, Madame Forelady, to preside
12 in the jury room and be the jury spokesperson here in the
13 courtroom. It will also be your duty to write the verdict,
14 but I will give further instructions about your
15 responsibilities at the conclusion of this trial.

16 Now, in order to preserve everyone's rights, I will give
17 the parties an opportunity to object to anything that I have
18 said. Any exception or objection to anything that I have said
19 to the jury by the State?

20 MR. JEPERTINGER: No, sir.

21 THE COURT: Defense counsel?

22 MR. TRUSLOW: None, Your Honor.

23 THE COURT: All right. Ladies and gentlemen, we will now
24 begin the trial of this case. Mr. Jepertinger, you are
25 recognized for opening statements.

OPENING STATEMENTS

MR. JEPERTINGER: Thank you, Your Honor. Mr. Truslow. Ladies and gentlemen of the jury, I want to thank you once again. I know you didn't volunteer for this, but I thank you for your participation and your kind attention during the course of this trial.

On February the 28th, 2012, law enforcement got a tip that marijuana was coming in to Effingham, South Carolina, on [REDACTED] Road. They stopped a FedEx -- a FedEx box coming from the state of Arizona. They sniffed it out with a police K-9 at the FedEx facility. They had a warrant to open it up. They searched the box. Of course, it was loaded with marijuana. They repackaged it and delivered it to the [REDACTED] address here in Florence County.

And at that residence were two individuals, one by the name of Shawn Luron Davis, who was arrested along with Mr. Campbell in this case, and subsequently prosecuted, convicted and currently doing a fifteen year sentence from the federal court system for his drug activities in Florence County. And also at that residence was Clifford Campbell.

There was a bogus name on the FedEx box. It wasn't either Shawn Davis or Clifford Campbell. It was a pseudonym, a fake name. It was a code name that their provider of these drugs from the state of Arizona said would be on the box. Davis signed for the box and the box wasn't delivered by Mr.

1 FedEx, it was delivered by Special Agent Tracy of the South
2 Carolina Law Enforcement Division who had it -- I think about
3 agent from SLED and from Florence County doing surveillance at
4 that time at this residence. Davis signed for the box, took
5 it in the house.

6 According to one witness, Davis himself will say that
7 Campbell came out of the house. Campbell had been staying
8 there about three months, and then the police arrested them on
9 the outside. The box was on the inside of the house. Not
10 only that box, but other boxes, another box, huge boxes loaded
11 with marijuana because this wasn't a normal residence, folks.
12 Because you will hear from Shawn Davis that he lived off of
13 [REDACTED] Street, which is off of Howe Springs Road, and he
14 didn't stay there but for one purpose and that purpose was to
15 deal drugs from that house along with the defendant in this
16 case, Clifford Campbell, who by the way you'll find out is
17 from the state of Florida.

18 He was staying there and what were they doing at that
19 house? Folks, that was their packaging center. You will hear
20 from the SLED agents that not only did they find that
21 marijuana but a huge quantity of money. It was their
22 operation and, folks, Clifford Campbell just wasn't merely
23 present. He wasn't coming up to eat pecan pie here in South
24 Carolina in Effingham. He was part of the operation that
25 involved a gentlemen by the name of Eaddy, the supplier in

1 Arizona, and the distributors, Clifford Campbell and Shawn
2 Davis.

3 In this case and in all cases where a person is charged
4 with a crime, the State is required to prove guilt beyond a
5 reasonable doubt. Here the guilt of Campbell, if the drugs
6 aren't on his person, if he's conspiring, the conspiracy to do
7 the crime is equal as if he had the drugs on his person.

8 There's no question that these two were involved in the
9 trafficking of marijuana here in Florence County. And that is
10 what he's being charged with and I ask that you give the State
11 of South Carolina a fair shot in listening to all the evidence
12 in this case, both the testimonial evidence and the exhibits
13 that you see. And I'm sure that at the end of this case, you
14 will come to one conclusion, that that young man, from the
15 state of Florida, was in the state of South Carolina
16 trafficking marijuana.

17 THE COURT: Mr. Truslow?

18 MR. TRUSLOW: May it please the court, Your Honor.

19 THE COURT: Yes, sir.

20 MR. TRUSLOW: Mr. Jepertinger.

21 MR. JEPERTINGER: Yes, sir.

22 MR. TRUSLOW: I am so happy that that's not the trial,
23 because if it was, we could leave now; right? That sounded
24 good, but that's not what happened there. He asked you to
25 give the State of South Carolina a fair shot. They're going

1 to get way more than a fair shot, way more than a fair shot,
2 because they run the thing. They got the officers, the
3 resources, and you know what else they have? They have the
4 witnesses.

5 And in this case, they got a witness who is in need of
6 help, big help. They got a witness who is for all practical
7 purposes a lifetime career drug dealer. He makes his living
8 selling drugs and not just the marijuana we are talking about
9 in this case, the Feds picked him for crack cocaine,
10 marijuana, firearms, the firearms they found a list as long as
11 my arm. Okay?

12 The evidence will show from this witness stand when he
13 comes out here and dares takes that stand with me he's facing
14 life in prison. Life in prison. Okay? But when you're a
15 criminal and that's how you do things and that's how you
16 operate, guess what you learn? You learn that you will
17 survive at any cost. I ain't doing life in prison, you know,
18 because there is whole schematics system set up in federal
19 court.

20 I'm not going to bore you with the names of it, but it's
21 called 5K and 35(b). Those are rules that the government and
22 the war on drugs have written in to their code. That's how
23 you get out of federal prison; you start cooperating. You
24 start telling them what they want to hear. You start going
25 around in Marion and testify in that trial, and you come to

1 Florence and testify in this trial.

2 Then guess what? All of a sudden you're not doing life;
3 you're doing fifteen. For all he's done his whole life, now
4 he wants to go from fifteen to down here, whatever that may
5 be. I don't know if he has children, we'll find that out, but
6 I know he likes to do drugs. I know he likes to run with good
7 looking women. Do you think he likes living in prison and
8 wants to be there for fifteen years, much less life?

9 My client was at that house that day. My client is not a
10 drug dealer. My client's record will reflect he's not a drug
11 dealer. He was visiting with another individual who happened
12 to know this guy. That individual had to go somewhere and
13 that guy let him stay with him at this trailer. Low and
14 behold to him, he doesn't know he lives somewhere else; he
15 just knows he's got this place and it's furnished. It's a
16 regular place, nothing suspicious.

17 February 28th, 2012, my client is in the backyard of this
18 house. Mr. Davis had just been around the front of the house
19 picking up his latest package of marijuana from UPS or FedEx
20 or wherever. The agents watched him, he signed for it, he sat
21 it down, stayed in the front yard for a while. Then he walked
22 around the back of the house. They lost visual so they moved
23 in. And before you know it, he was arrested immediately right
24 along with Mr. Davis -- right along with Mr. Davis.

25 Do you think they sat down and had a conversation about

1 where are you from, why are you visiting from Florida, have
2 you ever been in trouble before, what's your connection to
3 Davis? No. They had no conversation about that. He's waited
4 eighteen months almost to have that conversation. We're going
5 to have that conversation today and probably tomorrow because,
6 ladies and gentlemen, he did not know what he was up to.

7 There will be no evidence in this case whatsoever that he
8 knew or could have known what was in a sealed FedEx package
9 that Mr. Davis brought into the house and put away. All he
10 knows that he had handcuffs slapped on him in the backyard
11 within seconds. He was taken downtown and he was charged with
12 trafficking marijuana, an extremely serious charge. He has
13 traveled to Florence ten to twelve times for appearances ---

14 MR. JEPERTINGER: Your Honor, I don't see the relevancy
15 ---

16 THE COURT: Hold on.

17 MR. JEPERTINGER: --- and I'm going to object.

18 THE COURT: Objection sustained.

19 MR. TRUSLOW: Your Honor, it is relevant in terms ---

20 THE COURT: Can y'all approach? Don't argue when I made
21 a ruling on it.

22 (Whereupon, a bench conference is held in the presence of
23 the jury but out of the hearing of the jury as follows.)

24 MR. TRUSLOW: I would like to take exception to that.

25 It's relevant in how long he has waited for his day in trial.

1 THE COURT: You can say that, but you ain't got to say
2 that he's come up here over and over and over again from the
3 state of Florida. That's not relevant.

4 MR. TRUSLOW: What's relevant is how long it took for
5 Davis to get in line.

6 THE COURT: Well, you can say that he was charged in
7 February and now he's on trial ---

8 MR. TRUSLOW: Yes, sir.

9 THE COURT: --- in June of 2013.

10 (Whereupon, the bench conference ends.)

11 Q: To say he was arrested February 28th, 2012, and this is
12 June something -- 16th I think, 2013. So now we're here
13 finally to get some relief. We're here today to ask you to
14 size up the evidence in this case because the evidence and
15 what I would call the most damaging evidence, that's only if
16 you didn't know this guy's background, and if you believed
17 him, comes from Shawn Luron Davis, who has every reason to
18 step on anybody, to lie about anything in order to go back to
19 the federal building and say take me from fifteen down. Came
20 from life to fifteen. I'm testifying in another trial. Now,
21 I need to go to fifteen down.

22 Now, some of us who consider ourselves decent people,
23 with families, maybe young children, I would imagine -- and
24 I'm including myself in this -- might be tempted to tell a
25 white lie to get home to your family. To get away from life

1 in prison or fifteen years in federal prison. Imagine what a
2 lifelong drug dealer and criminal would be willing to do to
3 get out of that. And that's what you have here today.

4 The other evidence that I suspect to come up are these
5 one or two cell phones. When my client, who had no way to get
6 back to Florida -- and of course, you know, the evidence is
7 going to show -- he's going to testify he was like Shawn
8 Davis, he would have had money to get back to Florida. Okay?
9 We are talking about a lot of pot. But these cell phones have
10 a -- at least a number or some connection to Arizona to where
11 this marijuana was shipped. Okay?

12 Now, when he got there, his friend said listen, I'm going
13 to get you back, I have to go do something. He had to fly to
14 see family or something, but we'll provide testimony on that.
15 He let him stay with this fellow who's going to testify. He
16 let him use his cell phone from time to time to call Florida,
17 call back there to his girlfriend, things of that nature.

18 When the police came, they seized the cell phones.
19 Unfortunately, at that time, Mr. Davis said he was coming to
20 pick him up for lunch to get his stuff, and that's when he
21 showed up and that's when he got his package delivered and all
22 that. My guy was already there with no vehicle. Put his
23 jacket on with the cell phone in there and took that cell
24 phone out and it's got some contact information, far as I know
25 at least one Arizona phone number. That's what you're going

1 to be dealing with. He's going to testify and he's going to
2 tell you how he knows nobody in Arizona. Whatever he says
3 about me is a lie. I can't prove it's a lie, but they have to
4 prove it's the truth.

5 And that's why the judge said this probably is the
6 greatest judicial system in the world because you can't prove
7 something didn't happen. When you're charged with a crime,
8 the State has to prove beyond a reasonable doubt, to leave you
9 convinced -- firmly convinced of somebody's guilt because we
10 say this all the time, but sometimes it doesn't sink in. You
11 are the absolute backstop in the judicial system.

12 When you're charged with a crime as my client is -- and
13 what does that take? It takes that. It takes an accusation,
14 a pointed finger, he did it, he did something. That's how you
15 wind up in that chair. You got a couple options. You say
16 guess what, I didn't do it, I'm sorry, cut me a deal, I'll
17 take my lumps, or you can go to the prosecutor and the State
18 and say, guys, somebody talk to me, listen to my side of the
19 story. I didn't do anything, drop the charges. Think that's
20 going to happen? No.

21 What's your last choice? Right here, right now, today.
22 Twelve people, you don't know me, I don't know you. Clifford
23 doesn't know you; you don't know Clifford yet. You decide his
24 fate. Now, how powerful is that? The judge can't find him
25 guilty or not guilty. The judge is the judge of the law and

1 you have to follow his law as he gives it to you. You are the
2 finders of fact. You say guilty or not guilty. His last
3 hope, his last resort are you twelve people.

4 And I say that to let you know how important this is, but
5 I say that also to let you know how important what you're
6 doing here today is. Sometimes we overlook that, but all over
7 the country this is going on. In every other state, in
8 different counties, there is somebody up here in front of a
9 jury talking to twelve people just like I'm doing with you,
10 and that's what the system is. But, you know, sometimes we
11 get caught up in it and it becomes a thing, I got to do this
12 trial and duh duh duh duh duh. I really want you to think
13 about that. It doesn't get more important than this for you
14 and the job that you have to do.

15 And I can tell you not everybody likes jury duty; some
16 people get a little anxious about it. I promise you, nobody
17 is more anxious than that fellow, my client, because this is a
18 big day for him. So all I ask is that you keep an open mind.
19 I ask that you follow the law of reasonable doubt because that
20 it is the law. You don't follow the law, you're no different
21 than this guy you're going to hear from. The reasonable doubt
22 is not this guy saying something, maybe he could have been
23 involved, maybe -- maybe he was. He probably was involved.
24 That is not a reasonable doubt. You got to be convinced
25 beyond a reasonable doubt that he was involved.

1 And the reason I'm bringing that up -- and I'm going to
2 sit down -- is because I have found over twenty years of being
3 a criminal defense attorney that the law of reasonable doubt,
4 if it's not explained properly, if you don't get that, it can
5 really be kind of lain to the side a little bit, you know,
6 because it's an -- it's an odd concept. I mean if you think
7 somebody may have done something or if they're in the wrong
8 place at the wrong time and they could have done it, you know,
9 if I think they did it, well, why wouldn't you just say, well,
10 I think he did it, he did it.

11 But that's not what we're operating with because we're
12 trying to protect and you are the backstop and the last
13 resort. So we have a heightened burden and the State must
14 prove every single element of this case in order to convict
15 that man beyond any reasonable doubt that you're left with.

16 And when you judge the credibility of the witness that
17 takes this stand, and you see what he has to gain, when you
18 see what he has to lose, by saying whatever and coming up with
19 whatever to just stomp somebody else down out of his way on
20 his climb out of prison, you've got to measure that
21 credibility. When you listen to witnesses, that is the first
22 and foremost thing you look at. When you decide whether
23 you're going to believe somebody or not, you have to look at
24 them and say, where is this person coming from? Am I going to
25 put my trust in this person? If I was going to make a very

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 important business deal and I had to rely on information from
2 this person, would I trust it enough to make that business
3 deal? Because you're making more than a business deal today,
4 you're making a huge decision. You better trust this guy you
5 hear from. I am going to give you every reason not to because
6 I represent Clifford Campbell and we're starting this trial
7 out today presumed not guilty, innocent, and I expect to stay
8 that way throughout this trial and up until the end of the
9 trial and when you return a verdict for not guilty. Thank
10 you.

11 THE COURT: Call your first witness, Mr. Jepertinger.

12 MR. JEPERTINGER: We'd call Special Agent Robert Downey.

13 THE CLERK: If you will, sir, place your left hand on the
14 Bible and raise your right hand. Do you swear to tell the
15 truth, the whole truth, and nothing but the truth, so help you
16 God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated and state your full name for
19 the record.

20 THE WITNESS: Special Agent Robert Matthew Downey, Jr.

21 SPECIAL AGENT ROBERT DOWNEY, being
22 first duly sworn, testifies as follows:

23 DIRECT EXAMINATION

24 BY MR. JEPERTINGER:

25 Q: With whom are you employed, Agent Downey?

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: South Carolina Law Enforcement Division.

2 Q: And how long have you worked for them?

3 A: Approximately six years.

4 Q: Okay. What are your responsibilities there?

5 A: I'm a narcotics investigator. I've been a narcotics
6 investigator for six years and I'm also a narcotics K-9
7 detection handler.

8 Q: Okay. Have you had any special training dealing with K-
9 9 units?

10 A: Yes, I have.

11 Q: Will you tell the ladies and gentlemen of the jury what
12 that training would be?

13 A: I'm certified through Custom K-9 Unlimited in Georgia. I
14 trained with the Richland County Sheriff's Office Master
15 Trainer Allen Cox for approximately one year. My
16 certification is recognized by the South Carolina Criminal
17 Justice Academy.

18 Q: All right. Based on that certification, have you ever
19 been qualified as an expert in that area?

20 A: No, sir.

21 Q: Let me -- let me ask you this. How did you become
22 involved with this case on February 8th, 2012?

23 A: Special Agent Dennis Tracy contacted Special Agent Ronnie
24 Hinson and said he had received a tip from a confidential
25 informant regarding a parcel that was coming through FedEx

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 from the state of Arizona. The parcel was to be brought to
2 Florence County through FedEx, and Special Agent Tracy was
3 requesting the use of a K-9 to -- in order to -- for narcotics
4 detection on the parcel.

5 Q: Okay. So did you go over to the FedEx here in town?

6 A: Yes, sir.

7 Q: And once you got to FedEx in Florence, can you tell the
8 ladies and gentlemen of the jury what you saw and what you
9 did?

10 A: Once we got to the FedEx hub location in Florence,
11 Special Agent Tracy met with the folks there at FedEx along
12 with Special Agent Hinson. The box in question was obtained.
13 At that time, the box in question was put in what we call a
14 parcel array of six different boxes along with the box in
15 question. Five other boxes were also pulled from the FedEx
16 location: At that time, unknown to me, I conducted a K-9
17 search for the presence of narcotics. At that time, my K-9,
18 Nadia, alerted to the presence of the odor of narcotics on the
19 box in question.

20 Q: Okay.

21 MR. JEPERTINGER: Now, I'm going to have this marked as
22 State's Exhibit 4 for identification purposes at this time.

23 (Whereupon, a cardboard FedEx box containing marijuana is
24 marked as State's Exhibit Number 4 for identification.)

25 MR. JEPERTINGER: Judge, this thing weighs a ton.

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Hopefully, you're satisfied with me just holding it here
2 at this time.

3 Q: You okay with it? Do you need to see it?

4 A: Sure.

5 Q: Okay. Very good. Now, is -- I'm going to show you
6 State's Exhibit 4. Is this the package that your K-9 struck
7 on?

8 A: Yes, it is.

9 Q: How -- how do you know that?

10 A: It is the address -- it's the address of the box that my
11 K-9 indicated on that day that's logged into my K-9 usage
12 report.

13 Q: Okay. And once your K-9 hit on this package or box, what
14 did you do, Special Agent Downey?

15 A: Myself and Agent Hinson and Agent Tracy at that time took
16 possession of the box. From there, we obtained a search
17 warrant based on the characteristics of the box as well as the
18 K-9 indication for the parcel and had a search warrant signed
19 by a Florence County Magistrate and opened the box to verify
20 its contents.

21 Q: Okay. And were you present when State's Exhibit 4 was
22 opened?

23 A: Yes, I was.

24 Q: And without telling us what it was, what did you observe
25 in the box itself?

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: It was a large -- I guess you would call it a bale of
2 green plant material wrapped in several layers of plastic
3 cellophane.

4 Q: Based on your experience of six years of narcotics
5 investigation with the South Carolina Law Enforcement
6 Division, did you have a reasonable idea of what that
7 substance was?

8 A: Yes, I did.

9 Q: And can you tell the ladies and gentlemen of the jury
10 what it was in your opinion?

11 A: I believed it to be marijuana.

12 Q: All right. Once you believed it to be marijuana, did you
13 weigh it at all at that point?

14 A: I can't recall right off hand, but I do believe we pulled
15 it out and weighed it.

16 Q: Okay. You don't have any independent recollection of
17 that?

18 A: I do not.

19 Q: All right. At that point, what did you do with the
20 marijuana?

21 A: At that point, we -- I won't say repackaged, but we put
22 the packaging back together, taped it back up, and contacted
23 the authorities here in Florence County, the Florence County
24 Sheriff's Office, and advised them what we had.

25 Q: And once you advised the Florence County Sheriff's Office

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 of what you had, what did you do then?

2 A: We organized with the Florence County Sheriff's Office
3 and began to make preparations for what we call a controlled
4 delivery where we will actually have a law enforcement officer
5 deliver the package to the intended location.

6 Q: Okay. In anticipation of doing that, did Special Agent
7 Hinson do anything with a magistrate in terms of preparing
8 another warrant?

9 A: I believe Special Agent Hinson did meet with a magistrate
10 to procure an anticipatory search warrant for the location in
11 question, the location on the box that it was intended to be
12 delivered to..

13 Q: Okay. Just real quickly, the location that the substance
14 was to be delivered to I see as being [REDACTED].

15 A: That's correct.

16 Q: Is that correct?

17 A: Yes, sir.

18 Q: Is that located in Florence County?

19 A: Yes, sir.

20 Q: Okay. And the FedEx facility, is that located in
21 Florence County?

22 A: Yes, sir.

23 Q: Okay. All right. Once Special Agent Hinson went to the
24 magistrate to get an anticipatory search warrant, what did you
25 do, Special Agent?

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: We met briefly. Law enforcement met briefly and
2 discussed what -- how we would conduct the controlled
3 delivery. After that meeting, we broke into teams. We had
4 one -- Special Agent Tracy would be the undercover to do the
5 delivery and the rest of us would provide surveillance on the
6 location for the delivery.

7 Q: Where you conducting surveillance when Special Agent
8 Tracy delivered the drugs?

9 A: Yes, I was.

10 Q: And how did Special Agent Tracy deliver the drugs? In
11 what type of vehicle did he arrive in?

12 A: It was a large white van.

13 Q: All right. And did you see any individuals at 4751 [REDACTED]
14 Road, Effingham, South Carolina, at that point?

15 A: I did not because I was further out in the surveillance,
16 further out from the location itself.

17 Q: Okay. And do you know if Special Agent Tracy had any
18 audio visual equipment on him to record this incident?

19 A: Yes, he did.

20 Q: All right. At this point, did you --- and I know you
21 told the jury that you were a little further out. Did you see
22 Special Agent Tracy leave the location?

23 A: I saw Special Agent Tracy as he was driving away from the
24 location, yes.

25 Q: Okay. And after Special Agent Tracy left the location,

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 what did you do?
- 2 A: At some point, the determination was made to approach the
3 residence and go ahead and secure the residence and execute
4 the anticipatory search warrant.
- 5 Q: And who made that determination to do that?
- 6 A: I do not recall right off hand.
- 7 Q: All right. Was it a matter of minutes or an hour or how
8 long was it in terms of timeframe, if you recall?
- 9 A: It was a matter of minutes from the time the box was
10 delivered until the time we made a determination to approach
11 the residence.
- 12 Q: All right. And did you, in fact, approach the residence?
- 13 A: I did.
- 14 Q: And was it -- would it be safe to say that there were at
15 least twelve to thirteen officers, maybe more, there?
- 16 A: Yes, sir.
- 17 Q: From SLED?
- 18 A: From SLED and the Florence County Sherriff's Office.
- 19 Q All right. And at that point, what -- what did you do
20 once you got to the location?
- 21 A: I assisted with the search of the residence.
- 22 Q: Okay. Did you see any individuals at the residence?
- 23 A: I did.
- 24 Q: You did not?
- 25 A: I did. Yes, sir.

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: You did?, Who did you see at the residence?

2 A: I saw Shawn Davis and the defendant, Clifford Campbell.

3 Q: Okay. Were they -- were they on the inside of the
4 residence or were they on the outside of the residence?

5 A: They were on the outside. They were sitting on the back
6 steps when I approached the residence.

7 Q: All right. And were officers dealing with the two at
8 that point?

9 A: Yes, they were.

10 Q: All right. And what did you personally do at that point?

11 A: At that point, I went into the residence and began the
12 search of the residence.

13 Q: Okay. Now, I'm going to show you what's in evidence as
14 State's Exhibit 3. Is this a schematic of [REDACTED]?

15 A: Yes, it is.

16 Q: Does it -- I know it's not to scale, but it gives you --
17 does it give the jury a basic layout of ---

18 A: Yes, sir, it does.

19 Q: Okay. And can you tell the ladies and gentlemen of the
20 jury what you observed and where you entered?

21 A: I entered from what would be called the rear door.

22 Q: Down here at the bottom?

23 A: Yes, that's correct. That is where I saw the defendant
24 and Shawn Davis sitting on the -- on the steps.

25 Q: Okay.

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 MR. JEPERTINGER: And would the Court mind ---

2 MR. TRUSLOW: Your Honor?

3 MR. JEPERTINGER: --- if the witness got ---

4 THE COURT: Yeah. Yeah.

5 MR. JEPERTINGER: Would the Court mind if the witness got
6 off the stand?

7 THE COURT: Sure. He can step down.

8 MR. JEPERTINGER: Thank you.

9 THE COURT: Make sure, sir, when you're testifying that
10 you're not blocking the view of any of the jurors. Okay?

11 THE WITNESS: Yes, sir.

12 Q: Okay. I'm going to ask you to stand on the other side of
13 that table so your voice carries that way, please, and speak
14 loudly. Okay. Tell the ladies and gentlemen of the jury what
15 you observed, Special Agent Downey, when you got to [REDACTED]
16 [REDACTED]?

17 A: When I got there, I came around to the back of the
18 residence and I entered through what would be the rear door.
19 That's where I observed Clifford Campbell and Shawn Davis
20 sitting on the rear of the steps and, at that point, I believe
21 I went into the kitchen.

22 Q: Okay. What did you observe in the kitchen?

23 A: I don't recall exactly, but I do believe there was some
24 marijuana -- either packaging or there had been marijuana
25 previously in some packages in the kitchen, and maybe another

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 box from maybe a previous shipment and I believe it might have
2 been a UPS box.

3 Q: All right. You can return to the stand, please.

4 THE COURT: Mr. Truslow, if he has a witness step down,
5 or any other time if you want to get up, you don't have to ask
6 that. Okay?

7 MR. TRUSLOW: Thank you, Judge.

8 MR. JEPERTINGER: I want to have this marked as State's
9 Exhibit 5. Have these marked as State's Exhibit 5 and 6,
10 please.

11 THE COURT: Any objection from defense counsel?

12 MR. TRUSLOW: No, sir, Your Honor.

13 THE COURT: All right. Without objection, Exhibit 5 and
14 6.

15 MR. JEPERTINGER: Into evidence.

16 THE COURT: Into evidence.

17 (Whereupon, two color photographs are marked and entered
18 as State's Exhibit Number 5 and State's Exhibit Number
19 6.)

20 MR. JEPERTINGER: Thank you.

21 Q: I'm going to show you State's Exhibit 5. Tell us what --
22 what that was? What that is?

23 A: In my interpretation, that is a box containing the
24 remnants of a previous shipment of a bale of marijuana similar
25 to the one we encountered on that day.

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: Was that the box you found in the kitchen?

2 A: Yes, I believe it is.

3 Q: All right. And I'm going to show you State's Exhibit 6.

4 A: That is a -- I believe that's a digital scale often used
5 to weigh narcotics, as well as vacuum sealer bags that are
6 used with a vacuum sealer often used in -- to seal food, but
7 in the narcotics business, it's also used to seal narcotics
8 for repackaging and distribution.

9 Q: And that was in the kitchen as well?

10 A: That's correct.

11 Q: Okay. And you saw that; correct?

12 A: That's correct.

13 Q: Okay. That was in the kitchen. What -- what else did
14 you see of significance in the kitchen?

15 A: In the kitchen, I don't recall anything else.

16 MR. JEPERTINGER: I beg the Court's indulgence. I'd like
17 to have this marked as State's Exhibit 7.

18 (Whereupon, a color photograph is marked as State's
19 Exhibit Number 7.)

20 Q: Let me show you the picture of State's Exhibit 7. Was
21 that item in the kitchen as well?

22 A: Yes, it was. It appears it was in the bread box on the
23 counter.

24 Q: And what -- what do you see in the breadbox on the
25 counter, please, in the kitchen?

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: A small bag -- a small clear plastic bag containing green
2 plant material that I recognize as marijuana.

3 Q: All right. Okay. After -- after you left the kitchen,
4 did you go anyplace else in the house?

5 A: Yes, sir. I went -- at some point, I probably went in
6 every room in the house, not necessarily searching, but just
7 kind of organizing, making sure everything was being searched
8 and everybody was good on their end. Nobody needed anything.

9 Q: Did you have an occasion -- and I'll show you State's
10 Exhibit 3 -- to go to the master bedroom of the house?

11 A: I don't recall if I went to the master bedroom or not.

12 Q: Okay. That will be fine. After you left the kitchen --
13 and you don't recall if you went to the master bedroom. Where
14 else did you -- do you have any specific recollection of
15 finding any sort -- I think Mr. Truslow brought up firearms
16 being there and so on and so forth?

17 A: Not that I can recall.

18 Q: Not that you recall? Okay. Did you see any more
19 marijuana other than what we just observed in the kitchen that
20 you recall?

21 A: I remember seeing the actual parcel that we delivered and
22 I don't remember exactly which room it would be, but it was
23 sitting on a weight bench -- I guess you'd call it a bench
24 press bench in one of the -- one of the bedrooms. I think the
25 bedroom was pretty close to where you walked in the back door.

AGENT ROBERT DOWNEY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 MR. JEPERTINGER: I beg the Court's indulgence.

2 Q: All right. Now, after that, what did you do?

3 A: After that, I just continued assisting people with the
4 search and assisting Agent Hinson with the search warrant and
5 organizing, helping make sure everybody had everything they
6 needed.

7 Q: Okay. Would you characterize your role as the more
8 supportive in this crime than taking the lead?

9 A: Yes, sir.

10 MR. JEPERTINGER: Okay. Thank you. Please answer any
11 questions that the defense attorney may have.

12 THE COURT: Mr. Jepertinger? Excuse me. Mr.
13 Jepertinger, did you move Exhibit Number 7 into evidence? Was
14 it marked? I know it was marked.

15 MR. JEPERTINGER: If I didn't, I'll put it in through the
16 next witness, Your Honor.

17 THE COURT: Any objection?

18 MR. TRUSLOW: No, sir.

19 THE COURT: Without objection, Exhibit Number 7 is
20 admitted into evidence.

21 MR. JEPERTINGER: Thank you so much. Thank you, Judge.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION

24 BY MR. TRUSLOW:

25 Q: How do you describe a supervisory role versus searching

AGENT ROBERT DOWNEY - CROSS EXAMINATION BY MR. TRUSLOW

1 the house?

2 A: Supervisory role?

3 Q: Yeah. You just said that you'd characterize your role as

4 ---

5 A: Supportive role.

6 Q: Supportive role?

7 A: Yes, sir.

8 Q: I'm sorry. What does that mean?

9 A: Just assisting them with -- assisting the case agent with
10 anything he may need at the time.

11 Q: Okay. Can you give me an example of what that might be?

12 A: Letting him know when something's found by someone so he
13 can come take a picture of it. Making sure everything is
14 taken into custody by the correct person.

15 Q: All right. Now, when he asked you about searching the
16 master bedroom, if you went in there -- and he brought the
17 diagram up.. You said that you didn't recall; correct?

18 A: That's correct.

19 Q: And he said -- well, don't worry about that. When he
20 asked you about the kitchen prior to that, the first thing you
21 said was you didn't recall; you remember that?

22 A: I recalled going into the kitchen. Yes, sir.

23 Q: Do you ---

24 A: Initially when I walked in the door.

25 Q: --- recall telling him when he first asked you if you

AGENT ROBERT DOWNEY - CROSS EXAMINATION BY MR. TRUSLOW

1 searched the kitchen that didn't recall? Just ---

2 A: I remember him telling me -- asking me if I found
3 anything else in the kitchen and I told him I didn't recall,
4 yes.

5 Q: Okay. And then he showed you some photographs and did
6 you just identify what's in the photographs or did you then
7 recall all of a sudden that it was found in the kitchen?

8 A: Both.

9 Q: Okay. So this jogged your memory that you were in fact
10 searching the kitchen and this is what you found?

11 A: Yes.

12 Q: Okay. The photograph of the master bedroom didn't jog
13 your memory? So you don't know if you were in the master
14 bedroom or not?

15 A: No, sir.

16 Q: All right.

17 THE COURT: What exhibit are you referring to?

18 MR. TRUSLOW: This is 5, 6, and 7, Your Honor.

19 THE COURT: Thank you.

20 Q: Now, that photograph you said is a bread box?

21 A: It appears to be a breadbox. Yes, sir.

22 THE COURT: Will you tell me what exhibit number that is
23 for the record?

24 Q: I would like you to look at Exhibit Number 7. Exhibit
25 Number 7, is that a breadbox?

AGENT ROBERT DOWNEY - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: I guess you could call it whatever you wanted. It's a
2 wooden box that I've often seen called a bread box.
- 3 Q: Okay. And it can open and close?
- 4 A: Yes. Correct.
- 5 Q: Do you know who opened it?
- 6 A: I do not.
- 7 Q: Okay. Do you know if anybody conducting this search
8 opened it?
- 9 A: I do not.
- 10 Q: Or if it was open and the marijuana was visible?
- 11 A: I do not.
- 12 Q: Okay. Exhibit 6 and 5. Number 6 you said was a scale
13 for weighing drugs; correct?
- 14 A: It's a scale for weighing anything, but it can be used to
15 weigh drugs.
- 16 Q: Okay. Now, are you positive that was found in the
17 kitchen?
- 18 A: Am I one hundred percent positive?
- 19 Q: Yes.
- 20 A: No, sir.
- 21 Q: Okay.
- 22 A: I can't be one hundred percent.
- 23 Q: Did you take this photograph?
- 24 A: No, sir.
- 25 Q: Okay. And then this box, are you one hundred percent

AGENT ROBERT DOWNEY - CROSS EXAMINATION BY MR. TRUSLOW

1 positive that was found in the kitchen?

2 A: Yes, sir.

3 Q: So it couldn't have been found in the bedroom and carried
4 into the kitchen by one of the fourteen other officers?

5 A: Not to my knowledge.

6 Q: So you don't know for sure ---

7 A: It was ---

8 Q: --- that it was found in the kitchen?

9 A: It was found in the kitchen.

10 Q: So is it possible that one of the other officers
11 conducting the search under your supervision found it in the
12 bedroom and carried it into the kitchen?

13 A: They weren't conducting under my supervision because I'm
14 not a supervisory officer, but is it possible that that could
15 have happened? Yes, it is possible.

16 Q: Okay. And did you take this photograph?

17 A: No, I did not.

18 MR. TRUSLOW: All right. I'm done. We still going to
19 need some air. We need air freshener up here with this box,
20 Judge. That's strong. I'm done, Your Honor. Thank you.

21 THE COURT: All right. Any redirect?

22 MR. JEPERTINGER: No, sir. And I ask if Special Agent
23 Downey can be excused.

24 THE COURT: I can't smell anything. You can step down.
25 Why don't you move that box back or wherever. I can't smell

AGENT ROBERT DOWNEY - CROSS EXAMINATION BY MR. TRUSLOW

1 it, but that doesn't mean that -- I'm not right down there in
2 front of it either so. Can you smell it? All right. My
3 court reporter can smell it. I don't want her smelling it.

4 (Whereupon, the witness leaves the stand at 4:00 p.m.)

5 MR. JEPERTINGER: Unfortunately, I do. I'll move it back
6 here, Judge, but remind me.

7 THE COURT: I don't think I'll have to remind you, Mr.
8 Jepertinger, after what I just heard.

9 MR. JEPERTINGER: I'm tired of lifting this back and
10 forth.

11 MR. TRUSLOW: I'll carry it up there for you.

12 Mr. JEPERTINGER: Thank you so much. I appreciate it.

13 THE COURT: All right. Call your next witness, please.

14 MR. JEPERTINGER: Yes, sir. I would call Detective
15 Dennis Tracy -- Special Agent Tracy. I was thinking of Dick
16 Tracy, Judge.

17 THE CLERK: Do you swear to tell the truth, the whole
18 truth, and nothing but the truth, so help you God?

19 THE WITNESS: I do.

20 THE CLERK: Please be seated and state your full name for
21 the record.

22 THE WITNESS: Dennis Allen Tracy.

23 MR. JEPERTINGER: Okay. I didn't mean to mess up your
24 name.

25 THE WITNESS: It's okay.

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 SPECIAL AGENT DENNIS TRACY, being
2 first duly sworn, testifies as follows:

3 DIRECT EXAMINATION

4 BY MR. JEPERTINGER:

5 Q: Special Agent Tracy, can you tell us where you're
6 employed?

7 A: With the South Carolina Law Enforcement Division.

8 Q: Okay. Your responsibilities at the South Carolina Law
9 Enforcement Division?

10 A: I'm assigned to the narcotics unit and I work on a parcel
11 interdiction unit.

12 Q: Have you had any special training in terms of parcel
13 interdiction?

14 A: I have attended approximately 457 hours of advanced
15 narcotic training to include parcel interdiction. I also
16 instruct for the Drug Enforcement Administration. I instruct
17 in the field of parcel interdiction and I teach a vetted
18 program that's been vetted by DEA Chief Counsel. The class is
19 a certification course for the DEA.

20 Q: All right. Have you ever been certified as an expert in
21 narcotics parcels and interstate drug trafficking?

22 A: I have.

23 Q: Okay. Have you ever testified in court before?

24 A: Yes.

25 Q: How many times have you testified in court as an expert

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 narcotics parcels and interstate drug trafficking expert?

2 A: I think it's been four times that I've actually been
3 qualified.

4 Q: In the area of narcotics parcels and interstate drug
5 trafficking?

6 A: Yes, sir.

7 Q: Okay.

8 MR. JEPERTINGER: At this time, Your Honor, I would move
9 to have Special Agent Dennis Tracy qualified as an expert in
10 those two fields.

11 MR. TRUSLOW: I would like to ask some questions, Your
12 Honor.

13 THE COURT: Yes, sir.

14 DIRECT EXAMINATION REGARDING QUALIFICATION

15 BY MR. TRUSLOW:

16 Q: Can you explain what that means to us being an expert in
17 those areas or that area?

18 A: That it means that due to my advanced knowledge and
19 training on that topic that I am allowed to give inferences
20 and opinions as well as the weight of my testimony should be
21 taken with a bigger grain of salt than -- or should carry a
22 little bit more weight than the -- than the lay person.

23 Q: So you can provide an expert opinion on certain things?

24 A: Yes, sir.

25 Q: And what things are those?

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: I know how the entire parcel system works, the flow of
2 freight. I know drug trafficking organizations, how they
3 utilize the parcel system to get drugs from point A to point
4 B, and money back to the origins. I know which groups of --
5 which groups of individuals in certain geographic areas of the
6 -- of the nation use the parcel system to move their
7 narcotics. Price points. There's a -- there's a whole slew
8 of information that I could provide.

9 Q: Okay. And in addition to your -- any secondary education
10 or regular police education, what training have you had in
11 that area?

12 A: I've gone to six different interdiction schools to learn
13 how to detect narcotics. I've also been instructing in it
14 since 2005 in parcel interdiction.

15 Q: Where are these interdiction schools?

16 A: I've been to St. Petersburg, Florida. I've been to El
17 Paso, Texas, Arizona, Louisiana.

18 Q: So ---

19 A: San Diego.

20 Q: Yes, sir. So are these -- these are all in different
21 areas. So are these seminars or are these actually physical
22 schools located in all of these different cities?

23 A: Some are -- some are -- some are schools, some are
24 seminars.

25 Q: Okay. Do you remember the name of any of these schools?

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: The one is the -- the one in Florida is run by the
2 Florida State National Guard.

3 Q: Okay.

4 A: It's at the college down there.

5 Q: Okay. And at each of these schools, what -- what
6 duration of time do you spend at the school?

7 A: They range in days from three to five days.

8 Q: Okay. So you've been to seven interdiction schools?

9 A: I believe it's six.

10 Q: And each one would have been three to five days?

11 A: Yes, sir.

12 Q: So max you've had thirty days training?

13 A: In just interdiction, yes, sir.

14 Mr. TRUSLOW: Okay. I don't have any objection, Your
15 Honor.

16 MR. JEPERTINGER: Okay.

17 THE COURT: All right.

18 CONTINUED DIRECT EXAMINATION

19 BY MR. JEPERTINGER:

20 Q: Special Agent Tracy, can you -- can you tell us how you
21 became involved with this particular case?

22 A: Yes, sir. Earlier in the week, I obtained a phone call
23 from a source of information in the Phoenix area advising me
24 f a suspicious inbound FedEx shipment destined for a location
25 in Florence, South Carolina.

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: Okay. And based on that information, what did you do
2 with it?

3 A: Based on that information, I was provided a tracking
4 number and the recipient name and address. I then began
5 checks of known reliable law enforcement data bases to include
6 TLO and CLEAR.

7 Q: Wait a minute. You're using terms that we're not -- they
8 may not be familiar with.

9 A: Yes, sir.

10 Q: Can you explain those terms?

11 A: TLO and CLEAR are both clearing houses. They're --
12 they're informational systems that you can run addresses,
13 names, phone numbers, things like that, and the results that
14 come back upon your search. It's kind of like Google for law
15 enforcement, to put it in perspective. And the information
16 that comes back there has been proven reliable in court
17 before.

18 Q: All right. And so you got that information and you say
19 you ran a -- and you ran the tracking on -- you got a tracking
20 number?

21 A: I did.

22 Q: Did you run the tracking number?

23 A: I did.

24 Q: Okay. And currently FedEx has a public site where
25 anybody can -- if you have the right numbers just can ---

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: Right.

2 Q: --- run that number?

3 A: Anybody can go on Fedex dot com if you have a tracking
4 number and track a package.

5 Q: Okay. And did you track this particular package?

6 A: I did.

7 Q: Okay. And I'm going to show you this document. Are you
8 familiar with it?

9 A: I am.

10 Q: And what would that be?

11 A: This is a printout from somebody that has gone to the
12 FedEx website and just print-screened on the tracking history
13 for that parcel.

14 Q: Okay. For the particular number that's on State's
15 Exhibit 4?

16 A: Yes, sir. The tracking number's up in the upper left
17 corner and it's unique to that parcel and it's never repeated.

18 Q: Okay.

19 MR. JEPERTINGER: I'd like to have this introduced into
20 state's as State's 8 I believe.

21 MR. TRUSLOW: Judge, just to keep the record clean, I am
22 going to object unless he prepared this.

23 THE COURT: Over defense counsel's objection, I'll allow
24 it in.

25 Q: And can you tell the ladies and gentlemen of the jury on

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 State's 8 just basically the history of that State's Exhibit
2 4?

3 A: Basically, it shows that on 3:43 p.m. on the 22nd of
4 February 2012, in Phoenix, Arizona, this package originated
5 out of FedEx Kinko's location. From then, that parcel left
6 the Phoenix/Tempe area at 9:35 p.m. for a cross country
7 journey. It went through Memphis, Tennessee, on the 24th of
8 the month. On the 27th it arrived in Charlotte, North
9 Carolina, and at 5:03 a.m. on February 28th, 2012, it arrived
10 at the facility located in Florence County, which is where we
11 intercepted it.

12 Q: All right. And when did it originally get sent?

13 A: On the 22nd of February 2012.

14 Q: All right. Okay. Now, in terms of your expertise of
15 parcels and interstate drug trafficking, you said you were
16 aware of groups. What does -- what does that mean?

17 A: Parcel -- the shipping of drug-related parcels is
18 basically run by four distinct groups. You have Hispanic
19 organizations or Hispanic drug trafficking organizations that
20 utilize parcels. You have Jamaican drug trafficking
21 organizations that utilize parcels. And then you have your
22 college kids or your -- your college kids for the most part
23 are predominantly getting narcotics out of Northern
24 California. And recently we've been seeing Vietnamese
25 organizations also taking over the Northern California route.

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: Any particular group involved with the Phoenix area?

2 A: Phoenix has a large population of Jamaican drug
3 trafficking organizations. Predominately, most of the
4 narcotics that come out of the Phoenix area are run by
5 Jamaican organizations. The Hispanic drug trafficking
6 organizations are predominately southern in South Texas, but
7 Tucson and Phoenix, Arizona, both are predominately Jamaican
8 organizations that run the narcotics shipments.

9 Q: All right.

10 MR. JEPERTINGER: I beg the Court's indulgence.

11 Q: Okay. Now, when -- you were present at FedEx; correct?
12 On the 28th?

13 A: Yes, sir.

14 Q: All right. And I think Special Agent Downey testified
15 about getting the search warrant to open the box and then
16 resealing the box. Did you reseal it?

17 A: I believe I did reseal it.

18 Q: Okay. And once you resealed it, what was your part in
19 this arrest and the execution of a search warrant, if you can
20 recall?

21 A: After the parcel is resealed with the narcotics inside of
22 it, we had a -- we had a briefing, which is a meeting of law
23 enforcement to establish a -- basically a plan on how we're
24 going to do everything. I then put on -- we have -- we have
25 all of the company uniforms. I then put on uniforms for FedEx

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Ground and conducted the controlled delivery of the parcel to
2 the residence on [REDACTED].

3 Q: All right. And in order to do that you I guess had to
4 procure a van?

5 A: We have -- we have a white van. We've been working
6 parcel interdiction for about eight years so we've got the
7 things that we need to accomplish the mission. So we have our
8 own van.

9 Q: And you also got I guess audio visual equipment on
10 yourself, too?

11 A: Correct.

12 Q: To do transactions?

13 A: Yes, sir.

14 Q: And I'm going to want to show the video here, but let's
15 talk about what you recall before we show the video.

16 A: Sure.

17 Q: And you've had a chance to prepare or Officer Hinson's
18 had a chance to prepare this. Have you had you a chance to
19 observe it -- view it?

20 A: Yes, sir.

21 Q: Okay. Do you know if Officer Hinson had a chance to view
22 it?

23 A: I can't -- I mean I would assume so, but I can't testify
24 to the fact ---

25 Q: Okay.

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: --- that he observed it.

2 Q: All right. Okay. There's no question once you got the
3 video equipment, what did you do with the ---

4 A: I downloaded the contents of the video equipment and gave
5 it to Agent Hinson.

6 Q: All right. And everything that would have been on the
7 disc that you gave to Hinson is what you got off your machine
8 ---

9 A: Correct.

10 Q: --- that you were wearing?

11 A: Correct.

12 Q: Okay. Now, when you got to this [REDACTED], what did
13 you do?

14 A: I backed my van into the driveway as is customary.
15 Normally, FedEx Ground, they usually honk their horn when the
16 pull up at a location. I got out. I carried the parcel to
17 the front door. I knocked on the front door and nobody came
18 to the front door originally. When I came back off of the
19 stoop or the porch in front of the front door, a black male
20 subject came around from the -- if you're looking at the
21 house, would have been the left hand side of the house. He
22 came around and I greeted him. He walked toward me.

23 I asked if -- I believe I asked him if it was the Gibson
24 residence or I'm not sure if I asked him if it Gibson
25 residence or if I asked him if he was Mr. Gibson. But either

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 way -- either question he was asked, he did confirm that it
2 was the -- he was -- it was either he was Mr. Gibson or that
3 it was the Gibson residence. He then signed for the parcel.
4 I then handed him the parcel. I then walked back to my van.
5 I sat in the van acting like I was doing paperwork to see what
6 he was going to do with it. He made a phone call and then I
7 couldn't really stall any longer so I pulled out of the -- I
8 pulled out of the area -- I pulled out of the driveway and
9 left the area.

