

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lexington County
Frank R. Addy, Circuit Court Judge

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S.C. Supreme Court

STANLEY GOLSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000446

APPENDIX

ROBERT M. PACHAK
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

JOHN WALT WHITMIRE
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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COURT OF GENERAL SESSIONS

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TRANSCRIPT OF RECORD

06-GS-32-3491, et al

)

April 3 & 4, 2007  
Lexington, South Carolina

HONORABLE R. KNOX MCMAHON, Judge; and a jury.

SAMUEL R. HUBBARD, III, Deputy Solicitor  
M. KENT COLLINS, II, Asst. Solicitor  
Attorneys for the State

**JOSHUA S. KENDRICK, Esquire**  
**Attorney for the Defendant**

25 L. COCONUT PANTSARI, R.P.R.  
Circuit Court Reporter

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1           (The following proceedings were reported on  
2 April 3, 2007).

3           THE COURT: Solicitor, is the State ready to  
4 call its next case for trial?

5           MR. HUBBARD: Yes, sir.

6           THE COURT: You may proceed.

7           MR. HUBBARD: Yes, Your Honor. The State  
8 calls for trial Indictment 2006-GS-32-3494, the State  
9 versus Stanley Golson, an indictment for distribution of  
10 crack cocaine.

11           2006-GS-32-3491, the State versus Stanley  
12 Golson, an indictment for distribution of crack cocaine  
13 within proximity of a school.

14           Your Honor, both of these have been true  
15 billed. The State is ready for trial, and I am passing  
16 up a witness list.

17           (Hands to Court).

18           THE COURT: The State has called for trial  
19 2006-GS-32-3491 and 2006-GS-32-3494, both are true  
20 billed indictments.

21           The first is the State versus Stanley Golson.  
22 It basically reads that Stanley Golson did in Lexington  
23 County, on or about May 25, 2004, knowingly and  
24 intentionally, willfully and unlawfully sell,  
25 distribute, cultivate, manufacture, deliver or bring

1 into this State or did provide financial assistance or  
2 otherwise aid, abet, attempt or conspire to sell,  
3 manufacture, cultivate, deliver or bring into this  
4 State, possess with intent to distribute or was  
5 knowingly and intentionally in actual or constructive  
6 possession of or did knowingly and intentionally attempt  
7 to become in actual or constructive possession of crack  
8 cocaine, a controlled substance while in or within a  
9 one-half mile radius of the grounds of a public or  
10 private elementary, middle or secondary school or the  
11 grounds of a public or private playground or park or a  
12 public vocational trade school or technical educational  
13 center or a public or private college, university, to  
14 wit. Lakeview Alternative School, in violation of  
15 44-53-457 of the Code of Laws of South Carolina, 1976 as  
16 amended. This is a true bill indictment for  
17 distribution of crack cocaine within proximity of a  
18 school.

19           The other indictment, 2006-GS-32-3494,  
20 basically reads that Stanley Golson did in Lexington  
21 County, on or about May 25, 2004, knowingly and  
22 intentionally, willfully and unlawfully sell,  
23 distribute, cultivate, manufacture, deliver, purchase or  
24 bring into this State or did provide financial  
25 assistance or otherwise aid, abet, attempt or conspire

1 to sell, manufacture, cultivate, deliver, purchase or  
2 bring into this State, possess with intent to distribute  
3 or was knowingly and intentionally in actual or  
4 constructive possession of or did knowingly and  
5 intentionally attempt to become in actual or  
6 constructive possession of crack cocaine, a controlled  
7 substance under the provisions of 44-53-110 and  
8 44-53-375 of the Code of Laws of South Carolina. That  
9 is a true bill indictment for distribution of crack  
10 cocaine.

11 Ladies and gentlemen, the indictments are not  
12 evidence. They are not evidence of any of the  
13 allegations or facts contained therein. They are solely  
14 notice documents which place the Defendant on notice of  
15 the charges of which he is to answer in court.

16 The State in this case is represented by  
17 Assistant Solicitor Hubbard and Assistant Solicitor  
18 Collins. Assistant Solicitor Hubbard, if you would  
19 introduce yourself and any member of your staff that  
20 is going to assist you during the prosecution of this  
21 case.

22 MR. HUBBARD: Yes, Your Honor. My name is  
23 Rick Hubbard. I have been working for Solicitor Myers  
24 here in Lexington County as a prosecutor since 1994.  
25 With me is Kent Collins who is also working on this

1 case. He is an assistant solicitor in this office.

2 THE COURT: Thank you. Is any member of the  
3 jury panel related by blood or marriage or close  
4 personal friends of either Assistant Solicitor Hubbard  
5 or Assistant Solicitor Collins or any employee of the  
6 Lexington County Solicitor's Office? If so, please  
7 stand.

8 (There is no response).

9 THE COURT: Has any member of the jury panel  
10 been represented by Assistant Solicitor Hubbard or  
11 Assistant Solicitor Collins? If so, please stand.

12 (There is no response).

13 THE COURT: The Defendant in this case is  
14 represented by Mr. Kendrick. Mr. Kendrick, would you  
15 introduce yourself to the jury please and any other  
16 individual or member of your staff that may assist you  
17 in the defense of this case.

18 MR. KENDRICK: Yes, sir, Your Honor. My name  
19 is Josh Kendrick. I practice law in Columbia by myself.  
20 Today I represent Mr. Stanley Golson. He is the  
21 Defendant in the matter. I think you will just see he  
22 and I. I also have a law clerk, Justin Mayes, who may  
23 show up. He is in school right now, but he may be  
24 sitting at the table. If you see him, that will  
25 probably be it.

1           THE COURT: Thank you, Mr. Kendrick. Is any  
2 member of the jury panel related by blood or marriage or  
3 close personal friends of Mr. Kendrick? If so, please  
4 stand.

5           (There is no response).

6           THE COURT: Has any member of the jury panel  
7 been represented by Mr. Kendrick? If so, please stand.

8           (There is no response).

9           THE COURT: Is any member of the jury panel  
10 related by blood or marriage or close personal friends  
11 of Stanley Golson, the Defendant in this case, who  
12 previously stood before you? If so, please stand.

13          (There is no response).

14          THE COURT: The allegations in these  
15 indictments are that the Defendant distributed a  
16 quantity of crack cocaine within a half mile of Lakeview  
17 Alternative School, on or about May 25, 2004. Does any  
18 member of the jury panel have any knowledge about the  
19 facts of this case? If so, please stand.

20          (There is no response).

21          THE COURT: Does any member of the jury panel  
22 have any bias or prejudice towards the parties or the  
23 subject matter involved in this case? If so, please  
24 stand.

25          (There is no response).

1 THE COURT: Has any member of the jury panel  
2 heard or know anything about this case from any source  
3 whatsoever? If so, please stand.

4 (There is no response).

5 THE COURT: I am going to call a list of  
6 potential witnesses. I would ask if any of these  
7 witnesses are present in the courtroom at the time I  
8 call your name, if you would please stand and face the  
9 jury.

10 The question of course, is whether or not you  
11 are related by blood or marriage or close personal  
12 friends of any of the individuals whose names I am going  
13 to call as potential witnesses in this case.

14 Mike Burke. This is Mr. Burke over to my  
15 right. Thank you, Mr. Burke. You may be seated. Candy  
16 Kyzer. This is Ms. Kyzer to my right. Thank you,  
17 Ms. Kyzer. J.J. Jones. Mr. Jones to my right. Thomas  
18 Hamilton. Viola Martin Green. Pearl Riley. Missy  
19 Horne. This is Miss Horne to my front right.

20 All of the witnesses are not required to be  
21 here at this time. So those that did not stand were not  
22 required to be here.

23 Is any member of the jury panel related by  
24 blood or marriage or close personal friends of any of  
25 those individuals whose names I called and/or who stood



1 before you? If so, please stand.

2 (Juror stands).

3 THE COURT: Your number and name, please?

4 PROSPECTIVE JUROR: Jody Harte, number 68.

5 THE COURT: Mr. Harte, are you related by  
6 blood or marriage or friends?

7 THE DEFENDANT: Friends, with Deputy Jones.

8 THE COURT: With Deputy Jones, J.J. Jones?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: The fact you are friends of Deputy  
11 Jones, could you still be a fair and impartial juror to  
12 both the State and the defense in this case?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: I will set you aside for the trial  
15 of this case. Thank you, Mr. Harte. Any others?

16 (There is no response).

17 THE COURT: Thank you. Any requested voir  
18 dire from the State?

19 MR. HUBBARD: No, sir, Your Honor.

20 THE COURT: From the defense?

21 MR. KENDRICK: No, Your Honor.

22 THE COURT: Let me ask you, Mr. Kendrick, are  
23 there any other witnesses whose name I need to call?

24 MR. KENDRICK: No, sir.

25 THE COURT: Thank you. Does any member of the

1 jury panel have any reason whatsoever why you feel like  
2 you could not be a fair and impartial juror in the trial  
3 of this case to both the State and the defense? If so,  
4 please stand.

5 (There is no response).

6 THE COURT: I find the jury panel is  
7 qualified. Madame Clerk, if you would give us a jury  
8 please. The strikes are five and five? Is that  
9 correct, Solicitor?

10 MR. HUBBARD: Yes, sir, Your Honor.

11 THE COURT: Mr. Kendrick?

12 MR. KENDRICK: Yes, sir, Your Honor.

13 THE COURT: Madame Clerk, if you would give us  
14 a jury please.

15 (The jury is impaneled at 10:27 a.m.)

16 (During the jury selection process, the jurors  
17 were called forward and peremptory strikes were  
18 exercised as noted by the attached voir dire sheet made  
19 a part of this record at page 5).

20 THE COURT: Any motions regarding the jury  
21 selection process from the State?

22 MR. HUBBARD: Nothing from the State, Your  
23 Honor.

24 THE COURT: From the defense?

25 MR. KENDRICK: No, Your Honor.

1 THE COURT: Would y'all approach the bench  
2 very quickly.

3 (Whereupon there was a bench conference off  
4 the record in the presence of the jury but out of the  
5 hearing of the jury).

6 THE COURT: Madame Clerk, if you would give us  
7 another alternate, please. I know the panel is  
8 anxiously awaiting being selected for that position.  
9 The strikes are one and two.

10 (An alternate juror is chosen).

11 THE COURT: Any motions regarding the jury  
12 selection process?

13 MR. HUBBARD: No, sir, Your Honor.

14 THE COURT: From the defense?

15 MR. KENDRICK: No, Your Honor.

16 THE COURT: Ladies and gentlemen of the jury,  
17 I am going to ask you to momentarily step to your jury  
18 room. I will take about a 15-minute recess. I have  
19 been out here since a little bit before 9:00 a.m.

20 I will take a brief recess, and then we will  
21 get started promptly after that. Do not discuss the  
22 case with anyone. That includes your fellow jurors  
23 during the recess.

24 Remember, you are not to discuss the case  
25 until you have heard all the evidence, the closing

1 arguments of the attorney, the charge on the law by the  
2 Court, and you are directed to begin your deliberations.  
3 Then and only then may you discuss the case. With that  
4 being said, if you will please go with our bailiff to  
5 your jury room.

6 (The jury retires to the jury room).

7 THE COURT: Court will be in recess 15  
8 minutes.

9 (Whereupon there was a recess).

10 THE COURT: Anything from the State before we  
11 bring in our jury?

12 MR. HUBBARD: Your Honor, I would like to  
13 inquire of the defense if he insists on a Neil versus  
14 Biggers hearing. There is a photo lineup. But, Your  
15 Honor, we will have testimony this woman knew the guy  
16 for 20 years or more.

17 THE COURT: Mr. Kendrick.

18 MR. KENDRICK: Give me one second, Your Honor,  
19 I will explain it to my client.

20 (Pause).

21 MR. KENDRICK: That would be fine, Your Honor.

22 THE COURT: You don't need one?

23 MR. KENDRICK: We do not, Your Honor.

24 THE COURT: I will ask about -- what is his  
25 name, Jamie Wiseman?

1 MR. HUBBARD: Your Honor, it's Jannie Wiseman.

2 THE COURT: Thank you. Mr. Bailiff, if you  
3 would bring us our jury, please.

4 MR. KENDRICK: Actually, Your Honor, I have a  
5 few matters.

6 THE COURT: I'm sorry, yes, sir.

7 MR. KENDRICK: I apologize. First, I think it  
8 is a pretty simple one, Your Honor. I move to sequester  
9 the witnesses in this matter.