10 Q: All right.

11 MR. JEPERTINGER: I would like to have this marked for
12 State's Exhibit 9.

13 THE COURT: Any objection, Mr. Truslow?

14 MR. TRUSLOW: No objection.

15 THE COURT: Okay. Without objection, State's Exhibit
16 Number 9.

17 Q: Okay. State's Exhibit 9, is that a picture of the
18 trailer that you went to?

19 A: It is.

20 Q: Okay. And is that the front where you met Mr. Davis?

21 A: Yes, sir, it is.

22 Q: Okay. Can you show the ladies and gentlemen of the jury
23 -- you can stand up here. Show the ladies and gentlemen of
24 the jury where you would have seen him?

25 A: I came off the -- off the steps and he came around from

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 this side and walked toward me and we met about the middle of
2 the -- of the distance between us.

3 Q: All right. Once you got in your van and started doing
4 the paperwork, and you saw him on the telephone I think you
5 testified to?

6 A: Yes, sir.

7 Q: Did he walk back around the ---

8 A: I left before he walked around the corner.

9 Q: Okay. And did you participate later in the search of
10 that residence?

11 A: I didn't conduct any searches.

12 Q: Okay. Were you done once you left?

13 A: I came back after the fact, but I didn't participate in
14 any searches because I wanted to get the weights and -- and
15 whatever else was found there and suspect info for my report.

16 Q: Okay. So what did you do when you got back there later?
17 What information did you receive?

18 A: Just both suspect's info, both suspect's names -- or
19 names and dates of birth. And ---

20 Q: Who provided that information to you?

21 A: I don't recall who. I don't recall who exactly who gave
22 me the names but ---

23 Q: Was it ---

24 A: It was law enforcement.

25 Q: Law enforcement?

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: I didn't -- I didn't speak with the defendants.

2 Q: All right. And did you retrieve any of the evidence that
3 was there or was it already retrieved?

4 A: Most of it was already retrieved by the time I got there.

5 Q: Okay. And you did a weight on the substances you got?

6 A: Yes, sir.

7 Q: Okay. And were the items that were seized consistent
8 with marijuana?

9 A: They were.

10 MR. JEPERTINGER: Okay. All right. Your Honor, could we
11 take a short recess? Just -- it would be not more than five
12 minutes.

13 THE COURT: Yes, sir. Ladies and gentlemen, I'm going to
14 ask you to step to the jury room for just a minute. Do not
15 discuss the case. I'll get you back out here as quickly as
16 possible.

17 (Whereupon, the jury exits the courtroom at 4:17 p.m.)

18 Mr. JEPERTINGER: We need to set this up. I'm going to
19 ask him to watch this video because it'll go to the next
20 question if that fairly -- fairly and accurately describes
21 what he did.

22 MR. TRUSLOW: I don't think he's identified that -- that
23 disc yet in order to publish it and enter into evidence.

24 THE COURT: Well, that's what he's wanting to do right
25 now outside the presence of the jury.

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 MR. TRUSLOW: Well, I mean I think that should be marked
2 in an appropriate piece of evidence for him to identify. He
3 said that he has no idea what's on there.

4 MR. JEPERTINGER: May I ask that he watch it?

5 THE COURT: I'm going to let him watch it. That's what
6 he's asking to do.

7 MR. TRUSLOW: All right.

8 MR JEPERTINGER: All right. Can you set this up so he
9 could see it on his laptop or your laptop?

10 MR. TRUSLOW: I'm sorry, Your Honor. I thought you meant
11 watch it with the jury. I understand.

12 THE COURT: Now I assume, Mr. Truslow, after he sees it
13 that's what he'll want to do.

14 MR. TRUSLOW: Yes.

15 MR. JEPERTINGER: Absolutely.

16 THE COURT: But I can only guess at this point.

17 MR. JEPERTINGER: Got a good guesser.

18 (Whereupon, there is a pause in the proceedings as the
19 witness views the video.)

20 THE COURT: All right. I'm going to stand down for just
21 a minute. The lawyers are back in here. Mr. Tracy, you're
22 not allowed to discuss your testimony while I step down with
23 anybody.

24 SPECIAL AGENT TRACY: Yes, sir.

25 (Whereupon, there is a break in the proceedings from 4:23

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 p.m. to 4:28 p.m.)

2 THE COURT: Thank you. Be seated, please. All right.

3 Is the State ready to proceed?

4 MR. JEPERTINGER: Yes, sir.

5 THE COURT: Mr. Truslow, you ready to proceed?

6 MR. TRUSLOW: Yes, Your Honor.

7 THE COURT: All right. Bring me the jury, please, ma'am.

8 (Whereupon, the jury enters the courtroom at 4:29 p.m.)

9 THE COURT: All right. Mr. Jepertering, you may
10 continue.

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

12 CONTINUED DIRECT EXAMINATION

13 BY MR. JEPERTINGER:

14 Q: Special Agent Tracy, you've had a chance to observe
15 State's Exhibit 1?

16 A: I have.

17 Q: Does it fairly and accurately portray the events of
18 February the 28th, 2012?

19 A: Yes, sir, it does.

20 MR. JEPERTINGER: At this time, I would move the --
21 State's Exhibit 1 into evidence.

22 THE COURT: Any objection?

23 MR. TRUSLOW: No, sir.

24 THE COURT: Without objection, State's Exhibit what?

25 MR. JEPERTINGER: One.

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 THE COURT: One admitted into evidence.

2 MR. JEPERTINGER: All right. Now, I would ask that
3 State's Exhibit 1 be published to the jury.

4 THE COURT: All right. You may publish it.

5 (Whereupon, the video contained on State's Exhibit Number
6 1 is played in open court. VIDEO IS NOT TRANSCRIBED
7 HEREIN.)

8 MR. JEPERTINGER: Thank you.

9 Q: Now, Special Agent Tracy, I happen to notice that the
10 date on the video said 6/7/2007; is that incorrect?

11 A: It is.

12 Q: Okay.

13 A: We couldn't figure out how to change the time on it.
14 It's -- it's the finest in Chinese technology and there was
15 not like little time setting buttons on the outside of it.

16 Q: Okay. The real question, this happened on 2/12 -- on
17 2/28/2012; correct?

18 A: It does and I practiced -- I practiced the video with the
19 time and date.

20 Q: Okay. Now, on State's Exhibit 4, there's a return
21 address of Midway, Incorporated, and a number with Cerritos,
22 California.

23 A: Yes, sir.

24 Q: Did you have an opportunity to check the validity of that
25 address?

AGENT DENNIS TRACY - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: I did. What stood out to me was that it was a listed
2 business of Midway, Incorporated, but it was handwritten and
3 businesses -- 99.9 percent of businesses aren't going to
4 handwrite a weigh bill. The other thing was that the business
5 -- the alleged business in this took the parcel to a FedEx
6 location like a FedEx Kinko's and again that's not consistent
7 with normal business practices. If you own a business, FedEx
8 will come to your business and pick up the package.

9 So those two things stood out to me. When we ran a
10 Google search of the return address that was listed in
11 handwriting in Cerritos, it's actually not Midway,
12 Incorporated. It's Midway International and obviously, a
13 company is not going to misspell their own company name.
14 There was also no phone number listed for the business which
15 was also not consistent with a business shipment.

16 Q: Okay. Is that a certain indicator in your line of work?

17 A: That is a major indicator for me if the return address is
18 falsified, plus the fact that it said it's coming out of
19 Cerritos, California, when the true origin was Phoenix,
20 Arizona.

21 Q: Okay. All right. Thank you. Please answer any
22 questions that the defense attorney is going to have for you.

23 THE COURT: Cross examination.

24 CROSS EXAMINATION

25 BY MR. TRUSLOW:

AGENT DENNIS TRACY - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: How far is the return address in California from Phoenix?

2 A: Cerritos from the Arizona border is probably a good two

3 hours and you're probably another hour and a half in to

4 Phoenix. So you're probably talking about a three and a half

5 hour drive at least, if you were really making good time.

6 Q: Okay. You mentioned the four groups as an expert witness

7 you find use the mail ---

8 A: Yes, sir.

9 Q: --- for mailing parcels. I didn't catch the first one,

10 but I got Jamaican, college kids and Vietnamese.

11 A: Hispanic organizations, sir.

12 Q: Hispanic. So the whites don't do it with the mail?

13 A: Historically, we do -- obviously, we do arrest white --

14 white individuals. Predominately, it's more of our college

15 kids. I don't find myself finding a lot of narcotic-laden

16 parcels going to adult-aged white males.

17 Q: Okay. You testified you've -- you've testified that

18 you've testified in four trials as an expert witness?

19 A: Yes, sir.

20 Q: Were any of those of four trials dealing with FedEx or

21 UPS type shipment?

22 A: They were. They were in Lexington County, sir.

23 Q: And were they all Jamaicans or Vietnamese people?

24 A: They were -- there was some Jamaican cases and there was

25 I believe -- I believe all the cases in Lexington County that

AGENT DENNIS TRACY - CROSS EXAMINATION BY MR. TRUSLOW

1 we got certified were Jamaicans.

2 Q: Okay. Do you remember the names of those cases?

3 A: Not off the top of my head.

4 Q: But they were in Lexington?

5 A: They were.

6 Q: Do you remember timespan of when you would have testified

7 in those trials? Like maybe just even what year it would have

8 been?

9 A: Probably 2008 or 2009.

10 Q: All of them in ---

11 A: Between 2008 and 2010 I would imagine the majority of

12 them would have been.

13 Q: Okay. Now, how many cases that did not go to trial did

14 you investigate that dealt with parcel mailing of drugs? How

15 many have you investigated?

16 A: That's all I've worked basically for the last eight

17 years.

18 Q: Just a ballpark figure?

19 A: We're averaging probably 200 a year so somewhere around

20 1,600 cases that involved parcels.

21 Q: Okay. And out of 1,600, how many were Hispanics?

22 A: Maybe 150 and that's ---

23 Q: How many were Jamaicans out of sixteen hundred?

24 A: Again these are ballparks, sir. Maybe 400 maybe -- maybe

25 between 4- and 500 I would imagine.

AGENT DENNIS TRACY - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: And what about the Vietnamese?

2 A: Vietnamese are a new thing. We've probably only worked
3 fifteen Vietnamese cases in the last two years. They're
4 relatively a new player to the game.

5 Q: What about the college kids type scenario?

6 A: Depending on the time of the year, that's -- that's a
7 very common thing for us. We -- I -- we're in the midlands so
8 we have -- we have the universities there. We've got -- we've
9 got USC, we've got Benedict, we've got Tech. We've got a bunch
10 of schools there so we -- we do keep ourselves quite busy with
11 smaller -- smaller shipments that's going to college kids.

12 Q: I'm asking and only if you know, out of the 1,600 cases
13 we're talking about, how many do you think would have been
14 college kid cases? Roughly?

15 A: Maybe a third.

16 Q: So a third of 1,600 --

17 A: Let's do a fourth. We'll just do 400.

18 Q: Okay, 400. So 400 and 400 is 800, 950. That's 965 cases
19 out of 1,600 that covers Spanish, Jamaicans, college kids and
20 Vietnamese, which leaves -- bear with me. Out of 1,600 cases,
21 that leaves another roughly 635 that would have been non-
22 Hispanic, Jamaican, college kids and Vietnamese. That sound
23 about right?

24 A: I understand your math. I mean I can't -- I don't keep
25 statistics, raced-based statistics --

AGENT DENNIS TRACY - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: Well, I know you're just giving me a ballpark.

2 A: And we -- and we've done 1,600 of them. I really don't

3 know I've been doing this since 2004.

4 Q: Okay.

5 A: So I really can't give you direct numbers.

6 Q: All right. But I mean ballpark we're talking about. You

7 gave me 150 Spanish, 400 Jamaican, 400 college kids, fifteen

8 Vietnamese because it's kind of new ---

9 Q: Yes, sir.

10 A: --- thing going on, which leaves 635 out of 1,600 that

11 would not fit into that. So obviously that would either have

12 been another race of people or a combination of different type

13 ---

14 A: It could be. It could be a combination. It could be

15 ones that I missed not recalling exactly what race was

16 involved.

17 Q: Right. So 635, that doesn't mean that 635 white people.

18 It could some Koreans and some Japanese and some Lebanese?

19 A: It could be or -- or my percentage of one race may have

20 been higher, but I don't keep race based statistics.

21 Q: Okay. You don't keep any race based statistics?

22 A: No, sir.

23 Q: But you're willing to testify under oath that it's mostly

24 Hispanic, Jamaicans, college kids and Vietnamese?

25 A: I will say that because I realize that the people that

AGENT DENNIS TRACY - CROSS EXAMINATION BY MR. TRUSLOW

1 we're arresting and when we instruct in this, we basically
2 instruct that there are four major groups that are doing this.

3 Q: It's got nothing to do with the fact that my client is
4 Jamaican?

5 A: It has nothing to do with that fact.

6 Q: Okay. Sixteen hundred mostly are those four groups, but
7 yet out of 1,600 you've only done fifteen Vietnamese cases?

8 A: Yes, sir.

9 Q: So you're saying that that's a large portion of 1,600?

10 A: No. I'm saying that's one of the new -- that's new one
11 of the major players in this game is the Vietnamese.

12 Q: Do you know what the population of Phoenix, Arizona, is?

13 A: No, sir.

14 Q: Do you have any idea whatsoever?

15 A: No, sir.

16 Q: Do you know how many Jamaicans -- what the Jamaican
17 population in Phoenix?

18 A: No, sir.

19 Q: You testified on direct examination that Phoenix has a
20 large Jamaican population.

21 A: It does.

22 Q: Could you tell us what that is?

23 A: I don't know the -- I don't know the specifics. I know
24 -- I know with speaking with law enforcement that work
25 narcotics in the Phoenix area that they've told me that

AGENT DENNIS TRACY - CROSS EXAMINATION BY MR. TRUSLOW

1 there's a large population of Jamaican males or Jamaican
2 subjects in their -- in their jurisdictions.

3 Q: Okay.

4 A: I'm taking that at face value.

5 Q: But you don't know what that means numbers wise?

6 A: No, sir.

7 Q: You don't know if what they mean is that it's a large --
8 if it's a small amount of Jamaicans causing a bunch of
9 trouble?

10 A: I can't -- I can't testify to what -- to what -- to what
11 they meant by the numbers when they said the words large
12 Jamaican population.

13 Q: All right. But you're taking them at their word?

14 A: Of course.

15 Q: And that could just as well mean that they deal with a
16 lot of Jamaicans; right?

17 A: Their statement was they deal with a lot of Jamaicans,
18 yes, sir.

19 Q: Not that it was a large Jamaican population that they
20 deal with?

21 A: I think it's a semantics game whether it's a large
22 population of Jamaicans or they deal with a lot of Jamaicans.
23 It's the same thing. It's just said two different ways.

24 Q: Not if they're dealing with the same Jamaicans all the
25 time; right?

AGENT DENNIS TRACY - CROSS EXAMINATION BY MR. TRUSLOW

1 A: I guess we can agree to disagree. I think that the
2 statement's the same.

3 Q: Okay. You didn't conduct any of the searches; right?

4 A: No, sir.

5 Q: Is there any doubt in your mind after doing all the work
6 in this case and reviewing and preparing for trial that the
7 individual with the long dreadlocks that you delivered the
8 package to is Mr. Davis and not Mr. Campbell?

9 A: It was Mr. Davis.

10 Q: All right. We're clear about that?

11 A: Yes, sir.

12 MR. TRUSLOW: Okay. That's all I got. Thank you.

13 THE COURT: Any redirect?

14 MR. JEPERTINGER: No, sir. And I ask if Special Agent
15 Tracy can be excused.

16 THE COURT: Any objection?

17 MR. TRUSLOW: No objection.

18 THE COURT: All right. Sir, you may step down.

19 THE WITNESS: Thank you.

20 (Whereupon, the witness leaves the stand at 4:52 p.m.)

21 THE COURT: You're excused. You have no further
22 responsibilities under your subpoena. You're free to go.

23 SPECIAL AGENT TRACY: Thank you.

24 THE COURT: All right. Ladies and Gentlemen, it's about
25 eight minutes until five. I don't know how long the State's

1 next witness is going to be. Mr. Jepertinger?

2 MR. JEPERTINGER: I was planning to call Investigator
3 Lewis. I don't anticipate him being very lengthy.

4 THE COURT: Well, what I'm going to go ahead and do is
5 I'm going to go ahead and release you for the balance of
6 today. I'm going to ask that you be back here tomorrow
7 morning at nine thirty -- at nine thirty and we will resume
8 the trial of this case at that time. I told you I think
9 before you broke for lunch there may be a situation that you
10 might go beyond five and there may be a situation where we
11 break right before five. Rather than take a chance of you
12 being here an extended period of time after five, I'm going to
13 go ahead and let you go for the day.

14 Do not -- do not discuss the case with anybody and do not
15 do any independent investigation on your own. Anything from
16 the State before I release the jury for the balance of the
17 day?

18 MR. JEPERTINGER: No, sir.

19 THE COURT: Defense counsel?

20 MR. TRUSLOW: No, Your Honor.

21 THE COURT: All right. Please be back tomorrow morning
22 in your jury room at nine thirty and we'll resume the trial of
23 this case at that time.

24 (Whereupon, the jury exits the courtroom at 4:53 p.m.)

25 THE COURT: All right. Anything from the State before we

1 break for the day?

2 MR. JEPERTINGER: No, sir. I know the jury's been sworn
3 and you've taken testimony. I would leave the issue of terms
4 of revocation of bond up to the Court at this point. I will
5 say on his behalf he has been here every time I've asked him
6 to be here.

7 THE COURT: Mr. Truslow?

8 MR. TRUSLOW: Your Honor, he's been here like the
9 prosecutor told you before, Mr. Jepertinger, over and over
10 from Florida always showed up. He's here again with his
11 girlfriend who's in the back. They're staying at the Days
12 Inn. We feel pretty confident about this case. He's turned
13 down probation in the case. He wanted a trial for it. He
14 wants to be here. I don't see him going anywhere. I'd like
15 to not have to go to the jail to talk to him. I've been in
16 this case only a couple of weeks and we do need to talk.

17 THE COURT: All right. I'll allow him to remain out on
18 -- well, I'll allow him to remain out on a PR bond at this
19 point.

20 MR. JEPERTINGER: I do have one more issue to bring up.
21 During Mr. Truslow's opening statement to the jury, he kept
22 talking about other people and what other people are going to
23 testify to in the course of this trial, alluding to the fact
24 that the defense may put up a defense, Your Honor. However,
25 he did not provide to the jury any possible witness names and,

1 Your Honor, we -- I haven't heard it. The jury wasn't
2 qualified in terms of other -- other possible witnesses in
3 this case and ---

4 MR. TRUSLOW: It would only be the defendant, Judge.

5 THE COURT: Okay.

6 MR. TRUSLOW: I said what the evidence would show. It
7 would all come from him.

8 THE COURT: Okay.

9 MR. TRUSLOW: And we ---

10 THE COURT: He -- he has been qualified.

11 MR. TRUSLOW: And he does plan to testify.

12 MR. JEPERTINGER: Okay. I must have misunderstood that.

13 THE COURT: Okay. All right. Mr. Campbell, I will
14 instruct you again, your failure to appear here in the morning
15 will not halt the trial of your case. It will go forward if
16 you are not here. If you are not here when we're to resume in
17 the morning, I will issue a bench warrant for your arrest.
18 Are we clear on that, sir?

19 THE DEFENDANT: Yes, sir.

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

21 MR. JEPERTINGER: No, sir. Thank you.

22 THE COURT: All right. Nine thirty in the morning.

23 Mr. TRUSLOW: Thank you, sir.

24 (Whereupon, there is a break in the proceedings from 4:56
25 p.m. until the next day at 9:24 a.m.)

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2 MR. JEPERTINGER: Your Honor?

3 THE COURT: Yes, sir.

4 MR. JEPERTINGER: In terms -- we have an agreement to
5 allow States 11-A through 11-H photographs into evidence.

6 THE COURT: All right. Is that correct, Mr. Truslow?

7 MR. TRUSLOW: Yes, Your Honor.

8 THE COURT: All right.

9 MR. JEPERTINGER: 10-A through F into evidence.

10 THE COURT: Is that correct, Mr. Truslow?

11 MR. TRUSLOW: Yes, Your Honor.

12 MR. JEPERTINGER: 13-A through F into evidence. 14-A and
13 B into evidence. Your Honor, we have also marked Item 12 that
14 would be subject to a chain of custody and analysis from ---

15 THE COURT: What is that?

16 MR. JEPERTINGER: It is a box of marijuana that was found
17 inside the house. The UPS box that -- and it's the contents
18 from that UPS box.

19 THE COURT: Okay.

20 MR. JEPERTINGER: And we'll have some other items marked,
21 but we'll do those as we -- as we can, Judge.

22 THE COURT: All right.

23 MR. JEPERTINGER: Your Honor, we'd like to take a witness
24 out of order. We'd call Ms. Landrum, the SLED chemist.

25 THE COURT: Anything before I bring the jury in from the

1 State?

2 MR. JEPERTINGER: Your Honor, I would like to go over
3 Shawn Davis's criminal history at this time instead of having
4 the jury go in and out.

5 THE COURT: Have you all talked about that?

6 MR. TRUSLOW: No, sir. I was just looking at it right
7 now. I've looked at it.

8 THE COURT: How about y'all look at it and see what you
9 can agree upon, and what you can't agree upon, I'll make a
10 ruling on it.

11 (Whereupon, there is a pause in the proceedings as
12 counsel confer.)

13 MR. JEPERTINGER: Judge?

14 THE COURT: All right.

15 MR. JEPERTINGER: Obviously, there's a federal record
16 that he just pled guilty to would -- would come in, Your
17 Honor. The ones that we have in question, Your Honor, would
18 be a common law robbery, contributing to the delinquency of a
19 minor from 1995. Your Honor, even though they carry I guess
20 more than a year, I would argue the staleness of those two
21 convictions. They're beyond -- beyond ten years. Even if you
22 look at -- if you did -- if he did the maximum amount of six
23 years, he got a YOA sentence. That would be 2001 and I think
24 that would be -- I think it would just be stale, Your Honor.

25 Then he had a possession of crack cocaine back in '99 for

1 which he received two years and 2000 suspended to a 700 fine
2 concurrent to eighteen months probation. Your Honor, even if
3 he had been given a two year -- two years on that, that would
4 have been 2001 and I would think that that would be stale as
5 well, Your Honor.

6 THE COURT: Are those the only two -- well three, common
7 law robbery, contributing to the delinquency of a minor, and
8 possession of crack cocaine?

9 MR. JEPERTINGER: Right, other than -- other than the
10 federal charges which I do agree that he could get in -- get
11 into which were he pled to counts two and four and five on his
12 indictment, Your Honor. And counts two through five were
13 trafficking in -- excuse me, he pled to conspiracy to
14 distribute five kilograms or more of cocaine and 280 grams or
15 more of cocaine base and possession of a firearm in the
16 furtherance of a drug trafficking crime, Your Honor, and he
17 did that on -- I believe back in November 2012. November 26th,
18 2012, and obviously, Judge, I think that's fair game.

19 THE COURT: Is there anything between '99 and 2012?

20 MR. JEPERTINGER: I don't see any dispositions. There
21 was a -- an arrest for trafficking back in 2006, but I don't
22 see any disposition on that and I'm not aware of any
23 disposition, Your Honor.

24 THE COURT: All right. All right. Mr. Truslow, I'd be
25 happy to hear from you.

1 MR. TRUSLOW: Your Honor, in addition to this being the
2 State's only eyewitness, and cooperating defendant, it's very
3 important as to his credibility, but more importantly than
4 that, what we've already agreed to is relevant is his federal
5 conviction. He is convicted of conspiracy which ran from 2000
6 -- the year 2000 up through 2012 so he was in a conspiracy for
7 twelve years.

8 So, in terms of counting back ten years, the 1994 firearm
9 conviction that he had is relevant to what his exposure was in
10 federal court. In other words, in terms of his credibility,
11 in terms of my defense and putting on a proper defense, I need
12 to be able to show the jury just what he was looking at, just
13 what he got out of.

14 In addition to that, in '90 -- the next one, the common
15 law robbery, same thing and then the next one, more
16 importantly, is the drug conviction that he has. That's the
17 third one. Not only does that change his exposure in federal
18 court and how he has managed to get ten years on the drug
19 offense, the drug ---

20 THE COURT: I thought he got fifteen?

21 MR. TRUSLOW: --- offense issue would have made it twenty
22 to life instead of ten to life.

23 THE COURT: I thought he got fifteen? Thirteen ---

24 MR. TRUSLOW: He got ten. He got five consecutive for
25 the guns.

1 THE COURT: --- on the gun.

2 MR. TRUSLOW: In addition to that, he may have been
3 considered even a -- well, he would have been considered a
4 career offender so he would have been worse than twenty to
5 life. With the -- with the robbery conviction and the drug
6 conviction, he would have been looking at being a career
7 offender and I brought my book today to calculate with him
8 what he was looking at when he decided to start cooperating,
9 and that goes to his credibility because, you know, he can
10 weigh out whether he's willing to do twenty-four or twenty-
11 seven years to life, you know, based upon that. Otherwise, I
12 can't show that.

13 And that is very, very relevant to his credibility. I
14 don't believe he would have been an armed career criminal, but
15 he would have been -- he would have been facing twenty to life
16 instead of ten to life and he would have -- on the drug charge
17 alone, and he would have also been a career offender. So, now
18 if he admits to me that he was starting out a career offender
19 and he was looking at twenty to life plus the gun charges,
20 then that may not be relevant, but if he does not, then I
21 should be able to impeach him as to the truth of the matter.

22 In other words, I can ask him that and if he denies it
23 and I've got proof that that's not correct, then I should be
24 able to impeach him with that. If he tells me no, I was only
25 facing ten to life and I got ten, you know, I should be able

1 to say, well, you know, you're lying on the witness stand and
2 I can show you where you're lying. You were facing twenty to
3 life; in fact, you were facing more because you're a career
4 offender.

5 THE COURT: Do you have a copy of his presentence
6 investigation report?

7 MR. TRUSLOW: No, sir. But what I do have is a copy of
8 his indictment. He was indicted under 841 for a drug
9 conspiracy which carried ten to life. The conspiracy ran from
10 2000 to 20012. So in -- in calculating career offender
11 guidelines, in calculating his criminal history, in
12 calculating whether he's a career offender, you would go back
13 to 1990. So ---

14 THE COURT: And that's ---

15 MR. TRUSLOW: It would count back ten years.

16 THE COURT: Okay.

17 MR. TRUSLOW: And the first conviction were talking here,
18 the earliest is '94. So it's not -- it's relevant not in the
19 sense of, you know, what the rules or at least the guidelines
20 are to the Court, the suggestions in terms of what's
21 admissible or not, but the discretion of the Court looking at
22 the relevancy in this particular case, I would argue that it's
23 very relevant.

24 THE COURT: Mr. Jepertinger?

25 MR. JEPERTINGER: Your Honor, we're dealing with two

1 different sovereigns. Here, I think there will be an
2 admission, Your Honor, that he was looking at a maximum of
3 life in prison. I mean it says that in his plea agreement.
4 Okay?

5 THE COURT: Right.

6 MR. TRUSLOW: But the -- well, in our state courts, Your
7 Honor, they take a hard view if you start -- I can't go over
8 convictions that the defendant might have over ten years, Your
9 Honor. And at that point, I mean the defendant would be a
10 witness just like this gentleman would be a witness, and a
11 carrying a pistol from 1994 I think would be -- obviously,
12 he's -- you know, to a certain extent he's pled to weapons
13 charges, I understand that in the federal system, and that
14 will come out probably on direct. However, it has no bearing
15 on what he did in 1994 for what -- and I don't think he was
16 prescient to say this is going to happen to me in the future
17 in federal court. I just think the conviction is stale, Your
18 Honor.

19 MR. TRUSLOW: And, Judge, one last thing. The fact that
20 he was carrying a weapon in 1994 is why he is testifying here
21 today or least a very valid ground why he's testifying here
22 today. So it is absolutely intertwined into his testimony his
23 desire to testify and his credibility in testifying. And you
24 know, now it does show he is facing a maximum of life, but
25 without this information, it doesn't show that he's facing a

1 mandatory minimum of twenty instead of ten.

2 THE COURT: All right. Anything else, Mr. Jepertinger?

3 MR. JEPERTINGER: No, sir.

4 MR. TRUSLOW: And, Judge, in fairness to the prosecution,
5 we would concede that he can use any convictions of my client
6 in excess of ten years.

7 MR JEPERTINGER: He knows he can say that because there
8 are no convictions but several arrests.

9 THE COURT: Right, I've already addressed -- I've already
10 addressed that. I mean I asked that yesterday. All right. I
11 believe based upon my review of rule 609 -- 609(b), which sets
12 forth the rule here, says evidence of a conviction under this
13 rule is not admissible if a period of more than ten years has
14 elapsed since the date of the conviction or of the release of
15 the witness from confinement imposed for that conviction,
16 whichever is the latter date, unless the court determines in
17 the interest of justice that the probative value of the
18 conviction supported by specific facts and circumstances
19 substantially outweigh its prejudicial effect.

20 I understand and have certainly taken into consideration
21 defense counsel's argument as to the potential life
22 imprisonment that this Mr. Davis was facing, how or why he was
23 facing a potential life imprisonment sentence. The indictment
24 I believe indicated what his was plea agreement or proffer
25 agreement indicated he was facing life; is that correct?

1 MR. TRUSLOW: Yes, sir.

2 THE COURT: Imprisonment. How the feds -- and I know Mr.
3 Truslow does a lot of federal criminal work and I did a good
4 bit of federal criminal work, but how the feds came to this
5 conclusion as to what he was facing, these convictions of '94,
6 '95 and '99 are outside of the ten year time period. It is
7 certainly relevant as to what he was facing I believe --- what
8 he was facing, how he can go about getting that time cut and
9 how he is going, all of that's already out there.

10 All of that's already out there, but I will certainly
11 allow you to cross examine him on that, Mr. Truslow. I will
12 certainly allow you to cross examine him on that, but I
13 believe these convictions are outside the ten year time limit
14 as prescribed by the law and, therefore, I'm not going to
15 allow you to go into that. Now, he could open the door to it
16 certainly. He could open the door to it certainly, but right
17 now I'm not going to allow it. All right. Anything further?

18 MR. JEPERTINGER: No, sir.

19 MR. TRUSLOW: No, Your Honor.

20 THE COURT: All right. If you'll bring me the jury,
21 please, ma'am.

22 (Whereupon, the jury enters the courtroom at 9:40 a.m.)

23 THE COURT: Good morning, Madame Forelady and ladies and
24 gentlemen of the jury. I hope you all had a good evening last
25 night and were able to stay out of the rain at least. I hope

AGENT ANGIL LANDRUM - DIRECT EXAMINATION BY MR. JEPERTINGER

1 you all got some rain at your house; I got plenty of mine.

2 But I hope you all are ready to proceed this morning. At this
3 time, I'm going to recognize the State. Mr. Jepertinger, call
4 your witness, please.

5 MR. JEPERTINGER: Good morning, Judge. Mr. Truslow.
6 Your Honor, the State would call Angil Landrum from South
7 Carolina Law Enforcement.

8 THE COURT: All right.

9 THE CLERK: If you will, ma'am, go to the Bible and place
10 your left hand on the Bible and raise your right hand. Do you
11 swear to tell the truth, the whole truth, and nothing but the
12 truth, so help you God?

13 ANGIL LANDRUM: Yes, ma'am, I do.

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

16 ANGIL LANDRUM: Angil Landrum.

17 MR. JEPERTINGER: Okay.

18 ANGIL LANDRUM, being first duly
19 sworn, testifies as follows:

20 DIRECT EXAMINATION

21 BY MR. JEPERTINGER:

22 Q: Ms. Landrum, for whom are you employed?

23 A: South Carolina Law Enforcement Division.

24 Q: And how long have you worked for the South Carolina Law
25 Enforcement Division?

AGENT ANGIL LANDRUM - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: A little over ten years.

2 Q: Okay. And what are your responsibilities at the South
3 Carolina Law Enforcement Division?

4 A: My duties are to manage employees, manage resources for
5 the drug analysis department, conduct scientific examination
6 of drug related evidence, maintain a chain of custody, and to
7 provide expert testimony in a court of law regarding evidence
8 submitted for drug analysis.

9 Q: Okay. In terms of your chemical analysis, did you get
10 any special education or training in that field?

11 A: Yes, sir, I did.

12 Q: Can you tell the ladies and gentlemen of the jury what
13 your educational background is, please?

14 A: I have my ---

15 MR. TRUSLOW: Your Honor, at this point, I would concede
16 she's an expert in the field of drug analysis, if that helps.

17 THE COURT: Mr. Jepertinger?

18 MR. JEPERTINGER: Okay. We'll stipulate that Ms. Landrum
19 is an expert in the field of drug analysis.

20 THE COURT: All right. Let me -- ladies and gentlemen,
21 normally -- let me just tell you this, give you instruction on
22 expert testimony. Normally, a person cannot give opinion
23 testimony. Normally when a person testifies, they must
24 testify as to what they either saw or heard or sensed by smell
25 or something of that nature.

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1 However, there is an exception when someone is qualified
2 because of education or experience. They are permitted to
3 give their opinion in certain areas if the Court qualifies
4 them that way. This witness is being qualified as an expert
5 in the field of drug analysis to give opinion testimony in
6 that area. That does not mean that you must accept the
7 opinion, but it is evidence for you to use in any way that you
8 see fit and give it the weight and credibility you believe is
9 appropriate. Mr. Jepertering?

10 Q: Specifically in terms of marijuana analysis, Ms. Landrum,
11 what tests do you conduct to determine if something is
12 marijuana?

13 A: I conduct a microscopic test and a chemical test.

14 Q: Okay. Can you tell the jury a little bit about the
15 microscopic test?

16 A: Sure. The microscopic test for identification of
17 marijuana, you have to identify the three characteristic hairs
18 of marijuana, and they are the cystolithic hairs, the
19 unicellular hairs, and the multicellular hairs. And to have
20 all three hairs present on plant material is unique for
21 marijuana.

22 Q: All right. And the chemical test?

23 A: The chemical test used to identify marijuana is called
24 the Duquenois-Levine test and that test also is specific for
25 marijuana analysis. With that, you would receive a purple

AGENT ANGIL LANDRUM - DIRECT EXAMINATION BY MR. JEPERTINGER

1 color with a pink eye in the center.

2 Q: All right. I'm going to show you -- I'll bring both
3 boxes, one at the time. I'm going to show you what's been
4 marked as State's Exhibit 12 for identification at this point.
5 It it -- where would you like to see it? Which would be
6 better for you?

7 A: Right, there is fine.

8 Q: Okay. I'll put it up here. All right. If you could,
9 stand up and tell the ladies and gentlemen of the jury what
10 State's 12 is?

11 A: May I refer to my notes?

12 Q: Sure.

13 A: Exhibit 12 is Item Number 1 that was submitted to SLED
14 for drug analysis and it has several packages of green plant
15 material.

16 Q: Okay. Now, as to State's Exhibit 12, who did you receive
17 State's Exhibit 12 from?

18 A: Special Agent Ronnie Hinson.

19 Q: Okay. And once you received State's Exhibit 12 from
20 Special Agent Hinson, what did you do with State's Exhibit 12
21 once you got it at SLED?

22 A: Once I received the exhibit from Special Agent Ronnie
23 Hinson at SLED, I put the evidence in our drug analysis vault
24 and got the evidence logged in to our log-in department the
25 next day.

AGENT ANGIL LANDRUM - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: And who at SLED does your analysis -- your log-in?

2 A: That's correct.

3 Q: Who did that?

4 A: Amy Stephens.

5 Q: Okay. And after Amy Stephens did the log-in, did she
6 give you the marijuana or did you maintain possession of it?

7 A: She actually transferred everything into her custody and
8 I retrieved the evidence from her.

9 Q: Okay.

10 MR. TRUSLOW: Your Honor, I'm going to object to her
11 testifying as to what the other lady did or said based upon
12 hearsay and Crawford v. Washington.

13 THE COURT: Can y'all approach, please?

14 (Whereupon, a bench conference is held in the presence of
15 the jury but out of the hearing of the jury as follows.)

16 THE COURT: She can testify as to chain of custody and
17 she can testify if you lay the ground work for their policies
18 and procedures and how it goes. She -- he can do that. Do
19 you want me to rephrase your question? I'll agree with you on
20 that.

21 MR. JEPERTINGER: Okay.

22 Q: In terms of policies and procedures, once an object gets
23 into SLED, how is it handled?

24 A: When an object comes to SLED, it's normally logged in
25 through our evidence department and the girl from log-in takes

AGENT ANGIL LANDRUM - DIRECT EXAMINATION BY MR. JEPERTINGER

1 custody of it until one of the chemical analysts goes
2 downstairs to retrieve the evidence. And we also have in
3 place after-hours storage where one of us will come in after
4 hours to retrieve evidence and we will hold it in the drug
5 vault custody until the next morning or the next day where we
6 will get the evidence logged in.

7 Q: And that is standard operating procedure?

8 A: That's correct.

9 Q: And Amy Stephens logged the drugs in?

10 A: That's correct.

11 Q: Okay. And did she take it to the vault?

12 A: She then transferred it to my custody. I took custody of
13 it.

14 Q: Okay. And you logged it into the vault; correct?

15 A: That's correct.

16 Q: Until you could test it; correct?

17 A: That's correct.

18 Q: And when did you receive the drugs from Ronnie Hinson?

19 A: I received the drugs from Ronnie Hinson on February 28th,
20 that night.

21 Q: Okay. And once you logged the drugs into the vault, when
22 did you do your analysis? The next day?

23 A: Let's see. No, sir. The analysis in this case was done
24 on March 16th, 2012.

25 Q: So it remained in your drug vault under secure

AGENT ANGIL LANDRUM - DIRECT EXAMINATION BY MR. JEPERTINGER

1 conditions; is that correct?

2 A: That's correct.

3 Q: Okay. I'm going to show you State's Exhibit 4.

4 MR. JEPERTINGERT: I'm going to move ---

5 Q: Well, can you identify State's Exhibit 4, please?

6 A: Yes, sir. This exhibit was also retrieved from Special

7 Agent Ronnie Hinson.

8 Q: Okay. And when did you retrieve it from Special Agent

9 Hinson?

10 A: February 28th, 2012.

11 Q: All right. And what process and procedure did you use as

12 to this box?

13 A: The same exact one as the first.

14 Q: Okay. The same one as you did to State's Exhibit 12 for

15 identification; is that correct?

16 A: That's correct.

17 Q: And was Amy Stephens the log-in clerk as well on that

18 one?

19 A: Yes, sir, she was.

20 Q: Okay. Did she do both items at the same time?

21 A: I believe she did.

22 Q: Okay. And you took custody of them after she logged it

23 in?

24 A: That's correct.

25 Q: And then you did your analysis on some subsequent date;

AGENT ANGIL LANDRUM - DIRECT EXAMINATION BY MR. JEPERTINGER

1 correct?

2 A: That's correct.

3 Q: All right. Now, as to the substances in both State's
4 Exhibit 12 for identification and State's Exhibit 4 for
5 identification, can you tell us the analysis you conducted on
6 the items in each individual box?

7 A: Yes, sir, I can.

8 Q: All right. Please tell the jury what you did?

9 A: On all the items in the box, I did both the microscopic
10 test and the chemical test.

11 Q: Okay. All right. And in terms of the microscopic
12 analysis on State's Exhibit 4 for identification, okay, what
13 -- what did your microscopic analysis show?

14 A: Let me see which one was Exhibit 4.

15 Q: State's Exhibit 4 would be your Exhibit 11.

16 A: Okay. It was green plant material wrapped in plastic
17 wrappings.

18 Q: Okay. And your chemical analysis?

19 A: The chemical analysis confirmed the presence of
20 marijuana.

21 Q: All right. And in terms of weight, how much weight did
22 you find in State's Exhibit 4 of marijuana?

23 A: For Exhibit 4, it was marijuana found, 10,458 grams,
24 which equals to 23.08 pounds.

25 Q: So 23.08 pounds?

AGENT ANGIL LANDRUM - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 A: That's correct.
- 2 (Whereupon, counsel for the State wrote "23.08 lbs" on
- 3 the chalkboard in the courtroom in view of the jury.)
- 4 Q: Okay. All right. As to State's Exhibit 12, which would
- 5 be your Number 1 ---
- 6 A: Yes, sir.
- 7 Q: Can you tell us what you did on the contents of that box?
- 8 A: I also did a microscopic test and a chemical test.
- 9 Q: In terms of the microscopic test, what did you find?
- 10 A: The presence of marijuana.
- 11 Q: Okay. And was that confirmed by the chemical test?
- 12 A: That's correct.
- 13 Q: All right. In terms of weight, what did you find?
- 14 A: The total weight for item one was 3,265.6 grams, which
- 15 equals 7.20 pounds.
- 16 Q: 7.20 pounds?
- 17 A: That's correct.
- 18 (Whereupon, counsel for the State wrote "7.20 lbs" on the
- 19 chalkboard in the courtroom in view of the jury and then
- 20 added the two digits together and wrote the total of
- 21 "30.28 lbs" on the chalkboard.)
- 22 Q: So, in total, you were talking about -- see if my math is
- 23 right; is this correct?
- 24 A: Yes, sir, it is.
- 25 Q: That would be 30.28 pounds?

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

1 A: That's correct.

2 Q: All right. And after you analyzed it, did you return it
3 to those boxes? Is that correct?

4 A: That's correct.

5 Q: And is that for presentation here in court? Correct?

6 A: That's correct.

7 MR. JEPERTINGER: All right, thank you very much. Please
8 answer any questions that Mr. Truslow might have for you.

9 THE COURT: Cross examination.

10 CROSS EXAMINATION

11 BY MR. TRUSLOW:

12 Q: Have you got a copy of your drug report?

13 A: Yes, sir, I do.

14 Q: If you could, refer to that, please.

15 A: Okay.

16 Q: I want to be clear with you. I'm -- I'm not saying if it
17 was marijuana or not marijuana, I just want to clarify a
18 couple of things.

19 A: Sure.

20 Q: In your drug report, you testified that Exhibit 12 was
21 Item Number 1; is that correct?

22 A: I would need to look at the box. I believe so.

23 Q: Okay. Do you -- do you have this report?

24 A: Yes, sir. It doesn't have the exhibit number so I'm not
25 sure.

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

- 1 Q: Oh, I'm sorry. Exhibit 12 is the smaller of the two
2 boxes here.
- 3 A: Okay. Item 1.
- 4 Q: This is Item 1; correct?
- 5 A: Yes, sir.
- 6 Q: Okay. Now, Exhibit Number 4, which is the bigger box,
7 which item is that on your drug report?
- 8 A: Item 11.1.
- 9 Q: Okay. Item 11.1. Now, on your drug report, it says Item
10 1.2, 1.1, 1.3, 1.31, 1.32, 1.3.1, 1.3.2.2, 1.3.3, 1.3.4?
- 11 A: That's correct.
- 12 Q: So does that mean that there are that many different
13 packages within Item 1?
- 14 A: It depends on how it was packaged. Yes, sir.
- 15 Q: Okay. So that just means that in Item 1, you have
16 several different packages?
- 17 A: That's correct.
- 18 Q: Okay. And in item 11.1, you just have one package?
- 19 A: That's correct.
- 20 Q: Is that right? It's just 11.1?
- 21 A: That's correct.
- 22 Q: Okay. Now, you had to take all the marijuana out of the
23 boxes; correct?
- 24 A: That's correct.
- 25 Q: You labeled the boxes before you took the marijuana out?

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

1 A: The box was labeled according to the inventory sheet.

2 And when the girls in log-in actually logged it in, it gets a
3 unique SLED lab number.

4 Q: All right. That's what I'm asking you. So you did not
5 label the boxes?

6 A: No, sir.

7 Q: Okay. So somebody took a sticker, wrote an item number
8 on it, and stuck it to each box?

9 A: When a case gets logged in to SLED, it automatically gets
10 a unique identification number in reference to the case.

11 Q: Okay. Well, I'm talking about where you identified,
12 yeah, the number here and the number Item 1; right?

13 A: That's the yellow ---

14 Q: This yellow sticker right here?

15 A: Yes, sir.

16 Q: Did you put that sticker on this box?

17 A: Either the girls in log-in did or I did, yes, sir.

18 Q: Do you remember if you put it on?

19 A: If that's the original box, the packaging that it came
20 in, the girls in log-in put it there.

21 Q: Okay. And would that be the same for this box?

22 A: Yes, sir.

23 Q: The yellow sticker?

24 A: Yes, sir.

25 Q: Okay. So you removed the marijuana from each box to test

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

1 it?

2 A: That's correct.

3 Q: And then you put the marijuana back into the box that

4 either was Item 1 or Item 2?

5 A: I tried to put it back in its original packaging.

6 Q: Okay. So if the girl who we're talking about -- what's

7 her name that may have done this?

8 A: Amy Stephens.

9 Q: Okay. If Amy put Item 1 sticker on box two, then you

10 would have taken the marijuana out of this box, but it

11 wouldn't have been originally from that box if that occurred?

12 A: Okay. Can you say that one more time?

13 Q: If Amy put sticker Number 1 ---

14 A: Yes, sir.

15 Q: --- on this box; right?

16 A: Yes, sir.

17 Q: You would have and -- but this was not -- this was not

18 Exhibit 12?

19 A: I can look at the box and tell you whether or not I did

20 or Amy did ---

21 Q: Okay.

22 A: --- according to the seal. This one was initially put on

23 by the SLED agent. It looks like Ronnie Hinson's initials.

24 Q: Okay.

25 A: And the label got put on by Amy Stephens.

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: Okay. So my question is this.

2 A: Mm-hmm.

3 Q: You are relying on which box is Item 1 and which box is
4 item 11.1 based upon a label put on the box by somebody else?

5 A: It's yes and no. If I could explain?

6 Q: Sure.

7 A: With the packaging, it also had the inventory sheet which
8 was attached to the box. So you'd know which case label goes
9 on which box.

10 Q: Okay. So it could -- one more time, please?

11 A: Okay. The case label gets attached to the box according
12 to the inventory sheet that was also attached to the box.

13 Q: Okay. So ---

14 A: The inventory sheet would not be on here.

15 Q: Okay.

16 A: It was retrieved after hours.

17 Q: All right.

18 A: So the -- all the paperwork associated with this case was
19 attached to the box.

20 Q: Right.

21 A: And according to the inventory sheet, then when I took it
22 to log-in, they put which item number on there.

23 Q: Right and that's what I'm getting at.

24 A: Okay.

25 Q: Somebody else put the item number on here?

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: Yes.
- 2 Q: And the actual lab number 0-2-4-6-2, 0-2-4-6-2 is the
- 3 same on both boxes?
- 4 A: Yes, sir. They're both with the same case, but they have
- 5 different item numbers.
- 6 Q: Okay. Right. That's what I'm getting at.
- 7 A: Yes.
- 8 Q: They have Item 1 and Item 11, correct?
- 9 A: Correct.
- 10 Q: You did not put Item 1's sticker on this box?
- 11 A: Correct.
- 12 Q: You did not put Item 11 on this box?
- 13 A: Correct.
- 14 Q: Okay. So what I'm asking you is a hypothetical question.
- 15 A: Mm-hmm.
- 16 Q: If Amy should have put Item 11 on this box and Item 1 on
- 17 this box, then you, if you took the marijuana out to test it
- 18 ---
- 19 A: Mm-hmm.
- 20 Q: --- you would have put it back in the same box you took
- 21 it out of; correct?
- 22 A: That's correct.
- 23 Q: So that if this marijuana was in fact Item 1, okay?
- 24 A: Okay.
- 25 Q: And Item 11's sticker was put on this box ---

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

1 A: Okay.

2 Q: All right. If you took -- if you took the marijuana out
3 of that box, you tested it, you would have put it back in this
4 box?

5 A: That's correct.

6 Q: Okay.

7 A: But with that, once doing the inventory, looking on the
8 inventory sheet you can tell which evidence goes with what
9 box. So it was correct.

10 Q: And how is that?

11 A: Because it was inventoried. Item 1 had seven heat-sealed
12 pouches containing green plant material and it also had a
13 Ziploc bag labeled Item Number 10 containing a plastic
14 sandwich bag containing green plant material, as well as an
15 evidence bag labeled Number 1 containing a heat-sealed pouch
16 containing green plant material. And it also had a Ziploc bag
17 containing green plant material, as well as a plastic sandwich
18 bag containing green plant material. And it also had an empty
19 Ziploc bag, a Ziploc bag labeled Number 3 containing a plastic
20 sandwich bag containing green plant material. And all that
21 was in Item 1. Item 1 ---

22 Q: Just let me stop you there. What -- what are you looking
23 at?

24 A: My laboratory report.

25 Q: Okay. Can I look at that?

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

1 A: Sure.

2 Q: Okay. That -- that's the same thing that I have here;
3 right?

4 A: That's correct.

5 Q: Okay. So this is your drug report?

6 A: That's correct.

7 Q: And Item 1.2, for example ---

8 A: Mm-hmm.

9 Q: --- a Ziploc bag labeled Number 10 containing a plastic
10 sandwich bag containing green plant material. All right?

11 A: Okay.

12 Q: Now, where do you get the information to put that down
13 here?

14 A: That's my inventory that I conduct on my worksheet once I
15 actually do inventory of ---

16 Q: Right.

17 A: --- the boxes.

18 Q: So you're ---

19 A: So that's my description of it.

20 Q: So you're inventorying the box?

21 A: Yes, sir.

22 Q: You're inventorying the box as you take the marijuana
23 out?

24 A: Yes.

25 Q: But you're inventorying the box as you take the marijuana

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

1 out of the box labeled Item 1?

2 A: That's correct.

3 Q: It's already been labeled Item 1; right?

4 A: That's correct.

5 Q: Okay. So that brings me back to my point.

6 A: Okay.

7 Q: When the boxes come in, Amy puts a sticker, Item 1, Item

8 11 ---

9 A: Mm-hmm.

10 Q: Right?

11 A: Mm-hmm.

12 Q: You take the marijuana out and you say, in Item 1, I've

13 got one Ziploc bag here, I've got another evidence bag, I've

14 got a heat-sealed pouch in here; right?

15 A: Mm-hmm.

16 Q: That doesn't change the hypothetical I was asking you

17 before, because we'd be in the same situation in my

18 hypothetical if that was Item 11 and that was Item 1; right?

19 A: Yes.

20 Q: Okay.

21 A: But ---

22 Q: Because, let's just assume for a second. If this box

23 with the different parcels, right?

24 A: Okay.

25 Q: Item 1 ---

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: Okay.
- 2 Q: If that had been labeled Item 11; right?
- 3 A: Yes.
- 4 Q: Then you would have on here, 11.1, 11.2, 11.3; right?
- 5 A: Hypothetically, yes.
- 6 Q: Okay. So Amy put the labels on the box?
- 7 A: That's correct.
- 8 Q: Amy's not here?
- 9 A: That's correct.
- 10 Q: Okay. How long has Amy worked there?
- 11 A: I'm not sure.
- 12 Q: What is Amy's title?
- 13 A: She's a forensic technician. I'd say over five years.
- 14 Q: Is that kind of like being a pharmacy technician, like a
- 15 helper to the analyst and the lab workers?
- 16 A: I'm not sure what a pharmacy technician does.
- 17 Q: Okay. What does Amy do ---
- 18 A: She ---
- 19 Q: --- other than put the labels on the box?
- 20 A: She's a forensic technician that received all the
- 21 paperwork associated with the case and logged the case in and
- 22 makes sure the chain of custody and information is correct.
- 23 Q: Okay. So it's her job to make sure the chain of custody
- 24 is correct; right?
- 25 A: That's correct.

AGENT ANGIL LANDRUM - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: It's her job to put the right label on the right box;
2 right?

3 A: That's correct.

4 Q: Okay. Not your job? I mean sometimes it could be, but

5 ---

6 A: It's my job to make sure ---

7 Q: --- it could be ---

8 A: --- it's correct.

9 THE COURT: Hold on a minute, ma'am. Ma'am, you let him
10 finish his question ---

11 THE WITNESS: Okay.

12 THE COURT: --- before you answer, and sir, you let her
13 finish her answer before you start ---

14 MR. TRUSLOW: Go ahead. I'm sorry.

15 THE WITNESS: Okay.

16 THE COURT: --- and let me finish before you continue.

17 MR. TRUSLOW: Okay.

18 THE COURT: Now, you may continue, Mr. Truslow, and you
19 may answer the question. Thank you.

20 Q: So sometimes you -- you do do what Amy does?

21 A: Yes, sir.

22 Q: In terms of that? But in this case you didn't do that;
23 Amy did it?

24 A: That's correct.

25 Q: And if Amy put the wrong labels on these boxes ---

AGENT ANGIL LANDRUM - REDIRECT EXAMINATION BY MR. JEPERTINGER

1 A: Okay.

2 Q: --- and this is strictly hypothetical; right?

3 A: Correct.

4 Q: Then Exhibit 12 would have been 7.2 pounds and 11 --
5 under the Exhibit 12 -- Item 11 -- no, Item 1 would have been
6 7.2 pounds and Item 11 would have been 23.08 pounds; correct?

7 A: That's if she had put the label on the correct -- on the
8 incorrect box.

9 Q: Right.

10 MR. TRUSLOW: I have nothing further. Thank you, ma'am.

11 ANGIL LANDRUM: You're welcome.

12 THE COURT: All right. Any redirect?

13 MR. JEPERTINGER: Yes, sir.

14 REDIRECT EXAMINATION

15 BY MR. JEPERTINGER:

16 Q: Ms. Landrum, when you examined these boxes, do you do one
17 at a time?

18 A: Yes, sir.

19 Q: Okay. So when you opened up FedEx -- the FedEx box --
20 unbelievable.

21 (Whereupon, counsel for the State opens both boxes.)

22 MR. JEPERTINGER: I beg the Court's indulgence.

23 Q: When you opened up the FedEx box, you found a huge
24 packaging of marijuana; is that correct?

25 A: That's correct.

AGENT ANGIL LANDRUM - REDIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: All right. When you opened up State's Exhibit 12, you
2 found individual bags of marijuana?

3 A: That's correct.

4 Q: Is there any way that you would confuse individual bags
5 of marijuana with huge packaging of marijuana?

6 A: No, sir, because the inventory sheet is verified when I
7 take the evidence out and do my analysis to make sure that
8 everything is correct.

9 Q: All right. And you did this one at a time; correct?

10 A: That's correct.

11 Q: When you checked the stuff in at SLED with Amy Stephens,
12 were you present when she was doing it?

13 A: Yes, sir, I was.

14 Q: Did you see her put the stickers on the boxes?

15 A: Yes, sir, I did.

16 Q: And then you took -- did you take control of them again?

17 A: Yes, sir, I did.

18 Q: And what did you do with them?

19 A: I then took the evidence upstairs and put it in the drug
20 vault until it was time for me to analyze the case.

21 MR. JEPERTINGER: Thank you. That's all the questions I
22 have.

23 THE COURT: Any recross?

24 RECROSS EXAMINATION

25 BY MR. TRUSLOW:

AGENT ANGIL LANDRUM - RECROSS EXAMINATION BY MR. TRUSLOW

- 1 Q: Do you routinely watch Amy put the labels on the boxes?
- 2 A: Yes, sir, if I'm -- if I currently have custody of the
- 3 evidence, yes.
- 4 Q: Okay. And if that was the case, why wouldn't it be one
- 5 of these situation where you just put the label on the box?
- 6 A: Well, it's -- at that point, it's her job to make sure
- 7 all the chain of custody and paperwork is correct and labeled.
- 8 Make sure the label goes on the correct boxes because there
- 9 were multiple boxes.
- 10 Q: Okay. So if it's her responsibility to make sure the
- 11 label goes on the right box and to make sure the chain of
- 12 custody is correct, why do you need to be standing over her
- 13 and watch her put the label on the box?
- 14 A: Because that's standard operating procedures.
- 15 Q: Okay. Do you -- is that in your policy manual?
- 16 A: I believe it is, yes, sir.
- 17 Q: So you are supposed -- you have any employee who that's
- 18 their job; correct?
- 19 A: Yes, sir.
- 20 Q: You're an analyst of drugs; correct?
- 21 A: That's correct.
- 22 Q: But another job description of yours is to stand next to
- 23 the technician and watch them physically put the label on the
- 24 box?
- 25 A: It's my job to maintain a chain of custody for the

AGENT ANGIL LANDRUM - RECROSS EXAMINATION BY MR. TRUSLOW

1 evidence. So while I'm doing that, I'm able to observe her
2 place the sticker on the box.

3 Q: And you remember, more than a year ago, that you were
4 standing next to her when she put the labels on these two
5 boxes?

6 A: Yes, sir.

7 MR. JEPERTINGER: I think she's answered that. It's been
8 asked and answered several times, Judge.

9 THE COURT: I asked for recross, I'll allow it. Go
10 ahead, Mr. Truslow.

11 Q: How many times since say almost a year and a half have
12 you and Amy put labels on drug boxes? Just approximately,
13 just a ballpark? More than a hundred?

14 A: Probably not.

15 Q: More than fifty?

16 A: Probably about twenty.

17 Q: Okay. How many lab analyses have you done since this
18 case, do you think?

19 A: Thousands.

20 Q: Okay. In the cases that you're talking about where Amy
21 is involved, did you personally observe Amy put the labels on
22 each box?

23 A: Yes, sir, on the box that I took -- took custody of.

24 Q: And is that from memory or do you have any notes
25 regarding that?

AGENT ANGIL LANDRUM - RECROSS EXAMINATION BY MR. TRUSLOW

- 1 A: That's standard protocol.
- 2 Q: Okay.
- 3 MR. TRUSLOW: Court's indulgence, Your Honor.
- 4 THE COURT: Yes, sir.
- 5 Q: Mr. Jeperfinger asked you -- and picked up the FedEx box
6 and said, well, you know when you took it out of the FedEx
7 box, you had one big thing of marijuana; right?
- 8 A: Yes.
- 9 Q: Okay. Again, almost a year and a half ago, do you have
10 any notes reflecting that it was a FedEx box you took the big
11 amount of marijuana out of or is that from memory? Do you
12 specifically remember it being a FedEx box?
- 13 A: I specifically remember it being a box and on that box
14 has the item number that was initially given when the case was
15 brought into SLED when I took it to the login department.
- 16 Q: Okay. Can you testify under oath here today that you
17 specifically remember taking it out of a box with FedEx
18 written on the side?
- 19 A: I can testify here today that I specifically remember
20 taking the evidence out a box labeled L12-02462.
- 21 Q: Okay. And I have to ask you again because I think you
22 didn't answer. Do you specifically remember taking that drug
23 -- taking the big amount of marijuana out of a box that had
24 FedEx written on the side?
- 25 A: I'd have to look at the box, but not specifically. No.

INVESTIGATOR GARY LEWIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 MR. TRUSLOW: Thank you.

2 THE COURT: All right, ma'am, you may step down. Thank
3 you.

4 (Whereupon, the witness leaves the stand at 10:11 a.m.)

5 MR. JEPERTINGER: I'd ask if Special Agent Landrum may be
6 excused.

7 THE COURT: Any objection?

8 MR. TRUSLOW: No objection.

9 THE COURT: Without objection, you are excused, have no
10 further responsibilities under your subpoena. You're free to
11 go. Thank you for being here.

12 MR. JEPERTINGER: At this time, we would call
13 Investigator Gary Lewis.

14 THE COURT: All right.

15 THE CLERK: Do you swear to tell the truth, the whole
16 truth, and nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated and state your full name for
19 the record.

20 THE WITNESS: Gary Albert Lewis.

21 MR. JEPERTINGER: Okay.

22 INVESTIGATOR GARY LEWIS, being first
23 duly sworn, testifies as follows:

24 DIRECT EXAMINATION

25 BY MR. JEPERTINGER:

INVESTIGATOR GARY LEWIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 Q: Mr. Lewis, where do you work?
- 2 A: Florence County Sheriff's Office.
- 3 Q: And how long have you worked for the Florence County
- 4 Sheriff's Office?
- 5 A: Twenty-seven years.
- 6 Q: Okay. And what are your current responsibilities at the
- 7 Sheriff's Office?
- 8 A: I work narcotics, I work a drug K-9, and I also do
- 9 package interdiction, and I also work gangs, street gangs and
- 10 motorcycle gangs.
- 11 Q: Okay. How long have you worked in the K-9 unit?
- 12 A: I've had a K-9 for eighteen years.
- 13 Q: Have you had any special training in terms of dog
- 14 handling?
- 15 A: My first dog, I went to a training course that was 400
- 16 hours long. This is -- the dog that we're going to be talking
- 17 about today, this is my fourth K-9 that I've worked since I've
- 18 been with the department.
- 19 Q: All right. And ---
- 20 A: Correction, third dog.
- 21 Q: All right. And were you called out to a [REDACTED] Road
- 22 address here in Florence County?
- 23 A: I was.
- 24 Q: Okay. And who called you to be there?
- 25 A: I got a call from Dennis Tracy. We've worked on package

INVESTIGATOR GARY LEWIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 interdiction before and he called me to let me know that they
2 had a package coming in to Florence County and that SLED would
3 be coming down to intercept this package.

4 Q: All right. And where did -- where did you go? Did you
5 meet up with the SLED agents anywhere before you went to [REDACTED]
6 Road?

7 A: We met at our office in Effingham. We had a briefing as
8 to what was going on. They already had the package with them.
9 I accompanied Special Agent Hinson and Detective Tracy to the
10 magistrate in Effingham to get the anticipatory search warrant
11 signed.

12 Q: All right. And then what happened?

13 A: We went to [REDACTED] Road and Detective Tracy delivered the
14 package. We were -- I was in a surveillance position where I
15 could not see the house. I waited until they gave the command
16 to respond to the house. I was -- I was like the fifth --
17 sixth vehicle there. I went to the front door, then
18 eventually made my way around to the back where they had two
19 people in custody.

20 Q: Okay. Let me ask you: did you have your K-9 with you
21 when you went up to the door initially?

22 A: No, I did not. I left her in the vehicle.

23 Q: Okay. And the individuals were in custody already?

24 A: When I went around back, yes, sir.

25 Q: Okay. They were being detained; correct?

INVESTIGATOR GARY LEWIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 A: That's -- that's right. They were in handcuffs.
- 2 Q: All right. At that point, what did you do?
- 3 A: At that point, I assisted the SLED agents in whatever
- 4 they needed done. It was a SLED agent case so the Sheriff's
- 5 Office personnel was there to assist them in searching or
- 6 wherever they needed. Shortly after we got there -- well, it
- 7 wasn't shortly. It was a little while. We -- I was
- 8 approached by Special Agent Hinson to -- he asked me if I
- 9 would run my dog on the four vehicles that were in the
- 10 backyard. I did so. I ran my K-9, Libby, on the vehicles in
- 11 the backyard.
- 12 Q: Okay. And did Libby hit on anything?
- 13 A: We did a free air scent search on all the vehicles in the
- 14 backyard. She alerted on two of the vehicles. One, there was
- 15 no tag on the vehicle. It was a Chevrolet Tahoe, lime green
- 16 in color. There was nothing found in this vehicle. The
- 17 second vehicle she alerted on was a Chevrolet Impala, black in
- 18 color. The tag number on it was foxtrot, bravo, golf, [REDACTED].
- 19 She alerted to the seam between the driver's door and the
- 20 passenger door. She also alerted to the seam at the back of
- 21 the passenger door on the driver's side.
- 22 Q: All right. And did you tell the agents what your dog did
- 23 as in terms of the Chevy Tahoe first?
- 24 A: Correct.
- 25 Q: Okay. And what did they do in response to the Chevy

INVESTIGATOR GARY LEWIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Tahoe?

2 A: They searched the Chevy Tahoe. They found nothing in the
3 Chevy Tahoe. They searched the Impala and I was called back
4 to -- with my dog to run the Impala in the trunk area. When I
5 got there, the trunk was open. I presented the trunk to the
6 K-9. The K-9 jumped up. She would not go into the trunk. I
7 tried twice to get her to go in. She wouldn't go in. She put
8 her back -- her front feet on the back bumper and reached her
9 head over and came back out and sat on the ground and stared
10 back at the trunk. What she was trying to reach was a UPS box
11 that was inside of a tire that was in the trunk.

12 Q: Okay. Now, can you tell us what significance the dog
13 doing everything she did, the standing in front but not going
14 in, and staring at it?

15 A: When she alerts, she -- she stares back at wherever she
16 -- she is getting an odor from. The dogs are trained to alert
17 on odor, so she was getting odor from the inside of the trunk.
18 She reached her head out as far as she could because she
19 didn't -- I guess she didn't feel comfortable jumping all the
20 way into the trunk. She reached her head out and was sniffing
21 past the spare tire at two -- at a box that was in the spare
22 tire.

23 Q: Okay. I'm going to show you State's Exhibit 14-B. Is
24 that the trunk of the Chevy Impala we're talking about here?

25 A: That is.

INVESTIGATOR GARY LEWIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: And is that the UPS box that was in the spare tire?

2 A: That is.

3 Q: All right. And I'm also going to show you State's 14-A.

4 Can you tell us what that is?

5 A: That is the UPS box that was opened and contents were
6 taken out. It's a heat-sealed package with carbon paper in
7 it.

8 Q: Okay.

9 MR. JEPERTINGER: Can I have this marked please? What
10 number is this?

11 THE COURT REPORTER: Fifteen.

12 MR. JEPERTINGER: Okay.

13 Q: I'm going to show you State's Exhibit 15 for
14 identification. Can you tell the ladies and gentlemen of the
15 jury what this is, please?

16 A: That appears to be a similar box of -- that was in the --
17 that was found in the trunk.

18 Q: And are -- those objects that you saw at the bottom of
19 14-A, are they present in the ---

20 A: Yes, sir.

21 Q: All right. And who did ---

22 MR. JEPERTINGER: Could I move 15 into evidence, please?

23 THE COURT: Any objection?

24 MR. TRUSLOW: No objection.

25 THE COURT: He's already agreed.

INVESTIGATOR GARY LEWIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 MR. JEPERTINGER: Fifteen is the UPS box.

2 THE COURT: Okay.

3 MR. JEPERTINGER: Okay.

4 THE COURT: Fifteen admitted without objection.

5 MR. JEPERTINGER: All right.

6 Q: Now, what -- what did you do when -- when you noticed
7 your dog was alerting on -- on that box? Who did -- who did
8 you tell?

9 A: I advised Special Agent Hinson. There were a couple of
10 other SLED agents that were already there searching the
11 vehicle. Special Agent Hinson took control of the -- the
12 package.

13 Q: Did you see what was inside the UPS box?

14 A: Yes, sir, I did.

15 Q: And what was inside the UPS box?

16 A: There was U.S. currency. Money.

17 Q: A little bit or a lot?

18 A: There was a substantial amount. Some \$33,020.

19 Q: Were you there when they counted it?

20 A: No, sir, I was not.

21 Q: Okay. You just threw out a figure. How do you know
22 about that figure?

23 A: That's the number that Special Agent Hinson gave me as to
24 what the amount was.

25 MR. JEPERTINGER: All right. That will be all the

INVESTIGATOR GARY LEWIS - CROSS EXAMINATION BY MR. TRUSLOW

1 questions I have. Thank you. Please answer any questions Mr.
2 Truslow has.

3 THE COURT: Cross examination.

4 CROSS EXAMINATION

5 BY MR. TRUSLOW:

6 Q: Whose Impala?

7 A: It came back to a Michael Gamble who lives at [REDACTED]
8 [REDACTED] in Hemingway, South Carolina.

9 Q: Okay. Not registered in Florida?

10 A: No, sir.

11 Q: Okay. And did -- were you there or present when Mr.
12 Shawn Davis gave law enforcement the keys to that vehicle? Do
13 you recall that?

14 A: I do not recall where the keys -- once -- once my K-9
15 alerted to the vehicle, I took her back around to the front.
16 So I did not stay while they searched the vehicle.

17 Q: Did you find anything belonging to Clifford Campbell in
18 the vehicle?

19 A: Not to my knowledge.

20 MR. TRUSLOW: Thank you.

21 THE COURT: Any redirect?

22 MR. JEPERTINGER: No, sir.

23 THE COURT: Sir, you may step down. Thank you.

24 THE WITNESS: Thank you.

25 (Whereupon, the witness leaves the stand at 10:25 a.m.)

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 THE COURT: Your Honor, we would call Special Agent
2 Ronnie Hinson.

3 THE CLERK: Do you swear to tell the truth, the whole
4 truth, and nothing but the truth, so help you God?

5 THE WITNESS: Yes, I do.

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

8 THE WITNESS: Ronnie J. Hinson, Jr.

9 MR. JEPERTINGER: Okay.

10 SPECIAL AGENT RONNIE HINSON, being
11 first duly sworn, testifies as follows:

12 DIRECT EXAMINATION

13 BY MR. JEPERTINGER:

14 Q: Special Agent Hinson, for whom do you work?

15 A: SLED, South Carolina Law Enforcement Division.

16 Q: And how long have you worked for the South Carolina Law
17 Enforcement Division?

18 A: A little over eleven years.

19 Q: Okay. And what are your responsibilities at SLED,
20 please?

21 A: I'm assigned to the narcotics division with a K-9 and I
22 do parcel interdiction inspections.

23 Q: How long have you been assigned to the narcotics division
24 of SLED?

25 A: A little over six years.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: I would take it that you've been involved in several
2 cases ---

3 A: Yes, sir.

4 Q: --- since that time? Do you primarily work for the
5 midlands area of the state?

6 A: Yes, primarily.

7 Q: What alerted you to come to the Pee Dee?

8 A: At the time, current Special Agent Dennis Tracy was --
9 was an investigator with the Lexington County Sheriff's
10 Department specializing in parcel interdiction there. I got a
11 phone call from him telling -- telling me he had information
12 that we had a parcel, a FedEx box coming in to Florence County
13 which possibly contained narcotics.

14 Q: All right. And did you go directly to the FedEx facility
15 here in Florence County?

16 A: Yes. I met with -- with Dennis Tracy in Columbia and we
17 drove separately to the FedEx sort facility in Florence
18 County.

19 Q: All right. And once you got there, what did you do?

20 A: Once we got there, we retrieved the box in question,
21 examined it, its exterior characteristics and the weigh bill
22 on the box to see where it was coming from. At that point, we
23 had -- we had Special Agent Matt Downey with us also with his
24 K-9, Nadia. We set the suspected box up in an array with five
25 or so other FedEx boxes for him to use his K-9 to do a

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 narcotics sniff on the boxes.

2 Q: All right. And did the K-9 hit on any specific box?

3 A: The K-9 did alert to the presence of the odor of
4 narcotics on the -- on the box -- FedEx box in question.

5 Q: And that would be State's Exhibit 4 in this case?

6 A: Correct.

7 Q: All right. At that point, what did you do, Special
8 Agent?

9 A: At that time, Dennis Tracy and I took the box in our
10 possession. We -- we got a search warrant to open the box
11 from Florence County Magistrate Cooper.

12 Q: All right. And once you got that search warrant, what
13 did you do?

14 A: We got the signed search warrant from Magistrate Cooper
15 and -- and we opened the box to examine the contents of the
16 box.

17 Q: Did you open it at the Magistrate's Office or back at the
18 FedEx facility or where did you open it?

19 A: We opened it at the Magistrate's Office.

20 Q: Okay. And when you opened the box, what did you find?

21 A: We found one large bale of green plant material.

22 Q: All right. Did it have this little Styrofoam object on
23 it?

24 A: Yes.

25 Q: All right. And did it have these pink ---

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 A: Peanuts, yeah.
- 2 Q: --- pink ---
- 3 A: Packing peanuts with it.
- 4 Q: Okay. All right. And I take it working narcotics you're
- 5 familiar with marijuana; correct?
- 6 A: Yes.
- 7 Q: And you knew what you were looking at as soon as you
- 8 opened the box?
- 9 A: Yes.
- 10 Q: Okay. So what did you do then?
- 11 A: After we -- after we determined it was -- it was
- 12 marijuana, we -- we sealed the box back up exactly the way it
- 13 was or like the way it was already packaged in order to
- 14 conduct a controlled delivery on the -- with the box to the
- 15 residence it was going to.
- 16 Q: All right. At that point, did you know which address
- 17 this thing was going to?
- 18 A: Yes. The address on the box, which was [REDACTED],
- 19 Florence, South Carolina.
- 20 Q: Now let me ask you, other than having that information,
- 21 did -- did you know the name of Shawn Luron Davis at that
- 22 point?
- 23 A: No.
- 24 Q: How about Clifford Campbell?
- 25 A: No.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: All right. So you didn't know who this box was going to
2 other than the name on the label; is that correct?

3 A: Correct.

4 Q: And the name on the label was J-H-O-N Gibson?

5 A: Correct.

6 Q: All right. And so, what did you do then?

7 A: We -- we assembled our group of officers from Florence
8 County and -- and SLED, and we did a briefing. Well, sorry,
9 I'll back up. We -- we got information. I think we had a
10 Florence County ride by the house -- the address that it was
11 going to in order for us to gain a -- to get an anticipatory
12 search warrant for the residence. We got a -- an anticipatory
13 search warrant from Judge Timmons of Florence County signed
14 for the residence and then we -- we regrouped and had a
15 briefing on our activities.

16 Q: Okay. And that anticipatory search warrant that you got
17 not only was for the residence but for other things that you
18 might find there; correct?

19 A: Correct.

20 Q: And what were the other things that you were looking to
21 -- to find?

22 A: I can -- would you like me to read you the description of
23 the property?

24 Q: Yes.

25 A: This is on any records, paper, or electronic showing the

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 involvement in the importation of controlled substances. Any
2 computer, digital media related to controlled substances.
3 Tracking numbers, previous shipping labels, packing materials
4 and boxes in the residence, large amounts of currency
5 consistent with narcotic sales, cellular phones, palm pilot
6 style devices containing contact information for source areas,
7 any other items of contraband located in the pursuit to find
8 the above listed items and FedEx parcel or tracking number 5-
9 3-9-3-2-5-6-1-5-0-9-9-8-5-8.
- 10 Q: Okay. And -- and when you read -- when you just read
11 that tracking number, had you already conducted a tracking
12 search on that number?
- 13 A: Yes. We searched the tracking information using that
14 tracking number on FedEx's website on the internet.
- 15 Q: All right. So at -- at that point, you knew the point of
16 origin was Phoenix; correct?
- 17 A: Correct.
- 18 Q: All right. And not California as listed on the box?
- 19 A: Correct.
- 20 Q: All right. So after getting the anticipatory search
21 warrant and wanting to look for all the things that you just
22 read out, what -- what did you do?
- 23 A: Since I was the case agent, I sort of -- I assembled
24 everybody ---
- 25 Q: Explain that term. Excuse me, I'm just going to stop

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 you. Explain case agent?

2 A: Okay. The way we do things at SLED when we get a -- when
3 we get a case brought to us or as in this case, Agent Tracy
4 called us with the with this box coming in, we pretty much
5 assign a case agent who oversees the whole case, does the
6 search warrants, the arrest warrants, the investigative
7 reports; surveillance reports and that -- and the whole case
8 is assigned to a certain agent. So this case was assigned to
9 me and I was entrusted in getting all the warrants, doing --
10 doing the ops plan if needed. We didn't do an ops plan on
11 this, but setting up the briefing and setting up everything
12 and how we wanted people to surveil the residence and things
13 of that such in the investigation..

14 Q: Would it be a correct definition to say you were in
15 charge?

16 A: Yes.

17 Q: Okay. All right. And once -- I'm sorry I interrupted
18 you. After you got the anticipatory search warrant, you're
19 the case agent and you assembled the team; correct?

20 A: Yeah. We assembled SLED agents along with Florence
21 County Sheriff's Department. We had a briefing and Dennis --
22 Agent Dennis Tracy was the undercover FedEx driver in the
23 white van who was going to take the box to the residence to
24 deliver it and before he got there we had surveillance units
25 in the area, some not seen -- not able to see the house

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 because it was sort of a hard surveillance to do. Some we had
2 were able to watch the residence and watch the actual delivery
3 take place.

4 Once we had our briefing, we broke up, sent the pre-
5 surveillance units out to go ahead and sit their locations.

6 Once we got everybody in their locations to surveil, we -- we
7 told Dennis -- I gave Dennis -- Agent Dennis Tracy the go
8 ahead to go ahead and head towards the direction of the house
9 for the delivery.

10 Q: Okay. After you gave him the -- that direction, Special
11 Agent Hinson, what -- what happened then? What did you do?

12 A: We had everybody in place surveillance-wise. Agent Tracy
13 went en route to the -- to the residence at [REDACTED] --
14 [REDACTED]. He was -- he backed into the residence with this
15 -- with this white van, took the package to the front door,
16 knocked on the front door, no answer. As he was coming off
17 the steps on the front door, a black male met him in the front
18 of the -- in the front yard of the residence and received the
19 box from Dennis Tracy.

20 Q: And you've identified that black male that received that
21 package as who?

22 A: As Shawn Davis.

23 Q: All right. At that point, could you see the back of the
24 trailer from your vantage point?

25 A: No. We were -- there was a lot of woods in the back of

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 the trailer and nobody had -- nobody had visual on the back of
2 the trailer.

3 Q: All right. Could you tell if anyone was inside the
4 house?

5 A: No.

6 Q: Could you tell if anyone came from the back of the house?
7 I mean leaving -- leaving the house from the back a better way
8 to put it?

9 A: I'm not sure whether they saw Shawn Davis walk from the
10 back around to the front.

11 Q: All right. At this point, what happened? What did you
12 do?

13 A: At this point, we -- Shawn Davis stood outside with the
14 box for a little bit. We allowed -- as customary, we allowed
15 the undercover driver to get out of there and leave. A couple
16 of minutes went by. Well, maybe a minute or so went by. Mr.
17 Davis placed the box on his shoulder, went around the -- I
18 think the right side of the trailer to the back of the house.
19 Our surveillance unit up front lost sight of the box and Mr.
20 Davis. I gave it a minute or so more and then I gave the -- I
21 made the call to all the units via the radio to go ahead and
22 move in on the house.

23 Q: All right. And then what happened?

24 A: Once we -- I was a little later coming in because I was a
25 little away. Once the units got in around to the back of the

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1 house, they took Mr. Davis and Mr. Campbell into custody at
2 the back porch of the residence.

3 Q: Did either of them have the FedEx box with them at that
4 point?

5 A: Not with them at that point.

6 Q: Okay. Did you subsequently find the FedEx box in the
7 house?

8 A: Yes. It's our -- our first -- our first mission, if you
9 want to say it, when we do a search warrant, is for officer
10 safety, we take all subjects and persons in or around the
11 residence into custody or place them into detention in
12 handcuffs, and we go in and we clear the residence of any --
13 any other dangers, whether it be animals or other -- other
14 people inside the house. Soon as you opened up the back door
15 where -- soon as they went in the back door of the -- of the
16 -- of the residence, the box -- the FedEx box that was
17 delivered was -- you could see it the room, one of the
18 bedrooms.

19 Q: Okay. We'll get into that here in a little bit. Do you
20 know who took the box into the residence?

21 A: No.

22 Q: Do you -- so you don't know if Shawn took it into the
23 residence?

24 A: No.

25 Q: You don't know if Clifford took it into the residence?

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1 A: No. We didn't have visual when the box went behind the
2 house.

3 Q: All right. Now, you saw that -- and who had Clifford and
4 Shawn in custody at the point or detained; do you know?

5 A: I'm not sure whether -- it was one of the other fifteen
6 agents. It was either Florence County or SLED. It was
7 probably a combination of both had them detained.

8 Q: Okay. At this point, what did you do after they were
9 detained? I think you were starting to get into going into
10 the house when I interrupted you.

11 A: Yeah. Well -- well, subsequently as soon as they're
12 detained, there's other agents going inside the house,
13 checking the house for safety, for other people or animals or
14 whatnot. Then after we -- after it's cleared ---

15 Q: Was there any -- were there any animals ---

16 A: No.

17 Q: --- or other people in the house?

18 A: Nobody else was found at the house.

19 Q: Okay. Then what happened?

20 A: As soon as everything's cleared, we go in and we start --
21 we -- we initiate the search warrant and start searching for
22 evidence of the -- in the house.

23 Q: Now, let's -- let's stay outside for a little bit. Did
24 you notice any vehicles on the outside of the residence, [REDACTED]

25 [REDACTED] as you ---

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1 A: Yeah, there were -- there were several vehicles in the
2 back -- parked -- parked in the back area of the house.
3 Q: How many? Do you recall?
4 A: Maybe four or so, I'm not ---
5 Q: Okay. And did you search those at first or did you
6 search the house first?
7 A: We searched the house first.
8 Q: Okay. In terms of the vehicles, did any of them have
9 Florida tags on them?
10 A: I don't recall.
11 Q: Okay. All right. Now, when you went in to the house --
12 and if you could step down for just a little bit. I'm going
13 to show you State's Exhibit 3 and I'm going to have you stand
14 on this side so your voice carries that way, please.
15 A: On the other side here?
16 Q: Yes, sir.
17 A: All right.
18 Q: Just keep your voice up. All right. Tell me exactly
19 what you did?
20 A: When I went in, I go into the rear door. We set up --
21 normally, in a search warrant we take a -- usually it's in the
22 kitchen or dining room we have a -- normally, people have a
23 table. We set up our -- all our evidence stuff at the table.
24 We have somebody who describes, rights down all the evidence,
25 so I basically went in and set up all my stuff right there at

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1 the kitchen area.

2 Q: By the way, have you had a chance to -- while they're
3 describing, are you having -- and you've have a chance to
4 review what -- where things have been found, so on and so
5 forth; correct?

6 A: Yes. Since I'm the case agent, our normal operations are
7 we have different people searching each area of the trailer.
8 When somebody finds something of evidentiary value, I go in.
9 I have somebody take a picture photo of it where it lays. I
10 collect the evidence and bring it back to my central location.
11 Whenever I bring it back, I have somebody writing on the back
12 of the search warrant or on the search warrant where it was
13 found and what it is.

14 Q: Okay. Let's start off sequentially I guess. In terms of
15 the master bedroom, what did you find or what did someone find
16 there and -- if anything, and was that reported to you?

17 A: Yes. Can I get my notes?

18 Q: Yes, sir. Please, by all means.

19 A: Okay. In the master bedroom, there was a sum of U.S.
20 currency found in the master bedroom along with multiple
21 plastic bags of green plant material.

22 Q: Okay. Give me one second, please. The -- the green
23 plant-like material, would that have been what is in State's
24 Exhibit 12?

25 A: Yes.

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1 Q: And I'm going to show you what's in evidence as 11-H and
2 11-G. Is that the objects we're talking about?
3 A: Yes, sir.
4 Q: Correct?
5 A: Yes, sir.
6 Q: And that's all in State's 12; correct?
7 A: Correct.
8 Q: And I'm also going to show you 11-A. Can you tell the
9 ladies and gentlemen of the jury and show it to them what that
10 is, please?
11 A: Yeah. This is a bag of green plant material consistent
12 with marijuana and a small handgun with handgun ammunition.
13 Q: Okay. And in terms of that, did you find many firearms
14 throughout ---
15 A: Yes.
16 Q: --- the house ---
17 A: Yes.
18 Q: --- in different locations?
19 A: In different locations.
20 Q: Okay. I'm going to show you 11-B.
21 A: That's the same picture. That's -- that's as it was
22 found. Marijuana on top of the handgun. The other picture
23 was just where the marijuana was moved right after this
24 picture was taken to show the handgun.
25 Q: All right. 11-C?

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1 A: Yeah. That's -- that's more bags of marijuana that were
2 found in a bin with clothes in the -- in the master bedroom.

3 Q: And the other ones here, this would be 11-D.

4 A: 11-D is the same picture. It's an up-close picture of
5 the marijuana and the plastic Ziploc bags.

6 Q: All right. 11-E?

7 A: 11-E is a -- is an overall picture of the master bedroom.

8 THE COURT: Mr. Hinson, make sure that those jurors that
9 are seated behind you can see.

10 THE WITNESS: Yes, sir. Sorry.

11 A: It's an overall picture of the master bedroom.

12 Q: And I will show you 11-F.

13 A: And 11-F is just a closer -- closer up picture of the
14 marijuana that was found in the master bedroom.

15 Q: All right. Let us next go to the -- the closet, that's
16 part of the master bedroom; right?

17 A: Yes, yes.

18 Q: All right. All right. The next thing was that first
19 bathroom and I'm showing you State's Exhibit 3. Was there
20 anything of significance found in that bathroom?

21 A: No.

22 Q: Okay. Bedroom number three.

23 A: Bedroom number three is where the FedEx box that was
24 delivered was placed. It was like their weight room. It was
25 placed on the weight bench thing.

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- 1 Q: Okay. I'm going to have you go through 10 -- 10-F.
- 2 A: Describe it?
- 3 Q: Yes, sir, please.
- 4 A: 10-F is the actual box that we delivered that was placed
- 5 on the weight bench in bedroom three. This is a just a --
- 6 this is a closer up view of the box that was delivered to the
- 7 residence that was placed in bedroom three.
- 8 THE COURT: What exhibit is that?
- 9 MR. JEPERTINGER: I'm sorry, Judge. It's 10-E.
- 10 THE WITNESS: Exhibit 10-E.
- 11 THE COURT: Thank you.
- 12 Q: Now, I'm going to show you 10-A, 10-B, 10-C and 10-D, and
- 13 if you could, explain those to the jury, please?
- 14 A: 10-A is again the box on the weight bench in bedroom
- 15 three that we delivered. 10-B is another closer up view of
- 16 the FedEx box that was delivered and placed on the weight
- 17 bench in bedroom three. 10-C is yet another picture of the
- 18 box on the weight bench in bedroom three -- of the box -- of
- 19 the FedEx box that we delivered to the residence. And 10-D is
- 20 another picture of the FedEx box on the weight bench.
- 21 Q: All right. Now, did you retrieve this box?
- 22 A: Yes.
- 23 Q: Okay. And that box is the same box that we see in
- 24 State's Exhibit 4?
- 25 A: Yes.

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1 Q: Okay. Once you got that box, what did you physically do
2 with that box?

3 A: Once I got the box, I placed it with the rest of the
4 evidence that I recovered at the residence. Once we gathered
5 all the evidence up, it stays in my custody. We eventually
6 opened the box all the way, took the bale of marijuana out,
7 and photoed [verbatim] it.

8 Q: All right. And did you put it back in that box?

9 A: I put it back in the same FedEx box that it was delivered
10 in.

11 Q: With the same covering?

12 A: Yes.

13 Q: And the -- and the pink peanuts?

14 A: Correct.

15 Q: And what did you do with State's Exhibit 4 at that point?

16 A: After -- after we repackaged it, after we photoed
17 [verbatim] it, I sealed it back up with the evidence tape,
18 SLED evidence tape, initialed it with my initials and the
19 date, and then later on that evening I turned it over to Agent
20 Landrum and SLED evidence.

21 MR. JEPERTINGER: At this time, I would move State's
22 Exhibit 4 into evidence.

23 THE COURT: Any objection?

24 MR. TRUSLOW: No objection.

25 THE COURT: Without objection, State's Exhibit Number 4

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1 is admitted into evidence.

2 Q: All right. Now, let us go to -- was that the only thing
3 of significance that you found in bedroom three?

4 A: Yes.

5 Q: Okay. Let's go to the kitchen area. Did you find
6 anything of significance in the kitchen?

7 A: Yes.

8 Q: Can you tell me what you found in the kitchen?

9 A: We found a digital scale.

10 Q: I'm going to show you State's Exhibit 6. Is that what
11 we're talking about?

12 A: Yes.

13 Q: All right.

14 A: Exhibit 6 is a digital scale that was found inside the
15 kitchen. Also along with Rival vacuum sealer rolls, vacuum
16 sealer bags.

17 Q: Now, the objects that were found in the master bedroom,
18 did they look like they had vacuum sealed?

19 A: Yes.

20 Q: All right. I'm going to show you State's Exhibit 7.
21 Could you tell us what that is?

22 A: That's a bag of green plant material consistent with
23 marijuana that was found in a -- looks to be like a wooden
24 bread box in the kitchen.

25 Q: All right. I'm going to show you State's Exhibit 5. Can

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1 you identify that?

2 A: Yes. This is a another older parcel UPS box that was
3 found inside the kitchen that had similarities in wrapping and
4 stuff of a bale of marijuana of being in there.

5 Q: All right. Was there anything else of any significance
6 in the kitchen in terms of marijuana?

7 A: No.

8 Q: All right. Any -- any other items, a vacuum sealer, so
9 on and so forth?

10 A: Yeah, I'm sorry. One Rival vacuum -- one food saver
11 vacuum sealer system was found inside in the kitchen.

12 Q: All right. Now, the front door/den area, is there
13 anything there that was of any significance?

14 A: No.

15 Q: Okay. Anything down the hallway?

16 A: Nothing in the hallway.

17 Q: Was there anything in the bedroom dealing with marijuana?
18 Bedroom two?

19 A: No.

20 Q: All right. Anything in this small bathroom?

21 A: No.

22 Q: Okay. And in bedroom four, anything dealing with
23 marijuana?

24 A: Nothing.

25 Q: All right. So the marijuana that you would have

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1 retrieved would have been in the master bedroom?

2 A: Correct.

3 Q: In bedroom three?

4 A: Yes.

5 Q: And that would be the FedEx box which is State's Exhibit
6 4 now in evidence; correct?

7 A: Yes.

8 Q: And that marijuana that was in the breadbox?

9 A: Yes.

10 Q: In the kitchen?

11 A: Yes.

12 Q: Okay. Now, in terms of the marijuana that was in the
13 kitchen and in the master bedroom, what did you do with those
14 items?

15 A: I boxed all that marijuana up into a box after we photoed
16 [verbatim] it. Sealed it with evidence tape, signed it with
17 my initials and dated it, secured it, and turned it back over
18 to Angil Landrum at SLED -- at SLED lab.

19 Q: Would this all be the items in State's Exhibit 12?

20 A: Yes.

21 Q: All right.

22 MR. JEPERTINGER: At this point, Your Honor, I would move
23 State's Exhibit 12 into evidence.

24 THE COURT: Any objection?

25 MR. TRUSLOW: No objection.

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1 THE COURT: State's Exhibit 12 admitted into evidence
2 without objection.

3 Q: Now, in terms of the currency that you found in the
4 master bedroom, do you know how much currency you found in the
5 master bedroom?

6 A: Approximate -- approximately \$4,000.

7 Q: All right. And you took photos of that; correct?

8 A: Yes.

9 Q: All right. Now, after you people were searching that and
10 trying to find what they could find, I know you found a -- one
11 revolve -- well, pistol in this master bedroom?

12 A: Yes.

13 Q: You found guns throughout the residence?

14 A: Yes.

15 Q: Is that correct?

16 A: Yes, sir.

17 Q: All right. At this point, what did you do after you kind
18 of searched the area for any evidentiary type material?

19 A: After -- after we found all the evidentiary -- all the
20 items with evidentiary value, I took all the evidence into my
21 custody. We went back to the Florence County Sheriff's
22 office. That is where we took the box, the UPS box that was
23 in ---

24 Q: I believe you misunderstood that. I didn't mean to cut
25 you off. Did you do anything with the individuals on the

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1 outside and the vehicles?

2 A: Oh, yeah. Yeah.

3 Q: Okay. Let's go -- because I think you said you searched
4 the house first?

5 A: Yes.

6 Q: And then searched and what you had. So I mean this is
7 not taken five minutes to do; correct?

8 A: No.

9 Q: You were -- you were there a great length of time?

10 A: Yes.

11 Q: Okay. While you're searching that, are these individuals
12 on the outside just being detained?

13 A: Yes.

14 Q: And waiting?

15 A: Yes.

16 Q: Okay. At that point, did you retrieve anything from the
17 individuals?

18 A: Yes. We -- the initial agents or officers that took the
19 individuals into custody found ---

20 MR. TRUSLOW: Objection, Your Honor. I've got a matter
21 of the law at this point.

22 THE COURT: All right. Can y'all approach a minute?

23 (Whereupon, a bench conference is held in the presence of
24 the jury but out of the hearing of the jury as follows.)

25 MR. TRUSLOW: Your Honor, I'm going to object to him

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1 testifying on behalf of the other officers. He said there
2 were twelve or thirteen other officers. One of them had my
3 client in custody. Apparently he's going to testify as to
4 what he thinks or believes they did with my client. Unless he
5 can testify he searched ---

6 THE COURT: It's his personal observations. He can
7 testify.

8 MR. TRUSLOW: But they're not -- well, they're not ---

9 THE COURT: Right?

10 MR. JEPERTINGER: Well, Judge, you know, obviously he got
11 the phones. These are fungible goods. I don't think we have
12 to play ---

13 THE COURT: We're not talking about the goods right now;
14 that's not what you referred to.

15 MR. TRUSLOW: I'm talking about him testifying that my
16 client was searched and something was taken off of him. He
17 has no personal knowledge of that. He did not do that.