10 THE COURT: Solicitor, your position?

11 MR. HUBBARD: That it would be reciprocal and  
12 that we keep our chief investigating officer, which is  
13 Detective Neil Burke, sitting on the front row in the  
14 coat and tie.

15 MR. KENDRICK: Well, my investigator is not a  
16 witness, so that wouldn't matter, Your Honor.

17 THE COURT: So you are going to keep Detective  
18 Burke and all the other witnesses will be sequestered?

19 MR. HUBBARD: Yes, Your Honor.

20 THE COURT: It's reciprocal. I will leave it  
21 up to y'all to police it.

22 MR. KENDRICK: Thank you, Judge. The other  
23 one, Your Honor, I have is I don't know that this is  
24 going to be an issue, but I do know there is a -- well,  
25 there's two things. They both involve the same issue.

1           There is a tape, an audiotape. I don't  
2 know -- and I assume -- but I don't know if the agent is  
3 going to say: Yes, we recognize Stanley Golson's voice  
4 because we dealt with him in the past or anything like  
5 that.

6           I would ask that any comments like that be  
7 suppressed, as well as if the C.I. in the case has some  
8 prior knowledge of bad acts, that we either deal with  
9 those outside the presence of the jury or that she be  
10 instructed not to bring up any knowledge she may have of  
11 other criminal activity.

12           THE COURT: Well, they can say they recognize  
13 his voice. They can't -- if they can recognize his  
14 voice -- but they can't say they recognize it in regards  
15 to any prior bad acts.

16           Solicitor, what is your position in that  
17 regard?

18           MR. HUBBARD: That's exactly what our position  
19 would be. We would simply ask the officer if he is  
20 familiar with Stanley Golson, Stanley Golson's voice,  
21 yes or no, and then the informant will talk about this  
22 case.

23           MR. KENDRICK: Again, Your Honor, my only  
24 concern is with the police being familiar with the  
25 Defendant leads to some degree of prejudice in my

1 opinion.

2 THE COURT: That may be correct, unless they  
3 thought he was the President of Crime Watch in the  
4 Lakeview area of West Columbia. So it could lead to  
5 Mr. Golson having more credibility.

6 I can't inhibit an officer from testifying  
7 from voice recognition if he is familiar with the  
8 individual's voice. I won't allow them to go into the  
9 history of how they became familiar with Mr. Golson's  
10 voice.

11 MR. KENDRICK: Yes, sir. That's my major  
12 concern, Your Honor.

13 THE COURT: I understand.

14 MR. KENDRICK: The third issue, Your Honor, I  
15 had subpoenaed a confidential informant file from the  
16 Lexington County Solicitor's Office. I talked with  
17 Mr. Tate, who is the attorney for the Lexington County  
18 Solicitor's Office on Thursday.

19 He explained to me that he was going to --  
20 basically this is the file that involves the work she  
21 has done for Lexington County. He explained to me that  
22 he would give me all the booking reports and arrests  
23 from her, which is part of the subpoena.

24 But then he would turn over the file to the  
25 State, and then we could argue about it under Rule 5. I

1 explained to him that my position would be if that's how  
2 he wants to deliver it to me for security reasons, that  
3 was fine but that I was subpoenaing him, and the  
4 Solicitor's Office has nothing to do with my subpoena,  
5 Your Honor.

6 Right now Mr. Tate has left town but told me  
7 he would have someone here with the file today. My  
8 position is that the subpoena needs to be quashed by  
9 Mr. Tate, which he clearly has no interest in doing, or  
10 it needs to be complied with.

11 As to whether -- and this is kind of an  
12 anticipatory argument -- as to whether the evidence or  
13 the information becomes relevant is not an issue for  
14 now, Your Honor, because the subpoena has not yet been  
15 complied with.

16 I don't know what I am looking at, and so I am  
17 certainly not prepared to argue relevancy, which from my  
18 understanding from discussing with the solicitor before  
19 you came in, they were going to object to that.

20 THE COURT: Solicitor.

21 MR. HUBBARD: Your Honor, I'm not exactly sure  
22 what all he wants to look at, but if it is about all the  
23 buys she has made, there are three other buys involving  
24 his client. He has gotten that information in  
25 discovery.



1           If he is talking about buys involving other  
2 defendants, people he doesn't represent, he is not  
3 entitled to that, Your Honor. It's not relevant to this  
4 trial. It's not relevant to the defense of his client.

5           My position would be if it is relevant to this  
6 trial, then there is a door that would open as to the  
7 other buys on his client. So I think it's clearly  
8 irrelevant.

9           MR. KENDRICK: Again, Your Honor, maybe it is.  
10 I don't know. I haven't seen it yet. Under Rule 13 I  
11 issued a subpoena. It's my position that is not the  
12 Solicitor's Office business.

13           They happened to be standing in the Clerk's  
14 Office when I got it signed, and I explained to Mr. Tate  
15 that I would rather him just deliver it straight to me  
16 because I'd hate to get in some kind of argument about  
17 somebody interfering with one of my subpoenas.

18           It may be inadmissible, Your Honor, but again  
19 I don't know because I haven't looked at it. If  
20 Mr. Hubbard wants to put it under protective order or  
21 offer it to the Court in camera or offer it to the Court  
22 ex parte, I guess those are all options.

23           I think the simplest thing for me to do is let  
24 myself and my investigator look at it, if it's something  
25 we want to bring up or proffer to the Court. But I

1 would be certainly happy to agree right now to a  
2 protective order that whatever I see in that file, I  
3 certainly won't disclose to any other attorneys or  
4 anyone outside of the people sitting at the table, and I  
5 think that takes care of it, Your Honor.

6 Again, I am not going to say that it may be  
7 relevant or not relevant because I don't know because I  
8 haven't seen it. Your Honor, I've been a lawyer long  
9 enough and tried enough cases to know that if it looks  
10 like I will open the door, then that's a decision myself  
11 and my client will make.

12 THE COURT: As I understand it, the  
13 information regarding this informant and your client has  
14 already been turned over?

15 MR. HUBBARD: Your Honor, as to the other buys  
16 that were made -- and, Your Honor, he knows that the  
17 informant used in those buys was this informant that we  
18 are talking about today.

19 THE COURT: So there's a couple of issues  
20 going on here. One issue is an issue that Mr. Kendrick  
21 has with Mr. Tate failing to comply with the subpoena of  
22 the Court, if that occurred. That's a separate and  
23 distinct issue from whatever may or may not be  
24 discoverable in the Solicitor's file, correct?

25 MR. KENDRICK: Yes, Your Honor. I think

1 sequentially once the subpoena is complied with, then it  
2 would be my responsibility as an officer of the Court to  
3 proffer anything.

4 I have always taken the position, Your Honor,  
5 that if I have something that may be inadmissible, I  
6 would not spring it on anyone because I think that's  
7 unethical.

8 I have always taken the position that I  
9 discuss it with the solicitor. He says either: I don't  
10 care or I have a problem. At that point we come in  
11 front of you without the jury here and discuss it. They  
12 are two distinct issues, but they are also two issues  
13 that have to be decided in order, Your Honor.

14 THE COURT: Do you have all the information,  
15 Solicitor?

16 MR. HUBBARD: Your Honor, there is a detective  
17 that has, I think, the information he is asking about.  
18 But here is my issue. One, we have complied with Rule 5  
19 and Brady.

20 As to the subpoena, obviously he wants this  
21 information to use during this trial. That's why I have  
22 an interest in it. I think there is an abuse of  
23 subpoena process when you subpoena something, and it's  
24 purely for a fishing expedition.

25 Counsel is in court today on record saying he

1 doesn't know what he's looking for. He's just going to  
2 look and see if can find something, and then he can  
3 bring it to your attention. Your Honor, that's not what  
4 a subpoena is for.

5 MR. KENDRICK: That's not at all what I just  
6 said.

7 MR. HUBBARD: I would like the chance to  
8 finish. If it's Rule 5 or Brady, it's relevant. We  
9 have given him that. If there is something else, he's  
10 got to state more than what he has stated to the Court  
11 so far.

12 He can't simply say: Let me look. Your  
13 Honor, if he did that, he could say: Let me look at all  
14 the records at the Sheriff's Department to see if  
15 Ms. Jannie has ever come in contact with anybody else.  
16 It's an abuse. If he has got something in mind, he  
17 needs to state it.

18 THE COURT: Well, I'm just looking at Rule 13  
19 of the Rules of Criminal Procedure: Upon the request of  
20 any party, the Clerk of Court shall issue subpoenas or  
21 subpoena duces tecum for any person or persons to attend  
22 as witnesses in any cause or matter in general sessions  
23 court.

24 The subpoena shall state the name of the  
25 Court, the title of the action and shall command each

1 person to whom it is directed to attend and give  
2 testimony or otherwise produce documentary evidence at  
3 the time and place therein specified.

4 The subpoena shall also set forth the name of  
5 the party requesting the appearance of such witness and  
6 the name of counsel for the party, if any.

7 I guess my question is then, Solicitor, are  
8 you moving to quash the subpoena or are you saying that  
9 Mr. Tate has complied with the subpoena duces tecum as  
10 far as giving it to Detective Burke?

11 And are we going to go beyond that and then  
12 decide what we do with the information? I want to know  
13 what to do with Mr. Tate first.

14 MR. HUBBARD: Yes, sir. I will take it in  
15 reverse order.

16 THE COURT: All right.

17 MR. HUBBARD: As to Mr. Tate, he has complied.  
18 The information -- the question isn't so much for the  
19 defense, I don't think, to Mr. Tate. He simply provided  
20 the documents. The documents are present.

21 THE COURT: That's what I want to make sure of  
22 because he brought up the fact that Mr. Tate was out of  
23 town. You don't have any objection as far as Mr. Tate's  
24 compliance with the subpoena that he has designated  
25 another custodian of those records to comply with the

1 subpoena duces tecum?

2 MR. KENDRICK: No, Your Honor. Mr. Tate and I  
3 have always gotten along. He's a member of the bar. I  
4 don't think he has done anything wrong. The problem is  
5 until the file gets from that side of the courtroom to  
6 this side of the courtroom, I don't consider that  
7 compliance.

8 THE COURT: Well, then the next issue is I  
9 think you have to look at Rule 5 disclosure and what  
10 would be subject to disclosure --

11 MR. HUBBARD: Yes, sir, Your Honor.

12 THE COURT: -- under Rule 5 and the rules of  
13 discovery. I think -- and the solicitor has agreed --  
14 that transactions between the confidential informant  
15 involved in this case and the Defendant involved in this  
16 case are discoverable.

17 MR. HUBBARD: Yes, sir, Your Honor.

18 THE COURT: That's what you have said,  
19 Solicitor, and they have been turned over?

20 MR. HUBBARD: Yes, sir.

21 THE COURT: Correct, Solicitor?

22 MR. HUBBARD: Yes, sir, Your Honor.

23 THE COURT: Correct, Mr. Kendrick?

24 MR. KENDRICK: I assume, Your Honor. I have  
25 information about this transaction. I don't know if

1 it's...

2 THE COURT: Has it been turned over?

3 MR. KENDRICK: I got a voluntary statement  
4 Your Honor, from her. That's the information I have  
5 directly related to her and then the investigative  
6 reports from the police.

7 Your Honor, in all honesty, one of the -- and  
8 I did not state that I didn't know what I wanted out of  
9 that file. I said I didn't know what was in it. I  
10 assume that everything in there would match what I have.

11 If that's the case, then it's not going to  
12 delay us, and it's not going to cause anybody any harm.  
13 If there is something in there that for some reason I'm  
14 not supposed to see, then tell me why and I'll drop it.

15 THE COURT: Well, under what rule of  
16 disclosure under Rule 5 would you be entitled to any  
17 information that was not relevant to this Defendant?

18 MR. KENDRICK: I don't believe Rule 5  
19 supersedes Rule 13, Your Honor. I think if the  
20 Lexington County Sheriff's Department has an objection  
21 to a subpoena served on them, they can move to quash it  
22 for whatever reason, that it was harassment, it was an  
23 abuse, it was undue burden, whatever the normal ones we  
24 use to quash subpoenas are.

25 But as far as whether it falls under Rule 5,

1 that's what the prosecutor has to turn over. Your  
2 Honor, I'm not even required to file a Rule 5 if I don't  
3 want to. There's ways around it.