18 MR. JEPERTINGER: I think he can testify that an officer
19 gave him the phones.

20 MR. TRUSLOW: Who? How am I able to cross examine that?

21 THE COURT: Is the officer that took the stuff going to
22 testify?

23 MR. JEPERTINGER: We don't know who it is, Judge. I mean
24 it -- he ---

25 MR. TRUSLOW: See and that just allows them to use the

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1 police credibility to say that it happened.

2 MR. JEPERTINGER: But it is a fungible item.

3 THE COURT: It is a fungible item. Right?

4 MR. TRUSLOW: But he is still testifying as to knowledge
5 not in his -- I mean items not in his knowledge and also it is
6 also hearsay. It's got to be hearsay and it's also hearsay
7 from somebody that we don't even know who it is.

8 (Whereupon, the bench conference ends.)

9 THE COURT: All right. Ladies and gentlemen, I'm going
10 to have to ask you to step to the jury room for just a minute.
11 This is probably a good time to take a break anyway now.
12 We've been going about an hour and a half. Do not discuss the
13 case.

14 (Whereupon, the jury exits the courtroom at 10:55 a.m.)

15 THE COURT: All right. Go ahead, Mr. Jepertinger. What
16 was your question again?

17 MR. JEPERTINGER: My question for this officer would have
18 been:

19 PROFFERED DIRECT EXAMINATION

20 BY MR. JEPERTINGER:

21 Q: What did you receive from Shawn -- from the officer that
22 searched Shawn Davis?

23 A: A sum of money was recovered out of his pocket and also
24 -- let me refer to my notes here -- a Verizon Motorola and a
25 Verizon HTC cellular phone was found on Mr. Davis.

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- 1 Q: Okay. Do we know who found that on him?
- 2 A: I'm not ---
- 3 Q: One of your officers? Do you know?
- 4 A: One of the officers that searched him.
- 5 Q: You don't know who?
- 6 A: I don't know who.
- 7 Q: In terms of Clifford -- Clifford Campbell, same
- 8 questions?
- 9 A: A Verizon Samsung cellular phone, a Sprint Samsung
- 10 cellular phone, and an iPod touch were found on Clifford
- 11 Campbell.
- 12 Q: All right. And those items were brought to you?
- 13 A: Yes.
- 14 Q: All right. And at this point, did you look at what was
- 15 on the phones?
- 16 A: Yes. We -- we looked through the phones.
- 17 Q: The ones that belonged to Davis and the ones Campbell
- 18 had?
- 19 A: Both.
- 20 Q: Both?
- 21 A: Both.
- 22 Q: Okay. All right. Was there anything identifying in your
- 23 mind that the phone -- the small Samsung that is in State's
- 24 Exhibit 2 would have been Campbell's?
- 25 A: Yes. On the Samsung cellular phone identifying Mr.

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1 Campbell?

2 Q: Yes. Any photographs, anything?

3 A: Yes. There was four or so pictures of Mr. Campbell on
4 the phone.

5 Q: All right. Anything in terms -- any photos in terms of
6 of Davis's phones?

7 A: I -- if I recall correctly, I think he had some photos of
8 himself and other different photos on his phones.

9 Q: Okay. All right. And obviously, you looked at them and
10 at that -- at that point, you took that into evidence;
11 correct?

12 A: Correct.

13 MR. JEPERTINGER: All right. That would be -- that would
14 be it pretty much.

15 THE COURT: Any cross examination:

16 MR. TRUSLOW: No cross examination, Your Honor.

17 THE COURT: Sir?

18 MR. TRUSLOW: No cross examination on it.

19 THE COURT: All right. I'd be happy to hear from you by
20 way of argument.

21 MR. TRUSLOW: Your Honor, in regards to the officer
22 testifying that he was told or implying that he was told that
23 somebody took a phone or phones from my client when he cannot
24 even -- first of all, it would be testimonial hearsay. It
25 would be an out of court statement offered to prove the truth

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1 of the matter asserted. He is making that statement in the
2 hopes that the jury will believe that the truth is that phones
3 were taken from my client. He did not do that. The only
4 knowledge he would have of that would be if somebody told him
5 that's what they did.

6 Now, at a testimony hearsay, there should not even be an
7 analysis of reliability, only with non-testimony hearsay under
8 Crawford. However, even you try to look at the reliability of
9 it, he cannot even identify who it was that told him that he
10 took phones off of Mr. Davis, what law enforcement agency he
11 was with, what his name is, who he was, what he was doing
12 there. I just think that's just textbook hearsay, Judge.

13 And he's being permitted to make a statement that was
14 made out of court to him by somebody that he can't tell us who
15 told him, which is wholly unreliable. There's no way to test
16 the reliability whatsoever. There's no way to cross examine
17 or confront that statement or that witness, and it's made for
18 the purpose of asserting that that's the truth of the matter
19 he's asserting. It's just hearsay.

20 THE COURT: Mr. Jepertinger?

21 MR. JEPERTINGER: Your Honor, I would say this. That I
22 think he can testify that phones were brought to him and what
23 he found on the phones. I think there will be another witness
24 that will testify that phones were taken off of him and off of
25 him and those weren't his phones and that would be the co-

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1 defendant.

2 MR. TRUSLOW: Well, I ---

3 THE COURT: I think he can certainly testify that phones
4 were brought to him.

5 MR. TRUSLOW: Yes, sir.

6 THE COURT: That what was found on the phones as you
7 said, Mr. Jepertinger. I do have a problem with him
8 testifying -- I mean part of where the phones were recovered,
9 that's the crux of this case in tying this defendant to these
10 drugs.

11 M. JEPERTINGER: I understand and I think the co-
12 defendant will be able to testify when I ask him because he
13 was there.

14 THE COURT: Okay. I will allow him to testify that
15 phones were brought to him and what was found on the phones,
16 but without the person being here to testify that they took
17 the phones off of him, where they got them off of him, I think
18 there's a problem.

19 MR. JEPERTINGER: Judge, I don't think I need the officer
20 if a co-defendant says I had these phones and they took them
21 off of me and they had -- he had phones and they took them off
22 of him and there were only a certain amount of phones
23 delivered to him.

24 THE COURT: I'll cross that bridge when we get there, but
25 I think he can certainly testify what he's testified thus far.

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1 Any objection to that, Mr. Truslow?

2 MR. TRUSLOW: No, sir. My understanding is just the fact
3 that his testimony in regards to the phones were taken from my
4 client. Anything after that, I understand fully that he can
5 testify he had phones brought to him, what was on it.

6 THE COURT: All right.

7 MR. TRUSLOW: That's part of his investigation.

8 THE COURT: Right.

9 MR. TRUSLOW: Thank you.

10 THE COURT: Clear on that, sir?

11 THE WITNESS: Yes, sir.

12 THE COURT: All right. We're going to stand down for a
13 minute.

14 MR. JEPERTINGER: Yes, sir.

15 THE COURT: Sir, you are not allowed to discuss your
16 testimony, but you may step down, Okay?

17 THE WITNESS: Thank you.

18 MR. JEPERTINGER: How long, Judge?

19 THE COURT: Ten or fifteen minutes.

20 MR. JEPERTINGER: Okay.

21 THE COURT: We've haven't had a morning break yet so the
22 jury probably needs it. I need it.

23 (Whereupon, there is a break in the proceedings from
24 11:02 a.m. to 11:19 a.m.)

25 THE BAILIFF: All rise. Order in the court.

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1 THE COURT: Thank you. Be seated, please. All right.

2 Anything from the State before I bring the jury back in?

3 MR. JEPERTINGER: No, sir.

4 THE COURT: Defense counsel?

5 MR. TRUSLOW: No, sir.

6 MR. JEPERTINGER: Your Honor, I would point out that Gary
7 Lewis asked if he could be excused.

8 MR. TRUSLOW: No objection.

9 MR. JEPERTINGER: Thank you. I think he was around the
10 corner.

11 THE COURT: Without objection, he is excused.

12 MR. JEPERTINGER: He was hanging on to the door looking.

13 THE COURT: All right. Bring me the jury, please, ma'am.

14 (Whereupon, the jury enters the courtroom at 11:20 a.m.)

15 THE COURT: All right. Mr. Jepertinger, you may
16 continue.

17 MR. JEPERTINGER: Yes, sir.

18 CONTINUED DIRECT EXAMINATION

19 BY MR. JEPERTINGER:

20 Q: Officer, briefly in terms of the retrieval of evidence in
21 this case, I think you talked about what's in State's Exhibit
22 12, the marijuana, and State's Exhibit 4, the marijuana. Did
23 you retrieve anything else from any other officer?

24 A: Yes. We retrieved several cell phones and other digital
25 devices.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: All right. I'm going to show you State's Exhibit 2. Can
2 you tell us what is in State's Exhibit 2?

3 A: There is one iPod touch, one Verizon Samsung cell phone,
4 and another Sprint Samsung cell phone.

5 Q: All right. Did you look at State's Exhibit 2?

6 A: Yes.

7 Q: Okay. And can you tell us if there was anything of
8 interest to you in your terms of investigation that you might
9 have found on one of those devices?

10 A: Yes. There was on the Verizon Samsung cellular phone.

11 Q: Okay. And can you tell us what you found there, please?

12 A: I found a call.

13 Q: If you could, power the thing up.

14 A: Okay.

15 Q: If you powered it up ---

16 THE COURT: As he's doing that, can the lawyers approach
17 a minute?

18 (Whereupon, a bench conference is held in the presence of
19 the jury but out of the hearing of the jury as follows.)

20 THE COURT: Now, before presenting these things, are they
21 already in evidence?

22 MR. JEPERTINGER: Okay.

23 THE COURT: Before they take them back to the jury room,
24 I'm going to take the battery out of them so they can't power
25 up. They don't need to be powered up back there in the jury

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 room. If they want to power them up, they can come back out
2 in the courtroom.

3 MR. JEPERTINGER: We'll just leave them out here.

4 THE COURT: Okay. Clear enough?

5 MR. TRUSLOW: Yes, sir.

6 THE COURT: Okay.

7 (Whereupon, the bench conference ends.)

8 MR. TRUSLOW: Your Honor, for the record we preserve and
9 renew our objections to the searches, previously made.

10 THE COURT: So noted for the record.

11 Q: Okay. What did you find of evidentiary value on that
12 cell phone?

13 A: I found a dialed call, labeled dialed call -- I'm sorry.
14 I keep cutting it down. Dialed call twenty-two to Phoenix,
15 Arizona, to a number 480 [REDACTED] at 10:20 p.m. on February
16 the 26th, 2012.

17 Q: Okay. That was two days before this incident; correct?

18 A: Correct.

19 Q: Okay. And anything else, sir?

20 A: On the phone itself or phone calls?

21 Q: Phone calls?

22 A: No.

23 Q: All right. How about in terms of photographs in the
24 phone? Did you find any photographs of anyone involved in
25 this case on that particular phone?

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: Yes, I did.

2 Q: All right. Whose picture did you find on that phone?

3 A: Clifford Campbell's.

4 Q: Okay.

5 MR. TRUSLOW: Your Honor, I'm going to object. That
6 would be a question for the jury, if they have some evidence

7 ---

8 THE COURT: Hold on.

9 MR. TRUSLOW: --- to put in ---

10 THE COURT: Hold on. Hold on. Give me the grounds for
11 your objection?

12 MR. TRUSLOW: The grounds for the objection are that he
13 cannot testify whether that's a photograph of Clifford
14 Campbell and not -- that is a question for the jury.

15 THE COURT: Can y'all approach?

16 (Whereupon, a bench conference is held in the presence of
17 the jury but out of the hearing of the jury as follows.)

18 THE COURT: He can testify what he believed it to be. On
19 the other side of that, yeah, you are right. He can testify
20 as to what he believes it to be.

21 MR. TRUSLOW: Yes, sir.

22 THE COURT: That's his opinion.

23 (Whereupon, the bench conference ends.)

24 Q: In terms of that photo, who did you believe that photo to
25 be of?

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 A: Clifford Campbell.
- 2 Q: And is it on the phone?
- 3 A: Yes.
- 4 Q: Okay. And all -- all a person would have to do is search
- 5 the photos; correct?
- 6 A: Correct.
- 7 Q: All right. Was there any photo of Shawn Luron Davis on
- 8 that phone?
- 9 A: No.
- 10 Q: Okay. Thank you. All right. Let's go to the next --
- 11 power it down. The next item -- after those items were
- 12 brought to you -- okay. Let me -- let me just ask you this,
- 13 too. I see two Samsungs and a Pilot. Were any phones
- 14 returned to Shawn Luron Davis?
- 15 A: Yes.
- 16 Q: Okay. And did he accept those phones?
- 17 A: Yes.
- 18 Q: Okay. And what phones were those?
- 19 MR. TRUSLOW: Your Honor?
- 20 A: The Verizon Motorola.
- 21 THE COURT: Hold on.
- 22 MR. TRUSLOW: I cannot -- Mr. Jepertinger's got his back
- 23 turned to me. I could not hear the question.
- 24 MR. JEPERTINGER: I'm sorry.
- 25 THE COURT: Speak up.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: Did -- were any phones returned to Shawn Luron Davis?

2 A: Yes. The Verizon Motorola and the Verizon HTC cellular
3 phones were returned to him.

4 Q: Did he accept them?

5 A: Yes.

6 Q: Did you try to return any of these phones to Shawn Luron
7 Davis?

8 A: No.

9 Q: All right. Was any -- was there anything brought to you
10 in terms of currency from either ---

11 A: Yes.

12 Q: --- Clifford Campbell or Shawn Luron Davis?

13 A: A large sum of money was brought to me from -- that was
14 from -- found on Shawn Luron Davis.

15 Q: Well, wait. Let me ask you, did you find the money ---

16 A: No.

17 Q: --- personally on Shawn Luron Davis?

18 A: No.

19 Q: Okay. So it possibly could have been on Clifford
20 Campbell; could it not?

21 A: It could have.

22 Q: All right. And how much money was brought to you by
23 officers?

24 A: \$8,896.

25 Q: All right. And did you happen to take a photograph of

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 \$8,896?

2 A: Yeah, I think we did. Yes, sir.

3 Q: All right. Let me ask you that. In that regard, I'm
4 going to -- I'm going to show you ---

5 MR. TRUSLOW: Your Honor, may we approach?

6 THE COURT: Yes.

7 (Whereupon, a bench conference is held in the presence of
8 the jury but out of the hearing of the jury as follows.)

9 MR. TRUSLOW: I understand what the prosecution is doing.

10 THE COURT: All right.

11 MR. TRUSLOW: My issue with the search was based upon
12 hearsay. A legal issue.

13 THE COURT: Okay.

14 MR. TRUSLOW: What he just did with the money, they know
15 the search warrant shows that the money came from Mr. Davis.

16 MR. JEPERTINGER: I can't ---

17 MR. TRUSLOW: He knows that.

18 MR. JEPERTINGER: I can't bring that up?

19 MR. TRUSLOW: No. So he is insinuating that the money
20 was on my client. Now, when I brought it up, it had to do
21 with hearsay so it's not a tit for tat. He's doing it to
22 suggest the money was found on my client when everybody knows
23 it wasn't.

24 MR. JEPERTINGER: When he ---

25 MR. TRUSLOW: It was logged in from Davis.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 MR. JEPERTINGER: When his client takes the stand, if he
2 takes the stand, he can say no money was found on him.

3 MR. TRUSLOW: But the prosecution -- the State should not
4 be asking questions that they know not to be true.

5 THE COURT: What did he ask that he knew not to be true?
6 You're right about that.

7 MR. TRUSLOW: That the \$8,000 could have been from Mr.
8 Campbell.

9 THE COURT: He said it was found on Mr. Davis.

10 MR. TRUSLOW: But he said -- but then he asked him, well,
11 if you don't know, it could have been from Campbell, when he
12 knows that it was not. The State has evidence and they have
13 knowledge that it was not found. In fact, they probably kept
14 the money and forfeited it from Davis.

15 THE COURT: You think

16 MR. JEPERTINGER: Yes, they did.

17 MR. TRUSLOW: They did. So the State has concreted
18 knowledge that the money was Davis's. My issue is based on
19 hearsay, not that it's not fair or not true.

20 MR. JEPERTINGER: I can ask him a follow up question.

21 THE COURT: Well, I understand what your -- what your
22 objection is and maybe you shouldn't have asked that question,
23 but he's already -- he's also testified that it was found on
24 Davis according to what he knows.

25 MR. TRUSLOW: See, I ---

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 MR. JEPERTINGER: I'll clear it up.

2 (Whereupon, the bench conference ends.)

3 THE COURT: All right. Go ahead, Mr. Jepertinger.

4 MR. JEPERTINGER: Okay.

5 Q: In terms of the money, even though you retrieved it and
6 officers told you where it came from, it was your firm belief
7 that it was Shawn Davis' money; correct?

8 A: Yes.

9 Q: All right. And, in fact, I guess the federal government
10 forfeited all that money found; correct? Or he forfeited the
11 money?

12 A: Yes.

13 Q: Correct?

14 A: Yes.

15 Q: No question? And Campbell did not?

16 A: Yes.

17 Q: Okay. All right. Very good. Now, on 14-A and 14-B, the
18 photos of the UPS box, and 15, the box itself and its contents

19 ---

20 A: Yes.

21 Q: Was that brought to you?

22 A: Yes.

23 Q: Okay. And did you open it up?

24 A: Yes. We opened it up.

25 Q: And what did you find in that box?

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: Approximately \$33,020 U.S. currency.

2 Q: All right. And I'm going to show you what's not been
3 marked ---

4 MR. JEPERTINGER: But do you have any problem with this?

5 MR. TRUSLOW: No problem, no objection.

6 MR. JEPERTINGER: Okay. I'll just do one.

7 (Whereupon, a color photograph is marked as State's
8 Exhibit Number 16.)

9 Q: I'm going to show you State's Exhibit 16. Can you
10 identify that, please?

11 A: That's the currency that was in the UPS box.

12 THE COURT: Has that already been admitted into evidence?
13 Sixteen?

14 MR. JEPERTINGER: And they have no objection to it, Your
15 Honor.

16 THE COURT: Okay. Without objection, 16 is in evidence.
17 If it's not admitted into evidence first, sir, you don't need
18 to be showing it to a jury ---

19 MR. JEPERTINGER: Yes, sir.

20 THE COURT: --- until it's admitted.

21 A: That's the currency that was in the UPS box along with
22 the other currency that was found at the residence.

23 Q: All right. And was it also inclusive of the money found
24 on -- found on Davis?

25 A: Yes.

AGENT RONNIE HINSON - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: All right. All right. And the total amount taken, was
2 it over \$45,000?

3 A: Yeah, right over \$45,000.

4 Q: All right. All right. Now, after you retrieved that,
5 what did you do?

6 A: After I retrieved all of the evidence, it was all in my
7 custody, and we went back to the Florence County Sheriff's
8 Office and we counted the money and I kept all the evidence in
9 my custody.

10 Q: All right. And did you write a report on this?

11 A: Yes.

12 Q: Okay. Anything else?

13 A: I kept all the evidence in my custody, took it back to
14 Columbia to SLED headquarters to the lab, and turned it over
15 that evening to Angil Landrum in the SLED lab.

16 MR. JEPERTINGER: Okay, very good. Thank you. Please
17 answer any questions Mr. Truslow may have for you.

18 THE COURT: All right. Mr. Truslow, cross examination.

19 CROSS EXAMINATION

20 BY MR. TRUSLOW:

21 Q: Agent, you arrested my client and charged him with what?

22 A: Trafficking in marijuana.

23 Q: We've been talking a lot in this trial about Mr. Davis;
24 the jury hasn't met him yet. You arrested Mr. Davis with
25 what?

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

1 A: Trafficking marijuana and -- let me refer to my notes and
2 get the -- we charged Mr. Davis with trafficking in marijuana,
3 felon in possession of a firearm, and possession of a weapon
4 during a violent crime.

5 Q: Now, the money that was found in the UPS box, that's the
6 same UPS box we heard about before that was in the trunk of
7 the Impala?

8 A: Yes.

9 Q: Okay. And that was the K-9 officer that had testified.
10 Were you here for that?

11 A: Yes, sir.

12 Q: And he gave us a tag number for that; right?

13 A: Yes, sir.

14 Q: Now, you did -- Mr. Jepertinger asked you about a written
15 report and I just want you to glance at it and ask do you
16 recognize this four page report? It says reporting agent
17 Hinson.

18 A: Yes.

19 Q: Is that your report?

20 A: That's my report.

21 Q: Okay. If you would, refer on the back to -- and read
22 Item 28?

23 A: \$33,020 U.S. currency found in the trunk of -- I'm sorry
24 -- found in the trunk of a Chevrolet Impala, South Carolina
25 tag F-B-G- [REDACTED], which belongs to Shawn L. Davis.

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: All right. Thank you. When you testified that when you
2 -- when you guys walked into the house with the search warrant
3 for the trailer, that you could see the FedEx box right away?
4 A: Yes, sir.
5 Q: Okay. But you don't mean to say that you tripped over it
6 or that it was in the kitchen. It was in a bedroom; correct?
7 A: Yes, sir.
8 Q: So you could see through the trailer into another
9 bedroom?
10 A: Yes.
11 Q: Okay. Now, on this diagram -- let me give you your
12 report back.
13 A: I got a copy here.
14 Q: Okay. You testified on direct that you found the money
15 in the master bedroom?
16 A: Yes, sir.
17 Q: Okay. You found Exhibit 12 in the master bedroom?
18 A: Yes.
19 Q: Which was the smaller box with all the separate parcels
20 of marijuana?
21 A: Yes.
22 Q: You found guns and ammo in the master bedroom?
23 A: Yes.
24 Q: Okay. Nothing in the bathroom. The FedEx box was on a
25 bench, a weight bench, in bedroom number -- on here it doesn't

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

- 1 go in order, but this says bedroom three; correct?
- 2 A: Correct.
- 3 Q: And that's why when you come in the rear door, you could
- 4 see it back in the bedroom?
- 5 A: Yes, sir.
- 6 Q: Okay. Bedroom two, you found other drugs?
- 7 A: Yes.
- 8 Q: Okay. Weapons?
- 9 A: Weapons.
- 10 Q: Okay. My client wasn't charged with weapons; right?
- 11 A: No, sir.
- 12 Q: What happened with Mr. Davis's case? If you know?
- 13 A: The feds -- the federal authorities adopted his case.
- 14 Q: Okay. And did you learn of the fact he was involved in
- 15 an ongoing drug conspiracy?
- 16 A: Yes, sir.
- 17 Q: Okay. And did you learn that he was involved in an
- 18 ongoing drug conspiracy involving cocaine and crack cocaine?
- 19 A: Yes.
- 20 Q: Did you learn that he was indicted for those offenses?
- 21 A: Yes.
- 22 Q: Did you learn that he was also indicted for firearms?
- 23 A: Yes.
- 24 Q: Where is he today, if you know?
- 25 A: He's in federal prison.

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

- 1 Q: Okay. Did you go to his federal sentencing?
- 2 A: No.
- 3 Q: So the \$33,000 was found in the Impala trunk?
- 4 A: Yes.
- 5 Q: Which was Davis' vehicle? The \$8,000 was found from
- 6 Davis; correct? Is there any other money besides those two
- 7 figures?
- 8 A: Yeah, the 4,000 was found in the master bedroom.
- 9 Q: Okay. Back again in the master bedroom?
- 10 A: Yes.
- 11 Q: So 33,000 in Mr. Davis' trunk, 8,000 on Mr. Davis, 4,000
- 12 in the master bedroom with guns and drugs. Now, in regards to
- 13 drugs other than marijuana, crack or cocaine, any in the
- 14 master bedroom?
- 15 A: No.
- 16 Q: Any in bedroom three?
- 17 A: No.
- 18 Q: Any in bedroom two?
- 19 A: Yes.
- 20 Q: Where in bedroom two was that stuff located? And I'll
- 21 give you time to ---
- 22 A: Yes, sir. In the dresser drawer.
- 23 Q: Okay. In a dresser?
- 24 A: In bedroom two.
- 25 Q: So it's in bedroom two and it's not in plain view?

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

1 A: No.

2 Q: Now, you set up in the kitchen to have the agents that
3 are searching bring you items, tell you where they were found,
4 and then you have somebody helping you log where they were
5 found?

6 A: Yes.

7 Q: That's how you were keeping up with everything?

8 A: Correct.

9 Q: Somebody testified -- and you've been here for the whole
10 trial -- that there was maybe thirteen or fourteen officers;
11 is that accurate?

12 A: That's about right, fourteen or fifteen, somewhere
13 around.

14 Q: Okay. So you got a number -- you've got officers
15 searching this house and I would imagine a steady array of
16 officers bringing in stuff and setting it in the kitchen?

17 A: Yes.

18 Q: Okay. So is it possible that anything that was in the
19 kitchen -- that you say was found in the kitchen was actually
20 brought into the kitchen by one of these fourteen officers?

21 A: No.

22 Q: It's not possible?

23 A: No. Everything -- the way we do things, when you find
24 something, you call the photographer, whoever that day is
25 scheduled or assigned to take pictures.

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

- 1 Q: Mm-hmm.
- 2 A: It's photographed in place at that -- at the place where
3 it's found.
- 4 Q: And then brought to the ---
- 5 A: And then it's according to the officer really, but it's
6 either brought to the place where we're doing all the
7 paperwork or -- or the evidence custodian would go pick it up
8 from where it was at.
- 9 Q: Okay.
- 10 A: You know it was either or I mean.
- 11 Q: The breadbox picture has marijuana in it?
- 12 A: Correct.
- 13 Q: Do you know if he testified to any degree of certainty
14 whether the breadbox was opened by officers or was it already
15 open?
- 16 A: I can't testify to whether it was open.
- 17 Q: So it could have been closed?
- 18 A: It could have been.
- 19 Q: And not in plain view?
- 20 A: It could have been.
- 21 Q: So that could have not been in plain view in the kitchen
22 and the drugs in bedroom two were in a dresser ---
- 23 A: Correct.
- 24 Q: --- drawer? Now, let me ask you about bedroom four.
- 25 A: Yes, sir.

AGENT RONNIE HINSON - CROSS EXAMINATION BY MR. TRUSLOW

- 1 Q: And just for clarity's sake, let's call this the guest
2 bedroom.
- 3 A: Mm-hmm.
- 4 Q: Did you find anything in bedroom four?
- 5 A: Nothing at all.
- 6 Q: Not a thing?
- 7 A: No, sir.
- 8 Q: Do you recall whether you found an overnight bag?
- 9 A: I don't recall anything ---
- 10 Q: Okay.
- 11 A: --- in bedroom four.
- 12 Q: Do you recall who ultimately received the 33,000, 8,000,
13 and \$4,000? Which -- which government?
- 14 A: It's -- we have it. SLED has it.
- 15 Q: Okay.
- 16 A: It's in ---
- 17 Q: Was there -- so the federal government didn't seize that?
- 18 A: No. We seized -- I seized that.
- 19 Q: Okay. Have you -- have you completed the forfeiture
20 process with that money?
- 21 A: Yes. The -- the Attorney General has it right now.
- 22 Q: Okay. And did Mr. Davis consent to that or did he fight
23 that?
- 24 A: He consented to it.
- 25 Q: Okay. So he gave you the money?

AGENT RONNIE HINSON - REDIRECT EXAMINATION BY MR. JEPERTINGER

1 A: Yes.

2 MR. TRUSLOW: That's all I've got, Your Honor.

3 THE COURT: Any redirect?

4 REDIRECT EXAMINATION

5 BY MR. JEPERTINGER:

6 Q: When you -- when your officers searched the house, were
7 you concerned about clothing or suitcases or anything of that
8 nature?

9 A: No. In a -- no. I mean in a normal -- in a -- in a
10 search warrant search, you open everything and look through
11 everything. So I wasn't -- we weren't concerned about a
12 suitcase or just looking in it. If there was anything of
13 evidentiary value, then we definitely would be concerned with
14 it.

15 Q: Right. So if -- if there were clothing items there in
16 bedroom four or overnight bag or suitcase, would that have
17 raised any red flags in your mind?

18 A: No.

19 Q: Okay. Would you have listed it?

20 A: No. We wouldn't have taken that.

21 Q: Okay. You would not have listed it in the report of
22 things that you've taken?

23 A: No, I wouldn't have. The only thing we list on the
24 report is the things that we seize from the residence of
25 evidentiary value.

AGENT RONNIE HINSON - RECROSS EXAMINATION BY MR. TRUSLOW

1 Q: Okay. Do you all look in the refrigerator?

2 A: Yes.

3 Q: Did you mark down if there was any food in the
4 refrigerator in your report?

5 A: No.

6 Q: Okay. Would you expect that to be found in a house?

7 A: Yes. Food? Yes.

8 Q: And clothing?

9 A: Yes.

10 MR. JEPERTINGER: All right. Thank you.

11 RECROSS EXAMINATION

12 BY MR. TRUSLOW:

13 Q: So if there had been an overnight bag in bedroom four,
14 it would have been searched. If there's no contraband, that
15 would have been the end of it?

16 A: Correct.

17 Q: And you feel pretty confident with this many officers in
18 this search on this scale that if there was illegal contraband
19 in bedroom four, it would have been found?

20 A: Yes.

21 Q: And there wasn't?

22 A: Yes, correct.

23 MR. TRUSLOW: Thank you.

24 THE COURT: You may step down.

25 THE WITNESS: Thank you.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 (Whereupon, the witness leaves the stand at 11:44 a.m.)

2 THE COURT: Thank you. Call your next witness.

3 MR. JEPERTINGER: We call Shawn Luron Davis to the stand.

4 THE CLERK: If you will, sir, go to the witness stand.

5 Place your left hand on the Bible and raise your right hand as
6 much as you can. Do you swear to tell the truth, the whole
7 truth, and nothing but the truth, so help you God?

8 THE WITNESS: Yes. Yes, ma'am.

9 THE CLERK: Please be seated in the witness chair and
10 state your full name for the record.

11 THE WITNESS: Shawn Luron Davis.

12 MR. JEPERTINGER: Okay.

13 SHAWN LURON DAVIS, being first duly
14 sworn, testifies as follows:

15 DIRECT EXAMINATION

16 BY MR. JEPERTINGER:

17 Q: Mr. Davis, how old are you?

18 A: Thirty-six.

19 Q: Okay. And you're currently in custody of the Bureau of
20 Prisons; is that correct?

21 A: Yes, sir.

22 Q: Okay. We're going to talk about that here in a little
23 bit. Are you married?

24 A: No, sir.

25 Q: Do you -- lack of better terms, do you have a live-in I

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 guess?

2 A: Yes, sir.

3 Q: Okay. Is she the mother of any of your children?

4 A: Yes, sir.

5 Q: Okay. How long have y'all been together?

6 A: Eight -- nine years now.

7 Q: Okay. And how many children do you have?

8 A: I got three kids, but me and her have two.

9 Q: Excuse me?

10 A: I said I got three kids, but me and her have two.

11 Q: Okay. Does the third one also live with you or does he
12 -- he or she live with their mother?

13 A: She's living with her mother. She comes to me -- well,
14 she used to come to me on the weekend.

15 Q: Okay. Now, Shawn, did -- what type of work did you do
16 prior to getting involved with the drug business?

17 A: What type of work I did?

18 Q: Yeah. What -- were you a welder? What did you do?

19 A: Yeah. I was a certified welder, auto mechanic, brick
20 mason, you know, but I started -- started dealing in drugs.

21 Q: Okay. And did you -- where did you live? What was your
22 address?

23 A: [REDACTED].

24 Q: [REDACTED]. Is that near Howe Springs Road?

25 A: Yes, sir.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 Q: Okay. And how long have you lived there?
- 2 A: About four or five years.
- 3 Q: All right. Are you familiar with property at [REDACTED]
- 4 [REDACTED] here in Florence County?
- 5 A: Yes, sir.
- 6 Q: Okay. And do you know who that property belongs to?
- 7 A: Yes, sir.
- 8 Q: Can you tell the ladies and gentlemen of the jury who
- 9 that property belongs to?
- 10 A: Molita.
- 11 Q: Molita?
- 12 A: Yes, sir.
- 13 Q: Is her last name Gibson?
- 14 A: Yes.
- 15 Q: All right.
- 16 MR. TRUSLOW: Objection, Your Honor. He's leading the
- 17 witness.
- 18 MR. JEPERTINGER: I did lead and I'm sorry.
- 19 THE COURT: Objection sustained.
- 20 Q: And what was her name?
- 21 A: Molita Gibson.
- 22 Q: Thank you. And did she live full-time at [REDACTED]
- 23 [REDACTED]?
- 24 A: No, sir. She had a place in Conway, South Carolina.
- 25 Molita was a girlfriend of mine, my ex-girlfriend.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 Q: So where was she staying at in -- I'll take us to
2 February of 2012? Was she living in Conway?
- 3 A: Yes.
- 4 Q: Now, how long has it been since you started drug -- the
5 drug business I guess?
- 6 A: I was selling drugs quite some time. I was selling drugs
7 a while. I was selling drugs a while.
- 8 Q: Back in the 1990's?
- 9 A: No, probably about 2000.
- 10 Q: Okay. 2000.
- 11 A: Uh-huh.
- 12 Q: All right. Marijuana?
- 13 A: I was selling -- yeah, marijuana.
- 14 Q: What else did you sell?
- 15 A: Crack, cocaine.
- 16 Q: Okay. How did you meet Clifford Campbell?
- 17 A: When -- when I used to go and put money in the bank or
18 something, I didn't want to put money in the bank no more, and
19 Twix and them was saying that they had somebody.
- 20 Q: Let's slow down here. Let's slow down here. You just
21 mentioned a name. The name you said was -- what was his name?
- 22 A: Twix.
- 23 Q: Okay. Does he have a real name?
- 24 A: Antwan Eaddy.
- 25 Q: Okay. And where did -- where was Antwan Eaddy from

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 originally?

2 A: Johnsonville.

3 Q: Where did Antwan Eaddy -- if you know, where's he
4 supposed to be now?

5 A: Arizona, California, Phoenix, somewhere like that. But
6 he -- every time he -- when he talks to me, he always be at
7 different places.

8 MR. TRUSLOW: Objection to anything that Mr.

9 A: He ---

10 THE COURT: Hold on a minute. Go ahead, Mr. Truslow.

11 MR. TRUSLOW: Objection to anything that Mr. Eaddy said
12 or has said in the past.

13 MR. JEPERTINGER: Okay. He hasn't said anything.

14 THE COURT: He hadn't said anything to this point.

15 Objection sustained as to any hearsay. You understand that,
16 Mr. Davis? You can't testify as to what somebody else told
17 you. Okay?

18 THE WITNESS: Okay.

19 THE COURT: However, there are some exceptions and if
20 it's an exception that falls into play, I'll deal with that as
21 well. Okay?

22 THE WITNESS: Yes, sir.

23 MR. JEPERTINGER: Okay.

24 Q: Now, back in 2012 about the time you got busted, where
25 was Antwan Eaddy living?

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1 A: Arizona, I think. I'm not sure. Arizona or Phoenix. I
2 know he was somewhere where he could get the weed -- 300
3 pounds something like that. I know -- I definitely know it
4 wasn't here.

5 Q: All right. Were you in communication with Antwan Eaddy
6 back in 2012?

7 A: Yes, sir.

8 Q: Okay. Who introduced you to Clifford Campbell?

9 A: Antwan Eaddy and another guy, another Jamaican guy. I
10 used to call him Rude Boy. He's the Jamaican guy that used to
11 always be with Antwan Eaddy, and he came down with the other
12 guy, the Jamaican guy.

13 Q: Okay. When you say another Jamaican guy, do you know if
14 Clifford is a Jamaican?

15 A: Definitely, he is.

16 Q: All right.

17 A: Definitely.

18 Q: Okay. And do you know where Clifford was living?

19 A: He told me he used to live in -- I think it's Orlando,
20 Florida, or something like that. I know it's somewhere in
21 Florida he say he was living at.

22 Q: Okay. And how many years was it before you got busted on
23 February 28, 2012, that you had met Clifford Campbell?

24 A: He came in to play -- like I said, he came in to play
25 probably about a month to three months before everything had

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 happened.

2 Q: But when did you first meet him?

3 A: About a month -- three months before everything had

4 happened.

5 Q: Did you ever meet him two years before?

6 MR. TRUSLOW: Objection, Your Honor.

7 A: No.

8 THE COURT: Objection, hold on. If he objects, let me

9 rule on it before you answer. Okay, Mr. Davis? Objection

10 sustained.

11 MR. JEPERTINGER: Okay.

12 Q: All right. Now, in your -- were you receiving marijuana

13 from Antwan Eaddy?

14 A: Yes, sir.

15 Q: Okay. And how much were you -- how much did the

16 marijuana cost?

17 A: I was paying him \$1,000 a pound.

18 Q: Okay. You were telling us that Clifford Campbell came

19 into the picture a month or two before you were busted?

20 A: He came in the picture as to stay -- to be staying with

21 me to oversee the weed to help with the deals.

22 Q: Okay. Where did you meet -- where did you first meet

23 Clifford Campbell?

24 A: We had met at a parking lot next the mall.

25 Q: By the mall I guess because that's where ---

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 A: Exactly.
- 2 Q: All right. And was he by himself or by -- with someone
3 else?
- 4 A: No. He was with Rude Boy.
- 5 Q: Does he have a name?
- 6 A: I don't remember his name. I used to call him Rude Boy.
7 But Clifford know who. Clifford know the guy.
- 8 Q: Okay.
- 9 A: Because that's who he was with.
- 10 Q: Okay. Was he a Jamaican as well?
- 11 A: Yes, sir.
- 12 Q: Okay. And from the mall, where did you'll go?
- 13 A: To [REDACTED].
- 14 Q: Okay. Who was driving? Did -- did they -- they come up
15 in a car?
- 16 A: A truck.
- 17 Q: A truck?
- 18 A: Mm-hmm.
- 19 Q: Who was driving the truck?
- 20 A: Rude Boy was driving the truck; Clifford was on the
21 passenger side.
- 22 Q: Okay. And they drove -- did they follow you to 4751
23 [REDACTED] Road?
- 24 A: Yes, sir.
- 25 Q: When you got there, what happened with Rude Boy?

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- 1 A: He stayed probably a day, but he stayed at a hotel, and
2 me and Clifford days later went to Columbia to pick up the
3 truck. He told Clifford where the truck was; then we went
4 days later to pick up the truck.
- 5 Q: Wait a minute. I thought he drove to [REDACTED] in a
6 truck?
- 7 A: Yeah.
- 8 Q: How did ---
- 9 A: He left. You asked me what happened with Rude boy;
10 right?
- 11 Q: Yeah.
- 12 A: Rude Boy stayed in a hotel probably about a day or so.
13 Then he left and went to Columbia and catch a flight out, and
14 me and Clifford went and picked up the truck from Columbia.
- 15 Q: Okay. How did you and Clifford get to Columbia?
- 16 A: I had a female friend of mine had picked us up from off
17 [REDACTED] and carry us up there.
- 18 Q: All right. And where did you pick up the truck?
- 19 A: From the airport.
- 20 Q: Okay. And who -- what did you do with that truck that
21 you picked up at the airport?
- 22 A: We drove -- I drove the truck back. I drove. Clifford
23 was on the passenger side. We drove the truck back to [REDACTED]
24 [REDACTED]. He called somebody from Georgetown to come pick the
25 truck up and the guy came from Georgetown to pick the truck

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1 up.

2 Q: How long did that guy from Georgetown stay at the [REDACTED]
3 [REDACTED] residence?

4 A: Just in and out. He came in and speak to us or whatever,
5 then got in the truck and left.

6 Q: All right. And how long was this before y'all got
7 busted?

8 A: It might have been a couple days before.

9 Q: A couple of days before?

10 A: Yeah. Yeah.

11 Q: I thought he was with you a month or two?

12 A: You're talking about the truck? You asked me how the
13 truck ---

14 Q: No. I'm just saying Clifford. How long -- yeah. I
15 guess go back and try again. I'm confusing you. I'm sorry.

16 A: You asked me how long the truck was there. Yeah.

17 Q: Yeah. Okay.

18 A: The truck was there and he came and picked the truck up.
19 When he picked the truck up, then a couple days later we got
20 messed up.

21 Q: Oh, I got you.

22 A: That's what I'm saying.

23 Q: But did Rude Boy have the truck for -- for a length of
24 time before he called you? Before he called Clifford?

25 A: No. The truck was in at the airport.

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- 1 Q: I understand that, but when he -- when you first met him
2 at the mall -- when you first met him at the mall and he drove
3 to [REDACTED] and Rude Boy went to Columbia, how long was Rude
4 Boy in Columbia?
- 5 A: I don't know. He called him and tell him we need to pick
6 the truck up.
- 7 Q: Okay.
- 8 A: So undoubtedly he must be took flight right then.
- 9 Q: How long did Clifford stay with you at [REDACTED]?
- 10 A: About a month.
- 11 Q: Okay.
- 12 A: A month and a half, something like that.
- 13 Q: All right. Now, during that period of time, did you
14 spend every night at [REDACTED]?
- 15 A: No, sir.
- 16 Q: Okay. Where -- where did you go?
- 17 A: [REDACTED].
- 18 Q: With your girlfriend and your kids?
- 19 A: Kids, yes, sir.
- 20 Q: Okay. Did you keep any drugs at the [REDACTED]
21 address?
- 22 A: No. No.
- 23 Q: Did you -- would it be safe to say you were leading kind
24 of a double life?
- 25 A: Exactly. I was living a double life. I was living a

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 double life.
- 2 Q: Did your girlfriend and your kids know what was going on?
- 3 A: No, sir.
- 4 Q: Where did you operate your drug business from?
- 5 A: [REDACTED].
- 6 Q: During that month that he was staying with you, did he
- 7 come up with any luggage?
- 8 A: He had clothes there.
- 9 Q: Which -- where did he keep his clothes?
- 10 A: In the last room.
- 11 Q: And I'm going to show you State's Exhibit 3. If this is
- 12 the master bedroom way on the right and you got bedroom four
- 13 way on the left ---
- 14 A: Yeah.
- 15 Q: --- where did he keep his clothes?
- 16 A: Four.
- 17 Q: All right. And while you were there, did you conduct any
- 18 drug transactions in his presence?
- 19 A: Yes, sir.
- 20 Q: Can you tell the ladies and gentlemen of the jury dealing
- 21 with the marijuana, what did you do in terms of the marijuana?
- 22 A: We break down the box that the marijuana come in and
- 23 seals it up. We seals it up in big bags. Me and Clifford.
- 24 Q: Okay. Did you have an occasion to go to Conway to pick
- 25 up marijuana?

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 MR. TRUSLOW: Objection, Your Honor. He is leading the
2 witness.

3 Q: Where did you go to get marijuana?

4 A: Well, we had boxes going to Conway. Then we had -- we
5 had boxes coming to [REDACTED].

6 Q: Okay. Do you recall your trip to Conway?

7 A: Yes, sir.

8 Q: Can you tell the ladies and gentlemen of the jury what
9 you picked up in -- in Conway?

10 A: We went and picked up a box that we had it mailed to a
11 address in Conway. Me and him pick up a box and bring it back
12 to [REDACTED]. We bust the box down and we started pounding
13 it up in sealed bags. I believe the name of the bags is Seal-
14 a-Meal.

15 Q: When was that? Before you got busted? How long was that
16 before you got busted?

17 A: Some days before.

18 Q: All right.

19 MR. JEPERTINGER: Can I have this marked?

20 THE COURT: It needs to be marked?

21 MR. JEPERTINGER: Mm-hmm.

22 THE COURT: What number is that?

23 THE COURT REPORTER: Seventeen.

24 THE COURT: Seventeen.

25 MR. TRUSLOW: Exhibit what?

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 THE COURT: Seventeen.

2 Q: Is this box that we're talking about?

3 A: Most definitely.

4 Q: I couldn't hear your answer.

5 A: Yes sir, definitely.

6 Q: All right. And marijuana came in this?

7 A: Yes, sir.

8 Q: And what did you do with the marijuana that came in that,
9 please?

10 A: We bust it down, seal it up in pounds.

11 Q: Okay. Did that marijuana move out of your house or did
12 it remain in your house?

13 A: It stayed inside the house.

14 Q: And where was it kept?

15 A: In the master bedroom in the closet.

16 Q: All right. Is this how you heat-sealed the marijuana?

17 And I'm showing you a packet out of State's Exhibit 12.

18 A: Yeah, it's sealed up. That's how we can seal it.

19 Q: And -- and Clifford was there when you were doing it?

20 A: He helped me did it.

21 Q: Now, how would you -- how would you pay for the
22 marijuana?

23 A: When we would sell anything, Clifford would get the
24 money. Clifford would go get the money and start sending it
25 out, but at first I was paying for it like putting money in

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 the bank until I had the little incident at the bank.
- 2 Q: Okay. Let's talk about that. Was that before you knew
- 3 Clifford?
- 4 A: Yeah.
- 5 Q: Okay.
- 6 A: That was before he came down.
- 7 Q: Okay. Is this when you were still dealing with Antwan
- 8 Eaddy?
- 9 A: Exactly.
- 10 Q: Okay. And what arrangement had you set up with Antwan
- 11 Eaddy?
- 12 A: Putting the money in the bank.
- 13 Q: Which bank?
- 14 A: Wachovia.
- 15 Q: Okay. And what ---
- 16 A: And Bank of America.
- 17 Q: What were you supposed to do and what was -- what was
- 18 your understanding of what he was going to do?
- 19 A: When I put the money in the bank?
- 20 Q: Yes, sir.
- 21 A: I am paying for the weed. I ain't never have to pay for
- 22 the weed until I get rid of it.
- 23 Q: Okay.
- 24 A: The weed was just coming. Constantly coming. I pay for
- 25 it as I get rid of it.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: All right. And you would put the proceeds of your sales
2 in Wachovia Bank?

3 A: Yes, sir.

4 Q: Did he have your account number?

5 A: No. I had his account.

6 Q: Oh, you had his account number?

7 A: Right.

8 Q: Okay. And did -- did those bank-type transactions stop?

9 A: Yes, sir.

10 Q: Can you tell the jury why you stopped doing it that way?

11 A: I went to the bank one day to deposit some money in and
12 when I got there, I'm putting the money in the thing; right?
13 So the guy -- it went down. The guy say, oh, you must have
14 had a good night on the block. I just say what? He say, oh,
15 I'm just kidding, I'm just kidding, I'm just kidding, like
16 that; right? And then they got on the phone. I thought the
17 police was going to get me then. but they let me left. They
18 give me the slip and let me left. But then I got on the phone
19 and then I called Twix and tell him, yo, man I'm not doing
20 that with the bank no more. I say because for them people
21 start tripping now, and I say, man, I ain't doing that no
22 more. Then that when he arranged for Clifford.