4 THE COURT: Well, I would be glad to look at  
5 it in camera, Solicitor, if you want me to, and I will  
6 be glad not to.

7 If the solicitor says he has complied with  
8 Rule 5 and has turned over all the information as far as  
9 this Defendant is concerned, I will take him at his  
10 word.

11 I think you have to have a foundation under  
12 Rule 5. Rule 13 is no more than the issuance of a  
13 subpoena by the clerk. It does not give the  
14 authority -- for example, you can subpoena -- you could  
15 subpoena a person under Title 44 with the Department of  
16 Mental Health, and they are under statutory order not to  
17 turn over that information.

18 They will show up in court with that  
19 information, and they will take the witness stand and  
20 they will say: I am not turning it over unless the  
21 judge orders me to do so.

22 So in that case you could subpoena them under  
23 Rule 13, but that doesn't mean that it automatically  
24 goes to the defense or necessarily the prosecution. I  
25 mean, the prosecution would have to do that also.



1           MR. KENDRICK: And there is no corresponding  
2 rule in this case, Your Honor. I agree with you  
3 completely, but there is no statute that says that I  
4 can't look at the file on a confidential informant who  
5 is the sole witness against my client in this case.  
6 Your Honor, I hate to --

7           THE COURT: Why wouldn't it be under the  
8 Freedom of Information Act on an ongoing law enforcement  
9 investigation involving that same confidential  
10 informant?

11           MR. KENDRICK: Your Honor, if Mr. Tate wanted  
12 to assert that, then I guess we could argue that, but I,  
13 number one, didn't ask for it under the Freedom of  
14 Information Act.

15           I simply subpoenaed it and Mr. Tate didn't  
16 object to it. He didn't move to quash it. Now the  
17 State is saying: Now we don't want you to look at it.  
18 But the Sheriff's Department who actually owns this  
19 paperwork, they don't have a problem with it apparently.

20           It's the State, and that's why I explained to  
21 Mr. Tate that turning it over to the State was putting a  
22 party involved in this that shouldn't be involved in  
23 this.

24           THE COURT: So the Sheriff's Department  
25 doesn't have any problem with turning it over,

1 Solicitor; is that correct?

2 MR. HUBBARD: Your Honor, yes, they do.

3 MR. KENDRICK: Well, Mr. Tate should have told  
4 me that.

5 MR. HUBBARD: But, Your Honor, he keeps  
6 talking about the State. Obviously I have to represent  
7 what law enforcement has in their files as well. That  
8 is under my ethical obligations as a prosecutor. So  
9 that's why I am here today, and I am on this one case.  
10 So I am asking that it be quashed.

11 THE COURT: Mr. Kendrick, what are you asking  
12 me to do now? Are you asking me to look at the  
13 information or are you asking me just to seize the  
14 information and have it turned over?

15 MR. KENDRICK: It wouldn't be seizing it, Your  
16 Honor. I am just asking you to have it turned over to  
17 me so we can look at it. If you would like for me to  
18 tell you what I'm looking for, then I would be happy to  
19 tell the Court, but only ex parte.

20 I don't think I have to reveal my trial  
21 strategy anymore than Mr. Hubbard would do, and I  
22 wouldn't ask him to do that. I'm not on a fishing  
23 expedition, Your Honor. I know what I'm looking for. I  
24 guess you could call it that.

25 THE COURT: All right. Well, I will be glad

1 to look at it in camera if the State and the defense  
2 chooses for me to do so under State versus Manning to  
3 see if there is anything that I determine is relevant  
4 and disclosable.

5 Beyond that -- and I'm not asking to do that.  
6 I am just saying I will do that. Beyond that I have  
7 been informed by the State that all the information  
8 regarding the confidential informant in this case and  
9 this Defendant has been turned over.

10 So the State has fully complied with Rule 5,  
11 and I guess you should talk about Brady also in that  
12 regard, Solicitor, if you have also fully complied with  
13 Brady.

14 MR. HUBBARD: Yes, sir. Based on what I think  
15 we have done would comply with both Rule 5 and Brady.  
16 Your Honor, if there is something out of there that he  
17 wants to hold me accountable for as a representative of  
18 the State, obviously I would like to know what it is.  
19 Otherwise, I do have an objection and am ready to  
20 proceed and believe that we have complied with both Rule  
21 5 and Brady.

22 THE COURT: Anything further, Mr. Kendrick?

23 MR. KENDRICK: Your Honor, I'm going to -- I  
24 don't mind telling you what I'm looking for. I am going  
25 to ask to see that other file because it's not in my

1 file.

2 I guess it's not going to harm me to reveal  
3 it. I don't know why she's an informant, and I assume  
4 that there has to be some note somewhere explaining how  
5 they came in contact with her.

6 It wasn't from an arrest according to her rap  
7 sheet and according to representations made to me by the  
8 State. She apparently isn't being paid to do this  
9 because I don't have any payment records, which I  
10 believe I asked for in my Rule 5 motion.

11 So either she is working off charges that I  
12 can't see on the rap sheet or she is being paid money I  
13 don't know about. I certainly didn't have time to  
14 subpoena her tax records, Your Honor, because as you  
15 might know when you try to do that, it takes forever.

16 So clearly the starting point is I want to  
17 know what her motivation is, Your Honor. I think that  
18 absolutely is bias, to see why it is she is deciding all  
19 of a sudden to become an informant for the Lexington  
20 County Sheriff's Department when I have been told by at  
21 least three different members of the State, whether they  
22 be Sheriff's Department or Solicitor's Office, that she  
23 is not working off charges.

24 They've produced a rap sheet that I asked them  
25 to run. They graciously did it for me on Thursday.

1 There is nothing showing pending there. Your Honor,  
2 that's my major reason. I can go into it on cross  
3 examination.

4 THE COURT: Just to go back to your subpoena  
5 of the file, how is that file going to reveal her  
6 motivation for being an informant?

7 MR. KENDRICK: Because, Your Honor, I'm  
8 assuming there is some type of document in there  
9 explaining what they gave her in return for being an  
10 informant or, Your Honor, the lack of it may, in fact,  
11 be what I'm looking for.

12 I have never in my -- again, Your Honor, not  
13 very many years of practicing law, four or five and  
14 working around some Solicitor's Office in law school --  
15 I've never met an informant who simply just volunteered  
16 to go buy crack. There is a reason she did it, and I  
17 assume I can ask her on the stand about it, but it would  
18 be a lot easier if I just knew.

19 THE COURT: Solicitor, do you care to provide  
20 the answer to that question?

21 MR. HUBBARD: Your Honor, part of the mix up  
22 is he is the second -- the second attorney?

23 MR. KENDRICK: The third.

24 MR. HUBBARD: The third attorney involved.  
25 The last attorney that had this case when we were

1 prepared for trial was Ms. Sally Henry. We provided her  
2 all this information.

3 THE COURT: Ms. who?

4 MR. HUBBARD: Ms. Sally Henry, who is of  
5 course out right now with deaths in her family. We  
6 provided that information to her, told Mr. Kendrick  
7 whatever he needed, he can get back with us or with  
8 her.

9 We also provided him information that she was  
10 paid, I believe, \$40 in this case. She was not working  
11 off her charges. We've talked about that. He wants  
12 payment vouchers or whatever, Your Honor. I know we  
13 provided stuff to Ms. Henry.

14 I know we have complied with the Defendant's  
15 request for information. What he and Ms. Henry have  
16 gotten, I haven't looked at his file. I know what we  
17 have provided.

18 Now, obviously what he has got, what he  
19 doesn't have, I don't know, but today is the first day  
20 I've heard anything about payment vouchers. If there is  
21 a question about that --

22 THE COURT: I thought he said that was in his  
23 Rule 5.

24 MR. KENDRICK: Promises of reward, Your Honor.  
25 I've got a file with a cover letter from Ms. Henry that

1 said: This is my entire file.

2 I don't know if he's saying this is the first  
3 time he has heard me ask about promises or if it's the  
4 first time he has heard that there were payment  
5 vouchers.

6 MR. HUBBARD: Your Honor, I will just say  
7 this. We provided it by hand to Ms. Henry. Our  
8 obligation doesn't go to Mr. Kendrick. It's to the  
9 Defendant. We complied.

10 If Mr. Kendrick had asked me: Do you have  
11 copies of those payment vouchers, I would have said:  
12 We've already complied with that. I will give you  
13 another copy.

14 Today is the first day I have heard about it.  
15 But as to the Defendant, whose rights we are talking  
16 about, we have complied with his rights.

17 THE COURT: Do you have copies of payment  
18 vouchers, Solicitor?

19 MR. HUBBARD: Not actually in this packet. We  
20 would have to go down and find what we provided him.

21 THE COURT: Find what you provided him or  
22 Ms. Henry or Mr. Golson.

23 MR. HUBBARD: Your Honor, what he is going to  
24 find is the motivation is \$40. We have talked about  
25 that. Again, if I had a little heads up about, "I want

1 some payment vouchers," we wouldn't be doing all this  
2 discussion right now.

3 MR. KENDRICK: Your Honor, I don't know. I  
4 mean, maybe that's the case. I didn't think I needed to  
5 "heads up" him because I had a subpoena that would have  
6 revealed that.

7 I didn't know until today there was some  
8 problem with that. It's a life without parole case,  
9 Your Honor. I'm not going to overlook or skip out on  
10 things because they might be inconvenient for someone  
11 sitting in this room, whether it's me, the solicitor or  
12 the Court, Your Honor. I apologize for that.

13 THE COURT: You don't owe me any apology,  
14 Mr. Kendrick.

15 MR. KENDRICK: I think it's relevant. I've  
16 got a file that said: This is everything produced to  
17 me. I have gone through it, Your Honor. It came to me  
18 all out of order.

19 I went through it all day putting it back into  
20 order. That's the way it came from Ms. Henry. I filed  
21 my own Rule 5 and told the solicitor: Look, if you have  
22 given me everything that Ms. Henry has -- and I guess we  
23 don't need to do it -- we have looked through our files.

24 I'm not trying to give them a hard time. If  
25 that's the answer to the question, then I think that.



1 would be the majority of the information I am seeking.  
2 It's not a secret. I don't know -- they could have told  
3 me an hour ago. We wouldn't be standing here.

4 MR. HUBBARD: If he wants me to provide that,  
5 I will go find a copy of that voucher and provide it to  
6 him just to make sure.

7 THE COURT: Anything having to do with  
8 Ms. Wiseman and her bias, prejudice, interest,  
9 motivation in being a confidential informant as to  
10 Mr. Golson, please provide to Mr. Kendrick.

11 MR. KENDRICK: Thank you, Judge.

12 THE COURT: All right. I want to resolve that  
13 issue before we start.

14 MR. HUBBARD: Your Honor, I can show him the  
15 actuals. If he wants an actual copy made, I will have a  
16 copy made right now.

17 THE COURT: All right.

18 (Attorneys confer).

19 MR. HUBBARD: Your Honor, he tells me that's  
20 all he needs. If he wishes a copy, I can have a copy  
21 made.

22 THE COURT: Just at the break provide a copy  
23 so he will be able to review that with his client. Does  
24 that resolve that issue, Mr. Kendrick?

25 MR. KENDRICK: It does, Your Honor.

1 THE COURT: Anything further?

2 MR. KENDRICK: No, sir.

3 THE COURT: Sir?

4 MR. KENDRICK: No, sir.

5 THE COURT: Anything from the State?

6 MR. HUBBARD: No, sir, Your Honor.

7 THE COURT: If you would bring us our jury  
8 please, Mr. Bailiff. Mr. Watkins is the foreman.

9 (The jury returns to the courtroom).

10 THE COURT: Our jury is back present in the  
11 courtroom.

12 Before we get started, ladies and gentlemen,  
13 there was one more name that I didn't see on the witness  
14 list when I called out the names to you and the other  
15 members of the jury panel.

16 Is any member of this jury panel related by  
17 blood or marriage or close personal friends of an  
18 individual named Jannie Wiseman? Jannie Wiseman? If  
19 so, please stand.

20 (There is no response).

21 THE COURT: Thank you very much. No one  
22 stands.

23 Madame Clerk, if you would swear our jury  
24 please.

25 (The jury is duly sworn).

1           THE COURT: I guess you are learning rapidly  
2 one of the characteristics of a judge is that they do  
3 not know how to tell time. Fifteen minutes seems to  
4 rapidly turn into 40 minutes.

5           I apologize for that. I am actually very  
6 aware of time. I just don't seem to be able to manage  
7 it as well as I would like to. It is not to  
8 inconvenience you in any manner.

9           Mr. Foreman, ladies and gentlemen of the jury,  
10 the case we are about to try is the case of the State  
11 versus Stanley Golson, the Defendant. What I now say is  
12 intended to serve as an introduction to the trial of  
13 this case.

14           These remarks are not a charge on the law in  
15 the case. I will instruct you on the law applicable to  
16 the case at the end of the trial before you retire to  
17 consider your verdict.

18           This is merely an explanation of the procedure  
19 that we will follow in this trial so that you may better  
20 understand what may be happening. I realize that some  
21 of you are, as I call it, frequent flyers and you have  
22 heard this before; however, it does bear repeating.

23           The Defendant is charged by an indictment  
24 filed with this Court with the crime of distribution of  
25 crack cocaine and distribution of crack cocaine within

1 proximity of a school, the elements of which will be  
2 explained to you later.

3 The indictments are simply the charge by which  
4 the case is brought into court, and they are not in any  
5 sense evidence of any of the allegations they contain.  
6 The Defendant, Mr. Golson, has pled not guilty to these  
7 indictments.

8 The State, the solicitor, therefore has the  
9 burden of proving each of the elements of the  
10 indictments beyond a reasonable doubt. It will be your  
11 duty, ladies and gentlemen, to decide whether the State  
12 has met that burden.

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

17 You are to determine the facts from the  
18 testimony you hear and the other evidence introduced in  
19 court. It is up to you to determine the inference which  
20 you feel or inferences which you feel may properly be  
21 drawn from the evidence.

22 It is especially important that you perform  
23 your duty of determining the facts diligently and  
24 conscientiously because ordinarily there is no way to  
25 correct an erroneous determination of the facts by a

1 jury.

2           On the other hand and with equal emphasis, the  
3 same law that makes you the judges of the facts makes me  
4 the judge of the law. The law as given by the Court is  
5 the only law you may consider.

6           You must accept and follow it even though you  
7 may disagree with it. I cannot tell you what the facts  
8 are, and you cannot disagree with me about what the law  
9 is or should be.

10           Your job is to take the law as I give it to  
11 you and apply it to the facts as you find them from the  
12 testimony of the witnesses and any other evidence that  
13 is introduced. After doing that you will render your  
14 verdict, a true and just verdict, under the solemn oath  
15 that you have just took as jurors.

16           Until I advise you to begin your  
17 deliberations, you must not discuss this case with  
18 anyone, including your fellow jurors, friends, family  
19 members or anyone involved in this case. After the case  
20 is submitted to you, you must discuss it only in the  
21 jury room with your fellow jurors.

22           The attorneys and parties in this case have  
23 been advised that they are not to talk with you at all.  
24 So if you see anyone involved in the case and they do  
25 not even say hello, they are not being unfriendly, they

1 are just following my instructions.

2 During the trial do not read, listen to or  
3 watch any news reports about this case. This includes  
4 anything that may be in the newspaper or on the  
5 internet, radio, and television.

6 Do not conduct any independent investigation.  
7 You must not consider anything you may have read or  
8 heard about the case outside of this courtroom, whether  
9 before or during the trial.

10 It is important that you keep an open mind and  
11 not decide any issue in the case until all of the  
12 evidence has been presented, the parties have made their  
13 closing arguments, and I have instructed you on the law  
14 in this case.

15 It is your solemn duty and responsibility to  
16 determine the guilt or innocence of the Defendant, and  
17 your verdict must be based solely on the evidence as it  
18 is presented to you in this trial and on the law as I  
19 instruct you during and at the close of the trial.

20 In just a moment, the solicitor will make what  
21 is called an opening statement in which the solicitor  
22 will explain to you the issues in this case or at least  
23 what the solicitor thinks the issues are in the case.

24 Mr. Kendrick, the attorney for the Defendant,  
25 may also make an opening statement, although he is not

1 required to do so. What the attorneys tell you during  
2 their opening statements is not evidence in the case.  
3 It is only their contention as to what the issues are.

4 The evidence in the case will be presented to  
5 you by the testimony of sworn witnesses from this  
6 witness stand and/or by exhibits that may be introduced  
7 into evidence.

8 From time to time during the trial, you may  
9 hear one of the lawyers say something like: Your Honor,  
10 I believe we have a question of law or a matter of law  
11 to discuss with you or, Your Honor, may we approach the  
12 bench or sometime I myself might find it necessary to  
13 excuse you from the courtroom for a short while so the  
14 attorneys and I can discuss a matter of law.

15 This is not to hide anything from you. The  
16 reason for this is because you are the judges of the  
17 facts in the case. Sometimes when I am discussing  
18 matters of law with the attorneys, it may be necessary  
19 for me to make some comment as to the facts in  
20 connection with ruling whether or not a particular law  
21 applies.

22 I am not supposed to tell you what I think the  
23 facts are. So I will excuse you from the courtroom  
24 while these discussions take place so that in no way  
25 will you be influenced by anything I might say or do in

1 connection with the facts.

2 In determining what the true facts are in this  
3 case, you must decide whether or not the testimony of  
4 the witnesses is believable. It will be my  
5 responsibility to rule as a matter of law as to whether  
6 certain testimony is admissible at all or not.

7 But once the testimony is admitted, whether or  
8 not you believe it is solely for you to determine. In  
9 deciding whether to believe a witness, you have a right  
10 to consider the interest of any witness, the bias of any  
11 witness, the prejudice of any witness, the opportunity  
12 for the witness to have seen the matters and things  
13 about which the witness may testify, and the way the  
14 witness acts on the witness stand.

15 You have a right to consider anything that is  
16 in the record that will help you evaluate the testimony  
17 of the witnesses. That means it is your duty to pay  
18 close attention to these witnesses, to observe the  
19 witnesses, to listen to the witnesses, and pay close  
20 attention to the attorneys and to the Court.

21 Don't let your thoughts wander but give strict  
22 attention to the testimony in the case so at the end of  
23 all the testimony, after the arguments of counsel, and  
24 the charge on the law by the Court, you will then be in  
25 a position to determine what the true facts are and to



1 apply the law to those facts and thus render a true and  
2 just verdict.

3           It will be your added duty, Mr. Foreman, to  
4 preside in the jury room and be the jury's spokesperson  
5 here in court. It will also be your duty to write the  
6 verdict, but I will give you further instructions about  
7 that at the conclusion of the case.

8           Just several other housekeeping issues, ladies  
9 and gentlemen. As I tell jurors, when I want to take a  
10 take a break, we take a break. That goes for y'all,  
11 too. This is not some type of judicial marathon or I'm  
12 not trying to see how long I can make you sit there.

13           If at any time one of you needs a break, if  
14 you will raise your hand, get my attention, the  
15 attention of the bailiff, I would be glad to take a  
16 break.

17           If one of us takes a break, we all take a  
18 break. If you've been sitting there too long, your  
19 thoughts may wander. So if you need a break, just let  
20 me know. We will take a break. Please stay focused and  
21 don't let your thoughts wander. Pay very close  
22 attention to the witnesses as they testify.

23           Those of you further away from the witness  
24 stand, if you cannot hear a witness, just please raise  
25 your hand, get my attention, the attention of the

1 bailiffs so that we can have the witnesses speak up.  
2 You obviously cannot determine what the true facts are  
3 if you cannot even hear the witnesses' testimony from  
4 the witness stand.

5 I don't know if there will be any photographs,  
6 diagrams or exhibits or anything of that nature  
7 introduced into evidence. If they are introduced and I  
8 allow them into evidence, they will be in the jury room  
9 with you at the time of your deliberations.

10 You don't have to try to memorize everything  
11 while you are out in the courtroom. You will have any  
12 and all documents, photographs, exhibits that are  
13 introduced and allowed into evidence with you in the  
14 courtroom during your deliberations.

15 Any objection to anything I have told the jury  
16 from the State?

17 MR. HUBBARD: No, sir, Your Honor.

18 THE COURT: From the defense?

19 MR. KENDRICK: No, Your Honor.

20 THE COURT: Solicitor, you may address the  
21 jury.

22 OPENING STATEMENT

23 MR. HUBBARD: Thank you, Your Honor.  
24 Distribution of crack cocaine. The case you are about  
25 to hear is just one snapshot in law enforcement's

1 efforts to fight street level drug dealing, just one  
2 snapshot.

3           You are going to hear that there is a task  
4 force in Lexington County made up of various law  
5 enforcement agencies. We usually just call it the task  
6 force. It's got a long name, Multi-jurisdictional  
7 Lexington County Task Force, whatever. We call it the  
8 task force. It has one purpose, fight street level drug  
9 dealing in Lexington County.

10           Street level drug dealing. People selling  
11 pieces of crack cocaine. People selling other drugs.  
12 This isn't a case involving million of dollars worth of  
13 the drug coming in from some shipment out of the county.  
14 One case, one small case, but an important case, a  
15 snapshot.

16           Law enforcement, in doing their investigation,  
17 focused on one area in this case: Double Branch right  
18 around the West Columbia area. In focusing on Double  
19 Branch and any dealing on Double Branch, they went one  
20 street over to Holmes Street and focused on one  
21 particular house, [REDACTED]

22           That's important because that is the house  
23 where Stanley Golson lives. They focused on that house.  
24 In order to focus on that house, they had to figure out:  
25 How do we see if there's drug dealing there? They do

1 what they always do.

2 They get an informant to go to that house.  
3 This informant is not a law enforcement officer.  
4 Because our law enforcement officers, they are known on  
5 the street, their faces, even some of their names.

6 They have to get somebody else who knows that  
7 area and knows the people at [REDACTED] and  
8 that is Jannie Wiseman, who you just were asked about by  
9 the judge.

10 Jannie Wiseman. She knows Stanley Golson.  
11 She has known him for 20 years, maybe even more, at  
12 least 15 years. But I think she'll tell you 20 years or  
13 more. They go way back. She knows him by name. She  
14 knows him by face.

15 When they see each other, it's no big deal.  
16 They know each other. It's just like you would with  
17 somebody in your family or just somebody else you have  
18 known growing up. They are familiar with one another.

19 She is familiar with that area, and the people  
20 in that area are familiar. There's something about  
21 Janie Wiseman you need to know right off the bat. She  
22 is different than a lot of us because Jannie Wiseman  
23 knows the streets.

24 Jannie Wiseman will venture into places that  
25 most of us wouldn't go to. Jannie Wiseman has a record.

1 In 2001 she was convicted of obtaining drugs, a  
2 controlled substance, a pill of some sort, like Vicodin  
3 or something, by fraud. So she's got a drug conviction.

4 So right now you might be asking yourself:  
5 Why in the world did you use Jannie Wiseman? Well, I  
6 don't want to be flippant, but if we could use somebody  
7 like Billy Graham, we would, someone we could put on the  
8 stand and everybody says: I know him. I trust him.  
9 He's a good man. If he says something happened, it  
10 happened.

11 Well, there's two problems with that. One,  
12 Billy Graham is not available. Two, nobody is going to  
13 sell drugs to Billy Graham. Drug dealing involves  
14 selling to people you know or people you are comfortable  
15 with that are part of your environment, Jannie Wiseman.

16 But now law enforcement, they will tell you,  
17 they don't say: Jannie, here's 40 bucks. Go out and  
18 buy us some crack cocaine and tell us who you bought it  
19 from. They don't do that.

20 Law enforcement takes control. The way they  
21 take control of this case is they bring in Ms. Wiseman,  
22 who in this case has no charges. She's a paid  
23 informant. She is going to come in, and what they do is  
24 they take her to a secure site, away from Holmes Street,  
25 and they search her.

1           They are looking for drugs and money. You  
2 don't want to send an informant in to buy drugs if they  
3 already have drugs on them. If they've got drugs on  
4 them, you arrest them. You don't want to let it slip  
5 by, too, so she can come back and say: I brought it,  
6 when she already had it in her pocket.

7           So they search her. It's controlled. They  
8 look for money. The reason why is she needs to have no  
9 money on her because they are going to give her money,  
10 law enforcement money, to make this buy, \$40.

11           What you are going to hear is that will buy  
12 you two rocks or pieces of crack cocaine. It's a little  
13 bit bigger than a pea. They gave her the money. They  
14 search her and then they wire her. She wears a  
15 recording device.