23 MR. TRUSLOW: Objection, Your Honor, to anything Twix
24 said.

25 THE COURT: Objection sustained.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: Okay. You can't tell us what Twix said. But did you
2 tell -- how -- after you spoke with him, did you come to an
3 understanding of how things were going to be done?

4 A: Yes, sir.

5 Q: And what was your understanding of how thing were going
6 to be done?

7 A: That's when Clifford came into play.

8 Q: Okay. And -- and what -- how did you know about
9 Clifford?

10 A: Through Antwan.

11 Q: Okay. All right. And is it safe to say that it was
12 going to be cash transactions from then on?

13 A: Yes, sir.

14 Q: Okay. How -- how -- did you know of any cash
15 transactions that Clifford participated in?

16 A: Yeah. Me and him went and picked money up, but before we
17 could any monies packaged up like I guess how they wanted it
18 packaged up, we got messed up.

19 Q: When you say got messed up, you mean you got busted by
20 the police?

21 A: Yes.

22 Q: Okay. Can you tell the jury any specific occasion of you
23 getting money?

24 A: Yes, sir. Me and Clifford went to -- one night we went
25 to Olive Garden. We went to pick up a box, right there, UPS

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 box, but it already been packaged up. I didn't know exactly
2 how it was --

3 MR. TRUSLOW: Your Honor, I'm going to object to this.

4 THE COURT: Hold on a minute.

5 MR. TRUSLOW: As to the prior 404(b) objections, I want
6 to preserve that objection.

7 THE COURT: Objection so noted for the record. Overruled
8 as previously noted.

9 MR. JEPERTINGER: And the box was State's Exhibit 15 that
10 he was referring to.

11 THE COURT: All right.

12 Q: Okay. Go ahead. I'm sorry.

13 A: Well, we went and pick up the money and pick up the money
14 from the guy, \$22,000, and after that probably about a day or
15 so -- a couple days later, we went on 501 to Sparky's, the
16 firecracker place, and pick up \$10,000.

17 Q: All right. So is that where \$30,000 is? Is that
18 correct?

19 A: 32,000.

20 Q: All right. And where did you keep that money?

21 A: In the trunk of a Chevrolet SS Impala.

22 Q: Okay.

23 A: On [REDACTED].

24 Q: All right. And you were driving that Impala?

25 MR. TRUSLOW: Objection. He's leading the witness.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 A: No. The Impala ---

2 THE COURT: Hold on a minute. Rephrase your question,
3 please. Can you'll approach a minute, please?

4 (Whereupon, a bench conference is held in the presence of
5 the jury but out of the hearing of the jury as follows.)

6 THE COURT: Rephrase your questions. You have every
7 right to object, but you can't object again until his witness
8 has taken a stand. But you have every right to object. Just
9 rephrase your question.

10 MR. JEPERTINGER: Yes, sir.

11 THE COURT: Okay.

12 (Whereupon, the bench conference ends.)

13 Q: Who was driving the Impala?

14 A: No one. It was parked in the yard.

15 Q: When -- how did you get to the Olive Garden?

16 A: I drove. I was driving a Grand Am.

17 Q: All right. Was -- where was that Grand Am located when
18 you got busted?

19 A: In the yard, [REDACTED].

20 Q: How many cars were in the yard at [REDACTED]?

21 A: Chevrolet, the truck, a Tahoe, I believe a Nissan Altima,
22 but the motor was gone in it, and the Grand Am.

23 Q: Okay. Who put the box in the trunk of the Impala?

24 A: Me and Clifford.

25 Q: Who gave you that money?

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 A: Guy I think from Georgetown. I want to say the same guy
2 who came and picked up the truck.
- 3 Q: Do you know what the money was for?
- 4 A: Yes, sir.
- 5 Q: What was it for?
- 6 A: For the weed.
- 7 Q: Which weed?
- 8 A: No. He already had got a box. See, this thing big. We
9 was doing -- sending box here, sending box there, you know, so
10 we was picking up the money. So the guy was paying for weed
11 that he already had gotten and got rid of.
- 12 Q: All right. Do you know when that -- when he got his box?
- 13 A: No, I don't. No, sir, I don't.
- 14 Q: How many times -- how many times were you doing this with
15 Clifford in terms of receipt of marijuana and then
16 distributing?
- 17 A: We just -- me and him really just -- really just started
18 good. Know what I'm saying? Like I say, he had came into
19 play after the money went bad at the bank.
- 20 Q: All right.
- 21 A: Know what I'm saying? That's when he came into play.
- 22 Q: Was it -- how many times a week was this happening for
23 you?
- 24 A: It depends. We -- it all depends on how fast we get rid
25 of it. The object was we wasn't never going to run out of

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 weed. That was the object of the whole thing. We was never
2 going to run out of weed.

3 Q: Well, let me ask you this. Had you not been busted by
4 law enforcement, what were -- what were your plans with
5 Clifford?

6 A: Man, we was going to do it. We was going to -- we was
7 going to -- we was going to talk about another crib. We was
8 going to do it. We was going to do it. We was going to have
9 boxes coming all over. We wasn't going to never run out of no
10 weed, man.

11 Q: All right. Now, I show you what's in evidence as State's
12 Exhibit 13-F, a photograph. Can you tell us what that is,
13 please?

14 A: Oh, that's -- oh, that's his grinder he used to grind the
15 weed -- grind his weed up before he put it in his blunt.

16 Q: All right. And where was that located?

17 A: It probably was in the kitchen or something.

18 Q: All right. Now, when you got busted on February 28th of
19 2012 at [REDACTED], was Clifford Campbell right standing with
20 you?

21 A: Yes, sir.

22 Q: Okay. Did you see what you thought was a FedEx vehicle?

23 A: Yes.

24 Q: Okay. And who picked up what's State's Exhibit 4 I
25 believe? The FedEx box. Who picked that up? Was that you or

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1 Campbell?

2 A: No, that was me. Campbell was inside the bathroom, but
3 if he wasn't in the bathroom, we wouldn't have never got
4 busted.

5 Q: Why you say that?

6 A: Because he said he had already went through that before
7 and he had know -- he had know better than to get it. He say
8 he had already went through that before. I'm not sure if he
9 -- he said he already had a charge similar to this before and
10 he already had beat it.

11 MR. TRUSLOW: Objection, Your Honor.

12 THE COURT: All right. Objection ---

13 MR. TRUSLOW: My client has no record.

14 THE COURT: Objection sustained. All right.

15 Q: All right. And the -- the police -- after the van left,
16 what did you do?

17 A: I got on the phone. I was trying to call Twix, but when
18 I called Twix, Rude Boy answered the phone. So when Rude Boy
19 answered the phone, I was like -- I say -- I say, yo, man, how
20 you'll send that? White or brown?

21 Q: What's that mean?

22 A: White means FedEx, brown means UPS. I said how y'all
23 send it, white or brown, and he was like I can't remember.

24 MR. TRUSLOW: Objection to anything Rude Boy said.

25 THE COURT: Objection sustained.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 Q: Okay. Don't tell us, but what -- what did you -- what
2 did you -- what did you think the manner of delivery was after
3 your conversation with him?
- 4 A: Oh, after the conversation, FedEx.
- 5 Q: Okay.
- 6 A: Yeah. He was driving his personal van.
- 7 Q: Is that what you thought?
- 8 A: Yeah. That's what I thought.
- 9 Q: Okay. So you accepted it?
- 10 A: Yes, sir.
- 11 Q: And you -- did you tell the officer your real name or did
12 you give him a fake name when he asked you?
- 13 A: Nothing. I just gave -- he was like is this the Gibson
14 resident and I answered. He say yep. I say, yeah, so I got
15 the box. After I -- after I got off the phone, I picked the
16 box up, went to go in the house. When I went to go in the
17 house to set the box down, then me and him was coming -- me
18 and Clifford was coming outside. Then when we went to come
19 outside, then everybody was outside.
- 20 Q: The police?
- 21 A: Yeah.
- 22 Q: Okay. And then were -- were you searched?
- 23 A: Yes, sir.
- 24 Q: Did the police search Clifford?
- 25 A: Yes, sir.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

- 1 Q: Did they take anything from Clifford?
- 2 A: Yeah, they take phones -- phones from him.
- 3 Q: Okay. Did they take any phones from you?
- 4 A: Yeah and some money.
- 5 Q: How much money?
- 6 A: I want to say I had about \$9,000 because I mean I was
- 7 supposed to give it to Clifford so we could get it packaged
- 8 up, so we get it straight with the rest of the stuff.
- 9 Q: All right. What happened with your phones?
- 10 A: I had got -- they had took the phones from me. The
- 11 police had took the phones from me.
- 12 Q: Where -- did you ever see those phones again?
- 13 A: Yes, sir.
- 14 Q: Okay. What happened to them?
- 15 A: They messed up. I ain't -- I don't have them no more.
- 16 Q: Okay. Did you get them back from the police?
- 17 A: Yes, sir.
- 18 Q: All right. In terms of State's Exhibit 2, can you
- 19 identify these phones?
- 20 A: Yes, sir.
- 21 Q: And whose phones are those?
- 22 A: Those Clifford's. That's a -- one of them is not a
- 23 phone. One of them is like a touch, I ---
- 24 Q: Okay.
- 25 A: --- iTouch or whatever.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 Q: iPod Touch?

2 A: Yeah. Yeah, one of them, an iTouch and me and Clifford
3 bought this one.

4 Q: Which one?

5 A: The little small black one. We bought that one from
6 Dollar General.

7 Q: Okay. And ---

8 A: Because I be -- he was having problems with the other
9 phone.

10 Q: Okay. The bigger one?

11 A: Right.

12 Q: Okay. And where were these -- who had these phones?

13 A: Clifford.

14 Q: Where did he have them?

15 A: In -- I believe it was in his pants or his -- it was on
16 him. The phones was on him.

17 Q: Okay. And did the police pull them out?

18 A: Yes, sir.

19 Q: Okay. And did the police take them somewhere?

20 A: Yeah. They kept the phones.

21 Q: Okay.

22 MR. JEPERTINGER: At this time, Your Honor, I would move
23 State's Exhibit 2 into evidence?

24 THE COURT: Any objection?

25 MR. TRUSLOW: No objection.

SHAWN LURON DAVIS - DIRECT EXAMINATION BY MR. JEPERTINGER

1 THE COURT: Without objection, State's Exhibit number 2
2 admitted into evidence.

3 Q: All right.

4 A: And at first, I thought Clifford had set everything up.

5 MR. TRUSLOW: Objection, Your Honor.

6 MR. JEPERTINGER: Okay.

7 THE COURT: Objection sustained.

8 Q: All right. Did you have any particular suspicions that
9 day when the police were there?

10 A: Yeah. I thought -- I thought they was there because of
11 him.

12 Q: Okay.

13 A: Because of Clifford.

14 Q: Was Clifford -- is Clifford there merely vacationing in
15 your mind?

16 A: No. No. He was there as a -- me and him was buddies, we
17 was business partners. He wasn't there on no vacation. We
18 was about to get another crib and everything so that when we
19 break down different packs of weed -- when we break down
20 everything, we would have multiple places to go to. He wasn't
21 on no vacation.

22 Q: You were eventually -- you were arrested on that day;
23 correct?

24 A: Yes, sir.

25 Q: Okay. And they found -- I think it's been testified to

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- 1 they found a quantity of money on you?
- 2 A: Mm-hmm.
- 3 THE COURT: A yes or a no, sir.
- 4 THE WITNESS: Yes, sir.
- 5 THE COURT: Thank you.
- 6 Q: They found some in that box; correct?
- 7 A: Yeah. They found money in the box, too.
- 8 Q: How about in the master bedroom?
- 9 A: Yeah. They found money in the master bedroom.
- 10 Q: All right.
- 11 A: I believe it was 4,000 in the master bedroom.
- 12 Q: Whose money was that?
- 13 A: That was money that I was supposed to turn in to Cliff so
- 14 we can package it up to get it out. I been done put the money
- 15 inside the drawer.
- 16 Q: All right. Once you got arrested, you were charged
- 17 initially in state court?
- 18 A: Mm-hmm.
- 19 Q: Who adopted -- that's a yes; correct?
- 20 A: Yes, sir.
- 21 Q: Who adopted the case?
- 22 A: Federal. You mean -- adopted mean take over; right?
- 23 Q: Take over the case?
- 24 A: Yeah. Federal.
- 25 Q: Now, did -- what were you -- what were you charged with

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1 in federal court?

2 A: Conspiracy, cocaine, and gun charge.

3 Q: All right. How many charges were you initially charged
4 with by the federal government?

5 A: Two charges.

6 Q: Okay. Did they -- I'm going to show you a document to
7 refresh your recollection. Do you recognize that document?

8 A: Yes, sir.

9 Q: Okay. And I want you to review that, please, to refresh
10 your recollection. Just go page through it, please.

11 A: I see what you're saying.

12 Q: How many charges -- how many charges were you charged
13 with in the federal system?

14 A: Five.

15 Q: And you were allowed to plead guilty you said to how many
16 counts?

17 A: Two counts.

18 Q: Okay. And what were the counts that you pled guilty to?

19 A: Drug charges and gun charges.

20 Q: Now, as part of pleading guilty were -- what happened to
21 the other charges?

22 A: They was dismissed.

23 Q: All right. Did you enter into what's commonly known as a
24 plea agreement with the United States Government?

25 A: Yes, sir.

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- 1 Q: And do you know what was the maximum sentence that -- not
2 what you got, but what you could have received?
- 3 A: The maximum sentence?
- 4 Q: Yes, sir.
- 5 A: Life.
- 6 Q: And, in this plea agreement, were you supposed to do
7 anything or could you do anything to reduce your sentence?
- 8 A: All I was supposed to do was tell the truth about my drug
9 dealings and involvement in drugs. So I agreed with the
10 government to tell the truth.
- 11 Q: How much time did you eventually catch?
- 12 A: Fifteen years.
- 13 Q: How much time did you catch on the conspiracy charge?
- 14 A: Ten years.
- 15 Q: And on the gun charge?
- 16 A: Five years.
- 17 Q: Did -- did you ask the government to give you fifteen
18 years?
- 19 A: Did I ask them to give me fifteen years?
- 20 Q: Yes.
- 21 A: No, sir.
- 22 Q: Who decided that you were to receive fifteen years?
- 23 A: The ten to life and the five to life and so the judge
24 gave me fifteen ---
- 25 Q: Did ---

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1 A: --- based on the plea agreement.

2 Q: Okay. All right. Now, what -- what are you hoping that
3 I'm going to do for you should -- after you get done
4 testifying? Not should, but after you get done testifying,
5 what do you hope -- what do you get out from me? What do you
6 -- what do you expect out of me?

7 A: Nothing.

8 Q: Who's the only one that can move to reduce your sentence?

9 A: Federal.

10 Q: The United States Government?

11 A: Yes, sir. The whole things boils down to is I was guilty.

12 MR. TRUSLOW: Objection, Your Honor.

13 MR. JEPERTINGER: What does the ---

14 THE COURT: Hold on a minute. Can y'all approach?

15 (Whereupon, a bench conference is held in the presence of
16 the jury but out of the hearing of the jury as follows.)

17 THE COURT: What's your objection?

18 MR. TRUSLOW: Non-responsive, there's no question.

19 THE COURT: Until I hear what's responsive, I won't know
20 whether it's not responsive or not. He may be elaborating on
21 what he just said, on what he just ---

22 MR. TRUSLOW: All right.

23 THE COURT: --- said in response. I don't know. Okay?

24 (Whereupon, the bench conference ends.)

25 Q: Could you elaborate on what you were going to say? What

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1 this is boiling down to?

2 A: I pled guilty to my involvements with drugs and all the
3 involvement with dealing drugs and he need to just plead
4 guilty and just leave it alone. I was wrong doing what I was
5 doing and we did it together so we both was wrong. It's not
6 like he was at that house and didn't never know what was going
7 on. He knowed what was going to start with. He knowed that
8 was the reason he came down here. He didn't came down here on
9 no vacation. You know what I'm saying? He didn't come down
10 here on no vacation.

11 Q: Before you got -- before you got sentenced in the federal
12 court, were you ever out on bond -- federal bond.

13 A: Yeah. I was out on bond.

14 Q: And during that time that you were out on bond ---

15 A: I talked to him.

16 Q: --- did he ever speak to you?

17 A: Yeah. He called me.

18 Q: Okay.

19 A: He called me.

20 Q: And what did he call you to ask you?

21 A: Telling me I should take the charge because he don't want
22 imma -- imam -- dang what the name of the thing?

23 Q: Immigration?

24 A: Yeah, immigration to take his green card and he got kids.
25 I got kids, too, so I guess he was saying -- you know, I ain't

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1 want to curse on the stand. I guess he was saying forget
2 about me and my kids, I got kids, too. And he was asking me
3 to take the charge, go ahead and just tell them it's mine.
4 Come on, man, we was doing this together. And for him to say
5 he got kids, it's like he -- it's like he telling me he don't
6 care nothing about me or my kids. I don't even know why he
7 playing with y'all to start with with this, man.

8 MR. JEPERTINGER: I beg the Court's indulgence. That's
9 all the questions I have. Please answer any questions ---

10 THE COURT: Can the lawyers approach a minute, please?

11 (Whereupon, a bench conference is held in the presence of
12 the jury but out of the hearing of the jury as follows.)

13 THE COURT: How long is going to take you to finish cross
14 examination?

15 MR. TRUSLOW: Possibly, I'll be done by one o'clock.

16 THE COURT: Well, I'm just asking if y'all want to stop
17 now.

18 MR. TRUSLOW: I'd rather keep going.

19 THE COURT: Y'all want to keep going?

20 MR. TRUSLOW: Yeah. I mean if we could eat at one or one
21 fifteen. I don't think it will take ---

22 THE COURT: I don't mind going that long, but I don't
23 like to keep the jury past one o'clock. But I don't want to
24 put any constraints on you on your cross examination.

25 MR. TRUSLOW: I think thirty-five minutes, thirty minutes

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1 is probably on target.

2 THE COURT: Okay. Very good.

3 (Whereupon, the bench conference ends.)

4 THE COURT: All right. Cross examination, Mr. Truslow.

5 MR. TRUSLOW: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. TRUSLOW:

8 Q: Let me ask you something and you tell me if this seems a
9 little odd to you. You're testifying today that he asked you
10 to take -- take the charges?

11 A: Right.

12 Q: All right. The first time you told anybody that was
13 February 28th of 2013. Do you realize that? That debriefing
14 with the FBI recently?

15 A: Okay.

16 Q: Which is what, two weeks ago? Three weeks ago?

17 A: It's the first time I told anybody that?

18 Q: Yeah.

19 A: That he called me?

20 Q: Yeah.

21 A: You can ask him. He'll tell you he called me.

22 Q: I'm asking you. The first time you told them was there
23 was a debriefing. This is when you talked to the FBI on
24 February -- or May 28th, 2013. Take a look at that.

25 A: Okay.

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- 1 Q: All right.
- 2 A: Uh-huh.
- 3 Q: In the last paragraph, you said he called you and asked
- 4 you to take the charges; right?
- 5 A: Okay.
- 6 Q: All right. When were you sentenced?
- 7 A: April.
- 8 Q: Okay. And then May is when you sit down about Mr.
- 9 Campbell; correct? May 28th?
- 10 A: If that what you want to say.
- 11 Q: Well, that's what the date is on that; right?
- 12 A: All right.
- 13 Q: So you wait almost a year and a half to tell anybody that
- 14 he asked you to take responsibility for the drugs?
- 15 A: I was never talking about him.
- 16 Q: Okay. That's right. You never talked about him; did
- 17 you?
- 18 A: No. I'm saying it was never -- it wasn't -- nobody never
- 19 come to me to talk to me about it. You know what I'm saying?
- 20 Q: Okay. But they came to talk to you about some stuff;
- 21 didn't they? When did you sign a proffer agreement with the
- 22 government? How long after the case went to federal?
- 23 Roughly?
- 24 A: When I signed ---
- 25 Q: When you agreed to cooperate?

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1 A: Exactly.

2 Q: Huh?

3 A: Yes, sir.

4 Q: Pretty soon after you were indicted by the feds, did you

5 agree to cooperate?

6 A: Yes, sir.

7 Q: That's why they gave you a bond?

8 A: Yes, sir.

9 Q: Okay. And so first of all, let's start with the fact

10 that in agreeing to cooperate, they let you out on bond;

11 right?

12 A: Right.

13 Q: So you didn't have to sit in the county all this time?

14 A: Okay.

15 Q: Now, you signed the written agreement, proffer to

16 cooperate, but yet you didn't talk about Mr. Campbell up until

17 recently?

18 A: No. We talked about -- I talked about other drug deals I

19 was having about Twix ---

20 Q: Right.

21 A: --- and the weed and a bunch of different stuff.

22 Q: Right. Because when they sit down a proffer agreement

23 with you, the FBI or DEA or whoever does it, they want to know

24 when you first used drugs, when you first started dealing

25 drugs. They want to just go all the way through it with you;

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- 1 right?
- 2 A: Right.
- 3 Q: They ---
- 4 A: But see, they already had knowed that me and him was
5 doing -- we was dealing.
- 6 Q: All right.
- 7 A: All right. They already had knowed that so there wasn't
8 no use to come ask me the same thing again.
- 9 Q: Okay. Well, how did they know that already?
- 10 A: Because they locked me up and him ---
- 11 Q: Because he was arrested by the State?
- 12 A: They locked me and him up.
- 13 Q: Okay. So then you didn't feel that you needed to talk
14 about that at all?
- 15 A: No. I was talking about other stuff.
- 16 Q: All right. You're talking about all your drug dealing
17 activities?
- 18 A: Right.
- 19 Q: You're talking about Twix; right?
- 20 A: Exactly.
- 21 Q: But you didn't mention Campbell back then.
- 22 A: I didn't know Campbell back then.
- 23 Q: No. I'm talking about when after you're arrested, after
24 you're indicted by the feds.
- 25 A: Uh-huh.

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- 1 Q: You sit down, you start talking.
- 2 A: Okay.
- 3 Q: You start cooperating; correct?
- 4 A: Right.
- 5 Q: You talk about all your drug dealing?
- 6 A: Mm-hmm.
- 7 Q: You're talking about Twix; right?
- 8 A: Okay.
- 9 Q: You weren't -- you didn't talk about Campbell back then?
- 10 A: Because they was talking about Twix with cocaine. Me and
- 11 Twix did other things other than just sell weed now.
- 12 Q: Okay.
- 13 A: Like I said, it's bigger than that. We sold cocaine,
- 14 crack. We sold every -- we sold about everything.
- 15 Q: Right. So Campbell at that point just slipped your mind?
- 16 You were ---
- 17 A: I didn't know Campbell back then. I was telling them the
- 18 stuff that I was doing back then, up until my arrest.
- 19 Q: Well, up until your arrest ---
- 20 A: So up until my arrest, they had already knowed me and
- 21 Campbell been together because they picked -- they locked me
- 22 and Campbell up. So they had already know me and him been
- 23 together.
- 24 Q: Up until your arrest; right?
- 25 A: Okay.

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- 1 Q: You were talking about that?
- 2 A: Mm-hmm.
- 3 Q: That includes the time period that you today are telling
- 4 this jury involves Campbell; correct?
- 5 A: Okay.
- 6 Q: Right?
- 7 A: Yes, sir.
- 8 Q: You made no statements about Campbell until May 28th,
- 9 2013.
- 10 A: Okay.
- 11 Q: And you were indicted when?
- 12 A: March.
- 13 Q: March 2012?
- 14 A: Okay.
- 15 Q: Right?
- 16 A: Okay.
- 17 Q: So one year and two months later, you give a statement
- 18 about Mr. Campbell; right?
- 19 A: Okay.
- 20 Q: So the jury today has got to either believe you or got to
- 21 believe Mr. Campbell?
- 22 A: All right.
- 23 Q: Right?
- 24 A: Okay.
- 25 Q: Now, you were facing life; right?

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- 1 A: Okay.
- 2 Q: Is that correct?
- 3 A: Yes, sir.
- 4 Q: Okay. But you didn't get life; did you?
- 5 A: No, sir.
- 6 Q: You signed a plea agreement here with the federal
- 7 government; correct?
- 8 A: Yes, sir.
- 9 Q: Now, did you have an opportunity to review this when you
- 10 pled guilty ---
- 11 A: Yes, sir.
- 12 Q: --- with your attorney?
- 13 A: Yes, sir.
- 14 Q: Okay. What did he explain to you about paragraph 11
- 15 which has to do with section 5K and section 35(b)? You must
- 16 understand what that means?
- 17 A: For telling all my ---
- 18 Q: Do you know what 5K assistance is?
- 19 A: For telling all my involvements in drug activity. For
- 20 telling all and being truthful about all the situations.
- 21 Q: Okay. Is that all? Just tell them what you know or you
- 22 got to do more? You got to assist them in prosecutions;
- 23 right?
- 24 A: Be truthful.
- 25 Q: If they want --if they want you to testify, you have to

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1 testify; right?

2 A: As long as I'm telling the truth.

3 Q: Well, what's the truth?

4 A: I'm not going to get up and testify and make nothing up,
5 that's what I'm saying.

6 Q: All right. Well, let's talk about that. You said in
7 that debriefing here when you finally years later brought up
8 Mr. Campbell's name that you were dealing drugs with him for
9 two years prior to your arrest.

10 A: No. I ain't never said I've been dealing drugs with him
11 for two years. I said ---

12 Q: Look at paragraph 2. It says ---

13 MR. JEPERTINGER: Your Honor, if he is going to testify
14 to it, I'd ask either he has to introduce it or ---

15 THE COURT: Well, no. Come here for a minute, please.

16 (Whereupon, a bench conference is held in the presence of
17 the jury but out of the hearing of the jury as follows.)

18 THE COURT: You can certainly let him look at it and
19 review it and ask him if that's what it says.

20 MR. JEPERTINGER: He didn't write it.

21 THE COURT: I know, but are you going to put the FBI
22 agent on the stand?

23 MR. JEPERTINGER: Probably not.

24 THE COURT: Okay. But that debriefing, you can't
25 introduce that document into evidence. You can't do that.

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1 MR. TRUSLOW: I can ask him then if he's going to say he
2 didn't say that. I mean it says it here, but you ---

3 THE COURT: All right. No. Come here. I'm saying you
4 can ask him to review that document and ask him if you told
5 the FBI that.

6 MR. TRUSLOW: All right.

7 THE COURT: And two years or whatever.

8 (Whereupon, the bench conference ends.)

9 Q: All right. I would like you to review paragraph 2.
10 Okay?

11 A: Mm-hmm.

12 Q: The first sentence. Okay? It goes from line 1 to 3
13 right here.

14 A: Yes.

15 A: Just read that for me. You don't have to read it aloud,
16 just review it please.

17 A: Okay.

18 Q: All right. So that is a debriefing at least depicting
19 what you said. Is that true or is that untrue?

20 A: No. That ain't exactly what I said.

21 Q: Okay. So ---

22 A: I said that -- this is what I said. Me and Twix was
23 doing -- was sending the weed. Twix was sending the weed back
24 and forth to me for about two or three years. You know what
25 I'm saying? Two or three years ago, I didn't know Campbell.

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1 I didn't know Campbell two or three years ago. Campbell came
2 into play after the bank deal went wrong bad for me because I
3 started feeling funny about the bank deal. That's what I
4 said.

5 THE COURT: Mr. Truslow, can I see that document, please?

6 MR. TRUSLOW: Yes, sir.

7 MR. JEPERTINGER: Here, I'll give you a copy so you can
8 use mine.

9 THE COURT: Can -- can the lawyers approach, please?

10 (Whereupon, a bench conference is held in the presence of
11 the jury but out of the hearing of the jury as follows.)

12 THE COURT: Now, I want to give you a fair opportunity.
13 I don't want to run this jury out, but I want to give him a
14 fair opportunity to cross examine him on this because he's
15 testified contrary to what's this document says and it's
16 contrary.

17 MR. JEPERTINGER: Look at the last sentence, too.

18 THE COURT: I understand. You can redirect him on that
19 and clear whatever you want to, but I'm going to allow him to
20 do this. This document indicates that he told the FBI that
21 you had dealing with illicit drugs with Campbell two years
22 prior to the arrest, but that's not what his testimony is
23 today. That is not, but it clearly says that in this
24 debriefing and I'm going to allow him to ask him that question
25 without specifically reading it verbatim. I don't think

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1 you're allowed to read it verbatim, but you're entitled to
2 affectively cross examine him on this.

3 (Whereupon, the bench conference ends.)

4 Q: Would you agree with me after reviewing this document
5 that you -- that you told the FBI that you were dealing
6 illicit drugs with Mr. Campbell for in excess of two years?

7 A: No.

8 Q: Would you agree with me that it's in that report?

9 A: I see it. They must have misunderstand me because ---

10 Q: So they misunderstood what you said here?

11 A: They had to have misunderstand because I know I ain't
12 told them ---

13 Q: And today you ---

14 THE COURT: Hold on a minute.

15 MR. TRUSLOW: I'm sorry, Your Honor.

16 THE COURT: When he's talking, I don't want you to talk.
17 When he's talking, Mr. Truslow ---

18 THE WITNESS: Yes, sir.

19 THE COURT: --- I don't want you to talk.

20 THE WITNESS: Yes, sir.

21 THE COURT: Okay. And I say that, my court reporter
22 can't take down when both of you talking ---

23 THE WITNESS: Yes, sir.

24 THE COURT: --- at the same time.

25 THE COURT: Okay. Thank you. Go ahead, Mr. Truslow.

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1 Q: So is it your testimony then that the FBI made a mistake
2 as to what you said?

3 A: That I had knowed him? That me and him been dealing
4 drugs for two years?

5 Q: Right.

6 A: No. We wasn't dealing drugs for two years.

7 Q: Okay. So you didn't say that to the FBI?

8 A: No. Like I said, they must have misunderstand what I
9 said. I was saying me and Twix was -- Twix was sending me the
10 drugs -- the weed for over two to three years, and when
11 Campbell came into play is when the bank deal I had went bad.

12 Q: Okay. So your testimony earlier was one to three months;
13 right?

14 A: Okay.

15 Q: Is that the time period we're dealing with?

16 A: Say about that's how long he was -- he was with me, yeah,
17 and I -- yeah.

18 Q: So thirty days to ninety days? You can't narrow it down
19 any better than that?

20 A: Man, when you dealing drugs, man, me and him, we was
21 having a ball. I mean me and him was riding doing all kind of
22 stuff, man.

23 Q: So you were on drugs?

24 A: We ain't going to sit down and count -- huh?

25 Q: You were on drugs?

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- 1 A: No, I ain't never did no drugs.
- 2 Q: So what was affecting your ability to tell the time?
- 3 A: I'm saying I was getting money. I was getting money and
- 4 then we had so many -- much weed coming in to I wasn't going
- 5 to sit and count no days. You know when you start counting
- 6 days? When you get locked up. That when you start counting
- 7 days.
- 8 Q: That's a good point. That's a good point because you're
- 9 locked up for some time; right?
- 10 A: Right.
- 11 Q: Did your -- did your attorney go over with you the
- 12 federal sentencing guidelines and what you were looking at in
- 13 federal court as opposed to the statutory sentence of life,
- 14 what your advisory range was prior to getting sentenced? What
- 15 you could get?
- 16 A: Yes, sir.
- 17 Q: Or what it was likely to be?
- 18 A: Right.
- 19 Q: What was that?
- 20 A: Like two -- you talking like the PSI?
- 21 Q: Yeah, the PSI.
- 22 A: Two hundred and -- close to about three hundred and
- 23 something months, man. That's about twenty-seven years.
- 24 Q: How many years that is?
- 25 A: Twenty-seven years.

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- 1 Q: Okay. Why was it so high?
- 2 A: I guess I had like twenty-four people or whatever --
- 3 statements on me.
- 4 Q: Okay.
- 5 A: The drug weight.
- 6 Q: That's what those cases are about; right? The statements
- 7 on you? People wrote statements on you?
- 8 A: Right. Drug weight and the drug weight. My involvement
- 9 in different drug weights.
- 10 Q: Let's just -- would you agree with me -- we -- just to
- 11 talk about it, say it was twenty-seven statements against you,
- 12 thirty, something like that?
- 13 A: I think it was twenty-four I think.
- 14 Q: How many?
- 15 A: I think it was about twenty-four.
- 16 Q: Twenty-four? All of them absolutely true?
- 17 A: No. All of them wasn't absolutely true, but ---
- 18 Q: Okay.
- 19 A: You know.
- 20 Q: Were they all true as to how much weight they put on you
- 21 or did anybody fluff the weight?
- 22 A: You had people -- you know, you had people fluff the
- 23 weight and whatever.
- 24 Q: You ever hear about in whatever period of time you spent
- 25 in county, people writing statements on people?

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: Yeah, I heard about that.
- 2 Q: Okay. You ever heard about anybody getting information
3 from one person about another person to use to try to get a
4 downward departure?
- 5 A: I heard that.
- 6 Q: Okay. So that goes on; right?
- 7 A: Yeah that do -- that do go on.
- 8 Q: Why do you think they do that?
- 9 A: That's the ----
- 10 MR. JEPERTENGER: I would object to relevancy and it's
11 speculative on his part.
- 12 THE COURT: I'll sustain the objection.
- 13 Q: Why would you do that? Is there any reason you would do
14 that?
- 15 A: Everything that -- everything that I'm -- everything that
16 I'm going to say and do is going to be the truth.
- 17 Q: Okay.
- 18 A: You know what I'm saying? So that way if I got to sit in
19 front of somebody like I'm sitting right now, I ain't got to
20 worry about it because I know I'm telling the truth.
- 21 Q: So it's not that you learned how to play the game in
22 federal court?
- 23 A: Play the game?
- 24 Q: Yeah.
- 25 A: No. I'm not playing no game.

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- 1 Q: Okay. Were you looking at a maximum of life and a PSI
2 recommendation of twenty-seven years? Right?
- 3 A: Right.
- 4 Q: But you don't get twenty-seven years?
- 5 A: No, sir.
- 6 Q: You get ten and five?
- 7 A: Okay.
- 8 Q: Right?
- 9 A: Right.
- 10 Q: And that's because the government at your sentencing
11 filed a motion for downward departure; correct?
- 12 A: Okay.
- 13 Q: Right?
- 14 A: Yes, sir.
- 15 Q: So the government of the United States, who is
16 prosecuting you and trying to put you away for either twenty-
17 seven years or life, they filed a motion at your sentencing
18 asking a judge to sentence you lower; right?
- 19 A: Yes, sir.
- 20 Q: Okay. And you said before that the sentencing was up to
21 the judge; right?
- 22 A: Yes, sir.
- 23 Q: And it is. But this doesn't hurt; does it? A motion by
24 the government to reduce your sentence?
- 25 MR. JEPERTINGER: Judge, once again it's getting

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1 speculative. I'm going to object. He -- he can talk about
2 the results of ---
3 Q: Did this happen to you?
4 THE COURT: Hold on a minute.
5 MR. TRUSLOW: I'm sorry. Just rephrasing. I'm sorry.
6 THE COURT: Rephrase your question. Go ahead, Mr.
7 Truslow.
8 Q: Did this motion the government did for you help you?
9 A: I wouldn't say it did because I got fifteen years.
10 Q: Okay. You didn't get life?
11 A: I got fifteen years.
12 Q: Okay. Did it help you as much as you wanted? But it's
13 better than twenty-seven; isn't it?
14 A: Yeah. That way better than twenty-seven.
15 Q: That's way better than twenty-seven.
16 A: Mm-hmm.
17 Q: Why'd they do that?
18 A: Why they gave me fifteen?
19 Q: Why'd they make this motion to reduce your sentence?
20 A: Because I had cooperated.
21 Q: Cooperated?
22 A: Right.
23 Q: You cooperated with -- did you give statements against
24 people who were in your drug conspiracy?
25 A: No. I told everything I was doing.

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: Okay.

2 A: I told everything that -- all my drug dealings. I told
3 everything I was doing.

4 Q: In your plea agreement, we got the 5K motion and then
5 you've got also written in here that you can get a 35(b)
6 motion. Do you know what that is?

7 A: Explain it to me.

8 Q: Do you know that the 35(b) motion -- isn't that another
9 motion to reduce your sentence after you've been sentenced the
10 first time?

11 A: Okay.

12 Q: You know what that is; right?

13 A: Now that you tell me, yeah. I'm listening.

14 Q: You told the prosecutor that you don't expect nothing
15 here today; right?

16 A: No, I don't.

17 Q: You don't expect him to write a letter to the U.S.
18 Attorney?

19 A: It would be nice if he would, sir. It would be nice if
20 he would.

21 Q: Is that the first time that's popped in your mind?

22 A: No. I'm just saying it would be nice if he would. I
23 didn't come here to try to get no time cut. You know what I'm
24 saying? I didn't come here to try to get no time cut or try
25 to do anything. I come to tell the truth, man.

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: So the only reason you came here today is just out of a
2 desire to do justice?

3 A: If I can get help, man, I would love to get help.

4 Q: All right.

5 A: Who wouldn't love to get help? If I can get help, I'd
6 love to get help.

7 Q: Well ---

8 A: I'm not -- I'm not going to say, well, I'll come here
9 just for them to help me. I'm not going to say that. Me and
10 him was doing our thing together.

11 Q: Well, why would you say that? I mean that wouldn't sound
12 too good; would it?

13 A: What?

14 Q: That your only reason you came here was to get a sentence
15 reduction? That's not something you would say; is it?

16 A: If that was the reason -- if that was the reason I came
17 here, just to get a sentence reduction, yes, sir, I would tell
18 you. I would tell you, sir, I came to get a sentence
19 reduction, but I'm telling the truth. I come to get a
20 sentence reduction that's what I would had said.

21 Q: Well, can you tell me the truth now? Is that the reason
22 you were here?

23 A: No. That's not the reason why I'm here. That's not the
24 reason why I'm here.

25 Q: You started out by saying you didn't expect anything;

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 right?

2 A: Right. I don't expect nothing. I don't expect him to do
3 because he can't do anything for me. The federal people can.
4 They the only people can reduce or do stuff like that for me.
5 He can't -- he can't do that. He can't do that.

6 Q: But they'd have to file the motion; correct?

7 A: Okay.

8 Q: The federal government; right?

9 A: Okay.

10 Q: They have to file a motion that you cooperated in the
11 prosecution of another person.

12 A: Okay.

13 Q: Correct?

14 A: Yes, sir.

15 Q: Now, how do you think they get wind of that?

16 A: Okay. He filed the motion.

17 Q: Him? He sends a letter to them?

18 A: Okay.

19 Q: Right?

20 A: Yes, sir.

21 Q: You just asked him and told him that would be very nice
22 if he did; right?

23 A: Yeah. It would be nice if he did.

24 Q: Okay.

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: Because you in here saying that that's the reason why I
2 came.
- 3 Q: I'm just looking for ---
- 4 A: So I said yeah, if I can get help, too, yeah, that would
5 be real nice.
- 6 Q: So why did you come here today?
- 7 A: To tell the truth.
- 8 Q: Is that the only reason?
- 9 A: Me and him -- Yeah, me and him had involved in drug
10 dealings. He helped me -- he helped me mix cocaine and
11 everything, man.
- 12 Q: All right.
- 13 A: Me and him, he -- it's not like he ---
- 14 Q: But you didn't ---
- 15 A: --- didn't know what was going on. He know what he came
16 here for.
- 17 Q: All right. Let's talk about the cocaine. Have you ever
18 told anybody that he helped you mix cocaine?
- 19 A: No, sir.
- 20 Q: Not until today?
- 21 A: Right, until today. I haven't tell nobody he helped me
22 do that.
- 23 Q: Now, weren't you supposed to be fully truthful to law
24 enforcement about all your drug activities?
- 25 A: I was being truthful about all my drug activities. I was

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 telling them everything that I was doing. Like I say, they
2 know the involvement with me and him because they pick me and
3 him up. They locked me and him up now. So I didn't have to
4 say nothing about him and he was already at the house with me.
5 They already know what me and him was doing.

6 Q: Apparently you did not tell them everything you were
7 doing because you did not tell them about Mr. Campbell; right?

8 A: Okay.

9 Q: You did not tell them -- you have not told anybody he had
10 anything to do with cocaine; right?

11 A: No. He's at the house and I'm mixing cocaine ---

12 Q: I'm not asking you about that.

13 A: --- and he helped me mix the cocaine.

14 Q: I'm asking about what you told law enforcement in your
15 hand-swear to them to tell everything you've done drug wise.

16 A: Mm-hmm.

17 Q: Right?

18 A: You know, when you've already did so many different
19 things, I mean me and him we was doing all kinds of stuff,
20 man.

21 Q: All right.

22 A: We was just doing it.

23 Q: Did you just forget about him?

24 A: Nah. He locked -- he got locked up with me. They
25 already had know what me and him was doing. Okay, I ---

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 Q: Do the feds know that?

2 A: I admit my involvement with other things that I was doing
3 with other people.

4 Q: All right.

5 A: But see, me and him, we got locked up together so they
6 already had know what me and him was doing. They picked --
7 they locked me and him up.

8 Q: But we're here today to determine what he did; right?

9 A: Okay.

10 Q: All right. So would you agree with me that under your
11 plea agreement you did not honor the part where it requires
12 you to tell them everything you've done, everything you know
13 about drug activity?

14 A: Mm-hmm.

15 Q: By not talking about Mr. Campbell and certainly not
16 mentioning cocaine until today at trial?

17 MR. JEPERTINGER: I would -- I would object to that
18 question. He is asking him to pass judgment on the quality of
19 his testimony.

20 THE COURT: Can y'all approach?

21 MR. JEPERTINGER: I just don't think he can do that,
22 Judge.

23 (Whereupon, a bench conference is held in the presence of
24 the jury but out of the hearing of the jury as follows.)

25 MR. TRUSLOW: I'm moving on.

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 THE COURT: What was your question again?

2 MR. TRUSLOW: I asked him, would you agree with me that
3 you did not honor your plea agreement in telling everything
4 that you've done.

5 THE COURT: Okay. Well ---

6 MR. TRUSLOW: But I've asked it a number of times.

7 THE COURT: All right.

8 (Whereupon, the bench conference ends.)

9 THE COURT: I sustain the objection.

10 Q: Now, the gun charge in federal court was five years, but
11 consecutive; right?

12 A: Yes, sir.

13 Q: That means it's added on to the ten?

14 A: Yes, sir.

15 Q: All right. And they found a lot of guns on you; right?

16 A: Right.

17 Q: Now, is it true that you asked Mr. Campbell -- offered
18 him \$5,000 to take the guns?

19 A: No, sir.

20 Q: Huh?

21 A: No, sir.

22 Q: You sure about that?

23 A: No, I ain't ask him to take no guns.

24 Q: Okay. How many children do you have?

25 A: Three.

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 Q: And what are their ages?
- 2 A: Ten, eleven, and one.
- 3 Q: And how old will they be when you get out of prison?
- 4 A: Thirteen, twenty, probably twenty-two -- twenty-three.
- 5 Q: All right. Because you're going to do about twelve and a
- 6 half or thirteen years?
- 7 A: Twelve years.
- 8 Q: Of fifteen?
- 9 A: Twelve.
- 10 Q: Okay. And you're still going to testify that you're not
- 11 here seeking a downward departure?
- 12 A: Yeah. I'm testifying I ain't here to seek that, but if I
- 13 -- if I can get some kind of help, yeah, I would love to get
- 14 some help.
- 15 Q: Taking a shot at it?
- 16 A: I wasn't saying necessarily taking a shot at it.
- 17 Q: You want to get home?
- 18 A: No. I'm going to tell you, I don't think it's fair. I
- 19 don't think it's fair. This is what it is. I don't think
- 20 it's fair. Okay? I'm in jail; right? I'm doing time already
- 21 for what I had done.
- 22 Q: You upset?
- 23 A: No, I ain't upset. No, I ain't upset. No. I'm in jail
- 24 for what I already did. It's called manning up. That's what
- 25 we say in the street, we man up. I man up and accept my

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 responsibilities. He man up and accept his. I don't -- I
2 ain't want to be ---
3 Q: That's fair enough.
4 A: Huh?
5 Q: That's fair.
6 A: Okay.
7 Q: Let me ask you about manning up.
8 A: Because you still ---
9 Q: They charged -- they charged you with five counts; right?
10 A: Yes, sir.
11 Q: Did you plead to all five charges?
12 A: No. I plead to -- pled to drugs and the gun.
13 Q: And they dropped three?
14 A: Okay.
15 Q: Right?
16 A: Okay.
17 Q: Did you man up to the other three counts?
18 A: Other three counts was like what? Read the papers; they
19 on the paper.
20 Q: Drugs, guns.
21 A: The same thing I pled to. Really to be honest with you,
22 that the same thing I plead to.
23 Q: You pled to count one and count three.
24 A: Okay. And what's the other -- what's the other charges?
25 Q: Count two is that February 28th you had crack.

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: That's the same thing I plead to.
- 2 Q: No. You pled to count one that means you were in
3 conspiracy.
- 4 A: Drug conspiracy. Yeah, drug conspiracy. That's
5 everything. That's drugs.
- 6 Q: Right.
- 7 A: Drug conspiracy.
- 8 Q: There's different charges; you understand that?
- 9 A: Okay.
- 10 Q: This is a conspiracy to sell cocaine and crack. This is
11 a charge on this specific date you had possession of cocaine
12 and crack.
- 13 A: Okay.
- 14 Q: Totally different sentence, totally different crime;
15 right?
- 16 A: Okay.
- 17 Q: You didn't -- you didn't plead to number two; did you?
- 18 A: Okay. No.
- 19 Q: You didn't man up to number two?
- 20 A: Man, if that what you want to say, sir.
- 21 Q: Number four is possession of a -- the rifle, a Ruger .44
22 revolver, a Caltech .32 caliber pistol.
- 23 A: Uh-huh.
- 24 Q: Three guns in one charge and you didn't plead to count
25 four either; did you?

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: I plead to the gun charge.
- 2 Q: You pled to count one and count three.
- 3 A: All right. That's the gun charge I plead to. That's
- 4 what I got five years for, for the guns.
- 5 Q: But you didn't plead to those three guns. You pled to
- 6 count -- you just agreed with me on this. You pled to count
- 7 one and count three?
- 8 A: Yeah. That's what I plead to.
- 9 Q: You didn't plead to count two, four or five.
- 10 A: But if you say -- if you think about it, they the same
- 11 thing.
- 12 Q: I understand what you're saying, but you could have got a
- 13 lot more time; right?
- 14 A: Okay.
- 15 Q: They dismissed the other the other three; right?
- 16 A: All right. I'll go with that.
- 17 Q: Now, you told me that you're here because you're upset
- 18 because you're in prison and ---
- 19 A: I didn't say I was upset.
- 20 Q: --- and you manned up to what you did; right?
- 21 A: I didn't say I was upset. I didn't say I was upset.
- 22 Q: Okay. You weren't upset.
- 23 A: What I was saying was I accept my responsibility and he
- 24 can do the same.
- 25 Q: But you accept your responsibility ---

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 A: That's all I said.