16           The wire actually does two things. The minute  
17 they put the wire on her, they can hear everything she  
18 says, and they can hear people talking to her. So the  
19 minute she leaves and goes to make that buy, they can  
20 hear her the whole time, and they can hear her when she  
21 comes back.

22           From law enforcement to that house, to make a  
23 buy and back, they are hearing it, but that wire also  
24 records it. They can stop that recording from the  
25 minute she leaves law enforcement -- is in law

1 enforcement's hands or when she comes back, they can  
2 stop it. They can still hear what is going on.

3 Then after a buy, she has to show that crack  
4 cocaine, keep it secure, present it immediately to law  
5 enforcement. These officers know. What does \$40  
6 dollars buy you? Two rocks. She presents two rocks.

7 They take that. Then you know what they did  
8 to Jannie? They search her again, control. They want  
9 to make sure she has not slipped a piece in her pocket,  
10 pinched a piece off or taken some of that money, gotten  
11 some change and slid it in her pocket.

12 You are going to find out Jannie Wiseman is  
13 informed of this process before she ever, ever gets  
14 paid, before she ever does anything. Because the  
15 penalty is if she keeps some of that crack or some of  
16 that money, she gets arrested right off the bat.

17 So for about 15 minutes worth of work, she can  
18 make \$40. That's good money. But if she is dishonest,  
19 she goes to jail. Again, like I said, Jannie is  
20 different than most of us. Most of us would not  
21 volunteer for this, good money or not. This is Jannie's  
22 world.

23 About that recording, you are going to see  
24 that it is recorded on a C.D. So you will be able to  
25 hear this transaction. But there's something you've

1 got to know about law enforcement recordings.

2 This is in this courtroom. It is not T.V.  
3 This is reality. On T.V. everything is clear. You can  
4 hear every little hiccup and cough and what people are  
5 saying. People speak clearly. You are not going to  
6 hear that at all on this tape.

7 You are not going to hear that at all. You  
8 are going to hear a lot of garble. You are going to  
9 hear noise, static. This is reality. This is the real  
10 world right here.

11 But there are certain things you will hear,  
12 and when we play it in the courtroom for you, if you  
13 don't hear it in the courtroom, that's fine. When you  
14 go back in the jury room, I will tell you what you  
15 really need to look for because it's important.

16 You will hear it back there. You will be able  
17 to play it over and over. What you are going to hear is  
18 Jannie talking with the officer first. Because another  
19 part of control in this case is the officer drives her  
20 close to the scene. He can't drive her right up to the  
21 door. Again, he is known.

22 He stops. Let's her walk around the corner.  
23 He drops her off in an unmarked car. She walks around  
24 the corner. You are going to hear him talking and  
25 saying: It's such and such time. She is on her way.



1 You will hear her talking. Then you will hear her  
2 walking, breathing, the whole bit.

3 You will hear her come up to a house. You  
4 will hear her talk to somebody. She is going to tell  
5 you that first person she meets at [REDACTED], [REDACTED],  
6 she doesn't know. And if you listen closely, she's  
7 going to say to that person: Stanley said I can come on  
8 in. Stanley.

9 She goes in the house. You are going to hear  
10 somebody come out and say: Hey, and a lot of noise.  
11 Because whoever is in that house knows Jannie Wiseman at  
12 [REDACTED] the home of the Defendant, Stanley  
13 Golson.

14 You are going to hear her very softly say: I  
15 need a 40, \$40 dollars worth of crack cocaine. You are  
16 going to hear some other conversations. Then at some  
17 point -- and this is really important -- you are going  
18 to hear her say: Stanley, can you get me something  
19 decent. Don't rip me off.

20 What is important is Stanley. She's at  
21 [REDACTED] the home of this man, Stanley  
22 Golson, and she's talking to a man. She is referring to  
23 him as Stanley, a man she obviously knows.

24 You will not hear him go: What are you  
25 talking about? I'm not Stanley. We have known each

1 other for years. My name is not Stanley or who are you?  
2 You are just going to hear him deal with her.

3 Stanley. That's critical. That's golden.  
4 Because you are going to have to consider at the end of  
5 this trial is it just a coincidence there is a man named  
6 Stanley that Jannie Wiseman has known for 20 some-odd  
7 years at Stanley Golson's house? Stanley.

8 But it gets better. At some point -- and like  
9 I say this is about a 12 and a half minute tape -- you  
10 are going to hear Stanley. He is going to leave the  
11 house, go somewhere, I think he says a cousin's house,  
12 to get the drugs and bring them back.

13 So she's going to wait. You are going to have  
14 to sit there and listen to her wait. He's going to come  
15 back. You are going to hear garble. She's getting what  
16 she needs. Then you are going to hear him give a  
17 number. It will be kind of soft. It's a phone number.  
18 "If you need anything, call this number."

19 She is going to whisper it and then she is  
20 going to state it out loud, a phone number. That phone  
21 number is important because you are going to hear  
22 testimony that phone number belongs to Stanley Golson's  
23 grandmother who lives right across the street. It's a  
24 phone number that he uses to make and receive calls.

25 He may have his own phone at that house, but

1 it's critical because that is another link to Stanley  
2 Golson, another link. You are going to have to listen  
3 to this C.D. You will probably have to listen to it  
4 over and over again.

5 I hope you can hear it in here, but if you  
6 can't, you jurors when you go back will be able to do  
7 that. All I'm going to ask you to do before you do that  
8 and as you listen to this trial is two things.

9 I already know you are going to do them, but I  
10 will ask you anyway. I will ask you to do what most of  
11 you with kids tell your children when they are doing  
12 their homework, when you are getting them to focus:  
13 Turn the T.V.s off. C.S.I., all those shows out there  
14 where they can enhance things and all these things that  
15 make great television.

16 I tell you what, I wish I could bring stuff  
17 like that in court, but I've got to deal with reality.  
18 So turn those off because that what's you have got to  
19 deal with today, too.

20 The last thing is I will just ask you to use  
21 your common sense. Is it a coincidence? Come on. It  
22 just adds up. The evidence presented and your common  
23 sense are going to lead you at the end of this trial to  
24 convict that man, Stanley Golson, of distribution of  
25 crack cocaine and distribution of crack cocaine within

1 proximity of a school, which you are going to hear.

2 There is a school less than half a mile from  
3 his house. That's all we are going to ask you to do.  
4 Use your common sense and look at that evidence. You  
5 will do the rest. Thank you.

6 THE COURT: Thank you, Solicitor.  
7 Mr. Kendrick.

8 MR. KENDRICK: Thank you, Your Honor. May it  
9 please the Court.

10 THE COURT: Yes, sir.

11 OPENING STATEMENT

12 MR. KENDRICK: Good morning. My name is Josh  
13 Kendrick. Like I told y'all a few minutes ago when we  
14 were picking a jury, I practice law over in Columbia by  
15 myself. I'm 29 years old. I've been doing this for a  
16 few years.

17 Today I represent Mr. Golson, who as you just  
18 heard from Mr. Hubbard, the State has accused of  
19 distributing crack cocaine. Today is a very important  
20 day for Mr. Golson. It's a very important day for  
21 y'all, too.

22 What you are going to do today is one of the  
23 most important jobs you will ever have. This is a very  
24 serious place that we are in. We all have very serious  
25 jobs.

1           When I was in law school, I thought it was  
2 going to be a big deal when I got out to be a lawyer. I  
3 thought it was going to be an important job. I was  
4 really going to be proud of myself.

5           I went into a courtroom and dealt with a judge  
6 and basically got thrown out because I didn't know what  
7 I was talking about. I thought: Well, wait a minute.  
8 Being a judge, that's the job I want. That's the  
9 important job. That's really what I want to do.

10           A couple of months later I had a jury trial,  
11 which turned out to be a very humbling experience for  
12 me, because I realized how important what you do is. It  
13 kind of makes the rest of our jobs fade away.

14           Because we have chosen you for whatever  
15 reason, for whatever thing we saw about you, whatever  
16 mix we put together, to use your common sense, to use  
17 what you know about things to sit in judgment today of  
18 Mr. Golson.

19           What that entails is particularly important.  
20 It involves some level of respect from the State of  
21 South Carolina, who sits right here, Mr. Hubbard and  
22 Mr. Collins. They owe you something, and that's the  
23 burden of proof that they talk about.

24           They are asking you to deem a man guilty,  
25 saying he has committed a crime, and they are asking you

1 to say: We know it beyond a reasonable doubt. That's a  
2 very serious thing you are going to do. So what is the  
3 State going to give you to do that? What do they owe  
4 you? What kind of duty do they owe you?

5 We will talk about this again at the end of  
6 the trial, but one of the things that you need to think  
7 about here as you look at all these witnesses is who is  
8 saying what? Who actually knows what? And which of  
9 these witnesses are just repeating what the main witness  
10 says that we have talked about, this street person.

11 It's always suspicious when somebody is  
12 telling me a story and before I have even questioned it,  
13 they start making excuses for the holes in the story.  
14 You will notice that what the State told you a few  
15 minutes ago, they immediately started telling you why  
16 things won't work the way you expect them to.

17 "Oh, well, we've got this person. We can't  
18 send regular people in, regular respectable, believable  
19 people, people with credibility. We can't send them in  
20 there. We've got to send people who know the streets,  
21 who know the people."

22 In other words: We've got to use bad people  
23 to catch bad people is the theory. It's a weak theory  
24 at best. Because how does that work? What they are  
25 doing is telling you that you can't believe this person,

1 but you've got to believe this person.

2 But they are all the same. They are all  
3 running around in the same neighborhood, and they're all  
4 bad people. What makes her more believable because she  
5 is sitting in here now? Nothing. He already told you  
6 she is not credible. He already told you that she has  
7 problems.

8 She had a drug arrest. She knows the street.  
9 She knows these drug dealers around Holmes Street. They  
10 tell you that the video is not going to be perfect or  
11 the audio is not going to be perfect. There is no  
12 video. The audio is not going to be perfect because  
13 this isn't like T.V. We can't clarify recordings.

14 Y'all will listen to that, and you will use  
15 your own experiences to determine how legitimate that  
16 argument is. Listen to the tape. See what you hear on  
17 there. The solicitor tells you about these phone  
18 numbers, and these people that live where they live, and  
19 how this wouldn't be coincidences.

20 Make them prove it to you. Why? Because you  
21 just don't say: Well, I guess that must have been  
22 Stanley because Stanley lives there, and there's a  
23 Stanley on the tape and she is talking to Stanley.

24 The only person who is going to be able to  
25 vouch for any of that is this woman, Ms. Bohler or

1 Wiseman or Jannie, that they call her. She's the person  
2 that is going to be able to tell you what she saw in  
3 there. The police didn't watch what happened.

4 Listen to that tape. Pay attention to the  
5 sequence of events on there. Think about her  
6 motivation. Think about her bias. Think about why she  
7 is doing what she's doing and what she hopes to get out  
8 of it.

9 Think about whether ultimately she cares what  
10 happens in this courtroom or whether she just got her  
11 money. Think about why she needed that money, why she  
12 wanted to get it that way instead of working. Think  
13 about what she has actually done, other than create  
14 confusion.

15 At the end of this case, we will talk about  
16 what you have heard. We will talk about the holes and  
17 talk about the things that don't match up, the things  
18 that don't make sense.

19 All of those things will be reasons I will  
20 tell you that you should doubt what the State has just  
21 told you, the story they plan to put on. Those will be  
22 reasonable doubts, and they will demand a not guilty  
23 verdict from you.

24 So it's a very important job you have today.  
25 What I ask you to do is listen to these witnesses and



1 remember what the police tell you. We have already  
2 heard that they weren't there. We don't have a video.  
3 They couldn't be there because they're not part of this  
4 crowd. They are not in the street.

5           Think about who actually lives in this house.  
6 Don't take their word for it. Make them prove it to  
7 you. Who really lives in this house? Because you are  
8 going to hear evidence that there's a couple of houses  
9 that they said Mr. Golson lives in that are just a few  
10 feet away from each other.

11           Listen to all that. Think about all that.  
12 Think about what they're telling you. Think about why  
13 this person is saying it. Is she doing it because she  
14 needs to make money or is she supposed to catch Stanley  
15 Golson?

16           All those things are going to become very  
17 important. At the end of this trial, I will come back  
18 up and talk to you again. It will be a very short  
19 trial. We may be done today. We may be done in the  
20 morning.

21           You won't be in here very long. Don't let  
22 that affect how you view this, how important this trial  
23 is. Because for Mr. Golson this is his day in court.  
24 This is a very important day for him.

25           So I ask you again, pay attention to these

1 witnesses. Listen to what they say, but more  
2 importantly listen to what they do not tell you. We  
3 will talk about that again at the end of the trial.  
4 Thank you.

5 THE COURT: Thank you, Mr. Kendrick.  
6 Solicitor, you may call your first witness.

7 MR. COLLINS: The State calls Mike Burke.

8 THE COURT: All right. Detective Burke, if  
9 you would come forward, please.

10 MICHAEL BURKE, being  
11 first duly sworn, testified as follows:

12 CLERK: State your full name and spell your  
13 last.

14 THE WITNESS: My name is Michael Burke  
15 B-U-R-K-E.

16 DIRECT EXAMINATION

17 BY MR. COLLINS:

18 Q Detective Burke, where are you employed?

19 A Lexington County Sheriff's Department.

20 Q And how long have you worked there?

21 A Approximately 11 and a half years.

22 Q And what are your duties there?

23 A I am a narcotics investigator.

24 Q And as an narcotics investigator, what are your  
25 general duties?

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1 A My general duties as a narcotics investigator  
2 include investigating suspicious activity of drug  
3 activity, receiving and following up on citizen  
4 complaints, conducting surveillance in high crime  
5 or drug areas, conducting probable cause for  
6 controlled buys of drugs and executing search  
7 warrants.

8 Q And did you have an opportunity to work on this  
9 case we are here for today?

10 A Yes, I did.

11 Q Prior to making the case, what did you do?

12 A Received information about the drug activity in the  
13 Double Branch area, identified Mr. Golson as one of  
14 the personalities involved in the activity. From  
15 there we obtained a confidential informant, and  
16 then rolled forward with the case.

17 Q Where is [REDACTED] located?

18 A It is located off of Double Branch Road in the  
19 West Columbia area of Lexington County, South  
20 Carolina.

21 Q I think we prepared these two maps, which we have  
22 shown these to the defense.

23 MR. COLLINS: I would like to have these  
24 marked as State's 1 and 2 for identification.

25 THE COURT: All right, sir.

1           (State's Exhibits Number 1-2 are marked for  
2 identification).

3 BY MR. COLLINS:

4 Q Did you have an opportunity to help prepare these?

5 A Yes, I did.

6 Q Do they -- what do they reflect?

7 A Those give a fair and accurate representation of  
8 the area, an overhead view of the Double Branch  
9 area of West Columbia.

10           MR. COLLINS: I would like to have these moved  
11 in as State's 1 and 2.

12           THE COURT: Mr. Kendrick?

13           MR. KENDRICK: No objection, Your Honor.

14           THE COURT: State's 1 and 2 in evidence  
15 without objection.

16           (State's Exhibits Number 1-2 are received into  
17 evidence).

18 BY MR. COLLINS:

19 Q Can you please step down.

20 A (Witness leaves the witness stand).

21           THE COURT: Please keep your voice up when you  
22 are away from the microphone.

23           THE WITNESS: Yes, sir.

24 BY MR. COLLINS:

25 Q Can you please tell the jury and the Court what

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1       that this is.

2   A    This is an overhead view of the West Columbia area,  
3       the Double Branch area. Double Branch Road is this  
4       road right here (indicating). This is Leaphart  
5       Street (indicating) that Double Branch runs off of.

6       This (indicating) is Highway 378 or Sunset  
7       Boulevard. This (indicating) is the Northside  
8       Baptist Church complex here and these buildings  
9       also here (indicating).

10       Holmes Street actually runs off of Double  
11       Branch here (indicating) and runs around in this  
12       direction here (indicating). This little side  
13       street here (indicating) is called Alley Street.

14       Over in this direction (indicating), kind of  
15       to the more or less southwest is going to be the  
16       Lakeview Alternative Center. It's either a middle  
17       or high school.

18   Q    Can you please tell the jury what is marked in red  
19       there.

20   A    This house outlined in red and highlighted is  
21       [REDACTED] which is the address identified  
22       as Stanley Golson's address.

23       MR. COLLINS: Please let the record reflect he  
24       is referring to State's 1. Now we are looking at  
25       State's 2.

1 BY MR. COLLINS:

2 Q What is that?

3 A This is just more area covered, a longer view of  
4 the same area. You've got the Northside Baptist  
5 Church here (indicating). You've got Double Branch  
6 Road coming from here (indicating). Leaphart  
7 Street running through here (indicating).

8 Sunset Boulevard and 12th Street running here.  
9 (indicating). Double Branch Road runs off of here  
10 (indicating). Holmes Street comes off of here  
11 (indicating). It runs in this direction  
12 (indicating) and back around.

13 Once again, [REDACTED] is outlined in  
14 red and highlighted, as well as we have highlighted  
15 and outlined the property area of the Lakeview  
16 Alternative Center.

17 Q Did you have a chance to drive that distance  
18 between the school that you are referring to, as  
19 well as [REDACTED]

20 A Yes, I did.

21 Q How far was that?

22 A By my calculation in my vehicle, there is no direct  
23 line route to the property. You have to kind  
24 follow the streets and weave the streets. By my  
25 calculations on my odometer, it was .4 miles.

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1 Q Thank you. You can return to your seat, please.

2 A (Witness resumes the witness stand).

3 Q Lakeview Education Center, can you please tell at  
4 this particular time what that location was used  
5 for?

6 A That location at the time of this incident, it was  
7 an alternative school for children who were not  
8 enrolled in your standard typical elementary,  
9 middle schools or high schools. It was basically  
10 just an alternative education center.

11 Q Was that run by the school district?

12 A Yes, it was.

13 Q Let's go to the confidential informant that you  
14 used. Can you please tell how you obtained her to  
15 go in to purchase drugs at this location.

16 A We scouted for people who may know Mr. Golson or  
17 know the area where Mr. Golson lives to do some  
18 buys in that area due to complaints we had gotten  
19 in that area.

20 We found Ms. Wiseman. She did know Mr. Golson  
21 from some years back. When we started doing the  
22 buys, the process we would use is we would go and  
23 pick Ms. Wiseman up from her residence.

24 We would then meet, myself, along with two  
25 other narcotics agents, we would meet with her at

1           a -- I don't want to use the word secure  
2           location -- but an out-of-the way, out-of-sight  
3           location just so no one from the outside world  
4           could see exactly what we were doing and away from  
5           the incident location where we intended to buy  
6           from.

7                       Once we were at the location, myself and other  
8           agents, we would start preparing the vehicles,  
9           preparing the equipment for the buy. I myself  
10          would conduct a search of Ms. Wiseman's person,  
11          checking her for any kind of money, any kind of  
12          drugs also weapons for that matter. We don't want  
13          a confidential informant going in with any of those  
14          three things that could actually damage our case.

15   Q       Let's stop right here for just a second.

16   A       Yes, sir.

17   Q       Prior to that did you execute what is known as a  
18          C.I. agreement with Ms. Wiseman?

19   A       Yes, we did.

20   Q       What does that entail?

21   A       The C.I. agreement is more of a kind of code of  
22          conduct for the confidential informants. It gives  
23          them an outline of how they should or should not  
24          act. It specifies they are not police officers  
25          while working with us.



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1           They do not have arrest powers. They are not  
2           authorized to carry a firearm. They are not exempt  
3           from any criminal activity that they may commit.  
4           If they commit criminal activity outside of what we  
5           are asking them to do while they are in our  
6           control, they will be charged accordingly with that  
7           criminal activity.

8   Q   Where did you go to set up the deal prior to  
9        sending her to [REDACTED]

10   A   We used the pods center where the moving company  
11        places the containers in front of your house that  
12        you can load up as you please over by the Knights  
13        Inn at 302, Highway 302 and I-26.

14   Q   You did so. Then what did you do after searching  
15        her?

16   A   After the completion of the search of her person,  
17        ensuring she had no money, drugs or weapons on her,  
18        we placed an electronic listening device, which is  
19        basically a microphone and a wire run to a box with  
20        batteries.

21           It attaches to her body by the use of tape,  
22        and we position the antenna and the microphone to  
23        where we can get the best audio of hearing any  
24        voices that she's coming in contact with, as well  
25        as her voice.

1           From there once we get the wire in place with  
2           her, we will have her walk away from the vehicles  
3           and have the wire turned on and actually test the  
4           bug to make sure that it is working and make sure  
5           we do have a clear signal that we are receiving on  
6           our receiver.

7           From there we place Ms. Wiseman with an  
8           undercover -- another undercover narcotics agent,  
9           who once again is in plain clothes in a plain  
10          vehicle, undercover vehicle.

11   Q     Who was that person?

12   A     That was at the time Detective J.J. Jones. He is  
13          now Lieutenant Jones.

14   Q     You say the car they were in was owned by who?

15   A     Owned by the Sheriff's Department, yes.

16   Q     When you searched her the original time if you had  
17          found any drugs or anything on her, what would you  
18          have done?

19   A     She would have been taken into custody immediately  
20          and taken to jail and charged.

21   Q     You wired her, put her in the car, took her -- who  
22          drove her?

23   A     Detective Jones, Lieutenant Jones now.

24   Q     Upon doing so where were you at?

25   A     I was in a trailer vehicle. The U.C. vehicle,

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1       undercover vehicle, was ahead of us. Once we had  
2       the bug on and we were in separate vehicles, we  
3       maintained the integrity of the bug.

4               Sometimes if you start turning the bugs on and  
5       off, basically it happens. So once you got a good  
6       signal, you want to maintain the integrity of that  
7       signal.

8               So once we started rolling, myself and my  
9       partner, we trailed the undercover vehicle  
10      containing Ms. Wiseman and Detective Jones,  
11      maintained eye contact with them until a point to  
12      where we split, to where if we came any closer into  
13      the area, we may compromise the buy.

14              The vehicle that we were using to drive into  
15      the location is a vehicle that we only use when we  
16      conduct surveillance or conduct controlled buys.  
17      It's not a vehicle that an agent drives on a daily  
18      basis. So it stays undercover, under raps until we  
19      actually need to use it for an operation.

20              Once we got near the area of where Ms. Wiseman  
21      was going to get out to go make the purchase, we  
22      would split off, still maintaining the audio  
23      signal. We would lose visual contact, but we would  
24      still maintain the audio signal.

25              Just prior to her getting out of the vehicle

1 with the undercover agent, we would start the  
2 recording and actually begin recording, which was  
3 what we were hearing over the transmitter.

4 Q You say you started recording. You recorded the  
5 whole transaction?

6 A From the time just before probably her getting out  
7 of vehicle, we started the recording. So from the  
8 moment before she got out the vehicle until the  
9 moment she came back into the vehicle with our  
10 undercover agent and were advised by our undercover  
11 agent that we could stop the recording, all of that  
12 in between was recorded.

13 Q Did you hear the whole transaction? When did you  
14 stop listening to the bug so to speak?

15 A We did not stop listening to the actual bug -- not  
16 everything that we heard from the moment we placed  
17 the bug on the informant to the time we took the  
18 bug off the informant, not everything is recorded.

19 It's only the portion of the transaction just  
20 prior to the transaction and immediately following  
21 the transaction until she was back into the care of  
22 law enforcement. But we didn't actually stop  
23 monitoring the confidential informant until we were  
24 back at our secondary meeting location to do the  
25 debriefing.

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1 MR. COLLINS: Let me mark this as State's 3.  
2 This is a copy of the audiotape.

3 (State's Exhibit Number 3 is marked for  
4 identification).

5 BY MR. COLLINS:

6 Q What is marked as State's 3, do you recognize that?

7 A Yes, I to.

8 Q How do you recognize that?

9 A By my initials and it is a C.D. made of that  
10 incident on that day.

11 Q Upon listening to it, did it fairly and accurately  
12 depict what you heard over the bug that day?

13 A Yes, it did.

14 Q Or the wire?

15 A Yes, it does.

16 MR. COLLINS: I would like to have that moved  
17 in as State's 3.

18 MR. KENDRICK: No objection, Your Honor.

19 THE COURT: State's 3 evidence without  
20 objection.

21 (State's Exhibit Number 3 is received into  
22 evidence).