2 Q: --- conditioned upon them dismissing three counts and
3 reducing your sentence from life or twenty-seven years to
4 fifteen and promising you the possibility of a future
5 reduction of fifteen down? Based upon all that ---

6 A: They didn't promise me ---

7 Q: --- you pled guilty; right?

8 A: They didn't promise me I was getting no reduction or
9 nothing like that, man.

10 Q: Well, you signed an agreement with the federal
11 government?

12 A: I signed a plea agreement to be truthful about everything
13 that I said and everything that I done with my involvements
14 with drugs.

15 Q: Right. Did you read paragraph 11?

16 MR. JEPERTINGER: Judge, I think we've asked and answered
17 that because he's been over paragraph 11 before.

18 MR. TRUSLOW: Well, but he's denying it.

19 MR. JEPERTINGER: No. You read 5K 1.1 and 35(b). We've
20 been through that. Judge, it's been asked and answered.

21 THE WITNESS: The only thing I'm denying here ---

22 THE COURT: Hold on a minute. Can the lawyers approach,
23 please?

24 (Whereupon, a bench conference is held in the presence of
25 the jury but out of the hearing of the jury as follows.)

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 MR. TRUSLOW: I'll move on.

2 THE COURT: You're getting into semantics with him.

3 Ultimately, it's not up to him what he pleads to.

4 MR. TRUSLOW: I got you. Yes, sir.

5 (Whereupon, the bench conference ends.)

6 THE COURT: All right. You may continue, Mr. Truslow.

7 Q: Let me just briefly do this. Look at that and tell me if
8 you recognize it? Tell me what that is, if you can?

9 A: It's a plea agreement.

10 Q: All right. You remember that? Is that signed by you?

11 A: What? Okay. Yes, sir.

12 Q: Okay.

13 MR. TRUSLOW: Your Honor, I'm going to move to have this
14 into evidence as Defense Number 1.

15 MR. JEPERTINGER: What is it?

16 MR. TRUSLOW: The plea agreement.

17 THE COURT: The plea agreement. Can I see that?

18 MR. TRUSLOW: Yes, sir.

19 THE COURT: Any objection by the State?

20 MR. JEPERTINGER: No.

21 THE COURT: Sir?

22 MR. JEPERTINGER: No, sir.

23 THE COURT: All right. Without objection, it's
24 Defendant's Exhibit Number 1.

25 Q: Can you identify that document?

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: Yes, sir.
- 2 Q: Is that your indictment in federal court?
- 3 A: It got my name on it. Yes, sir.
- 4 Q: Okay.
- 5 MR. TRUSLOW: Your Honor, I would move the indictment.
- 6 MR. JEPERTINGER: No objection.
- 7 THE COURT: Without objection, Defendant's Exhibit Number
- 8 2 admitted into evidence.
- 9 Q: Now, they took 8- or \$9,000 from you.
- 10 A: Close to 9,000 was in my pocket.
- 11 Q: In your pocket?
- 12 A: Mm-hmm.
- 13 Q: Your pocket?
- 14 A: Yeah. It was in my pocket.
- 15 Q: \$4,000 in the master bedroom; right?
- 16 A: In the dresser drawer.
- 17 Q: And you testified that wasn't yours, you had to give it
- 18 to Campbell?
- 19 A: Huh?
- 20 Q: You said -- didn't you testify that that wasn't yours?
- 21 A: That was the money I was going to turn in to Campbell so
- 22 we could have packaged the money up like the rest of the money
- 23 was.
- 24 Q: Okay. Why hadn't you turned it in to him? Why didn't he
- 25 have it?

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: Because when I got to the house -- I just had came back
2 to the house. I don't live there. I was just being there.
- 3 Q: How long had the money been in the drawer?
- 4 A: That morning because I had sold -- I had sold ---
- 5 Q: Why ---
- 6 A: I had sold some drugs that morning.
- 7 Q: Why did you put it in your dresser drawer in your bedroom
8 instead of just giving it to Campbell like you said you was
9 going to?
- 10 A: Because me and him would get together and sit down and
11 count the money up. We was fixing -- we had to go to -- we
12 had to -- matter of fact, we had to go get materials so we
13 could -- so when we packaged the money up -- some carbons, the
14 carbon paper or some kind of black paper to put over the
15 money. So -- so he wasn't ready to get the money from me yet.
- 16 Q: Now, you met Mr. Campbell at the mall parking lot?
- 17 A: Okay.
- 18 Q: Is that right?
- 19 A: Yes, sir.
- 20 Q: Please don't say okay. If it's not right, I need to
21 know.
- 22 A: Yeah, probably up next to the mall.
- 23 Q: Okay.
- 24 A: Yeah. We used to rent rooms ---
- 25 Q: Is it ---

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: --- rooms at Red Roof Inn and stuff like that. We used
2 to rent rooms at Red Roof Inn and stuff. So, yeah, we met in
3 the parking lot.
- 4 Q: Okay. Is there any particular reason rather than
5 answering yes or no you're just answering okay?
- 6 MR. JEPERTINGER: I don't see the relevancy of that
7 question, Judge. I'd have to object.
- 8 THE COURT: Objection sustained.
- 9 MR. TRUSLOW: It goes to frame of mind, Judge. I'll
10 withdraw the question.
- 11 THE COURT: All right.
- 12 Q: And this was one to three months before you got arrested
13 ---
- 14 A: Yes, sir.
- 15 Q: --- on February 28th?
- 16 A: Right.
- 17 Q: So it was either November -- could have been around
18 Thanksgiving or it could have been January 28th -- 28th; right?
19 You're not sure which? Do you remember if it was in the new
20 year or was it back in 2011?
- 21 A: To what? What you asking?
- 22 Q: When you met him. First time you met him?
- 23 A: Round about then because, like I said, he came into play
24 when the bank deal went bad. That's when he came into play.
- 25 Q: Right. So you agree with me that it could have been as

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 little, at least by your testimony, as one month?

2 A: I know he was here -- I know he was here a month to three
3 months probably.. A month to three months.

4 Q: Okay.

5 A: But like I said, I wasn't sitting down counting the days
6 that he ---

7 Q: I understand.

8 A: --- was going to be there because like we was doing all
9 kind of different things.

10 Q: So it could have been a month, it could have been three
11 months, it could have been two months?

12 A: No longer than three months. No longer.

13 Q: Longer than three months?

14 A: I said no longer.

15 Q: No longer than three months?

16 A: Yeah, no longer than three months.

17 Q: No less than one month?

18 A: Right.

19 Q: Okay. Now, is it true that the individual that you met
20 him through had to go on to Columbia and get a flight for some
21 reason?

22 A: Yeah.

23 Q: That's true; right?

24 A: Right. See I met him through Twix. He came with Rude
25 Boy.

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 Q: That's ---
- 2 A: Rude Boy had to go get a flight.
- 3 Q: When you met him with Rude Boy ---
- 4 A: Twix wasn't never here to go catch a flight.
- 5 Q: No, I'm talking about the other Rude Boy.
- 6 A: No. You said -- go ahead.
- 7 Q: All right. Him and Rude Boy; right?
- 8 A: All right. I'm listening.
- 9 Q: You knew Rude Boy?
- 10 A: I met Rude Boy with Twix and them. Them all in it
- 11 together. That's Jamaican -- he know them.
- 12 Q: When he shows up in Florence ---
- 13 A: With him.
- 14 Q: He's got Campbell with him?
- 15 A: Right.
- 16 Q: That's where you met him?
- 17 A: Okay.
- 18 Q: Rude Boy had to go for one reason or another to Columbia
- 19 and get on a plane; correct?
- 20 A: Yeah. He went and got on a -- he went and take a flight.
- 21 Q: Rude Boy had asked you if he could stay at the trailer;
- 22 right?
- 23 A: He tell -- Rude boy say that he was -- he was staying
- 24 here with me because him and Twix had a deal going on, but he
- 25 was going to try and get the money.

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 Q: That's what he told you?
- 2 A: He was going to get the money back and forth.
- 3 Q: That's what he told you?
- 4 A: Okay. That what was going on.
- 5 Q: Okay.
- 6 A: That what was going on.
- 7 Q: But what we know happened is Rude Boy left him here and
- 8 got on a plane and went somewhere?
- 9 A: Okay.
- 10 Q: Right?
- 11 A: Yes, sir.
- 12 Q: All right. Was Twix in your federal indictment? Was he
- 13 part of your federal case or has he just not been apprehended?
- 14 A: No. He wasn't -- he wasn't part of my federal case.
- 15 Q: So you don't know where he is today? I mean you've got
- 16 an idea, but you don't physically know where he is?
- 17 A: I don't physically know. No, not now.
- 18 Q: Now, this trailer, it wasn't yours, but you had custody
- 19 and control of it; right? You had the ability to use it as
- 20 you wanted?
- 21 A: Yeah, I could come over there. Yeah, I could come.
- 22 Q: And the girlfriend whose name it was in, she didn't live
- 23 there?
- 24 A: No. She already had left.
- 25 Q: Okay. The box that you picked up in Conway, that UPS box

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 right there ---

2 A: Uh-huh.

3 Q: --- and there was another box you identified. Do you
4 really remember that or are you just assuming those are the
5 boxes?

6 A: It got the name on it.

7 Q: Okay. Did you look at the name?

8 A: You can see the name on it.

9 Q: Whose?

10 A: David Graham or David something.

11 Q: So in Conway, days before you got arrested, there was a
12 box mailed there, you testified; right?

13 A: Okay.

14 THE COURT: Mr. Davis?

15 THE WITNESS: Yes, sir. Yes, sir.

16 THE COURT: I need a yes or a no response.

17 THE WITNESS: I'm sorry, sir.

18 THE COURT: If you want to explain it, you can explain
19 it. Okay?

20 THE WITNESS: Yes, sir.

21 THE COURT: Thank you.

22 Q: I think that was Exhibit 17. All right. So the money
23 was in the back of the Impala in the trunk; right?

24 A: Yes, sir.

25 Q: The big money?

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 A: Yes, sir.
- 2 Q: The nine -- eight -- 9,000 was in your front pocket?
- 3 A: Yes, sir.
- 4 Q: Okay. The \$4,000 was in your master bedroom?
- 5 A: In the drawer.
- 6 Q: With the guns?
- 7 A: Well, one gun.
- 8 Q: One gun. The other guns in different rooms?
- 9 A: Yes, sir.
- 10 Q: With crack and marijuana; right?
- 11 A: I guess.
- 12 MR. TRUSLOW: Court's indulgence, Your Honor.
- 13 THE COURT: Yes, sir.
- 14 MR. TRUSLOW: Just about done.
- 15 Q: When's the last time you talked to Mr. Jepertinger or any
- 16 of the police officers or investigators about this case?
- 17 Yesterday? Today?
- 18 A: I believe it was Friday.
- 19 Q: Friday? You haven't talked to anybody since Friday?
- 20 A: No. I hadn't talked to nobody else.
- 21 Q: Okay. Now, this phone, you said you identified it
- 22 because you -- you bought it at a store. What store was that
- 23 bought at?
- 24 A: Me and him bought the phone at Dollar General.
- 25 Q: Right. Now, let me ask you this. You also testified you

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 and him both put the money in the trunk. What does that mean?

2 Both? Did you both have a hand on it?

3 A: Because that way -- no. See what I mean both, so that
4 way he will know the money is in the trunk so that way when he
5 get on the phone and call whoever he need to call to and talk
6 to ---

7 Q: Yeah.

8 A: --- he'll let them know that, yeah, me and Pimp put the
9 money in the trunk of the car. That why I said we both put it
10 there so he know it's in the trunk and he was staying at the
11 trailer to make sure that the money was stayed in the trunk.

12 Q: Let me sum this up. You got young children; correct?

13 A: Yes, sir.

14 Q: Fair?

15 A: Yes, sir.

16 Q: You've gone from possible life to a likely twenty-seven
17 years to fifteen because the government filed a motion for
18 you; right?

19 A: Yes, sir.

20 Q: Your plea agreement contains language where if you
21 cooperate in the prosecution of another person, they will file
22 a 35(b) reduction or that they can; correct?

23 A: Yes, sir.

24 Q: You're here today and you appear to be attempting to
25 cooperate in the prosecution of another person; correct?

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 A: Yes, sir.

2 Q: You first said you didn't expect anything; right?

3 A: Right.

4 Q: Then you said it'd be nice if he sent a letter?

5 A: I was going off what you said because you kept asking me
6 the same thing. I keep telling you the same thing.

7 Q: So you going to tell this jury today that your testimony
8 here today is not influenced at all by the possibility of
9 having your sentence come down from fifteen years? Can you
10 honestly tell them that?

11 MR. JEPERTINGER: I would object. He's -- this has been
12 testified to over and over again ---

13 MR. TRUSLOW: I'm just summing up, Your Honor.

14 MR. JEPERTINGER: --- the last fifteen -- twenty minutes,
15 Judge. It's still asked and answered.

16 THE COURT: It's been asked and answered. Answer the
17 question one more time, Mr. Davis.

18 THE WITNESS: Yes, sir.

19 Q: Would you tell them that that has nothing to do with your
20 testimony here today? Reducing your sentence?

21 A: That don't have nothing to do with my testimony today.
22 Nothing.

23 Q: Is that your truth?

24 A: That's the truth.

25 Q: Okay. You give this phone to Mr. Campbell to use while

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

- 1 he was down here?
- 2 A: I didn't give that phone to him. We bought the phone
3 from Dollar General.
- 4 Q: You at least halfway admitted you were involved in buying
5 it; right?
- 6 A: We bought the phone from Dollar General. He ain't been
7 knowing where to go get the phone from. He said he needed a
8 phone and I said, well, we can go down the street.
- 9 Q: He needed a phone to use; right?
- 10 A: Yeah. Because he said he was having problems with that
11 other phone.
- 12 Q: Okay.
- 13 A: And I said, well, shoot, we go down the street and get
14 one from Dollar General.
- 15 Q: So you went and got him a phone?
- 16 A: Me and him went to Dollar General and bought the phone
17 from Dollar General.
- 18 Q: So you don't think he could find his way to Dollar
19 General to get a phone?
- 20 A: He ain't from round here. Dollar General right down the
21 street from the -- from [REDACTED].
- 22 Q: Right.
- 23 A: Me and him got in the car and we went to Dollar General.
24 He pick out his phone.
- 25 Q: He said he needed a phone to use. How many phones did

SHAWN LURON DAVIS - CROSS EXAMINATION BY MR. TRUSLOW

1 you have? You had two; right?

2 A: Okay.

3 Q: Right?

4 A: Yes, sir.

5 Q: Okay. You didn't want to let him use one of yours.

6 A: No, sir. No, sir. Absolutely not.

7 Q: Why?

8 A: Because he could have got his own phone. And which that
9 what he did.

10 Q: No, you did.

11 A: Okay.

12 MR. TRUSLOW: Nothing further.

13 THE COURT: Any redirect?

14 MR. JEPERTINGER: Yes, sir.

15 MR. JEPERTINGER: I'll keep this brief. A couple
16 things.

17 REDIRECT EXAMINATION

18 BY MR. JEPERTINGER:

19 Q: I did talk to you today; did I not?

20 A: Oh, yes, sir, yeah. It was about thirty seconds.

21 Q: Yeah. I asked you what happened with your phones?

22 A: Right.

23 Q: Okay. Okay. Now, in terms of these, both the plea
24 agreement and the indictment, did you have an attorney for
25 this matter?

SHAWN LURON DAVIS - REDIRECT EXAMINATION BY MR. JEPERTINGER

- 1 A: Yes, sir.
- 2 Q: What was your attorney's name?
- 3 A: Cam Littlejohn. Cam Littlejohn, Jr., I think.
- 4 Q: Okay. Where's he from?
- 5 A: Columbia.
- 6 Q: Okay. Did -- in your opinion, did he do his job as a
- 7 lawyer should do for a client accused of a crime?
- 8 A: Yes, sir.
- 9 Q: Okay. Did you, Mr. Littlejohn, and the United States
- 10 Government reach whatever plea agreement was reached?
- 11 A: Yes, sir.
- 12 Q: Did Mr. Littlejohn have input into what was going to
- 13 happen with your case?
- 14 A: That I was going to get time?
- 15 Q: Yes.
- 16 A: Yes, sir.
- 17 Q: Did Mr. Littlejohn tell you that the government would let
- 18 you plead to two counts instead of five?
- 19 A: Yes, sir.
- 20 Q: Did you accept the fact that Mr. Littlejohn was doing
- 21 good work on your behalf?
- 22 A: Yes, sir.
- 23 Q: Okay. All right. In terms -- and I want you to look at
- 24 this document again, please. The second paragraph. Does that
- 25 refresh your recollection of what you were speaking to about

SHAWN LURON DAVIS - REDIRECT EXAMINATION BY MR. JEPERTINGER

1 the officers on May 28th, 2013?

2 A: Yes, sir.

3 Q: All right. And back on May 28th, 2013, what did you tell
4 the officers about Campbell being in Florence?

5 A: That he came to oversee everything and make sure money
6 and stuff get back to Twix.

7 Q: No. I'm not asking ---

8 MR. TRUSLOW: Judge, this is going beyond the scope of
9 redirect..

10 THE COURT: Rephrase your question, Mr. Jepertinger.

11 Q: I ask you in terms of the last sentence.

12 A: Mm-hmm.

13 Q: Okay. How long?

14 A: Possibly three months.

15 Q: Is that -- did I ever speak to you in depth about this
16 case prior to -- prior to last -- I believe Friday?

17 A: No sir. You ain't never speak to me since last Friday.
18 No.

19 Q: Did I ever talk to you over in federal court?

20 A: No, sir.

21 Q: Was I present at your sentencing?

22 A: No, sir.

23 MR. JEPERTINGER: That's all the questions I have, Judge.
24 Thank you.

25 THE COURT: Any recross?

SHAWN LURON DAVIS - RECROSS EXAMINATION BY MR. TRUSLOW

1 MR. TRUSLOW: Just one.

2 RECROSS EXAMINATION

3 BY MR. TRUSLOW:

4 Q: You told me that you hadn't talked to him since Friday;
5 correct? What time did you talk to him today?

6 A: It probably in the -- that was in there about thirty
7 seconds -- fifteen -- no more than about fifteen seconds.

8 Q: Well, how long ago was it?

9 A: Hour or two or whatever, before I came here.

10 Q: So you're on the witness stand under oath; right?

11 A: Right.

12 Q: You can't remember having a conversation with the
13 prosecutor an hour ago; right?

14 A: No. I'm saying I thought you was talking about like a
15 sit down briefing, a sitting down ---

16 Q: Were you sitting down?

17 A: --- talking. I thought that what you talking about,
18 that's what I thought you was talking about. I saw him about
19 thirty seconds, yeah, before I came in here.

20 Q: Y'all were talking evidence in the case; weren't you?

21 A: We're talking about thirty seconds ago.

22 Q: About evidence?

23 A: What?

24 Q: About evidence? You were talking about the phones?

25 A: Right.

SHAWN LURON DAVIS - RECROSS EXAMINATION BY MR. TRUSLOW

1 Q: Okay.

2 A: He asked me where my phone is.

3 Q: Right.

4 A: Right.

5 Q: What did he ask you about that phone?

6 A: He was asking me about my phones. What happened with my
7 phones.

8 Q: Right.

9 A: I already told you that, man.

10 Q: No. You told me you didn't talk to him since Friday.

11 A: Well, you know, I didn't call that talking right there,
12 fifteen seconds. I didn't call that even talking.

13 Q: So you didn't consider that talking to the prosecutor or
14 you didn't remember? Which is it?

15 A: I didn't consider that talking. I was thinking you was
16 talking about we was sitting down talking. That's what I
17 thought you was talking about. I'm sorry about that, sir.

18 Q: As opposed to standing up talking?

19 A: However you want to put it, sir. I'm sorry.

20 MR. TRUSLOW: I got nothing, Your Honor.

21 THE COURT: Sir, you may step down. Officers? All

22 right. Ladies and gentlemen, I know you are probably

23 wondering whether or not we were going to take lunch break

24 today. I'm sorry. I don't like to go past one o'clock, but I

25 didn't want -- it's kind of like the five o'clock thing. I

1 don't want to stop right on the hour and come back -- it's
2 twelve after one now -- for twelve minutes of testimony. I
3 wanted to complete it. Okay? If it was possible, I wanted to
4 complete it. We have done that at this point. I am going to
5 let you all go to lunch at this -- at this time. I am going
6 to ask that you be back in your jury room at two thirty -- two
7 thirty. That will give you about an hour and twenty minutes
8 for lunch. Please be back in your jury room. Do not discuss
9 the case. Do not discuss the case. See you at two thirty.

10 (Whereupon, the jury exits the courtroom at 1:12 p.m.)

11 THE COURT: All right. Is the jury clear?

12 THE BAILIFF: Not yet.

13 THE COURT: All right.

14 THE BAILIFF: Now they are.

15 THE COURT: All right. I'm just trying to plan. We're
16 going to start back at two thirty. Who's your next witness
17 going to be, Mr. Jepertinger?

18 MR. JEPERTINGER: I think the State's going to rest,
19 Judge.

20 THE COURT: Okay. I wish I would have known that. I
21 would have let you rest before I released the jury and then I
22 could have released the jury. You kind of said -- I mean you
23 did say up here that you didn't think you were going to call
24 the FBI agent, which I asked you, but I didn't -- anyway,
25 that's neither here nor there. Anything before we take a

1 break for lunch? Why don't we do this? Why don't I go ahead,
2 Mr. Truslow, and advise your client of his right to testify?

3 MR. TRUSLOW: Yes, sir.

4 THE COURT: Madame Clerk, would you swear the defendant?

5 THE CLERK: Would you raise your right hand? Do you
6 swear to tell the truth, the whole truth, and nothing but the
7 truth, so help you God?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: All right. Sir, you are Clifford Claude
10 Campbell?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. We have now reached or are about
13 to reach when we get back from lunch -- Mr. Jepertinger's
14 indicated they are going he is going to rest. So I'm going to
15 go ahead and advise you of your rights. But we've reached the
16 stage or are about to reach the stage of the trial where you
17 may present your defense.

18 You have the right, however, to claim the protections
19 given to you by the Fifth Amendment to the Constitution of the
20 United States, which provides, in part, that no defendant --
21 no defendant or no person shall be compelled in any -- in any
22 criminal case to be a witness against himself. This means
23 that you cannot be required to testify in this case. You have
24 the right to testify on your own behalf; however, no one can
25 make you testify. This is a personal right and no one can

1 waive this right except you.

2 If you decide to testify, you will be subject to the same
3 rules that govern other witnesses and you may be examined and
4 cross-examined on any relevant issue in this case. In
5 addition, if you have any convictions involving dishonesty or
6 false statement or for crimes punishable by imprisonment for
7 more than one year and this Court determines that the
8 probative value of admitting this evidence outweighs its
9 prejudicial effect to you, the solicitor or the prosecutor
10 will be allowed to introduce your record to attack your
11 credibility.

12 If you decide to testify, this decision must be on your
13 part. It must be freely, voluntarily, and intelligently made
14 with knowledge of the protections given to you by the Fifth
15 Amendment to the United States Constitution and the
16 consequences of your decision to testify.

17 If you decide not to testify, I will instruct the jurors
18 that they cannot give the fact that you did not testify any
19 consideration whatsoever, and that there is to be absolutely
20 no prejudice to you because you did not testify. It is left
21 entirely up to you whether or not you testify. You may talk
22 with your attorney, your family, friends, or anyone else, but
23 the final decision is up to you as to whether or not you
24 testify. Do you understand what I've explained to you, sir?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you have any questions about what I've
2 explained to you?

3 THE DEFENDANT: Not at this time.

4 THE COURT: Sir?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Okay. Have you discussed with your attorney
7 whether or not you should testify?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Sir?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you need any more time to talk to him?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. I'm going to give you -- we're
14 breaking. It's about 1:17. I'm going to give you over the
15 lunch break to talk to your lawyer about this issue -- about
16 this right that I've explained to you. When we -- when we
17 resume at two thirty, I will expect an answer from you, okay,
18 sir?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right. We'll stand at ease until two
21 thirty.

22 (Whereupon, there is a break in the proceedings from 1:17
23 p.m. to 3:06 p.m.)

24 THE COURT: All right. It is my understanding that the
25 State is going to rest. Is that right, Mr. Jepertinger?

1 MR. JEPERTINGER: That is correct, Your Honor.

2 THE COURT: All right. Before we broke for lunch, I
3 advised Mr. Campbell of his rights or his right to testify or
4 put up a defense. Mr. Campbell, would you stand, please, sir,
5 at this time?

6 (Whereupon, the defendant complies.)

7 THE COURT: Prior to breaking for lunch, I advised you of
8 your right to testify and put up a defense and you requested
9 additional time to talk to your lawyer. Did you have
10 additional time to talk to your lawyer, Mr. Campbell?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, have you decided whether or not you wish
13 to testify in a trial of your case?

14 THE DEFENDANT: Yes, I decided.

15 THE COURT: And what is your decision, sir?

16 THE DEFENDANT: I'm not going to testify.

17 THE COURT: All right. You are not going to testify?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now, is that decision based upon or
20 subsequent to your discussions with your lawyer?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Is it your decision and that you're making
23 freely and voluntarily after discussing this matter with your
24 lawyer?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. All right. Anything else, Mr.
2 Truslow, with regards to this issue?

3 MR. TRUSLOW: No, Your Honor.

4 THE COURT: All right. For practical purposes -- you may
5 be seated. Y'all may be seated. Thank you. For practical
6 purposes when the jury is brought back in, the State is going
7 to rest. Mr. Truslow, rather than send the jury back out at
8 that point, I would ask -- and you tell me if you have any
9 problem with this. I mean I want to do whatever is necessary
10 to make sure you're comfortable in protecting your client's
11 interest, but certainly would ask that you simply, Judge, I'd
12 make, you know -- and you can do it up here at sidebar if you
13 want to -- a directed verdict motion or whatever motions you
14 wish to make, and I will address those here at side bar if you
15 want me to, but make sure that they are on the record and then
16 we'll move right in to closing argument. Is the State going
17 to open on the law?

18 MR. JEPERTENGER: No, sir. I'd prefer to just one
19 argument at the close.

20 THE COURT: All right. The order will be that Mr.
21 Truslow will go closing argument followed by the State and I
22 will give my charge on the law. I will note for the record
23 that we have had a charging conference. That's what we've
24 been working on the last thirty -- thirty-five minutes.. I'll
25 certainly give the lawyers an opportunity to object to

1 anything that they believe that I may left out or to any
2 portion of the charge, but each of the lawyers, for the State
3 and defense counsel, has reviewed the charge and it is my
4 understanding at this time that there is no objection to the
5 jury charge by the State. Is that correct, Mr. Jepertering?

6 MR. JEPERTINGER: That is correct, Your Honor.

7 THE COURT: Is that correct, Mr. Truslow?

8 MR. TRUSLOW: Correct, Your Honor.

9 THE COURT: All right. Anything before I bring the jury
10 in, Mr. Jepertering?

11 MR. JEPERTINGER: Not from the State, Your Honor.

12 THE COURT: Mr. Truslow?

13 MR. TRUSLOW: Nothing, Your Honor.

14 THE COURT: All right. If you'll -- well, after -- hold
15 on a second. After the State rests and we address your
16 motions up here, I'm going to recognize you and you can rest
17 as well and then note from your seat there that you are
18 renewing all previous motions and again I will go from there.
19 Okay? Bring me a jury, please, ma'am.

20 (Whereupon, the jury enters the courtroom at 3:10 p.m.)

21 THE COURT: All right. Madame Forelady and ladies and
22 gentlemen of the jury, I apologize for keeping you back there
23 waiting. There were some matters that I needed to take up and
24 address as you all will see or have seen throughout the
25 morning. My law clerk, the young lady I told you that was my

1 lawyer yesterday, is not here today. She is out, had a
2 doctor's appointment today and has not been able to make it,
3 which adds some additional workload on me. Some things that I
4 could have had her doing while you all were back in the
5 courtroom, she was not here to do for me so I've been having
6 to do it. Okay? And so I apologize for keeping you all back
7 there during this period of time. I appreciate you all being
8 punctual and being back here when I asked you to be back here.
9 I will at this time recognize the state. Mr. Jepertinger?

10 MR. JEPERTINGER: Your Honor, at this time, the State
11 would rest.

12 THE COURT: All right. Ladies and gentlemen, the State
13 has rested its case. I would ask that the lawyers -- rather
14 than send you all right -- what typically happens is the Court
15 would send you all right back out of the courtroom because
16 there's some additional matters that we need to take up -- I'd
17 have to take up outside of your presence, but rather than do
18 that, I am going to let you all sit there while we address a
19 couple of things right here at sidebar, obviously out of your
20 earshot so to speak. Okay? So I don't have to send you right
21 back out. If you'll just bear with us just a minute.

22 (Whereupon, a bench conference is held in the presence of
23 the jury but out of the hearing of the jury as follows.)

24 MR. TRUSLOW: Your Honor, at this time, the defense makes
25 a motion for directed verdict based upon a lack of evidence

1 to go forward in this matter. Specifically, I don't believe
2 that Mr. Davis testified about my client having any knowledge
3 of what was in the package.

4 THE COURT: Well, any reply, any argument in response?

5 MR. JEPERTINGER: Your Honor, I think there's been a
6 tremendous amount of evidence from the witness stand about --
7 at this stage in the light most favorable to the State that
8 there's evidence that he knew what was going on.

9 THE COURT: I think based upon the testimony that's been
10 presented in this courtroom, the Court is concerned with the
11 existence -- with the existence and not its weight -- not the
12 weight of evidence. In literal terms, not the weight, but the
13 existence, and the Court -- there's certainly been testimony
14 that's been elicited on the stand that would be a credibility
15 issue and those issues go to the jury to determine the guilt
16 or innocence and, therefore, I'm going to respectfully deny
17 your motion.

18 MR. TRUSLOW: Yes, sir. Thank you.

19 (Whereupon, the bench conference ends.)

20 THE COURT: All right. At this time I am going to
21 recognize Mr. Truslow. Mr. Truslow, defense counsel is
22 recognized.

23 MR. TRUSLOW: Your Honor, the defense rests.

24 THE COURT: All right. Ladies and gentlemen, you all
25 have heard all the testimony and all of the evidence has been

1 put in, or entered into evidence, that you are going to hear
2 in this case. The only remaining thing to do or what we have
3 left to do is closing arguments by counsel and me charging you
4 on the applicable law in this case. I will remind you all,
5 ladies and gentlemen, as I did prior to the beginning of this
6 trial when the lawyers began their opening statements, I will
7 tell you that opening statements and closing arguments are not
8 evidence in this case. It's not evidence in this case. Mr.
9 Truslow, you're recognized at this time for closing arguments,
10 sir.

11 MR. TRUSLOW: Thank you, Your Honor. Mr. Jepertering.

12 MR. JEPERTINGER: Yes, sir.

13 CLOSING ARGUMENTS

14 MR. TRUSLOW: Ladies and gentlemen of the jury, I told
15 you I think earlier that -- I told you earlier that I've been
16 practicing criminal defense law for about twenty years. Many
17 of those cases that I've tried, I have got up and without
18 notes tried to summarize what I thought the evidence showed.
19 This case is a very important case and I find that I do need
20 to go over some things with you and I am going to refer to my
21 notes. I don't see anything wrong with that.

22 You know, it's important that you understand what's going
23 on here. I told you at the beginning of this case that the
24 State of South Carolina can -- can accuse or charge anybody
25 with a crime. The judge is going to instruct you that the

1 arrest warrant, the arrest of the defendant, the indictment of
2 a defendant for a charge is not evidence. The only evidence
3 that you have comes from the witness stand or any court
4 exhibits that were entered into evidence in this case. For
5 example, the boxes with the drugs, photographs, and things of
6 that nature.

7 I can do this quickly. I'm not going to take a long time
8 to do this. The reason I'm not going to take a long time to
9 do this is because I'm going to submit to you that my client
10 is not guilty. The State has not proven him guilty. When he
11 comes in here, and the judge would tell you this as he told
12 you at the beginning of the trial, he walks in this courtroom,
13 he says I'm going to take my case to the jury, and I explained
14 to you what your options were when you're charged with a crime
15 and that's one of them. When you do that, you announce to the
16 Court, to God and country, that I'm not guilty. That's what
17 he's saying.

18 And until the State is able to shred off that cloak of
19 innocence, tear it off, piece by piece, with evidence, with
20 real evidence that convinces you beyond a reasonable doubt of
21 his guilt, he stays innocent. He stays not guilty. The
22 State, in this case, has not done that.

23 Now, is this a contest between Mr. Japertinger and I?
24 We're both too old for this to be a contest. It's the job;
25 it's what we do for a living. You're not here to say I win.

1 You're not here to say the police win. You're not here to
2 reward the police or reward the prosecutor. You're not here
3 to reward us. You are simply here, if you do what you swore
4 to do, to weigh the evidence and make a decision based solely
5 on the evidence.

6 Now, I submit to you that you heard a number of witnesses
7 testify. Every single witness that testified, with the
8 exception of Mr. Davis, is pretty much irrelevant.
9 Irrelevant. Now, in a criminal case, they're going to put
10 their officers up, but what did they really testify to?

11 First witness was Special Agent Downey. He had a K-9 and
12 he's the one that brought the K-9 to the FedEx Company. They
13 opened the box there. They got a search warrant for it. They
14 set up the delivery. Okay. Nobody disputes that a package
15 was delivered to Mr. Davis and he accepted it. Nobody
16 disputes that he got marijuana. The issue in this case is his
17 connection or his guilt of trafficking in marijuana.

18 Now, there is ample evidence of Mr. Davis' guilt. No
19 question about it. And everything that was talked about from
20 Agent Downey, who talks about searching the kitchen, Agent
21 Tracy, who had training and he deals with packages and things
22 like that, and he did say that, you know, a lot of Jamaicans,
23 Hispanics and Vietnamese and college kids use packages. I
24 don't hold him to everything, but he said he didn't have any
25 -- any research or statistics or keep up with that stuff, yet

1 he made the statement those are the four main groups. He made
2 the statement that 1,600 cases that he's looked at and then he
3 gave me some ballpark figures that had added up to 965,
4 leaving 635 cases that were non-Jamaican, non-Hispanics. Is
5 that evidence that my client is guilty? No. It's not.

6 They have to testify to something. They all did their
7 job. They came in here and testified what that job was and
8 what they did. They threw out some facts about Phoenix,
9 Arizona, because apparently somebody got a call or placed a
10 call to Arizona. In Arizona, he says there's a large Jamaican
11 population, which he couldn't tell me the population of
12 Phoenix. He couldn't tell me the Jamaican population. I know
13 Jamaicans everywhere. Okay.

14 You have to ask yourself why in this trial are they
15 telling you there are a whole lot of Jamaicans in Arizona?
16 Because they don't have a case. They don't have enough
17 evidence to convict and they're trying to put in your head,
18 yeah, he must have did it. I'm going to stop here and pause
19 for a second and take an aside.

20 When the State talks to you, I want you to be wary of
21 language like, you know what happened here, we know what
22 happened here, and that kind of stuff. Okay? Because they
23 need you to convict him. He was arrested a year and a half
24 ago for trafficking. He said I'm not guilty and he asked for
25 this trial. He pushed them to this because he said I'm not

1 guilty. So they're going to put on the best case that they
2 can. Don't let them talk you into convicting somebody.

3 He should not have to talk you in to convicting somebody.
4 His job is to give you enough evidence that leaves you -- and
5 the judge will tell you these terms for reasonable doubt --
6 firmly convinced of Clifford Campbell's guilt. If you were
7 firmly convinced, there is not a whole lot he would have to
8 say. It's the evidence that counts and it's the only thing
9 that counts. And likewise, what I say is not evidence. What
10 Mr. Jeperfinger gets up and says is not evidence. We get up
11 and give you a version of what we heard. We point out to you
12 things that we think were important to pick up on.

13 But oftentimes, it's silly because we're maybe assuming
14 that you didn't hear something. You know, you probably heard
15 things that I didn't hear. I've had cases before where I've
16 talked to juries and they were talking about something that I
17 didn't even mention. Okay? So what's important, and the
18 judge will tell you, too, it's not what we say was said, but
19 what you heard said. What's important is how you weigh the
20 credibility of the witnesses and who you will believe to
21 convict somebody of a crime and who you won't believe.

22 Agent Tracy published -- the second witness published the
23 CD and that shows you a videotape of him bringing the package
24 in the truck, driving, bringing it over. Mr. Davis signed for
25 it and taking the package. Witness three, Special -- I

1 apologize for my allergies. I ran out of Claritin D. I'm
2 doing the best I can, but I just feel compelled -- I'm self-
3 conscious. I want to get that out there. That's what's going
4 on.

5 Special Agent Landrum of SLED, she is an employee of SLED
6 who tests drugs. Her sole function in this case was to allow
7 the drugs to be put into evidence. In order for that to
8 happen, you have to have a chemist say I tested these drugs
9 and it's marijuana. I don't think there is anybody that
10 doubts that Mr. Davis is a drug dealer and that Mr. Davis took
11 the FedEx package of marijuana. That's witness three.

12 Witness four is Investigator Lewis. He was the fifth or
13 six vehicle to [REDACTED] Road. The defendants were already
14 handcuffed and in custody. His dog hit on the Impala trunk
15 and the money was found in the trunk. We went through four
16 witnesses that has nothing to do with Clifford Campbell. It's
17 almost like a boxing match.

18 And the scenario I'm going to give you of the analogy
19 would be we're through four witnesses and nobody has laid a
20 glove on Clifford Campbell, you know, and I would say that
21 because a lot of times there is force in numbers and you get
22 special agents with special titles from special organizations
23 like SLED, and they get up and testify, one after another
24 after another after another after another and sometimes that
25 can be a bit overwhelming. But the only thing that's

1 important is what they said. The substance of what they said
2 is the evidence that you have to decide this case.

3 Witness five was Special Agent Hinson. He testified that
4 the point of origin for the box was Arizona and I believe it's
5 in evidence, that tracking where this box went from Arizona
6 through Memphis and on to Florence and then to Mr. Davis'
7 hands. Mr. Hinson testified that the defendants were already
8 in custody by one of the fifteen other agents who were on the
9 scene. Notice we didn't have fifteen witnesses. Notice we
10 don't know who put Mr. Campbell in handcuffs. And then he
11 went through the search because he was in charge of that. So
12 witness number five is Special Agent Hinson. You can use the
13 -- can I use the diagram?

14 MR. JEPERTINGER: Sure.

15 MR. TRUSLOW: May I take this off the ---

16 MR. JEPERTINGER: It may be in the back.

17 MR. TRUSLOW: All right. You know what?

18 MR. JEPERTINGER: r is it behind you?

19 MR. TRUSLOW: Yeah, there it is.

20 THE COURT: What you looking for?

21 MR. TRUSLOW: That's not it. All right. Well, let me --
22 I'll tell you what, I'll go without it. Because it was held
23 up in front of you; right? You remember that diagram with the
24 trailer.

25 He's in charge of logging and supervising what was going

1 at the search with the search so we know -- we've been told
2 fourteen or fifteen officers are there searching. They would
3 photograph the evidence and they would bring it into the
4 kitchen. They would write down where it was found and so
5 forth.

6 He told you what was found in the master bedroom. Mr.
7 Davis agreed with me when I asked about whose bedroom this was
8 and how did he agree with me? He said he put the \$4,000 in
9 his dresser drawer. Okay? So you got the drugs, you got the
10 guns, you got money. Here is where Mr. Davis came in the back
11 door and he set that package back here in bedroom three.
12 There was something in bedroom two, either some more firearms.
13 Remember, the money here was concealed. They said the drugs
14 here, crack cocaine, was inside a dresser drawer concealed.

15 Now, Mr. Davis told you that and, you know, I'm just
16 going to go by what he says. He put up evidence of how many
17 days or how long he stayed there a while, but we do know this,
18 this is where Mr. Campbell was, bedroom four. So I talked to
19 Mr. Hinson about what was found in bedroom four. Nothing.
20 Nothing. No crack, no cocaine, no pipes, no grinders, no
21 money, no guns, nothing. Where did the police find Clifford
22 Campbell? Outside.

23 They lost sight of Mr. Davis going around with the
24 package. We know what he did with that. They moved in. They
25 put handcuffs on Clifford Campbell outside this trailer. Case

1 closed. End. No interrogation. As far as we know, he made
2 no statements to anybody.

3 That's witness number five. Witness number five tells
4 you what they found in the house. They found no identifying
5 information regarding Clifford Campbell. They found nothing
6 in the room that Mr. Davis said he let him stay in. They said
7 that if he had a bag of clothes and whatever, his overnight
8 bag, whatever it was in there, that they would have searched
9 it and if no drugs were in it, they wouldn't have taken it.
10 They would have left it there.

11 He also says that there was a phone found. The
12 importance of this phone is that apparently it has a picture
13 of Mr. Campbell on it and they said that there was an Arizona
14 number dialed. Now, we know that he used the phone. Mr.
15 Davis told you that he got him a phone. He says they went and
16 got it together. Mr. Davis told you that his phone wasn't
17 working, he's from Florida, so he needed a phone. Wanted to
18 use a phone. Mr. Davis in no uncertain terms said he would
19 not under any circumstances let him use one of his two phones
20 that they took. So he goes and gets him a phone -- a phone to
21 use.

22 Does that mean that Mr. Davis didn't use that phone as
23 well? He's just knowing he's not going to let him use his two
24 main phones. That doesn't mean Mr. Davis can't use that phone
25 as well. So if my client texts a picture of himself to

1 somebody or does whatever with it, that's using the phone.
2 Does that mean he called Arizona? Do you have any proof of
3 that? That he dialed that number? Do you have any proof that
4 he owned that phone? That phone was in his name? Do you have
5 any billing records for that phone? Do you have any ownership
6 records for that phone? You do not.

7 Mr. Hinson -- Agent Hinson, says that he took -- or that
8 \$8,000-some was taken out of Mr. Davis' front pocket. There
9 was no testimony any money was taken out of my client's
10 pocket. They found \$4,000 in his master bedroom. What does
11 Mr. Davis say today? That's money I was going to give to
12 Clifford Campbell. Well, why didn't you give it to Clifford
13 Campbell? I mean do you have to make a special meeting to
14 give it to him? He had to walk by him to walk back in the
15 house. You were already at the house. Does that make sense
16 to you?

17 Mr. Hinson agreed to me and he read out to you from the
18 return that the \$33,000 U.S. currency was found in the trunk
19 of the Chevrolet Impala, South Carolina tag [REDACTED] which
20 belongs to Shawn L. Davis, not Clifford Campbell. No police
21 officer has told you anything like that. We're getting to Mr.
22 Davis because he is the only one that's said anything. How
23 convenient for him to say -- ask yourself if this makes sense.
24 We put the money in the trunk together. We went in and bought
25 the phone together. It doesn't make sense.

1 And finally, Agent Hinson confirmed that nothing was
2 found in bedroom number four. So what I would suggest to you
3 is that -- and if I'm mistaken, I am certain Mr. Jepertinger
4 will point it out to you -- with this witness one through
5 witness five there's no evidence connecting Clifford to drugs
6 other than standing at the back door. If you heard something
7 different, go with what you heard. If there is anything
8 different, I am sure Mr. Jepertinger will point that out to
9 you. But I took pretty good notes. That's witness one
10 through five. What does that leave you with? It leaves you
11 with Mr. Davis. Mr. Davis.

12 Mr. Davis told you that he's been dealing drugs since the
13 year 2000. That's thirteen years of drug dealing. He told
14 you that he was indicted by the federal government for crack
15 cocaine, cocaine, guns, a five count indictment. And I put
16 that into evidence. You will be able to see all this when you
17 go back so I'm not going to through everything.

18 But the indictment states that Mr. Davis from 2000 until
19 2012 was conspiring with other people to sell cocaine and
20 crack cocaine. Count two, that he actually had cocaine on a
21 particular date and was caught with it. Count three, he
22 possessed a firearm in the furtherance of a drug trafficking
23 crime. Count four, having previously been convicted of a
24 crime punishable for a term exceeding one year, he possessed a
25 firearm. A felon in possession. Not just one but within

1 count four, a Norinco caliber rifle, a Ruger .44 caliber
2 revolver, a Caltech .32 caliber pistol. Count five, On March
3 6th, a different date, he possessed at least five hundred grams
4 of cocaine. March 6th, 2012, which is, you know what, about a
5 week after this incident. So Mr. Davis, after getting
6 arrested at the trailer, a week later got caught with another
7 five hundred grams of cocaine. That's half a kilo.

8 So Mr. Davis told you that based upon all that he had
9 done, he was facing life in prison. And I don't know if
10 anybody is familiar with federal court, but that is real.
11 That's what it carries. And he told you that. Mandatory
12 minimum of ten.

13 However, he explained to you and to us, when he asked and
14 asked me if I was talking about his PSR, that his advisory
15 range and what the PSR comes back that he should be sentenced
16 at was twenty-seven years. Mr. Davis didn't want to do
17 twenty-seven years. So he immediately began to cooperate.
18 When I asked him, he told you. I said are you familiar with
19 people in lock-up and facing federal cases, getting
20 information, writing statements on other, true or not.
21 Getting other information from other people about other people
22 to use for yourself to get a sentence reduction. He said
23 yeah, I'm aware of that, yeah, I know about that.

24 You don't think he was actively doing that? He was
25 cooperating. He was doing anything he could to get as many

1 people in trouble as he could. Do you think he cares right
2 and wrong? Do you think he cares who he sails down the river,
3 guilty or innocent? Does this mean he's getting out of
4 federal prison?

5 Well, it didn't mean anything to him at first because he
6 went when he was sentenced from twenty-seven to fifteen. He
7 knocked off twelve years and there is no parole in federal
8 prison. He knocked off twelve years that he would have spent
9 in prison and let me tell you something, pain is a great
10 motivator. The thought of spending that much time in federal
11 prison is a great motivator. And if you are already morally
12 corrupt enough to push crack cocaine and carry Rugers, you do
13 not care about writing statements on whoever you have to to
14 get the heck out of federal prison. His plea agreement says
15 so much.

16 Now, there is another part of his plea agreement and
17 that's in evidence, too, and you'll see it in there. Rule
18 35(b). It doesn't stop there. And this system has kind of
19 created this problem, but that's a whole 'nother issue. You
20 continue to do this. You can continue. What's the point in
21 getting somebody that's been dealing drugs since 2000 and give
22 them twenty-seven years and then knock it to fifteen and then
23 to five or one or whatever happens? What's the point? If all
24 they have to do is find out that you know that poor sap that
25 was arrested at your back door, he's going to trial.