23 BY MR. COLLINS:

24 Q Upon listening to that, are you familiar with  
25 Stanley Golson's voice?

1 A Yes, I am.

2 Q Did you hear his voice --

3 A Yes, I did.

4 Q -- on the tape. Did you hear a phone number given  
5 to the confidential informant by Golson?

6 A Yes, I did.

7 Q Do you know what the number was?

8 A The number was [REDACTED].

9 Q Do you know whose number that is?

10 A That number comes back to Viola Martin or Viola  
11 Green. She uses both last names, and that is  
12 Stanley's grandmother.

13 MR. COLLINS: If we can let him step back  
14 down, Your Honor.

15 THE COURT: All right.

16 (Witness leaves the witness stand).

17 BY MR. COLLINS:

18 Q I am showing you State's 1. Can you point out  
19 where Ms. Martin or Ms. Green lives in relation to  
20 [REDACTED]?

21 A Ms. Viola's house is this house right here  
22 (indicating at the corner of Holmes and Alley  
23 Street. It's [REDACTED] [REDACTED], which is directly  
24 catty-corner from [REDACTED] [REDACTED])

25 Q Can you tell me, have you been out there?

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1 A Yes, I have.

2 Q About how far is that?

3 A Maybe 20, 25-yards.

4 Q You can take your seat back.

5 A (Witness resumes the witness stand).

6 MR. COLLINS: I would like to have this marked  
7 as State's 4.

8 (State's Exhibit Number 4 is marked for  
9 identification).

10 BY MR. COLLINS:

11 Q Please take a look at that and see if you can tell  
12 me what it is.

13 A This is a Lexington County best kit, Sheriff's  
14 Department drug and analysis kit. This was what I  
15 placed the crack cocaine purchased by Ms. Wiseman  
16 in to turn in for analysis into evidence.

17 Q How much money did you give Ms. Wiseman to purchase  
18 drugs that day?

19 A Forty dollars.

20 Q Is that the money she used to purchase the drugs?

21 A The money that I gave her, I gave her two \$20  
22 bills. We recorded the serial numbers. That money  
23 was the only money she had on her at the time to  
24 purchase the crack cocaine.

25 Q Did you give her any money -- did you pay her for

1           it?

2   A       Yes, I did.

3   Q       For her services. How much money did you pay her?

4   A       At that time I know we started out at \$40. We may  
5           have moved up to 60. I would have to look back  
6           through the files, but anywhere between 40 and \$60.

7   Q       How do you know that was the drugs turned in from  
8           the purchase that day?

9   A       By the date, the case number, as well as my  
10          signature signing the kit as sealing the kit.

11   Q       What did you do at that time? What happened when  
12          you got the drugs? Who did you get the drugs from?

13   A       I retrieved the drugs from Ms. Wiseman once we met  
14          back at our secondary meeting location. She handed  
15          the drugs to me, at which time I placed them in a  
16          small plastic baggie, Ziploc baggie to contain them  
17          in.

18               Once I was back or we finished doing the  
19          debriefing with Ms. Wiseman, I conducted a  
20          secondary search of Ms. Wiseman, checking her once  
21          again for any other drugs that may be on her or  
22          could possibly be on her to make sure she had no  
23          other drugs on her, as Mr. Hubbard stated in his  
24          opening, to make sure that she did not try to pinch  
25          off any dope or to save any for herself or so as



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1 not to get any change back from our target  
2 personality and try to keep the change for herself,  
3 make sure she was once again sterile as she went  
4 into the location.

5 Q After placing them in that kit, what kind of kit is  
6 that?

7 A This is for drug analysis. It's a best kit for our  
8 county. It goes into a large envelope with other  
9 paperwork, chain of custody paperwork. It is then  
10 placed into our evidence room, and it can only be  
11 taken out by our evidence custodians.

12 Q Where did you place those drugs at?

13 A In one of the evidence lockers in the evidence  
14 room.

15 Q Can you please describe that evidence locker for  
16 me.

17 A The evidence lockers, they come in various sizes.  
18 Obviously you don't need a very large evidence  
19 locker for just an envelope. I placed it in the  
20 locker, which is a metal container with a hinged  
21 door and a plunger type lock. Once you push the  
22 plunger into the locking mechanism, there is no way  
23 to reopen the lock from the outside.

24 Q And that evidence, the evidence bag you placed it  
25 in, let's talk about best kit a little while. What

1 do you know about that?

2 A The best kit is an adhesive-sealed bag. There are  
3 forms in it. You have a chain of custody form.  
4 You have an evidence form describing what the  
5 evidence is you are turning in.

6 There is an actual receipt that you tear off  
7 of the top of the bag prior to sealing it, which  
8 also depicts the date. I write the case number on  
9 mine also. There is no place for the case number  
10 on the actual tag, but it has the control number on  
11 the receipt tab, as well as on the bag itself.

12 Q Do you have your file with you?

13 A I do.

14 Q Did you have the time to show Ms. Wiseman a photo  
15 lineup?

16 A Yes, I did.

17 Q Do you have that in your file?

18 A I do.

19 (Attorneys confer).

20 (State's Exhibit Number 5 is marked for  
21 identification).

22 BY MR. COLLINS:

23 Q What does that reflect? State's 5 is a photo I.D.  
24 lineup. What is that, Detective Burke?

25 A This is a photo lineup generated by our

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1 intelligence unit at the Sheriff's Department.

2 Q And what did you do with that?

3 A Once the photo lineup was generated, I met with  
4 Ms. Wiseman on the date of July 1st of 2004. I met  
5 with her and reminded her of the instance that had  
6 taken place on the 25th of May of '04 and asked her  
7 if the person she had bought crack cocaine from on  
8 that date was in this photo lineup. She did pick  
9 out Mr. Golson out of the lineup.

10 Q She did. How do you know that?

11 A Each photo is numbered. She circled the number.  
12 She initialed beside the circle of the number, and  
13 also she signed it as a witness.

14 MR. COLLINS: One second, Your Honor. I would  
15 like to move that into evidence, Your Honor.

16 THE COURT: Mr. Kendrick.

17 MR. KENDRICK: No objection, Your Honor.

18 THE COURT: State's 5 is in evidence without  
19 objection.

20 (State's Exhibit Number 5 is received into  
21 evidence).

22 BY MR. COLLINS:

23 Q Did you have an opportunity to debrief Ms. Wiseman  
24 following this transaction?

25 A Yes, I did.

1 Q Did you get a statement from her?

2 A I did. I obtained a written statement from her in  
3 regards to the issues or the activities taking  
4 place heard over the wire.

5 Q Based on that statement, did you get warrants for  
6 the two charges?

7 A I did.

8 Q Thank you.

9 MR. COLLINS: No further questions, Your  
10 Honor.

11 THE COURT: Thank you, Solicitor.  
12 Mr. Kendrick.

13 CROSS EXAMINATION

14 BY MR. KENDRICK:

15 Q How are you doing?

16 A Good, sir.

17 Q I'm Josh Kendrick. I represent Mr. Golson. You  
18 and I never met before, have we?

19 A No, sir.

20 Q You talked a little bit about how you determined  
21 that you were going to use Ms. Wiseman --

22 A Uh-huh. (Indicating affirmative response).

23 Q -- to seek out you said specifically Mr. Golson.  
24 Had you observed her? Did you know she had any  
25 connection to the Holmes Street area or were you

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1       just aware that at one point she had known  
2       Mr. Golson?

3   A   We were actually -- whenever we get complaints of a  
4       specific area or a general area -- general or  
5       specific -- we go out and try to find people who  
6       have either worked for us before, who have worked  
7       for other officers in other departments.

8       We do a lot of kind of -- not to say farming  
9       out work -- but trying to find someone who may have  
10      knowledge of that area, and that's how she came to  
11      us, through another agency.

12   Q   So without going into the specifics of that,  
13       Ms. Wiseman had been an informant at another time?

14   A   Yes.

15   Q   And that's how you got in touch with her?

16   A   Yes, yes.

17   Q   I will get you to look at this with me. I don't  
18       think you are going to have to get down because we  
19       have already kind of looked at everything. I'm  
20       sorry, I couldn't see this as clearly as everybody  
21       else. Let me pull it back. I think I can make it  
22       where we can all see it, and you won't have to get  
23       down. What you were telling us is that this  
24       (indicating) is Double Branch, right?

25   A   That's correct.

- 1 Q This is a dirt road that is Holmes. Holmes is a  
2 dirt road, correct?
- 3 A That's correct.
- 4 Q It turns off here (indicating) and comes around the  
5 corner?
- 6 A Uh-huh. (Indicating affirmative response).
- 7 Q If you can't see this, you are welcome to come  
8 down. I think this one in the red block, is that  
9 the house that you say she went to?
- 10 A That's correct.
- 11 Q And where is the house that you referred to as his  
12 grandmother's house?
- 13 A If you come down just past -- from the location  
14 right there. Yeah, you just pointed it out. Right  
15 there. There you go.
- 16 Q That one (indicating). So bear with me for a  
17 minute. Y'all are driving, I guess, down 378 and  
18 you are coming down Double Branch Road. You are  
19 still behind your undercover agent?
- 20 A We actually pulled off up around the intersection  
21 of Leaphart and Double Branch.
- 22 Q So you don't actually know what went on over here,  
23 other than what you were told?
- 24 A No, once we split vehicles, we lost contact. As  
25 they were going on down Double Branch, we went on

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1 up into the church complex to kind of blend in with  
2 the vehicles up there.

3 Q Do you know who lives in this house right here  
4 (indicating)?

5 A I do not.

6 Q How about -- are these houses back here  
7 (indicating)?

8 A Those houses appear to be -- I'm not sure exactly  
9 where those houses are at or how you get to them.

10 Q Do you know who lives in this house (indicating)?

11 A No, I don't.

12 Q How about that house (indicating)?

13 A No, I don't.

14 Q You know who lives in any of these other houses?

15 A The only ones I am familiar with are Stanley's  
16 house and the grandmother's house, Mr. Viola's  
17 house.

18 Q So the one in red and this one (indicating) on the  
19 corner?

20 A Yes.

21 Q Do y'all ever use video in these kind of  
22 operations?

23 A When we feel like we can get it in. That's a  
24 separate piece of equipment that we have to put on  
25 a person. Due to the time of year and due to the

1 heat, people don't dress in very heavy clothing.

2 Q Right.

3 A And it takes more clothing to conceal some of those  
4 pieces of equipment.

5 Q How many complaints did you get about this Holmes  
6 Street area?

7 A I could not even venture a number. We've received  
8 complaints of that general area for years, many  
9 years.

10 Q So we could say this is a problem area for y'all?

11 A Yes, sir.

12 Q And it has been, at least as long as you've been  
13 around?

14 A Right.

15 Q So for most of your 11 and a half years, Holmes  
16 Street has got problems?

17 A That's correct.

18 Q You told us Detective Jones drove her there, but  
19 he's not undercover anymore?

20 A That's correct.

21 Q So he doesn't work with you anymore?

22 A No, he does not.

23 Q And how -- he just dropped her off, and did he  
24 immediately leave the area?

25 A He maintained -- he was not able to maintain a



1 visual contact. He was able to maintain a visual  
2 contact until she made the turn. If you look at  
3 where Holmes Street and Double Branch, right there  
4 (indicating), he was able to see her until she  
5 started to make that turn around that corner or had  
6 dropped her off at Alley Street.

7 He was able to see her until she made the turn  
8 off of Alley Street going up to the residence. He  
9 began to get blocked by trees and other residences  
10 and all.

11 Q So he would have dropped her right here  
12 (indicating)?

13 A It was more so along the paved road, at the  
14 intersection of the dirt and paved road.

15 Q So back here (indicating)?

16 A At either one of those locations. I'm not sure  
17 exactly which one he dropped her off at.

18 Q What kind of car was he in?

19 A Just a regular old beater car that was a seizure.

20 MR. KENDRICK: Your Honor, if I could beg the  
21 Court's indulgence.

22 THE COURT: Yes, sir.

23 (Pause).

24 MR. KENDRICK: Your Honor, that's all I have  
25 for this witness.

1 THE COURT: Thank you, Mr. Kendrick.

2 Solicitor, anything on redirect?

3 MR. COLLINS: Nothing, Your Honor.

4 THE COURT: Thank you, Detective Burke. You  
5 may step down.

6 Solicitor, you may call your next witness.

7 MR. HUBBARD: Your Honor, may I approach?

8 THE COURT: Yes, sir.

9 (Whereupon there was a bench conference off  
10 the record in the presence of the jury but out of the  
11 hearing of the jury).