1 He jumped on that. He jumped on that like you don't know
2 what. Because guess what he told you? He exhausted
3 everything he had to go from twenty-seven to fifteen. Then he
4 learns that this individual is going to trial in this case.
5 He says, man, of the million other things I've done wrong, I
6 was there, too. I'm on that. I'm all over that. Because
7 guess what? When he was telling all that stuff and going from
8 twenty-seven to fifteen, he never mentioned Clifford Campbell.
9 Why not?

10 Why not? Because Clifford Campbell was not in business
11 with him, is not guilty of this case. When did he do it?
12 When he was doing fifteen years, he finds out he's going to
13 trial, and the first time he ever says anything about Clifford
14 Campbell is about two weeks ago, about a year and a half after
15 this has happened. Not until he learned he's going to trial.
16 Not until he -- well, he knew if I help convict somebody else
17 in crimes, every time I do it I'm getting another sentence
18 reduction.

19 Why did he never mention Clifford Campbell in the
20 beginning? If he did, you would have heard about it. He
21 didn't. He didn't. But lo and behold, you know what's better
22 than giving information? Testifying in a trial. You get you
23 a big old departure that way. He knows that. He knows how to
24 play the game and he's learned it even better where he is.

25 He's serving federal time, he learned that Mr. Campbell's

1 going to trial, and he jumped on it. And that, ladies and
2 gentlemen, is the reason that he never said anything about
3 Clifford until May 28th, 2013, two weeks or however long ago.
4 After a year and a half, he told the FBI that he dealt drugs
5 with Clifford. May 28th he told them this for two years. He
6 forgot that. I don't know why he didn't look back at his --
7 at his FBI thing.

8 But now, he wants to testify and tell you, well, the FBI
9 wrote it down wrong. Why's he saying that? Because he's
10 backtracking. Because he testified he knowed him from one to
11 three months. That's a lie. He either lied to you or he lied
12 to the FBI, but he lied. That's lie one. One to three
13 months. And he's going to testify against somebody.

14 He said he wasn't doing any drugs. If this was his life
15 and it was a year and a half ago, and he got all these plans
16 he's talking about, he's going to move all this stuff and do
17 all this stuff, guess what he's making his money with? Crack
18 and guns and this marijuana. I mean whatever. But you don't
19 think he knows how long he knew this guy. He didn't know if
20 it was one month or three months because Mr. Campbell is
21 insignificant. He's trying to piece something together for
22 this trial. He's trying to sell you a bunch of hogwash so
23 that he can get another departure.

24 Then he says that I don't expect to get anything. You
25 cannot believe him. You cannot believe that he's just here

1 because he manned up and he wants everybody else in the world
2 to man up. Man up to what? He's in prison for a case that
3 didn't even involve Mr. Campbell. He's in a conspiracy that
4 went on for thirteen years dealing with large amounts of crack
5 and cocaine and everything else. And then when I pressed him,
6 he didn't man up. He cut a deal and pled to two counts out of
7 five. He cooperated. God knows who he testified against or
8 what he did to get it, but he went from twenty-seven to
9 fifteen. Today he's looking to get down from fifteen. Sad
10 part is he's probably going to get to do that regardless of
11 what you do because he got up there and said it. What you
12 don't have to do is believe it.

13 Lie two -- and I've already told you lie one. Lie two is
14 when I asked him when he was sitting here to look the jury in
15 the face and tell them what he told me, that that is not why
16 he's here. He looked at you straight in the face and in an
17 elevated tone of voice said that getting a reduction in
18 sentence has nothing to do with why I'm here. He is just
19 lying as he goes. And he did that. I mean he looked right in
20 your face, he didn't even bat an eye. Didn't even bat an eye.
21 I hardly got the question out of my mouth when he turned and
22 yelled that to you. Ask yourself if you believe that. Use
23 your regular, everyday, ordinary common sense. That does not
24 add up.

25 Lie three. Mr. Davis told me that he had not talked to

1 the prosecutor since Friday. I had no way of knowing the
2 truth except for the honesty and integrity of Mr. Jepertinger
3 who got up and corrected him and said, hey, we talked today
4 about an hour ago. What did you talk about? Phones. So then
5 he comes out here with a cock and bull story about the phone.
6 I suggest to you that if they had not brought the phone issue
7 up to him, I would have caught him completely off guard. He
8 wouldn't have known anything about any phone. He didn't know
9 anything about it and I suggest to you that's why he didn't
10 tell you that he had talked to him. Because I would ask him
11 what did you talk about. Telephones.

12 So what is his excuse for that lie? It wasn't a sit down
13 talk. So apparently he was standing up. I don't even believe
14 that. I think he was sitting down. But that's not talking
15 according to Mr. Davis.

16 Do you see the warped mentality of the only witness and
17 the only evidence that you have in this case? Do you see what
18 the State wants you to use to convict my client and expects
19 you to sleep well at night? That you did your job. You
20 measured all of the evidence and as far as you're concerned, I
21 am firmly that Clifford Campbell did all this stuff that Davis
22 said. Based upon everything I'm telling you about Davis and
23 I'm not telling you lies. We all were right here. He agreed
24 with everything I was saying except for the fact that his
25 conversation with Mr. Jepertinger wasn't a talk. Outside of

1 that, you know, he admitted his reductions, he admitted what's
2 coming. He said it would be nice if he writes a letter.

3 Now, Mr. Jepertinger may tell you something and it's
4 true. It came out. He works for the State. He can't reduce
5 his sentence, but we know how things work. The federal
6 prosecutor can and he has got a binding contract plea
7 agreement with the federal government. So all he's got to do
8 is tell his attorney, run over there and tell them I just
9 testified in the Campbell case on Monday and Tuesday, I need
10 another reduction. He said it would be nice if he sent a
11 letter. If he doesn't send a letter, all the prosecutor has
12 to do is call over here and ask him did he testify. Yeah.
13 Okay.

14 He knows what he's doing. He's knows what he's doing and
15 if you don't think a guy like that can come up with the
16 stories he was telling which, you know, were a little all over
17 the place. I mean you remember what you remember, but he
18 talked about this Twix guy and, you know, the first thing he
19 said was that Twix was in the car when he met him and another
20 guy. Then he said no, Twix was in California or in Arizona.
21 It was Rude Boy or whatever and Mr. Campbell.

22 You know, he did the best he could. He did the best he
23 could. My hat's off to the State because the State said,
24 said, look we haven't talked about this in great detail, have
25 we. I don't think -- I know for a fact that this prosecutor

1 didn't coach him, didn't tell him what to say, but he doesn't
2 have to. He knows what he's doing. These guys in federal
3 prison know how to work it. And if they can jump on a case
4 and get their prison sentence reduced, they will jump as high
5 as you've ever seen somebody jump. And they will come in here
6 or any other courtroom and they will say whatever benefits
7 them.

8 Is there anything that I've told you about Mr. Davis that
9 would lead you to believe that he would not do that? Is there
10 anything that you learned or observed about Mr. Davis that
11 would lead you to believe that he would not do that? I submit
12 that he did do it. I submit that you cannot be firmly
13 convinced of my client's guilt based upon Mr. Davis.

14 When we started this case, I told you that you are the
15 backbone of the system. You come back guilty, not guilty.
16 Nobody in this courtroom can have a gripe with you. That's
17 your job. That's solely your province. But what I ask you
18 to do is, number one, understand the gravity of your role
19 because there is nowhere else to turn. You are the sole fact
20 finders. And number two, please, please go by the law as it's
21 given to you.

22 Understand what reasonable doubt means and what it means
23 to be firmly convinced of somebody's guilt. If you're not
24 firmly convinced of Mr. Campbell's guilt, based upon five
25 witnesses, then don't hurt us. And Mr. Davis, after all we've

1 done with Mr. Davis and talking about him, you have to find
2 him not guilty. This is his day in court. We've selected you
3 twelve people. That's it. This is what it's all about.

4 I told you early on to sit over there like that guy under
5 accusation and arrest, which is not evidence. The only thing
6 you can do is say I did it, I didn't do it, for God's sake
7 please dismiss this case, or you can ask twelve people to go
8 by the law and judge whether the State can prove it beyond a
9 reasonable doubt and leave you firmly convinced of his guilt.
10 I'm standing here today asking you to deliver a not guilty
11 verdict. I'm asking you not to let Mr. Davis get away with
12 this.

13 The last thing that I will leave with you is this. If
14 you had a life or death situation and that situation required
15 a piece of information and it had to be accurate, would you
16 make that decision based upon information from Shawn Davis?
17 Because you have that decision in front of you today. They're
18 asking you to make that decision based upon information given
19 to you by Shawn Davis.

20 I appreciate all the time you've put into this case. I
21 thank you for that and I would request that you find my client
22 not guilty in this case. Thank you.

23 THE COURT: Mr. Jepertinger?

24 MR. JEPERTINGER: Thank you, Your Honor. Mr. Truslow.
25 Twenty-two years ago on the 5th of May, 1990, my wife and I

1 stood in front of our pastor at church and the theme of the
2 whole wedding, the music, everything, was out of a verse of
3 the book of Amos. Can two walk together unless they be
4 agreed?

5 And that was all in the marriage context, but it has far
6 reaching implications in life that two only walk together if
7 they're agreed. Now Mr. Truslow -- and I'm going to tell you
8 kind of in reverse order because obviously the case I won't
9 say hinges, but it is so important. What Davis testified to
10 is so very important.

11 Now, Mr. Truslow has called Davis a liar, a crack cocaine
12 drug dealer, an illegal weapons possessor, basically a big
13 money guy. He said he had a warped mentality. That he's
14 suffering from pain -- a great pain motivator of trying to
15 reduce his sentence. Basically what Mr. Truslow's trying to
16 argue to you is that you shouldn't believe Davis because he's
17 ultimately untrustworthy.

18 But there is an individual in this courtroom that
19 believes completely the opposite, that would find Davis to be
20 completely trustworthy. And who would that be? The defendant
21 himself, Clifford Campbell. And how can I make that statement
22 to you? Because from a period of one to three months, and I
23 can't even tell you how long it was, Davis wasn't sure, but he
24 was at the [REDACTED] Road address living there, staying there,
25 dependent on Shawn Davis for transportation. He took him to

1 the Dollar General. Slept there, ate there, lived there. He
2 didn't have any problems with this liar, this drug dealer, a
3 self-confessed drug dealer.

4 And by the way, let me just stop there for a second. I'm
5 no apologist for Shawn Luron Davis. He is where he needs to
6 be for the acts that he did. The federal government dealt
7 with him in the manner they saw fit. I know what he did. I
8 know what I've got here, but that doesn't excuse what Clifford
9 Campbell did because what he's trying to say to you is because
10 he's a drug dealer and he had all these weapons that he's
11 untrustworthy. I don't believe it.

12 You know why, folks? And Mr. Truslow asked you to use
13 your common sense. If Davis was trying to really stick it to
14 Campbell, think about it, other than the marijuana he would
15 have said, listen, he's been with me on such and such date
16 doing cocaine, doing crack, so on and so forth, selling it,
17 weapons, we were distributing weapons all over Florence
18 County. Federal government, help me some more.

19 He didn't do that at all. He limited what he did. I
20 think he said that there was one occasion that he saw him
21 getting cocaine ready. And then the marijuana. Using your
22 common sense, what in the world is a Jamaican from Florida
23 doing on [REDACTED] Road? Was he vacationing? Why was he there?

24 Now, the judge is going to tell you that there are two
25 types of evidence in every single case, direct and

1 circumstantial evidence. Direct evidence is what we perceive
2 with our senses, taste, hearing, sight, touch or feel and
3 smell, and I cannot tell you how many times that we've had
4 this box or both boxes, this State's Exhibit 12 and State's
5 Exhibit 4 -- I cannot tell you how many times that I've had to
6 move it because of the pungency of the smell.

7 And look at State's Exhibit 12. This is what -- this is
8 what was in the -- was they had packaged from Conway. Look at
9 it. It's all there and was out in the open. Look at the
10 photos. It was in a plastic bag right out there in the master
11 bedroom, heat-sealed, and he said it came in -- the dope from
12 the kitchen, right there in the bread box, out visible to
13 everybody. Out visible to everybody. I don't know what's
14 going on; I'm merely present. Folks, it was all over the
15 place. The smell. The sight. Seeing it there. You couldn't
16 get away from it.

17 When it came in, it came in this box, the UPS box, a
18 couple days before. It came in bulk just like the huge box in
19 State's Exhibit 4, the FedEx box. Look, the same deal. The
20 same deal. The packaging. Packaging. The peanuts. All in
21 there. And how do you get it from here to this thing? You
22 vacuum seal it just like he did. There were vacuum seal bags.

23 And guess who was there without any way of getting to
24 Florida or getting back, but staying at the [REDACTED]
25 address. Clifford Campbell. It was okay with him. You know,

1 Shawn Davis is a lot of things, but I don't think he lied to
2 you today because -- it's not because he's a great guy. He
3 ain't a great guy. But this evidence, you can smell it
4 through the bag, there's no way. And when it's open, no way,
5 folks. He knew what was going on. He knew what was going on.

6 This in the FedEx bag or box, excuse me, was just a
7 continuation of what was going to happen because this, folks,
8 is how it comes when you're going to deal it. And that
9 becomes this. And you remember what Davis said, had we not
10 got busted, we were going to keep on doing the same doggone
11 thing. The same thing. He considered him trustworthy. He
12 was there.

13 I asked the officers, did you know who was going to be
14 there when you got there? No. You know, the only name we
15 knew was Gibson. Didn't even know Davis was going to be
16 there. But we did know this, the tracking on the big stuff
17 came from Phoenix.

18 The cell phones. Let me hold that. Look at it. Dialed
19 call, Phoenix, Arizona. Phoenix, Arizona. And this ain't
20 from Davis because we get this straight from Hinson. What
21 happened with Davis's phones? They were returned to Davis and
22 -- let's go to the photograph. A photo of Campbell.

23 Now, I don't know about you, but if they're trying to say
24 this was Shawn Davis's phone, he doesn't impress me as the
25 type that would take a picture of Clifford Campbell. I'm

1 telling you, there was only one person that makes logical
2 sense in my mind that would have taken that picture. It would
3 have been Clifford Campbell to text to others. Everything
4 about this case points to one conclusion and that Clifford
5 Campbell is guilty of trafficking marijuana.

6 Now, trafficking in and of itself has a lot of segments
7 to it, as His Honor will tell you. There are two -- two parts
8 of it that I want you to focus in on. One is if there is a
9 conspiracy, and a conspiracy to traffic would include this: an
10 agreement between two or more people to traffic marijuana, and
11 an agreement can be shown by circumstantial evidence, evidence
12 that you can infer by actions of the party, by their overt
13 acts.

14 You know, sometimes you'd say, well, you know, let's go
15 rob that bank. Okay, let's go rob it. That's easy to show
16 because that's an agreement vocalized and verbalized, but a
17 lot of times actions speak louder than words. They're bagging
18 the marijuana, they're going to get the cash, that putting of
19 the cash in the trunk. All of that stuff is an agreement, not
20 by words, but by actions.

21 There is also a part of the conspiracy -- excuse me -- of
22 the trafficking statute that talks about aiding and abetting.
23 Aiding and abetting means basically helping someone to do
24 another act. Being present and aiding them and abetting them,
25 helping them to do the act.

1 In this case, if you say, well, there's no agreement, but
2 he did help him heat-seal it while he was there, he can be
3 equally as guilty as Shawn Davis. Another principal of the
4 law that His Honor will talk to you about is called the hand
5 of one being the hand of all. The actions of one being the
6 actions of all. And in this case, the actions of Mr. Davis
7 and Mr. Campbell were the actions of each other. They're
8 inextricably linked to one another in what they did in this
9 case. There is no doubt in my mind, not based on conjecture,
10 not based on just a suspicion of guilt, Mr. Campbell's guilty.
11 He was ---

12 MR. TRUSLOW: Your Honor, I'm -- can we approach?

13 THE COURT: Yes, sir.

14 MR. TRUSLOW: I've got an objection.

15 (Whereupon, a bench conference is held in the presence of
16 the jury but out of the hearing of the jury as follows.)

17 MR. TRUSLOW: He is giving an opinion -- his opinion on
18 guilt or innocence. He said without a doubt in my mind, Mr.
19 Campbell is guilty. That is a jury decision and it's improper
20 in closing argument. I would just ask for it to redacted or
21 they get a curative instruction.

22 THE COURT: Do what?

23 MR. TRUSLOW: A curative instruction.

24 THE COURT: What do you say?

25 MR. JEPERTINGER: I'm going to just move on and say and

1 I'll just go on to what the evidence shows. I don't know if
2 you want to do it that way or however you want to do it,
3 Judge.

4 THE COURT: I'll just tell them -- come here.

5 MR. TRUSLOW: Yes, sir.

6 THE COURT: I'll just tell them that your opinion of
7 guilt or innocence is not relevant and they're not to consider
8 that.

9 (Whereupon, the bench conference ends.)

10 THE COURT: Ladies and gentlemen, defense counsel has
11 made an objection. I will just charge you that Mr.
12 Jepertinger's opinion as to guilt or innocence is not relevant
13 here. It is your decision as to the guilt or innocence.
14 You're the finders of the fact in this case. Any further
15 curative instructions requested?

16 MR. TRUSLOW: No, Your Honor.

17 THE COURT: All right. Mr. Jepertinger?

18 MR. JEPERTINGER: I apologize to counsel and to the
19 Court. Neither attorney's opinion in terms of guilt or
20 innocence is valid here. It's what the evidence shows, and
21 the evidence shows that he's guilty. It may be by
22 circumstantial evidence, what you see, presence and place, but
23 it's just not merely presence. I would say if he had just
24 shown up, if he had just been from some other part of this
25 county or part of the city and just shown up and said, hey,

1 listen, you know I'm just -- but I mean the fact of where he's
2 from and no ability to -- to leave without the aid of Mr.
3 Davis, it is clear in my -- in -- clear as it is to guilt in
4 terms of evidence.

5 Now, you can draw whatever conclusion you want to draw,
6 but Detective Tracy, who has been qualified as an expert, did
7 testify that there were four groups, Hispanic group, college
8 kids, Vietnamese, and Jamaicans that happen to use this manner
9 of parcel delivery. Was it completely inclusive? No, but he
10 said those are the four major groups, and it is a
11 circumstantial fact that Mr. Campbell is Jamaican. And if you
12 recall what Davis told you when he was speaking on the phone,
13 that the person he was speaking to was also a Jamaican when he
14 called when the package was delivered.

15 Every point, using your common sense, points to guilt.
16 There's guilt beyond a reasonable doubt. It is a doubt -- it
17 is a doubt for which you can be firmly or not firmly convinced
18 in this sense. Anybody can have a doubt about anything.
19 Anyone can have a doubt about anything in life. I was
20 watching something the other day on television saying that man
21 didn't land on the moon. Okay. There are a lot people say
22 they just don't believe it and they have doubts about it even
23 though there is evidence to the contrary.

24 However, the fact that you can have doubts about things,
25 it has to be beyond a reasonable doubt. Are you firmly

1 convinced of his guilt? Then you must find him guilty. Now,
2 if there's a real possibility -- obviously, if there's a real
3 possibility that he didn't do it, you should acquit. We don't
4 want an innocent man convicted, but that's not what the
5 evidence shows in this case.

6 All in all, you have a decision to make. Is Shawn Davis
7 telling the truth? Was it consistent with what the other
8 evidence showed? Because how in the world -- how in the world
9 did the phone come off of him with a Phoenix phone number?
10 How would he know where the tracking came from? I mean, once
11 again, why call Phoenix if you're not involved? Why call if
12 you're not involved? Everything fits together and points to
13 one thing, the guilt of this accused.

14 Now, the judge is going to give you three options in this
15 case. The first option he's going to give you, if you don't
16 feel that the State has proven him guilty beyond a reasonable
17 doubt, you should find him not guilty. If you feel the State
18 has proven him guilty of trafficking, all those things we
19 talked about, the aiding, abetting, conspiracy, of what?
20 Marijuana in excess of ten pounds, and we had thirty pounds up
21 there before Mr. Truslow erased it. If he's guilty of at
22 least having ten pounds of marijuana, you can find him guilty
23 of trafficking.

24 He's also going to instruct you on two lesser included
25 offenses and all these are mutually exclusive. Okay? You

1 can't find him guilty of all three. You can only find him
2 guilty of one if you decide to find him guilty. The other two
3 options are possession with intent to distribute marijuana,
4 and there is evidence in the record about that because you
5 remember what Davis said? Man, we were moving this stuff.
6 That was our goal was to move it. So, there is possession
7 with intent to distribute marijuana. And the last thing he is
8 going to talk about is the crime of possession of marijuana,
9 and those are the three options he's going to give you.

10 Ultimately -- ultimately, ladies and gentlemen, it is
11 your decision to make. Is Shawn Davis telling the truth? Was
12 he right when he told Mr. Truslow it's time for his client to
13 man up? He manned up to his stuff and I know Truslow said
14 that you can go from -- he went from life to twenty-seven to
15 fifteen, but he had a lawyer at that point fighting for him in
16 federal court. He didn't turn down what they offered him; he
17 took it. He's going to have to spend fifteen years in a
18 prison, but it's time for this defendant to man up and since
19 he didn't do it himself, I'm asking you in this community to
20 make him man up. Thank you.

21 CHARGE ON THE LAW BY THE COURT

22 THE COURT: All Right. Ladies and gentlemen, it is now
23 my duty as the trial judge under the constitution of this
24 state to charge and instruct you on the law applicable to this
25 case. It is your duty as jurors to accept and apply the law

1 as I will now state it to you.

2 Furthermore, it is your exclusive duty to decide all the
3 issues of fact in this case and to determine the effect,
4 value, weight, and truth of the evidence. Both the State and
5 the defendant have a right to expect that you will carefully
6 consider and evaluate the evidence and apply the law of this
7 case to it so that in the end both the State of South Carolina
8 and the defendant will receive a fair and impartial trial. I
9 want you to understand that when I use the word defendant, I
10 refer to Mr. Clifford Campbell.

11 Furthermore, it is important to understand that the State
12 of South Carolina charges the defendant with the offense known
13 as trafficking marijuana. To this charge, the defendant has
14 entered a plea of not guilty. This plea of not guilty places
15 the burden of proof on the State to prove the guilt of the
16 defendant to you, the jury, beyond a reasonable doubt.

17 I remind you that the fact that the defendant was
18 arrested, charged, and indicted in this case is not evidence
19 in this case and cannot be considered by you as evidence of
20 guilt in this case, nor does it create any presumption or
21 inference of guilt. The indictment is simply the formal
22 written instrument which contains the charge made against the
23 defendant. It is the formal document by which this case is
24 brought into this court.

25 It is vital to understand that the defendant is presumed

1 under the law to be innocent of this charge. The defendant
2 has no obligation to prove his innocence. It is a fundamental
3 rule of our law that a defendant, irrespective of the
4 seriousness of the charge against him, is always presumed
5 innocent of the crime for which he is charged unless and until
6 his guilt has been proven by evidence that satisfies you, the
7 jury, beyond a reasonable doubt.

8 The presumption of innocence is not a mere legal theory
9 or a legal phrase. The presumption of innocence is very
10 important and you need to understand that this presumption
11 accompanies the defendant from the time of his arrest and the
12 appearance of his attorney on his behalf in this court and
13 continues with the defendant even after you retire to the jury
14 room to begin your deliberations. In other words, the
15 defendant receives the benefit of the presumption of innocence
16 until the very end of this trial when you, the jury, will
17 deliberate upon the evidence and decide whether the state has
18 proven his guilt beyond a reasonable doubt.

19 Now, ladies and gentlemen, what is a reasonable doubt in
20 the law? A reasonable doubt is the kind of doubt that would
21 cause a reasonable person to hesitate to act. Proof beyond a
22 reasonable doubt is proof that leaves you firmly convinced of
23 the defendant's guilt.

24 Now, there are very few things in this world that we know
25 with absolute certainty, so even in criminal cases the law

1 does not require proof that overcomes every possible doubt.
2 However, if based on your consideration of the evidence you
3 are firmly convinced that the defendant is guilty of the crime
4 charged, you must find him guilty. If, on the other hand, you
5 think there is a real possibility that he is not guilty, you
6 must give him the benefit of the doubt and find him not
7 guilty.

8 Jurors, please understand that reasonable doubt may arise
9 from evidence which has been presented in the case or from the
10 lack of evidence in the case. It is your responsibility to
11 determine whether or not reasonable doubt exists as to the
12 guilt of this defendant. I charge you that the defendant is
13 entitled to every reasonable doubt arising in the whole case.
14 If upon any issues of fact essential to conviction and a
15 verdict of guilty you have a reasonable doubt as to how that
16 issue should be resolved, it would be your duty to resolve
17 that reasonable doubt in favor of the defendant.

18 Thus, in summary, it is important to understand that a
19 defendant is not required to prove his innocence. Instead,
20 the State is required by law to prove every essential element
21 of the offense charged against him by evidence which satisfies
22 you of his guilt beyond a reasonable doubt. Only then can you
23 convict the defendant and find him guilty.

24 Now, there are two types of evidence which are generally
25 presented during a trial: direct evidence and circumstantial

1 evidence. Direct evidence is the testimony of a person who
2 claim to have actual knowledge of a fact, such as an eye
3 witness. It is evidence which immediately establishes the
4 main fact to be proved. Circumstantial evidence is proof of a
5 chain of facts and circumstances indicating the existence of a
6 fact. It is evidence which immediately establishes collateral
7 facts from which the main fact may be inferred.
8 Circumstantial evidence is based on inference and not on
9 personal knowledge or observation.

10 The law makes absolutely no distinction between the
11 weight or value to be given to either direct or circumstantial
12 evidence. Nor is a greater degree of certainty required of
13 circumstantial evidence than of direct evidence. You should
14 weigh all of the evidence in this case. If after weighing all
15 of the evidence you are not convinced of the guilt of the
16 defendant beyond a reasonable doubt, you must find the
17 defendant not guilty.

18 Now, during this trial you and I have had separate duties
19 to perform. As the trial judge, it is my responsibility to
20 preside over this trial and I also have the duty to rule upon
21 the admissibility of the evidence offered during the process
22 of this trial. In that regard, you are to consider only the
23 competent evidence before you and you are to disregard from
24 your mind any testimony ordered stricken from the record of
25 this case during the progress of this trial, if there was any,

1 and you are to consider only the testimony which has been
2 presented from this witness stand together with any exhibits
3 admitted into the record of this case and any stipulations of
4 counsel made into the record, if there were any.

5 Furthermore, I have the additional duty to charge you on
6 the applicable law of this case and in that regard I am the
7 sole judge of the law of this case. It is your duty to accept
8 and apply the law as I state it to you. If you have any
9 preconceived ideas as to what the law is or what the law ought
10 to be and it does not agree with what I tell you the law is,
11 you are obligated, under your oath, to abandon these
12 preconceptions because you are sworn to accept the law
13 precisely as I state it to you.

14 In this trial, you are the sole and exclusive judge of
15 the facts and I'm the judge of the law. Do not infer that I
16 have any opinion about the facts in this case from anything I
17 have said during the course of this trial in ruling upon the
18 admissibility of evidence or otherwise, or from anything that
19 I say during the course of this charge to you. In this
20 regard, the law simply does not permit me to have an opinion
21 about the facts.

22 As jurors, it is your duty alone to determine the effect,
23 value, weight, and truth of the evidence presented during the
24 course of this trial. In determining what the facts in this
25 case are, you must judge the credibility, which simply means

1 the believability of the witnesses and the value of weight to
2 be given to their testimony. You alone must decide the force,
3 effect, and truth of the testimony.

4 In making this decision, there are many things you may
5 and should take into consideration, such as the appearance and
6 manner of the witness on the stand, a characteristic often
7 referred to as the demeanor of the witness. Was the witness
8 forthright or hesitant? Was the witness's testimony
9 consistent or did it contain discrepancies? What was the
10 ability of the witness to know the facts about which he or she
11 testified? Did the witness have a cause or reason to be
12 biased and prejudiced in favor of the testimony he or she
13 gave? Was the testimony of the witness corroborated or made
14 stronger by other testimony and evidence or was it made weaker
15 or impeached by such other testimony and evidence?

16 As jurors, please understand you have the right to
17 believe a small portion of a witness's testimony and discard
18 the larger portion or vice versa. You may believe all of a
19 witness's testimony or none. You may believe the testimony of
20 a single witness against that of many witnesses or the other
21 way around.

22 In exercising your mental processes and attempting to
23 decide the truth, the law simply requires that you exercise
24 your good judgment, your common sense, your sense of logic and
25 reason, and your experiences in life. You then apply these

1 attributes to the evidence and apply the law as I state it to
2 you and thus arrive at a verdict.

3 Now, ladies and gentlemen, during the course of this
4 trial you heard the testimony of police officers. Please
5 understand that the testimony of police officers is not titled
6 -- not entitled to more weight than that of any other witness.
7 You are the sole judge of the credibility of a witness and you
8 are not to give more weight to a police officer's testimony
9 solely because he or she is a police officer. Rather, you
10 should judge an officer's testimony by the same standards that
11 you apply to all other witnesses.

12 In this case, you also heard the testimony of someone who
13 was qualified as an expert. The rules of evidence ordinarily
14 do not permit witnesses to testify to opinions or conclusions.
15 An exception to this rule exists for witnesses we call expert
16 witnesses. A witness who by education and experience has
17 become an expert in some art, science, profession or calling
18 may state an opinion as to a relevant and material matter in
19 which the witness claims to be an expert and may also state
20 the reasons for the opinion. You should consider any expert
21 opinion received in evidence in this case and, like any other
22 evidence, give it the weight that you think it deserves.

23 If you decide that the opinion of an expert witness is
24 not based on sufficient education and experience or if you
25 conclude that the reasons given in support of the opinion are

1 not sound or that the opinion is outweighed by other evidence,
2 you may disregard the opinion entirely. Furthermore, an
3 expert witness's testimony is to be given no greater weight
4 than that of other witnesses simply because the witness is an
5 expert. Further, you are not required to accept an expert's
6 opinion even though it is not contradicted.

7 A person who has a past criminal record is competent to
8 testify during a trial. A past record does not affect the
9 ability of that witness to testify. The past record may only
10 be considered by you, if at all, in determining the witness's
11 believability. Remember, you are the sole judges of the facts
12 in the case and of the believability of any and all of the
13 witnesses.

14 Now, I instruct you, ladies and gentlemen, and I
15 emphasize that the fact that the defendant did not testify is
16 not a factor to be considered by you in any way in your
17 deliberations and in your consideration on the question of the
18 guilt or the innocence of the defendant. It must not be
19 considered by you in any manner whatsoever. A defendant has
20 the constitutional right to remain silent and the assertion of
21 this right must not be considered by you in your
22 deliberations. I repeat, under your oath, you are to draw no
23 conclusion whatsoever from the fact that the defendant in this
24 case did not testify.

25 The fact that this defendant did not testify should not

1 even be discussed in the jury room. The burden of proof as
2 I've stated to you is on the State. The defendant is not
3 required to prove his innocence. The burden of proof remains
4 on the State to prove guilt beyond a reasonable doubt.

5 Now, in order to establish criminal liability, criminal
6 intent is required. For example, the mental state required to
7 be proven by the State for a particular crime might be
8 purpose, intent, knowledge, recklessness or criminal
9 negligence. Criminal intent must be proven by the State
10 beyond a reasonable doubt. Criminal intent is always a matter
11 that must be determined by the jury from the circumstances
12 surrounding the situation.

13 There is no way, ladies and gentlemen, to prove intent to
14 a mathematical certainty. There is no way that medical
15 science can dissect a person's brain and determine what the
16 person had in mind. So the law says that criminal intent may
17 be inferred from the circumstances shown to have existed.
18 This is how you make a determination of whether or not the
19 element requiring intent was present. It is not necessary to
20 establish intent by direct and positive evidence, but intent
21 may be established by inference in the same way as any other
22 fact by taking into consideration the acts of the parties and
23 all the facts and circumstances of the case.

24 Criminal intent is a mental state, a conscious wrong
25 doing. It is up to you to determine what the defendant

1 intended to do based on the circumstances shown to have
2 existed. Criminal intent can arise from action or a failure
3 to act. It may arise from negligence, recklessness or an
4 indifference to duty or to consequences that is considered by
5 the law to be the equivalent of criminal intent.

6 Now, I will instruct you, ladies and gentlemen, if a
7 crime is committed by two or more people who are acting
8 together in committing a crime, the act of one is the act of
9 all. A person who joins with another to commit an unlawful
10 act is criminally responsible for everything done by the other
11 person which happens as a probable or natural consequence of
12 the acts done in carrying out the common plan and purpose.

13 For example, two people can be guilty of killing another
14 person when only one of the two had a gun, there was only one
15 bullet, and only one of the two fired the shot that caused the
16 death. If two or more people are together, acting together,
17 assisting each other in committing the offense, the act of one
18 is the act of all or, as it is sometimes said, the hand of one
19 is the hand of all.

20 Prior knowledge that a crime is going to be committed
21 without more is not sufficient to make a person guilty of that
22 crime. Mere knowledge that another person is going to commit
23 a crime, even if the defendant is present when the crime is
24 committed, is not sufficient to convict the defendant as a
25 principal. Guilt as a principal as shown by actual or

1 constructive presence at the scene as a result of prior
2 arrangement.

3 Therefore, a finding of a prior arranged plan or common
4 scheme is necessary for a finding of guilt as a principal.
5 The State must prove beyond a reasonable doubt by competent
6 evidence the theory of the hand of one is the hand of all. A
7 principal in a crime is one who either actually commits the
8 crime or who is present aiding, abetting or assisting in
9 committing the crime. When a person does an act in the
10 presence of and with the assistance of another, the act is
11 done by both. Where two or more acting with a common plan or
12 with intent are present at the commission of a crime, it does
13 not matter who actually commits the crime. All are guilty.
14 The hand of one is the hand of all.

15 Present at the commission of a crime means to be
16 sufficiently near to, aid and abet and assist in the
17 commission of the crime. However, mere presence at the scene
18 of a crime is not sufficient to convict one as a principal on
19 the theory on aiding and abetting. Intent is also a necessary
20 element for there must have been a common design or intent to
21 commit the crime and the crime must have been committed
22 pursuant thereto with a person aiding and abetting by some
23 overt act. Intent means intending the result which actually
24 occurs, not accidentally or involuntarily. Intent may be
25 shown by acts and conduct of the defendant and other

1 circumstances from which you may naturally and reasonably
2 infer intent. The State must prove these elements beyond a
3 reasonable doubt.

4 Now, the defendant, ladies and gentlemen -- I apologize,
5 but my mouth's getting dry here. Okay? Bear with me.

6 The defendant is charged with the offense of trafficking
7 in marijuana. Under Section 44-53-370(e)(1) of the South
8 Carolina Code of Laws, the State must prove beyond a
9 reasonable doubt that the defendant knowingly sold,
10 manufactured, cultivated, delivered, purchased, brought into
11 this state, provided financial assistance, or otherwise aided,
12 abetted, attempted, or conspired to sell, manufacture,
13 cultivate, deliver, purchase, or bring into this state or was
14 knowingly in actual or constructive possession, knowingly
15 attempted to become in actual or constructive possession of
16 ten pounds or more of marijuana.

17 Now, there are three elements to the offense of
18 trafficking in marijuana that the State must prove beyond a
19 reasonable doubt. One, that the substance involved was, in
20 fact, marijuana; two, that the defendant had possession of
21 that marijuana, either actual possession or constructive
22 possession; and three, that there was, in fact, ten pounds or
23 more but less than one hundred pounds of marijuana involved.

24 Section 44-53-190 of the South Carolina Code of Laws
25 provides that marijuana is a controlled substance under the

1 law of this state. Section 44-53-110 states that marijuana
2 means all species or variety of the marijuana plant and all
3 parts thereof, whether growing or not, the seeds of the
4 marijuana plant, the resin extracted from any part of the
5 marijuana plant, every compound, manufacture sought,
6 derivative, mixture or preparation of the marijuana plant,
7 marijuana seed or marijuana resin. The State must prove that
8 the substance involved is, in fact, marijuana. The substance
9 must not only be marijuana, but the defendant must also have
10 actual or constructive possession of the marijuana and the
11 amount involved must be ten pounds or more but less than one
12 hundred pounds of marijuana.

13 Possession means more than simply having a controlled
14 substance in one's possession. There must be knowing
15 possession. The State must prove possession of the marijuana
16 by the defendant and the further fact that the defendant knew
17 he had marijuana in his possession. In other words, the State
18 must prove beyond a reasonable doubt that the defendant was in
19 possession of the marijuana, that he knew he had it in his
20 possession, and that he knew the item was a controlled
21 substance.

22 Under the law of this state, possession may either be
23 actual or constructive. Actual possession occurs when the
24 controlled substance is found to be in the actual physical
25 custody of the person with possession. Constructive

1 possession is when a person has dominion or control or the
2 right to exercise dominion or control over either the object
3 or the premises upon which the object is located. Mere
4 presence at the scene where the drugs were found is not enough
5 to prove possession. The defendant's knowledge and possession
6 may be inferred when a substance is found on the property
7 under the defendant's control.

8 However, this inference is simply an evidentiary fact to
9 be taken into consideration by you along with the other
10 evidence in the case and to be given the weight you decide it
11 should have. Two or more persons may have joint possession of
12 a drug. Finally, the State must also prove beyond a
13 reasonable doubt that the amount of the marijuana was ten
14 pounds or more but less than one hundred pounds.

15 Now, if you determine, ladies and gentlemen, that the
16 State has not proven trafficking in marijuana beyond a
17 reasonable doubt, you should then consider whether the State
18 has proven beyond a reasonable doubt that the defendant is
19 guilty of possession with intent to distribute marijuana.
20 Possession with intent to distribute contains all of the
21 elements of trafficking except the amount of the marijuana.
22 In addition, the State must prove beyond a reasonable doubt
23 that the defendant had the intent to distribute the marijuana.

24 Distribute means to deliver other than by administering
25 or dispensing a drug. Intent may be shown by acts and conduct

1 of the defendant and other circumstances from which you may
2 naturally and reasonably infer intent. In determining whether
3 the defendant had the intent to distribute the marijuana, you
4 may consider the circumstances surrounding the defendant's
5 alleged possession. You may consider the amount of the
6 substance alleged to have been possessed, the manner in which
7 it was allegedly possessed, the place where it was allegedly
8 possessed, and other factors which you consider to be
9 important.

10 You must find that the defendant did not intend to have
11 the marijuana solely for his own use. Possession of more than
12 twenty-eight grams or one ounce of marijuana creates an
13 inference that the defendant possessed the marijuana with
14 intent to distribute it. This inference does not relieve the
15 State from proving beyond a reasonable doubt that the
16 defendant had the intent to distribute. It is simply an
17 evidentiary fact to be taken into consideration by you along
18 with the other evidence in this case and to be given the
19 weight you decide it should have.

20 Now, if you find that the State has failed to prove
21 beyond a reasonable doubt that the defendant is guilty of
22 possession with intent to distribute marijuana, you may
23 consider whether the State has proved beyond a reasonable
24 doubt that the defendant is guilty of simple possession of
25 marijuana. Simple possession does not require an intent to

1 distribute the marijuana. The State must prove beyond a
2 reasonable doubt that the defendant knowingly or intentionally
3 possessed marijuana.

4 Knowingly means with knowledge, consciously, not
5 accidentally. Intentionally means willfully intending the
6 result which actually occurs, not accidentally or
7 involuntarily. Intent may be shown by acts and conduct of the
8 defendant and other circumstances from which you may naturally
9 and reasonably infer intent.

10 To prove possession, the State must prove beyond a
11 reasonable doubt that the defendant had both the power and the
12 intent to control the disposition or use of the marijuana.
13 Possession may be either actual or constructive.. Actual
14 possession means the marijuana was in the actual physical
15 custody of the defendant. Constructive possession means that
16 the defendant had dominion and control or the right to
17 exercise dominion or control over either the marijuana itself
18 or the property on which the marijuana was found.

19 Again, I will say that mere presence at the scene where
20 the drugs were found is not enough to prove possession. The
21 defendant's knowledge and possession may be inferred when a
22 substance is found on the property under the defendant's
23 control. However, this inference is simply an evidentiary
24 fact to be taken into consideration by you along with the
25 other evidence in the case and to be given the weight you

1 decide it should have. Two or more persons may have joint
2 possession of a drug.

3 Possession of marijuana is a crime unless the marijuana
4 was obtained directly from or through a valid prescription or
5 order of a practitioner acting in the course of professional
6 practice. A practitioner is a physician, dentist,
7 veterinarian, podiatrist, scientific investigator, pharmacy,
8 hospital or other person or institution licensed, registered
9 or otherwise permitted to distribute, dispense, conduct
10 research with respect to or administer a controlled substance
11 in the course of professional practice of research in this
12 state.

13 Now, ladies and gentlemen, I am now drawing near the end
14 of my charge and I want you to clearly understand that you are
15 not partisans or advocates for the State of South Carolina or
16 the defendant. It is your duty by your joint deliberations to
17 determine the truth in this case, giving to the defendant the
18 benefit of every reasonable doubt on each and every issue.
19 Then to the facts which you determine to be true, you should
20 take and apply the law which has been given to you by the
21 Court and thus arrive at a verdict which speaks the truth in
22 this case.

23 In fact, the word verdict, which has a Latin derivative,
24 means a true saying. Thus when you have accomplished these
25 responsibilities, you will have satisfied your oath as jurors

1 and you will have discharged your duty to this Court.

2 Now, once you retire to the jury room, the bailiff will
3 give the verdict form to the forelady. When you, the jury,
4 arrives at a verdict as to the offense charged in this case,
5 the forelady will select the verdict as to the charge on the
6 verdict form.

7 If the State has failed to prove the guilt of the
8 defendant beyond a reasonable doubt, your verdict will be not
9 guilty. Likewise, if the state has proven the guilt of the
10 defendant beyond a reasonable doubt, your verdict will be
11 guilty.

12 Now, once a decision has been made, the forelady will
13 check whichever choice is the verdict of the jury as to the
14 charge. The verdict that you render in this case, ladies and
15 gentlemen, must be the verdict. -- must be the verdict of each
16 and every juror. It must be your unanimous verdict. All
17 twelve jurors must agree on the verdict which you authorize
18 the forelady to write for this jury.

19 Now, ladies and gentlemen, I want you to further
20 understand that the order in which the choices of verdict
21 appear on the verdict form are not suggestive of any verdict
22 on the part of this Court. The verdict in this case is to be
23 determined by you, the jury, not the Court. Furthermore,
24 ladies and gentlemen, please understand that even though I
25 will give the verdict form to the forelady, it is not her

1 verdict alone. It is the verdict of all twelve of you and I
2 emphasize again it must be unanimous.

3 I'm also going to give you a copy of these instructions
4 in written form. During your deliberations, you may refer to
5 the instructions to guide your decision making. You must
6 consider the instructions as a whole and not follow some and
7 ignore others. Please return the instructions, Madame
8 Forelady, to the Court at the time that your verdict is
9 rendered.

10 Now, ladies and gentlemen and Madame Forelady, I have
11 charged you and I am going to go through this verdict form
12 with you real -- real quickly. I have charged you on
13 trafficking marijuana, possession with intent to distribute
14 marijuana, as well as simple possession of marijuana.

15 Question number one on the verdict form asks: as to the
16 charge of trafficking marijuana, we, the jury, unanimously
17 find the defendant, Clifford C. Campbell, either not guilty or
18 guilty. If you find the defendant, Clifford C. Campbell, not
19 guilty of trafficking marijuana, then you proceed to question
20 two. If you find the defendant, Clifford C. Campbell, guilty
21 of trafficking marijuana, you sign and date the second page of
22 the verdict form.

23 If you find him not guilty of trafficking marijuana,
24 instructions below that instruct you to proceed to question
25 two. You only proceed to question two if you find the

1 defendant, Clifford Campbell, not guilty of trafficking
2 marijuana on question one. If you find him not guilty and you
3 proceed to question two, you make a determination not guilty
4 or guilty as to possession with intent to distribute
5 marijuana.

6 If you find him not guilty of possession with intent to
7 distribute marijuana, then you proceed to question three,
8 which asks you to determine whether or not he is guilty or not
9 guilty of simple possession. If you find the defendant,
10 Clifford Campbell, guilty of possession with intent to
11 distribute marijuana under question two, you stop your
12 deliberations, sign and date the verdict form. I go back, if
13 you find him not guilty of possession with intent to
14 distribute marijuana, then and only then do you proceed to
15 question three to determine whether or not he is guilty or not
16 guilty on simple possession.

17 Now, I am going to at this time ask you to retire to the
18 jury room, but do not begin your deliberations until you are
19 told to do so. The law requires that I consult with the
20 attorneys to make sure that I have not left anything out of
21 these instructions. And after I spoken with the attorneys,
22 the bailiff will bring in the items of evidence, along with
23 these instructions, the verdict form, and a notepad with
24 paper.

25 Should you have any questions during your deliberations,

1 Madame Forelady, it will be your responsibility to write those
2 questions out on that blank piece of paper, sign and date it
3 and knock on the door. Let the bailiff know that you have a
4 question, give them the question, and they'll get it to me and
5 I'll answer it however I need to -- I need to answer it.

6 Okay?

7 Once you all have reached a verdict, same type of
8 situation. Knock on the door and let the bailiff know that
9 you have reached a verdict and I will get you back in the
10 courtroom as quickly as possible. Before I ask you to retire
11 to your jury room, does everybody on the jury feel okay? All
12 right. I'm going to ask to step to the jury room but do not
13 -- do not begin your deliberations until you're instructed to
14 do so.

15 (Whereupon, the jury exits the courtroom at 4:49 p.m.)

16 THE COURT: Any exception or objection to the charge by
17 the -- from the State?

18 MR. JEPERTINGER: No, Your Honor.

19 THE COURT: Defense counsel?

20 MR. TRUSLOW: No, Your Honor.

21 THE COURT: All right. Can y'all approach? I want y'all
22 to look at the items of evidence. There's one thing that was
23 brought to my attention during your closing arguments that the
24 court reporter brought to my attention. In reviewing the
25 items of evidence in defendant's exhibit number one which was

1 the plea agreement, the debriefing from the FBI was in there.
2 I pulled that out ---

3 MR. TRUSLOW: Okay.

4 THE COURT: --- because that was not part ---

5 MR. JEPERTINGER: That was your copy.

6 MR. TRUSLOW: I was looking for that.

7 THE COURT: --- because that was not part of it and I
8 will give this copy back to Mr. Truslow. I wanted to make
9 sure, if you'll will look at the other items of evidence.

10 MR. JEPERTINGER: Yes, sir.

11 THE COURT: As far as the marijuana ---

12 MR. JEPERTINGER: I just need to clean this up.

13 THE COURT: Okay.

14 MR. JEPERTINGER: If you'll give me a second, Judge.

15 THE COURT: If they want to see the drugs, they can come
16 back out in the courtroom and see it. I'm not going to send
17 that back. Mr. Jepertinger and Mr. Truslow ---

18 MR. JEPERTINGER: Excuse me, sir?

19 THE COURT: Go ahead and do that then I'll ask you.

20 (Whereupon, there is a pause in the proceedings as the
21 exhibits are checked by counsel.)

22 MR. TRUSLOW: Is the SIM card out or in? Are you going
23 to take the SIM out?

24 THE COURT: I don't want the phone going back there with
25 the battery in it. I mean I don't want them to be able to cut

1 that phone on and off back there. If it's a mistrial and
2 y'all got to try it again, I don't want there to be a chance
3 of something being messed up on that.

4 MR. JEPERTINGER: Okay. If they want -- could you send
5 them an instruction though that if they want to look at what
6 the officers testified to again that they could come out and
7 see it?

8 THE COURT: We could do that.

9 MR. JEPERTINGER: Why don't we just ---

10 THE COURT: You want me to bring them out and instruct
11 them on that?

12 MR. JEPERTINGER: Yes, sir, and why don't we just keep
13 the phone out here?

14 THE CLERK: What about the marijuana?

15 THE COURT: As well as the marijuana.

16 MR. TRUSLOW: The only thing in the phone that they see
17 is one call and then the photograph.

18 MR. JEPERTINGER: Photograph.

19 MR. TRUSLOW: There is nothing else they're going to see
20 on it.

21 MR. JEPERTINGER: No. And ---

22 THE COURT: I don't want them inadvertently deleting
23 something off of there if they are trying to look at it.

24 MR. TRUSLOW: Right, but I want to make sure there
25 weren't other phone numbers, other pictures that weren't

1 talked about.

2 MR. JEPERTINGER: Right. Why don't we say that we're
3 going to keep the marijuana and the phone out here and if they
4 want to observe both, they can do it in court?

5 THE COURT: Okay.

6 (Whereupon, there is a pause in the proceedings as the
7 exhibits are continued to be checked by counsel.)

8 THE COURT: If you will, bring them back out, please.
9 All right. Hold it down, please, while the jury enters the
10 courtroom.

11 (Whereupon, the jury enters the courtroom at 4:55 p.m.)

12 THE COURT: Madame Forelady, before I was going to allow
13 Ms. Olivia to begin -- allow Ms. Olivia to instruct you to
14 begin your deliberations, I wanted to bring you back out here
15 and advise you of a couple of things. The marijuana that was
16 introduced into evidence is going to be -- it's going to
17 remain in the courtroom. Okay? If y'all want to come back
18 out, see it, touch it, I'll allow you to do that in the jury
19 box, but I'm not going to send that marijuana back into the
20 jury room during your deliberations. Okay? I don't know if
21 you all can smell it over there, but I can smell it and I just
22 don't want it back there. Okay?

23 Second of all, there was a phone introduced into
24 evidence. If you want to see the phone or anything on that
25 phone that was introduced into evidence, I'll allow you to

1 come back out here and we'll power it up and show it to you
2 again rather than send it back into the jury room as well.

3 Also, the CD -- the video -- the DVD that was introduced,
4 that is going to remain out here, but certainly if you want to
5 come back out here and see it, there is no way to view it back
6 there in the jury room. As you have seen in coming in and
7 out, there isn't a TV back there, a DVD player or anything
8 that would allow you to watch it back there, but certainly if
9 you feel like during your deliberations you need to see it
10 again, we'll allow you to come back out here and watch that
11 video as well. Anything further from the State at this time?

12 MR. JEPERTINGER: No, sir.

13 THE COURT: Mr. Truslow?

14 MR. TRUSLOW: Nothing, Your Honor.

15 THE COURT: All right. I'm going to ask you all to
16 return to your jury room. Do not begin deliberations until
17 you are instructed to do so.

18 (Whereupon, the jury exits the courtroom at 4:59 p.m.)

19 THE BAILIFF: You want the alternate?

20 THE COURT: Yes, sir. If you'd give me Mr. Stephen
21 Murphy. What -- what do I need to tell him, Mr. Jepertering?

22 MR. JEPERTINGER: Be back tomorrow at nine thirty a.m.

23 THE COURT: Mr. Murphy, if you will, come around, sir.

24 THE ALTERNATE JUROR: Yes, sir.

25 THE COURT: How are you doing?

1 THE ALTERNATE JUROR: I'm doing okay.

2 THE COURT: I'm going to release you for the balance of
3 today. The reason I asked the question of how everybody feels
4 on the jury, our laws provide that once the case goes back to
5 the jury, the alternate is not allowed to stay back there.

6 THE ALTERNATE JUROR: Correct. I can understand.

7 THE COURT: So I am going to release you for the balance
8 of today. I have been instructed that you need to be back
9 here tomorrow morning at nine thirty.

10 THE ALTERNATE JUROR: Okay.

11 THE COURT: If you'll be back up here on the eleventh
12 floor.

13 THE ALTERNATE JUROR: On the eleventh floor, nine thirty
14 tomorrow morning.

15 THE COURT: Yes, sir.

16 THE ALTERNATE JUROR: Yes, sir.

17 THE COURT: Thank you. Have a good day.

18 THE ALTERNATE JUROR: Certainly.

19 THE COURT: We're going to stand down right now. I need
20 to make a telephone call.

21 (Whereupon, jury deliberations begin at 5:00 p.m.)

22 (Whereupon, there is a break in the proceedings from 5:01
23 p.m. to 5:41 p.m.)

24 THE COURT: Thank you. Be seated, please. All right.

25 It is my understanding that we've got a verdict in the case.

1 Is that correct?

2 THE BAILIFF: Yes, sir.

3 THE COURT: All right.

4 MR. TRUSLOW: Your Honor, prior to taking the verdict, if
5 I could just for the record have you permit me to preserve my
6 directed verdict motion and prior motions at this point in
7 time.

8 THE COURT: So noted for the record. Absolutely.
9 Anything from the State before I bring the jury in?

10 MR. JEPERTINGER: No, Your Honor.

11 THE COURT: Anything further?

12 MR. TRUSLOW: Nothing, Your Honor.

13 THE COURT: I will remind everybody in the courtroom to
14 keep your emotions in check regardless of what the verdict is.
15 Your failure to do so could result in you being held in
16 contempt of court which could be a -- excuse me -- a term of
17 incarceration or a fine. Bring me the jury, please, ma'am.

18 (Whereupon, the jury enters the courtroom at 5:42 p.m.)

19 THE CLERK: Madame Forelady, did you reach a verdict?

20 THE FORELADY: Yes, ma'am.

21 THE COURT: All right. Madame Clerk, you may publish the
22 verdict.

23 VERDICT OF THE JURY

24 THE CLERK: In the State of South Carolina, Court of --
25 County of Florence in the Court of General Sessions,

1 Indictment Number 2012-GS-21-933, State of South Carolina
2 versus Clifford C. Campbell. As to the charge of trafficking
3 marijuana, we, the jury, unanimously find the defendant,
4 Clifford C. Campbell, guilty. Signed, Lorraine McKnight,
5 Foreperson, dated June 18th, 2013. Members of the jury, if
6 this your verdict, please raise your right hand.

7 (Whereupon, all jurors comply.)

8 THE CLERK: That's everybody.

9 THE COURT: Anything from defense counsel?

10 MR. TRUSLOW: I would like to poll the jury at this time,
11 Your Honor.

12 THE COURT: All right. Madame Clerk, if you will, poll
13 the jury, please.

14 THE CLERK: Okay. I am going to call each one of your
15 names. When I call your name, I need you to stand and I am
16 going to ask you two questions and I am need you to answer yes
17 or no to each question. Dexter Collins. Was this your
18 verdict then in the jury room?

19 DEXTER COLLINS: Yes, it was.

20 THE CLERK: Is this still your verdict now?

21 DEXTER COLLINS: Yes, ma'am, it is.

22 THE CLERK: Andrew Stout. Was this your verdict then?

23 ANDREW STOUT: Yes.

24 THE CLERK: Is this still your verdict now?

25 ANDREW STOUT: Yes.

1 THE CLERK: Deborah Miles. Was this your verdict then?
2 DEBRA MILES: Yes, ma'am.
3 THE CLERK: Is this still your verdict now?
4 DEBRA MILES: Yes, ma'am.
5 THE CLERK: Corrine Lawbry.
6 CORRINE LABRY: Labry.
7 THE CLERK: Sorry. Was this still your verdict then?
8 CORRINE LABRY: Yes.
9 THE CLERK: Is this still your verdict now?
10 CORRINE LABRY: Yes.
11 THE CLERK: Carolyn Jeffords. Was this your verdict
12 then?
13 CAROLYN JEFFORDS: Yes, ma'am.
14 THE CLERK: Is this still your verdict now?
15 CAROLYN JEFFORDS: Yes, ma'am.
16 THE CLERK: Betsy Langston. Was this your verdict then?
17 BETSY LANGSTON: Yes.
18 THE CLERK: Is this still your verdict now?
19 BETSY LANGSTON: Yes.
20 THE CLERK: Dylan Moore. Was this your verdict then?
21 DYLAN MOORE: Yes.
22 THE CLERK: Is this still your verdict now?
23 DYLAN MOORE: Yes.
24 THE CLERK: Lorraine McKnight. Was this your verdict
25 then?

1 LORRAINE MCKNIGHT: Yes.

2 THE CLERK: Is this still your verdict now?

3 LORRAINE MCKNIGHT: Yes.

4 THE CLERK: I am sorry if I mess up your name. Lacyone

5 Muldrow.

6 LACYONE MULDROW: Lacyone.

7 THE CLERK: Was this your verdict then?

8 LACYONE MULDROW: Yes.

9 THE CLERK: Is this still your verdict now?

10 LACYONE MULDROW: Yes.

11 THE CLERK: Alicia Mendiola. Was this your verdict then?

12 ALICIA MENDIOLA: Yes.

13 THE CLERK: Is this still your verdict now?

14 ALICIA MENDIOLA: Yes.

15 THE CLERK: Carlton Sellers. Was this your verdict then?

16 CARLTON SELLERS: Yes.

17 THE CLERK: Is this still your verdict now?

18 CARLTON SELLERS: Yes.

19 THE CLERK: And Sean Newell. Was this your verdict then?

20 SEAN NEWELL: Yes.

21 THE CLERK: Is this still your verdict now?

22 SEAN NEWELL: Yes.

23 THE CLERK: That is everyone, Judge.

24 The Court: All right. Anything further at this time,

25 Mr. Truslow.

1 MR. TRUSLOW: No, sir, Your Honor.

2 THE COURT: Mr. Campbell, you may be seated if you -- if
3 you can, sir. All right. Ladies and gentlemen of the jury, I
4 want to thank you for your service during the course of this
5 trial. I appreciate your and I know -- I know the lawyers
6 appreciate your attentiveness throughout this trial.

7 I am going -- you all have fulfilled your
8 responsibilities as jurors in this case. What happens now is
9 the Court will conduct sentencing.. Okay? That is a -- is
10 within my purview and I handle the sentencing part of this
11 matter pursuant to your finding of guilt in this case. Mr.
12 Jepertinger, they need to be back tomorrow morning?

13 MR. JEPERTINGER: Eleventh floor at nine thirty.

14 THE COURT: All right. I am going to ask you -- I'm
15 going to excuse you all for the balance of today. You may
16 stay if you so desire. You don't have to leave. If you want
17 to stay for the sentencing portion of this matter, you may
18 certainly do so. If it is your desire to leave, you may leave
19 at this time. I would ask that you be back at nine thirty
20 tomorrow morning. Everybody else remain seated to allow any
21 jurors that wish to exit the courtroom at this time to do so.

22 (Whereupon, the jury exits the courtroom at 5:46 p.m.)

23 THE COURT: Mr. Jepertinger, if you will, come around
24 along with you, Mr. Truslow, and your client.

25 MR. TRUSLOW: Your Honor, could I make post-trial motion

1 just for the record?

2 THE COURT: Yes, sir.

3 MR. TRUSLOW: I would move for a new trial at this point.

4 THE COURT: Mr. Jepertinger, anything in response?

5 MR. JEPERTINGER: Your Honor, that's a general motion and

6 I would say there was sufficient evidence to find this

7 individual guilty based on the evidence presented at trial.

8 THE COURT: Okay. Thank you. All right. Based upon
9 what I have heard here today and based upon the testimony
10 that's been elicited from this witness stand over the last two
11 days, I am going to respectfully deny defense counsel's motion
12 for a new trial. It was certainly sufficient evidence for
13 this case to go to the jury on the facts as to whether or not
14 this defendant was guilty or innocent. This jury, based upon
15 approximately 45 minutes of deliberation, determined that he
16 was guilty of the offense charged of trafficking marijuana and
17 I will respectfully deny your motion. All right. Let's
18 proceed with sentencing at this time, please

19 MR. JEPERTINGER: Your Honor, I think as Mr. Truslow has
20 stated many times during the course of the trial, this
21 defendant has no record. I don't think -- I don't have
22 anything else to add. I don't know if law enforcement has
23 anything or -- Officer Hinson, anything before sentencing?

24 THE OFFICER: No, sir.

25 THE COURT: Mr. Truslow, you can stand there or you come

1 around to this microphone, however you wish.

2 MR. TRUSLOW: Your Honor, in regard to sentencing, Mr.
3 Jepertinger has already told you that my client has no
4 criminal record and he has been in Florida for some time and
5 there is a record of him, just no criminal convictions. So
6 it's not as he has got convictions elsewhere and they're not
7 appearing. He is here legally. He has a driver's license
8 from Florida. He is a DJ by trade. He has a show that was to
9 come up in August. That is what he does as his trade and he
10 was pretty good at it. I would point out that he's got two
11 children that he supports and takes care of, age five and age
12 two.

13 In addition to that, Judge, this sentence I believe
14 carries anywhere from one to ten years. If you listened to
15 all the testimony in the case, you would note that the co-
16 defendant was dealing drugs for at least thirteen years that
17 we know about or twelve anyway. The testimony taken in the
18 light most favorable to the State puts my client involved in
19 this no more than or no less than a month to three months.

20 So I would ask you to take into consideration all that.
21 The short duration of what he was involved with. The fact
22 that no money was found on him. I don't know. You know,
23 obviously, we disagree with the verdict, but having said that,
24 based on the evidence, I don't know what his role would have
25 been, but I think that certainly should come into play, too.

1 We know who was responsible for crack cocaine and guns, so he
2 was at this trailer and there was marijuana and we're having
3 to deal with a sentence between one year and ten years.

4 So you have an individual before you who has a history of
5 work, a job as a DJ, two children, young children that he
6 supports, who was involved in this for a very short duration,
7 even taking Mr. Davis' testimony. So in looking that between
8 one and ten, the legislature has determined that some cases
9 for trafficking would warrant a one year sentence and some
10 would warrant a ten year sentence. He has maintained his
11 innocence. He took this case to trial, which obviously is his
12 constitutional right to do, and we would at this point ask for
13 the minimum sentence in this case.

14 THE COURT: All right. Thank you, Mr. Truslow. Mr.
15 Campbell, anything you wish to tell me? You're not required
16 to and I certainly don't want you to say anything that could
17 affect any appellate rights that you may have, but anything
18 you wish to tell me, sir?

19 MR CAMPBELL: No, sir.

20 THE COURT: All right. Any position from the State on
21 sentencing?

22 MR. JEPERTINGER: We leave that to your sound discretion,
23 Your Honor.

24 THE COURT: All right.

25 MR. TRUSLOW: Judge, can I make one more comment briefly?

1 THE COURT: Yes, sir. Yes, sir.

2 MR. TRUSLOW: I would point out that sentencing is
3 obviously in the sole discretion of the Court, but I do think
4 it's important for me to tell you that before I was hired in
5 this case, and I learned after the case, that he was offered a
6 sentence of probation under PWID. I only tell you that to put
7 things in perspective of where perhaps the State's mind was in
8 terms of him having no criminal record and then being very
9 familiar with the file and with Mr. Campbell's and Mr. Davis's
10 situations. So only as far as it would affect your decision
11 making process with that.

12 THE COURT: Okay. How long has he been in the states,
13 Mr. Truslow?

14 MR. TRUSLOW: A little over twelve years, Your Honor.

15 MR. JEPERTINGER: Judge, we do have -- in terms of that
16 issue, he had a valid employment authorization card. I guess
17 it's a work visa, valid from 12/29/06, expired on 12/28/07,
18 but obviously he was under a visa and he was not an illegal
19 immigrant.

20 THE COURT: He what?

21 MR. JEPERTINGER: He was not an illegal immigrant.

22 THE COURT: Okay.

23 MR. JEPERTINGER: He did have an employment authorization
24 card issued by the Department of Homeland Security, Your
25 Honor.

1 THE COURT: Let me see the indictment, please.

2 MR. JEPERTINGER: And just -- Mr. Truslow didn't bring
3 this up. However, this is applicable to him, Judge.
4 Obviously, he was arrested on 2/28/12. He made a bond on
5 March the 1st. Your Honor, it was a leap year last year so
6 there was the twenty-ninth and then you had the first, so he
7 would have at least three days credit.

8 THE COURT: Bear with me just a minute here.

9 (Whereupon, there is a pause in the proceedings.)

10 SENTENCE OF THE COURT

11 THE COURT: All right. On Indictment 2012-GS-21-933, the
12 defendant is committed to the State Department of Corrections
13 for a period of six years. Six years, give him credit for
14 three days that he's done. Good luck to you, Mr. Campbell.

15 MR. JEPERTINGER: Thank you, Your Honor.

16 (Whereupon, the proceedings end at 6:00 p.m.)

17

18 --- END REQUESTED TRANSCRIPT ---

19

20

21

22

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24

25

1 STATE OF SOUTH CAROLINA)

2) CERTIFICATE

3 COUNTY OF FLORENCE)

4

5 I, the undersigned, Krystal J. Smith, Official Court
6 Reporter for the Twelfth Judicial Circuit of the State of
7 South Carolina, do hereby certify that the foregoing is a
8 true, accurate, and complete Transcript of Record of all the
9 proceedings had and evidence introduced in the hearing of the
10 above captioned case, relative to appeal, in the Court of
11 General Sessions for Florence County, South Carolina, on the
12 17th and 18th days of June, 2013.

13 I do further certify that I am neither of kin, counsel,
14 nor interest to any party hereto.

15

16

Krystal J. Smith

17

Court Reporter

18

19 Florence, South Carolina

20 December 16, 2013

21

22

23

24

25

PENGAD 800-631-6989

COURT'S

EXHIBIT NO. 1

IDENTIFICATION/EVIDENCE

DKT.# KJS

DATE: 6-17-13

STATE OF SOUTH CAROLINA

County of Florence

SEARCH WARRANT

Date: February 28, 2012

SPECIAL AGENT RONNIE HINSON

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

Shawn Davis

418

Clifford Campbell

FILED

2012 MAR -5 AM 11:59

CONNIE REEL-SHEARIN

C.C.P. & G.S.

FLORENCE COUNTY, SC

CERTIFIED: A TRUE COPY

Connie Reel Shearin

CLERK OF COURT C.P. & G.S.

FLORENCE COUNTY, S.C.

RECEIVED *WJK*

2012 MAR -8 A 9 13

OFFICE OF SOLICITOR

12TH JUDICIAL CIRCUIT

FLORENCE, SC

SCCA 513

(3-1978)

STATE OF SOUTH CAROLINA)

SEARCH WARRANT

Form Approved by

SC Attorney General

Section 17-13-160

March 15, 1978

COUNTY OF FLORENCE)

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE
MUNICIPALITY OF FLORENCE COUNTY:

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON OR THING)

TO BE SEARCHED

██████████, LOCATED IN THE EFFINGHAM AREA OF FLORENCE COUNTY, SC,
DESCRIBED AS A LIGHT BLUE SINGLE WIDE TRAILER WITH WHITE UNDERPINNING.
NUMBERS "██████" ON MAILBOX IN FRONT OF RESIDENCE. ADDITIONALLY, ALL PERSONS
IN THE RESIDENCE AND ALL VEHICLES ASSOCIATED WITH THE OCCUPANTS, PERSONAL
EFFECTS, LOCKED CONTAINERS AND ANY AND ALL PARCELS OR BOXES.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

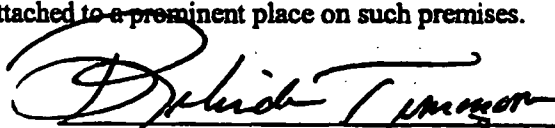
ANY RECORDS, PAPER OR ELECTRONIC, SHOWING INVOLVEMENT IN THE IMPORTATION
OF CONTROLLED SUBSTANCES; ANY COMPUTER / DIGITAL MEDIA RELATED TO
CONTROLLED SUBSTANCES; TRACKING NUMBERS, PREVIOUS SHIPPING LABELS,
PACKING MATERIALS AND BOXES; INDICIA OF RESIDENCE; LARGE AMOUNTS OF
CURRENCY CONSISTENT WITH NARCOTIC SALES; CELLULAR PHONES / PALM PILOT
STYLE DEVICES CONTAINING CONTACT INFORMATION FOR SOURCE AREAS; ANY OTHER
ITEMS OF CONTRABAND LOCATED IN THE PURSUIT TO FIND THE ABOVE LISTED ITEMS
AND FEDEX PARCEL WITH TRACKING #5393 2561 5099 858.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to Judge Timmons within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Florence County, South Carolina



Judge Timmons
Magistrate, Florence County

Dated: FEBRUARY 28, 2012

CERTIFIED: A TRUE COPY
Cynthia G. Spain

SCCA 513 CLERK OF COURT C.P. & G.S.
(3-1978) FLORENCE COUNTY, S.C.

FILED
2012 MAR -5 AM 11:59
COURT REEL-SHEARIN
& G.S.
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA

COUNTY OF *Florence* LEXINGTON

AFFIDAVIT

Personally appeared before me, one SPECIAL AGENT RONNIE HINSON, who being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of S.C. Code Ann. § 17-13-140, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

ANY RECORDS, PAPER OR ELECTRONIC, SHOWING INVOLVEMENT IN THE IMPORTATION OF CONTROLLED SUBSTANCES; ANY COMPUTER / DIGITAL MEDIA RELATED TO CONTROLLED SUBSTANCES; TRACKING NUMBERS, PREVIOUS SHIPPING LABELS, PACKING MATERIALS AND BOXES; INDICIA OF RESIDENCE; LARGE AMOUNTS OF CURRENCY CONSISTENT WITH NARCOTIC SALES; CELLULAR PHONES / PALM PILOT STYLE DEVICES CONTAINING CONTACT INFORMATION FOR SOURCE AREAS; ANY OTHER ITEMS OF CONTRABAND LOCATED IN THE PURSUIT TO FIND THE ABOVE LISTED ITEMS AND FEDEX PARCEL WITH TRACKING #5393 2561 5099 858.

DESCRIPTION OF PREMISES (PERSON OR THING)
TO BE SEARCHED

LOCATED IN THE EFFINGHAM AREA OF FLORENCE COUNTY, SC, DESCRIBED AS A LIGHT BLUE SINGLE WIDE TRAILER WITH WHITE UNDERPINNING. NUMBERS " " ON MAILBOX IN FRONT OF RESIDENCE. ADDITIONALLY, ALL PERSONS IN THE RESIDENCE AND ALL VEHICLES ASSOCIATED WITH THE OCCUPANTS, PERSONAL EFFECTS, LOCKED CONTAINERS AND ANY AND ALL PARCELS OR BOXES.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

ON 02/28/2012, AGENTS OF THE SOUTH CAROLINA STATE LAW ENFORCEMENT DIVISION CONDUCTING RANDOM PARCEL INSPECTIONS AT THE FEDEX HOME FACILITY LOCATED AT 2498 FLORENCE HARLEE BLVD IN FLORENCE COUNTY, SC. AGENTS LOCATED A SUSPICIOUS PARCEL SHIPPED FROM PHOENIX, AZ, TO A LOCATION IN FLORENCE (EFFINGHAM), SC. A SEARCH WARRANT WAS OBTAINED AND THE PARCEL WAS FOUND TO CONTAIN MATERIAL CONSISTENT WITH MARIJUANA IN EXCESS OF TEN (10) POUNDS. ON 02/28/2012, AGENTS OF THE LCMANET WILL ASSIST SLED AND CONDUCT A CONTROLLED DELIVERY OF THE PARCEL CONTAINING MARIJUANA TO ITS DESTINATION ADDRESS. IF THE PARCEL IS ACCEPTED INTO THE RESIDENCE, THIS WILL BE CONSIDERED A "TRIGGERING EVENT" AND THE WARRANT WILL BE EXECUTED TO RECOVER THE PARCEL AND MARIJUANA. IF THE PARCEL IS REFUSED OR NOT ACCEPTED INTO THE RESIDENCE, THE WARRANT WILL NOT BE EXECUTED.

Sworn to and Subscribed before me
28TH day of FEBRUARY, 2012

Debra Timmons
Judge Timmons

Magistrate, Florence County

CERTIFIED: A TRUE COPY
Connie Red Spain
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

Affiant

4400 Broad River Rd., Columbia, SC

SCCA 513

(3-1978)

2012 MAR 15 AM 11:59
FILED
FLORENCE COUNTY, SC
CLERK OF COURT C.P. & G.S.

SC

RETURN

I received the attached Search Warrant January 28, 2012, and have executed it as follows:

On January 28, 2012, at 12:35 o'clock P M, I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with Defendant

Name of person searched or "at the place of search" with.

Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

1. Two plastic bags containing green plant material located in master bedroom
2. U.S. Currency Five (5) one hundred dollar bills \$ 500
One hundred and twenty one (121) twenty dollar bills \$ 2,420
Eight (8) ten dollar bills \$ 80
Located in master bedroom in drawer of dresser \$ 4,000.00
3. One plastic bag containing green plant material located in master bedroom dresser drawer
4. Kel Tec semi-automatic black .32 caliber pistol S.N. #CFZ31 with magazine w/ 2 rounds
5. Seven plastic bags containing green plant material located in master bedroom closet
6. Remington ammeter containing (36) thirty six rounds of .32 caliber ammunition located in master bedroom night stand
7. Empty U.P.S. Parcel box located in kitchen

CONTINUED ON BACK →

This inventory was made in the presence of Craig Collins, Rannick Hinson, Matt Danner,

Genie Creech, Billy Watson, Dennis Tracey, Gary Lewis, Brad McDowell, Bradley Bazen, Andy Betha, Mark Creech, Kent Williams, Todd Strong

I swear that the inventory is a true and detailed account of all the property taken by me on the warrant.

Sworn to and Subscribed before me
this 28 day of Feb, 2012

Signature of Judge

CERTIFIED: A TRUE COPY

Connie Reel Shearin
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

SCCA 513
(3-1978)

(Signature of Officer Executing Warrant)

- One black 1 in color digital scale located in kitchen
- Rival vacuum sealer rolls located in kitchen
- Plastic bag containing green plant material located in brook box in kitchen
- One Food Saver vacuum sealing system located in kitchen
- Magtech Ammo box containing (30) thirty rounds 9mm ammunition found in kitchen cabinet
- Four plastic bags containing off white hard powder substance located under bed in bedroom #2
- Marijuana paraphernalia found in kitchen cabinets
- Plastic bag containing an off white hard substance located in bedroom #2 dresser drawer
- Ruger Super Blackhawk, 44 Magnum pistol / Tarco Pro Paint scope w/ (S) five, 44 Mag, rounds located under bed in bedroom #2
- Yellow plastic bag containing a white powder substance located in refrigerator in kitchen
- Norinco SKS 7.62x39 caliber rifle SN# 1616103 located in bedroom #2 on floor in closet
- Pro Mag black plastic SKS 7.62x39 caliber 30 round magazine located in bedroom #2 on floor with three 7.62x39 caliber rounds
- Eight 45 caliber rounds One .380 round One .38 caliber round Two 7.62x39 rounds located in bedroom #2 in dresser drawer
- Hydraulic press and hydraulic jack located in bedroom #3
- U.S. Currency (85) Eighty five hundred dollar bills \$ 8,500
 - (1) One fifty dollar bill \$ 50
 - (10) Ten twenty dollar bills \$ 200
 - (13) Thirteen ten dollar bills \$ 130
 - (3) Three five dollar bills \$ 15
 - (1) One one dollar bill \$ 1

Located in pocket of Shawn Luron Davis

8,896

- 23. Fed Ex Parcel containing approximately 25 pounds of marijuana located in bedroom #3 Tracking # 5393 2561 5099858
- 24. AWS black digital scale located on table in kitchen
- 25. Verizon Samsung cellular phone, Sprint Samsung cellular phone, and iPod Touch found on Clifford Campbell
- 26. Verizon Motorola and Verizon HTC cellular phones found on Shawn Luron Davis
- 27. Palm Trio found in rear floor board of ~~Shawn~~ Pontiac Grandam belonging to Shawn Luron Davis
- 28. U.S. Currency

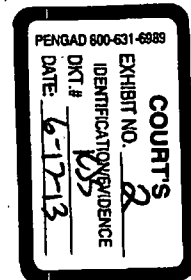
(894) Twenty Dollar Bills	\$17,880
(30) Five Dollar Bills	\$150
(74) Ten Dollar Bills	\$740
(37) Fifty Dollar Bills	\$1850

Total: \$33,020

Found inside trunk of Grey Impala

STATE OF SOUTH CAROLINA

County of Lexington



SEARCH WARRANT

5-8-2013
11:27

Date May 8, 2013
Officer S/A Ronnie J. Hinson Jr.

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

AFFIDAVIT

Personally appeared before me, one Ronnie J. Hinson Jr
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

As a result of the execution of this search warrant, a search for any and all saved, archived or deleted data including but not limited to browser history, email, ledgers, lists, records, documents or photographs taken from, derived from or contained in the computer components and storage media described in the above listed systems or devices seized pertaining to this investigation related to illegal drug activity and involving the crime of Trafficking Marijuana.

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

- 1) Samsung/Verizon Cellular Phone MEID HEX #: A000002FACD11C
- 2) Samsung/Sprint Cellular Phone HEX #: A1000008E81841

**REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

See attached affidavit.

Sworn to and Subscribed before me
This 8 day of May, 2013


Signature of Judge


Affiant
4400 Broad River Rd.
Columbia, South Carolina 29210
(L.S.) 803.737.9000

STATE OF SOUTH CAROLINA }

Search Warrant

Form approved by
S.C. Attorney General
Section 17-13-160

COUNTY OF LEXINGTON

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF
COUNTY *Lexington*

It Appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

- 1) Samsung/Verizon Cellular Phone MEID HEX #: A000002FACD11C
- 2) Samsung/Sprint Cellular Phone HEX #: A1000008E81841

Now, therefore, you are hereby authorized to search the subject premises described, and to seize such property if found:

DESCRIPTION OF PROPERTY

As a result of the execution of this search warrant, a search for any and all saved, archived or deleted data including but not limited to browser history, email, ledgers, lists, records, documents or photographs (add additional items if necessary) taken from, derived from or contained in the computer components and storage media described in the above listed systems or devices seized pertaining to this investigation related to illegal drug activity and involving the crime of Trafficking Marijuana

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to The Honorable

Matt Johnson

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Lexington, SC.

May 8, 2013

SCCA/513 (3-78)

M. Johnson (L.S.)
Signature of Judge

Return

I received the attached Search Warrant 5-8, 20 13, And have executed it as follows:
 On 5-8, 20 13 at 11:00 o'clock 11 M, I searched
 (the person/item) described in the warrant and (the premises)

I left a copy of the warrant with Cell Phones

Name of the person searched or "at the place of search" with. SLED Annex (Bush River Rd.)

Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Due to the intense nature and exhaustive amount of information that may be stored in the device(s) seized and the necessary amount of time required to complete the search of these device(s), the results of the forensic analysis will be forwarded to the originating agency after the analysis has been completed.

TWO discs containing cellular phone examination reports.

This inventory was made in the presence of S/A Matt Diney
 AND _____

I swear that this Inventory is a true and detailed account of all property taken by me on the warrant.

SWORN to before me this _____

day of _____, 2013

 (Signature of Officer Executing Warrant)

 Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA)

)

COUNTY OF LEXINGTON)

)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

In support of the attached Application for Search Warrant, Affiant, being duly sworn, deposes and says:

I, Ronnie J. Hinson Jr. am a Special Agent for the South Carolina Law Enforcement Division (SLED), Columbia, South Carolina and have been employed in such capacity for the past 10 years. During this period of the affiant's law enforcement career in the investigation of crimes relating to the illegal sale and distribution of controlled substances, this affiant has debriefed or otherwise interviewed numerous individuals intimately and directly involved in the storage, sale, trafficking in, and distribution of controlled substances. Through these conversations your affiant has become familiar with the method in which drug distribution networks are established and maintained and has also learned the manner in which the controlled substances are stored, sold, or otherwise distributed. This affiant has received training regarding narcotic enforcement and investigations as well as specialized training in the investigation of documentary evidence as it relates to narcotics activities.

Based of my training and participation in narcotic investigations involving large amounts of illegal narcotics and US currency I know:

- a. Drug traffickers often hold assets in nominee names to conceal any connection between any such asset and themselves, attempting in this way to avoid detection of their illegal activities by law enforcement agencies.
- b. Although their assets are held in nominee names, drug traffickers use and enjoy them, exercising ultimate dominion and control over such assets.
- c. Drug traffickers must maintain a ready access to large amounts of cash in order to maintain and finance their on-going drug business.
- d. Because drug trafficking on the scale revealed in this investigation is frequently a continuing activity which spans many years, because the trafficker's inventory of controlled substances fluctuates depending on availability and demand, and because drug traffickers commonly front drugs, or provide them on consignment, or trade items of value (i.e. stolen goods) to their customers, the traffickers often maintain books, receipts, notes, ledgers or some other type of record reflecting such transactions. Drug traffickers often keep their records in some secure, yet readily accessible place, where they can be used and maintained, such as in homes, offices, places of business, automobiles, safes, or safe deposit boxes. These items can also be stored, processed, and retrieved from electronic devices including but not limited to computers, word processors, palm pilots, PDA's, cell/mobile phones, Blackberries, and Smart phones. Traffickers often keep these records of their illegal activities beyond the time during which controlled substances are actually in their possession so they can maintain contact with their criminal associates for future drug transactions for which they might be owed or owe inventory or money.

- e. Drug traffickers commonly hide controlled substances, drug proceeds, and records of their drug transactions in secure locations, such as those mentioned in paragraph (d) above, as well as in offices or places of business, garages, or storage buildings. Similarly, the traffickers have ready access to these items, and attempt to conceal them from law enforcement agencies.
- f. Drug traffickers conceal currency, financial instruments, documents relating to financial transactions, precious metals, jewelry, other items of value, and proceeds of drug transactions, all of which constitutes evidence of drug trafficking activities. Additionally, such items constitute evidence of transactions establishing the generation, transfer, concealment, and expenditure of large sums of money made from trafficking in controlled substances. Like the items mentioned in paragraph (d) above, traffickers maintain these in secure, yet convenient locations, such as their homes, offices, places of business, garages, storage buildings, automobiles, and safe deposit boxes.
- g. Drug traffickers commonly maintain addresses or telephone numbers of their associates in books or papers, which reflect names, addresses, and telephone, beeper, or pager numbers. These items are sometimes in code.
- h. Drug traffickers frequently have photos of themselves, their associates, their property and controlled substances, which are usually maintained in their homes. Such photographs constitute evidence of their drug trafficking activities, establishing their connections with items of property with each other, and with drugs.
- i. Drug traffickers involved in importation or transportation of controlled substances from source cities generally possess documentation, such as telephone records, correspondence, shipyard receipts, wire transfers, airline ticket receipts, and the like, which pertain to the acquisition, transportation, shipment, or receipt of, or payment for, controlled substances, and which evidences the trafficked participation in the illegal drug scheme.
- j. Drug traffickers often maintain some record of the movement of money, whether it is accomplished by wire or inter-bank transfer or by a person acting as a courier. Such records, even though they may be in code, are evidence of the trafficker's illegal activities.
- k. Drug traffickers often use false or fictitious names or corporations or other business entities to launder their drug proceeds and to send shipments of cash or controlled substances through the mail or other delivery services. Traffickers or their agents sometimes utilize banks, both domestic and abroad, though proceeds from their illegal activities are laundered. Funds are frequently transferred between banks and various accounts to conceal their sources and origins. Documents or records of any kind reflecting any connection with any such entity or transaction constitute evidence of the trafficker's participation in the illegal scheme.
- l. Drug traffickers frequently utilize a continuing pattern of activities to launder and conceal drug-generated proceeds and assets, which lasts over a period of years. Drug traffickers use these patterns or schemes to create the appearance of legitimate income so they can eventually convert the proceeds or assets to themselves or to a nominee under their control. In this way, the traffickers can enjoy and use their properties while attempting to conceal their illegal activities, which generated the proceeds or assets.
- m. Courts have recognized that unexplained wealth is probative evidence of crimes motivated by greed, which includes trafficking in controlled substances and illegal schemes to conceal their illegal activities schemes to conceal drug-generated proceeds.
- n. Drug traffickers who deal in illegal controlled substances often use mobile telephones to communicate through voice, text, and/or email to maintain contact with and receive messages from their customers and suppliers and to further distribution activity.

- o. Drug trafficker's often possess, receive, and/or trade stolen goods for controlled substances.

Based on my training and participation in narcotic investigations involving large amounts of illegal narcotics and US Currency, I know that drug traffickers commonly maintain addresses or telephone numbers in computers, cell phones, mobile phones, Blackberries, PDA's, Smart Phones that reflect names, addresses, telephone and email addresses, and PIN's for their drug trafficking associates. They also frequently have photos of themselves, their associates, their property, and controlled substances, which can be stored in computers, cell phones, mobile phones, Blackberries, PDA's and Smart Phones. Such photos constitute evidence of their drug trafficking activities, establishing their connections with items of property with each other, and with drugs. Drug traffickers also use computers, cell phones, mobile phones, Blackberries, and Smart Phones to maintain contact with and receive messages from their customers, suppliers, and other co-conspirators.

The information provided herein is based on my knowledge as well as the investigations of other SLED agents and agents from the Florence Co. Sheriff's Office and Lexington Co. Sheriff's Office.

On Tuesday February 28, 2012 the Affiant, along with Agent Dennis Tracy (LCSD), S/A Matt Downey (SLED) and multiple Agents from SLED and the Florence County Sheriff's Office conducted a controlled delivery of a parcel to [REDACTED], Florence, South Carolina. Below is a synopsis of the controlled delivery investigation:

On Tuesday February 28th, 2012 this writer, along with Special Agent Matt Downey and Agent Dennis Tracy (LSCD) met at the FedEx parcel facility in Florence County, South Carolina in reference to a suspected parcel containing an unknown quantity of marijuana. Agent Tracy had previously obtained information from a confidential source that a parcel containing marijuana was to be delivered to an address in Florence County on 02/28/2012. Once we arrived at the FedEx facility the parcel in question along with a number of other parcels were set out in an array on the floor for a narcotics K9 search to detect the presence of illegal narcotics. Special Agent Matt Downey along with SLED K9 Nadia conducted the search of the parcels and K9 Nadia positively alerted on the box in question for the presence of illegal narcotics. At this point the listed Agents took control of the parcel and obtained a search warrant for it from a Florence County Magistrate. After obtaining the search warrant the parcel was opened by Agent Tracy and the contents were confirmed to be consistent with that of marijuana. The parcel was then re-sealed by Agent Tracy. The delivery address on the parcel was [REDACTED] in the Effingham area of Florence County South Carolina. The parcel had the FedEx tracking number 5393 2561 5099 858. After confirming the parcel contained illegal narcotics this writer along with Agent Tracy and Inv. Lewis (FCSO) obtained a signed Anticipatory Search Warrant for the residence at [REDACTED] from Florence County Magistrate Timmons.

After a briefing with the listed surveillance/takedown personnel on the activities that were to take place during the controlled delivery, Agents were placed in different teams in order to conduct surveillance on the delivery location. Agent Tracy acted as a FedEx delivery driver in an undercover capacity and was to deliver the parcel to [REDACTED] (the delivery was recorded via audio/visual device on his person). After all the surveillance units were in place, Agent Tracy drove the undercover FedEx vehicle to the location and pulled into the front yard of [REDACTED]. While Agent Tracy is walking to the front door of the residence an unknown black male (later identified as Shawn Luron Davis) met him in the front yard and signed for the parcel. Agent Tracy then left the area and the black male stayed in the front yard with the parcel sitting beside him. The black male (Davis) then picked up the parcel and placed it on his shoulder and began walking around to the rear of the residence. After surveillance units lost sight of the black male (Davis) and the parcel the order was given by this writer to move in and secure the residence along with any suspects and the FedEx parcel. Once takedown units arrived on the scene, two black males (Shawn L Davis and Clifford C Campbell) were taken into custody at the back door of the residence. The residence was then secured and the Search Warrant for the residence was initiated. The FedEx parcel was immediately located inside the residence in a bedroom. Investigator Lewis along with K9 Libby conducted the search of several vehicles at the residence. K9 Libby made a positive alert on a Black Chevrolet Impala SC Tag [REDACTED] and a large sum of currency was subsequently found in that vehicle's trunk. During the

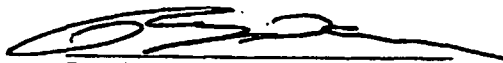
search of the residence the listed items were located by various Agents, photographed, and collected by this writer to be placed into SLED Evidence. The evidence was located in different areas of the residence (see attached diagram of residence). Once the Search Warrant was completed the residence was secured and a copy of the Search Warrant was given to Shawn L. Davis who is the primary resident of the home. Shawn L. Davis was taken into custody and transported to the Florence County Jail and charged with Trafficking in Marijuana 10 lbs or more 2nd offense (M-274757), Felon in possession of Firearm (M-274758), Possession of a weapon during a Violent Crime (M-274759), and PWID Cocaine Base (M-274760). Clifford C. Campbell was taken into custody and transported to the Florence County Jail and charged with Trafficking in Marijuana 10 lbs or more (M-274761).

The black male, identified as Clifford Campbell, was arrested. As a result of the arrest, the following items were seized:

- 1) Samsung Verizon Cellular Phone MEID: A000002FACD11C (Found on Campbell's person)
- 2) Samsung Sprint Cellular Phone HEX: A1000008E81841 (Found on Campbell's person)

Due to the above mentioned facts, there is probable cause to believe that the items sought are contained in the above mentioned items.

These are some of the items necessary as evidence to further this investigation.



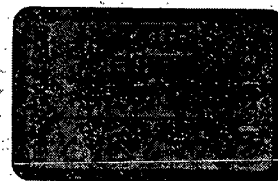
Ronnie J. Hinson Jr.
Special Agent II
SC Law Enforcement Division (S.L.E.D.)

Sworn to and Subscribed Before me this
8 Day of May, 2013.


JUDGE'S SIGNATURE

IMPORTANT!

Daily operations have resumed in Oklahoma. Learn More

**539325615099858**

Ship (P/U) date :

Wed 2/22/2012

PHOENIX, AZ US

**Delivered**

Signed for by: 14

Actual delivery :

Tues 2/28/2012 12:5

FLORENCE, SC US

Let us tell you when your shipment arrives. Sign up for delivery notifications

Travel History

Date/Time	Activity	Location
- 2/28/2012 - Tuesday		
12:51 pm	Delivered	
6:58 am	On FedEx vehicle for delivery	FLORENCE, SC
5:03 am	At local FedEx facility	FLORENCE, SC
- 2/27/2012 - Monday		
10:25 pm	Departed FedEx location	CHARLOTTE, NC
8:09 pm	Arrived at FedEx location	CHARLOTTE, NC
- 2/24/2012 - Friday		
4:41 pm	In transit	MEMPHIS, TN
- 2/23/2012 - Thursday		
2:28 pm	Departed FedEx location	PHOENIX, AZ
2:42 am	Arrived at FedEx location	PHOENIX, AZ
12:06 am	Left FedEx origin facility	TEMPE, AZ
- 2/22/2012 - Wednesday		
9:35 pm	Arrived at FedEx location	TEMPE, AZ
6:19 pm	Picked up	TEMPE, AZ
3:43 pm	In FedEx possession Tendered at FedEx location	PHOENIX, AZ
3:43 pm	Shipment information sent to FedEx	

Local Scan

Shipment Facts

WITNESSES

John Creech State Law Enforcement Division

John C Jepertinger

ARREST WARRANT NUMBER

M274761

ACTION OF GRAND JURY

TRUE BILL

Kimberly Smith
Foreperson of Grand Jury
Date: 7-19-12

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-21-00933

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JULY

TERM

2012

THE STATE

vs.

CLIFFORD CLAUDE CAMPBELL

Indictment for

TRAFFICKING IN MARIJUANA

CERTIFIED: A TRUE COPY
Clerk of Court C.P. & G.S.
FLORENCE COUNTY, SC
Kimberly Smith

FILED
2012 JUL 19 AM 11:04
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

INDICTMENT FOR
TRAFFICKING IN MARIJUANA

At a Court of General Sessions, convened on JULY 19, 2012 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- TRAFFICKING IN MARIJUANA

That CLIFFORD CLAUDE CAMPBELL did in Florence County on or about February 28, 2012, knowingly, sell, manufacture, cultivate, deliver, purchase or bring into this state, or aid, abet, attempt or conspire to sell, manufacture, cultivate, deliver, purchase or bring into this state, or was knowingly in actual or constructive possession, or knowingly attempted to become in actual and/or constructive possession of a quantity of Marijuana in the amount of ten pounds or more but less than one hundred pounds, Marijuana being a controlled substance under 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, and in violation of Section 44-53-0370(e)(1)(a)(1), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

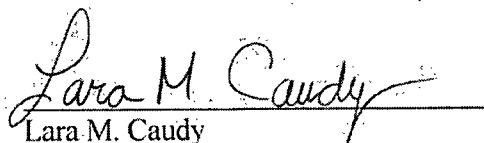


E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

March 24, 2014


Lara M. Caudy
Appellate Defender

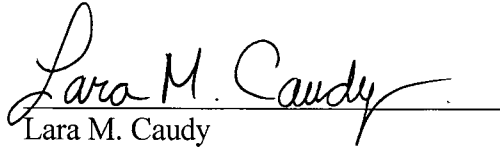
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

March 24, 2014


Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT.

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

D. Craig Brown, Circuit Court Judge

RECEIVED

MAR 24 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

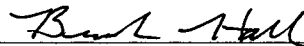
CLIFFORD CLAUDE CAMPBELL,

APPELLANT

APPELLANT CASE NO. 2013-001450

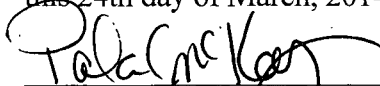
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 24th day of March, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 24th day of March, 2014.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: July 24, 2022.