12 THE COURT: Mr. Foreman, and ladies and  
13 gentlemen of the jury, the solicitor informs me the next  
14 witness may be somewhat lengthy. I don't really like to  
15 break up direct and cross, as least not over the lunch  
16 break. I don't mind doing it during a recess, but I  
17 don't like doing it with a lunch break.

18 I also have another matter to take up before  
19 we reconvene. Momentarily I am going to release you for  
20 your lunch break. I remind you that during the break,  
21 you are not to discuss this case with anyone.

22 This includes your fellow jurors, your lunch  
23 mates, your friends, family, people involved in the  
24 trial or anyone else. If anyone tries to talk with you  
25 about the case, please let me know immediately.

1 Remember to keep an open mind about this case  
2 until I instruct you to begin your deliberations. I  
3 would ask you to please be back in your jury room at  
4 2:00 p.m. At 14:00 hours if you would be back in your  
5 jury room at that time. Have a pleasant lunch. You may  
6 now go with the bailiff.

7 (The jury is excused for lunch at 12:22 p.m).

8 THE COURT: We will be in recess until  
9 2:00 p.m. However, the Court will reconvene at 1:40.  
10 If you would please advise Mr. Wedekind to be here then.

11 MR. HUBBARD: Yes, sir, Your Honor.

12 (Whereupon there was a luncheon recess).

13 THE COURT: Is the State ready?

14 MR. HUBBARD: Yes, sir.

15 THE COURT: Defense?

16 MR. KENDRICK: Yes, sir.

17 THE COURT: Mr. Bailiff, if you would bring  
18 our jury, please.

19 (The jury returns to the courtroom at  
20 2:48 p.m.)

21 THE COURT: I see we are getting started back  
22 early, right? We said we would start back at three. I  
23 apologize, I had another matter to take care of. As I  
24 say, I try to say attune to time very much so.

25 I don't seem to manage it very well. It's

1 always difficult to determine how long a particular  
2 hearing may take in a matter. We are continuing with  
3 the State's presentation of its case.

4 Solicitor, you may call your next witness.

5 MR. HUBBARD: Thank you, Your Honor. The  
6 State calls Jannie Wiseman.

7 JANNIE WISEMAN, being  
8 first duly sworn, testified as follows:

9 CLERK: State your name loud and clear on the  
10 record, spelling your last.

11 THE DEFENDANT: Jannie Wiseman, W-I-S-E-M-A-N.

12 DIRECT EXAMINATION

13 BY MR. HUBBARD:

14 Q Ms. Wiseman, where do you live?

15 A In Cayce.

16 Q And how long have you lived there?

17 A Nearly 40 years.

18 Q Most of your life?

19 A Most of it.

20 Q Are you married?

21 A I'm separated.

22 Q Do you have any children?

23 A No.

24 Q Where did you go to high school?

25 A Airport High.

- 1 Q Did you graduate there?
- 2 A No.
- 3 Q What grade did you make it through?
- 4 A To the ninth grade.
- 5 Q Do you know the Defendant, Stanley Golson?
- 6 A Yes, I do.
- 7 Q How long have you known him?
- 8 A Close to 20 years.
- 9 Q Now, before we get into this case and talk about
- 10 what happened in this case, I want to ask you, did
- 11 you plead guilty back in March of 2001 to obtaining
- 12 drugs by fraud?
- 13 A Yes, I did.
- 14 Q Did you get probation or jail time?
- 15 A Probation.
- 16 Q Did you complete your probation?
- 17 A Yes.
- 18 Q Do you have any charges against you now?
- 19 A No..
- 20 Q Back in 2004, specifically May of 2004, did you
- 21 have any charges?
- 22 A No.
- 23 Q Now, in May of 2004, did you have an occasion to do
- 24 some work for the Lexington narcotics task force?
- 25 A Yes.

- 1 Q What type of work did you do?
- 2 A I was an informant.
- 3 Q Often what we call a C.I.?
- 4 A Yes.
- 5 Q Confidential informant?
- 6 A Yes.
- 7 Q What was your purpose in doing that? What were you  
8 supposed to do?
- 9 A I was to buy drugs.
- 10 Q Since you had no pending charges, what did you get  
11 out of doing work for law enforcement?
- 12 A I was paid money.
- 13 Q I know you did work on this occasion. Did you work  
14 on other occasions for this task force?
- 15 A Yes.
- 16 Q About how many times?
- 17 A Maybe ten.
- 18 Q Did you get paid for all those occasions?
- 19 A Yes.
- 20 Q No charges during any of those times?
- 21 A No.
- 22 Q Would you get paid before you went out to make a  
23 buy or was it after?
- 24 A It was after.
- 25 Q If you can recall, do you remember about how much

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1           you got paid? I know I'm asking you to remember,  
2           on this case with Stanley Golson?

3   A       It was \$50.

4   Q       Again, your job was to do what?

5   A       To buy drugs.

6   Q       Did they just give you money, the Sheriff's  
7           Department just give you money and tell you to go  
8           buy drugs?

9   A       No.

10   Q       Who was in charge of what was going on?

11   A       Detective Burke.

12   Q       I think he has stepped out, but he was in charge of  
13           what was going on?

14   A       Yes, sir.

15   Q       And this occasion, May 25, 2004, how much money did  
16           he give you?

17   A       Forty dollars.

18   Q       Forty dollars?

19   A       Yes, sir.

20   Q       Before sending you out with that \$40, what did  
21           Detective Burke and the other agents do?

22   A       I was searched for weapons, money, drugs. Then I  
23           was wired.

24   Q       Let's talk about that search. Whose idea was it to  
25           search you? Was it yours or Detective Burke?

- 1 A Detective Burke's.
- 2 Q Who was in charge?
- 3 A Detective Burke was.
- 4 Q Whose idea was it to put a wire on you, yours or
- 5 Detective Burke's?
- 6 A Detective Burke.
- 7 Q He was in charge?
- 8 A Yes, sir.
- 9 Q May 25, 2004, where did you and Detective Burke
- 10 meet up prior to this incident?
- 11 A We went to the pod's place in Cayce.
- 12 Q Is that right off of I-26?
- 13 A Yes, sir.
- 14 Q In that area is that where you have all these big
- 15 containers where people put stuff they are moving
- 16 in?
- 17 A Storage, yes, sir.
- 18 Q Is it kind of a quiet place, out of the way?
- 19 A Yes, sir.
- 20 Q Was there anybody else around when y'all were doing
- 21 that?
- 22 A There was a motel across the street, and there was
- 23 people inside the building.
- 24 Q But y'all were kind of contained in your area?
- 25 A Yes, sir.



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- 1 Q Who picked that spot, you or Detective Burke?
- 2 A Detective Burke.
- 3 Q And that's where he searched you and wired you?
- 4 A Yes, sir.
- 5 Q Now, on this day, which is May 25, 2004, whose
- 6 house did you go to?
- 7 A Stanley Golson's.
- 8 Q This is after you are wired?
- 9 A Yes, sir.
- 10 Q This is after you have been given how much?
- 11 A Forty dollars.
- 12 Q Forty dollars. Stanley Golson's house, is that
- 13 [REDACTED]
- 14 A Yes, sir.
- 15 MR. KENDRICK: Your Honor, I object. We are
- 16 getting into a little bit of leading here.
- 17 THE COURT: Rephrase the question, solicitor.
- 18 BY MR. HUBBARD:
- 19 Q Do you know the street?
- 20 A Holmes Street.
- 21 Q Is that in the West Columbia area?
- 22 A Yes, sir.
- 23 Q Do you know if it's [REDACTED]?
- 24 A Yes, sir.
- 25 Q What county is [REDACTED] in?

1 A Lexington.

2 Q You mentioned Stanley Golson's house. You knew

3 that was his house?

4 A Yes, sir.

5 Q How did you get from the pod's place to

6 Mr. Golson's house?

7 A I rode with another detective.

8 Q Detective Jones?

9 A Yes.

10 Q Did you ride in your car or his car?

11 A Their car.

12 Q Whose idea was it to transport you with a

13 detective?

14 A Detective Burke's.

15 Q Right here (indicating)?

16 A Yes, sir.

17 Q The entire time you were doing this, was this the

18 man that was in charge?

19 A Yes, sir.

20 Q Now, Detective Jones, you said he drove you there?

21 A Yes.

22 Q When you got to [REDACTED] [REDACTED] [REDACTED] was anybody

23 there?

24 A Yeah, there was a man in there that I didn't know

25 and Stanley Golson.

- 1 Q Stanley Golson. Is this the same Stanley Golson  
2 you have known, I think you said, for like 20  
3 years?
- 4 A Yes, sir.
- 5 Q The other man, you say you didn't know him?
- 6 A No, I don't know him.
- 7 Q Just for clarification you said you lived in Cayce  
8 for how long?
- 9 A Actually 42 years.
- 10 Q Were you familiar with the Double Branch area as  
11 well?
- 12 A Yes, I grew up in West Columbia, too.
- 13 Q You knew people there?
- 14 A Yes.
- 15 Q People knew you?
- 16 A Yes.
- 17 Q When you got to Stanley Golson's house, who did you  
18 deal with, this other guy or Stanley Golson?
- 19 A With Stanley.
- 20 Q Why?
- 21 A That's who I knew.
- 22 Q What, if anything, did you ask Stanley Golson for?
- 23 A I asked him if he could get me a 40.
- 24 Q A 40?
- 25 A Yes.

- 1 Q What does that mean?
- 2 A Forty dollars worth of rock cocaine.
- 3 Q What did Stanley Golson do?
- 4 A He told me to wait a minute. He went outside his
- 5 back door and went to get it for me.
- 6 Q So he didn't have it there in his house?
- 7 A No.
- 8 Q While you were waiting, what did you do?
- 9 A I got up and went to the kitchen to get some water.
- 10 Q Why did you do that?
- 11 A I was actually trying to look out the window to see
- 12 if I could see where he was going.
- 13 Q Could you tell where he was going?
- 14 A No.
- 15 Q Did he come back?
- 16 A Yes.
- 17 Q About how long would you say he was gone?
- 18 A Less than ten minutes.
- 19 Q Did he have anything for you when he got back?
- 20 A Yes.
- 21 Q What did he have?
- 22 A He had two rocks of crack cocaine.
- 23 Q Do you remember -- and again we are going off your
- 24 memory -- do you remember if he told you anything
- 25 after he gave you that?

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- 1 A He mentioned not to deal with anybody else but him,  
2 and he gave me a phone number to call him.
- 3 Q So he gave you a phone number if you needed to get  
4 back in touch with him?
- 5 A Yes.
- 6 Q What was that about not to deal with anybody else?
- 7 A He said there was some people selling stuff that  
8 wasn't good there and told me to get with him.
- 9 Q So if you wanted something good, you needed to go  
10 back to him?
- 11 A Yes.
- 12 Q After you got that crack in your hand and you  
13 walked out of his house, what did you do?
- 14 A After I left there, I walked back down to Alley  
15 Street to Double Branch and met back up with  
16 Detective Jones.
- 17 Q And this whole time you had your wire on?
- 18 A Yes.
- 19 Q While you were walking, did you let them know you  
20 were done, that you needed to be picked up?
- 21 A Yes.
- 22 Q When you got back in the car with Detective Jones,  
23 what did you do as far the crack?
- 24 A I showed him what I had.
- 25 Q Where did you have it, in your hand, pocket or

- 1           where?
- 2    A     I had it in my hand.
- 3    Q     Were you in the car when you showed it to him?
- 4    A     Yes.
- 5    Q     How many pieces of crack cocaine were in your hand?
- 6    A     Two.
- 7    Q     Is that typical for \$40?
- 8    A     Yes.
- 9    Q     Twenty apiece?
- 10   A     Yes.
- 11   Q     When you showed it to him, what, if anything, did
- 12         he tell you to do with that crack?
- 13   A     He told me to hold onto it until we got back with
- 14         Detective Burke.
- 15   Q     Did y'all go back to another location?
- 16   A     Yes.
- 17   Q     Who did you turn that crack cocaine over to?
- 18   A     Detective Burke.
- 19   Q     This man right here (indicating)?
- 20   A     Yes, sir.
- 21   Q     The man who has been in charge the whole time?
- 22   A     Yes, sir.
- 23   Q     One you gave the crack to Detective Burke and
- 24         turned that over to him, what did he do?
- 25   A     He put it in a bag. He searched me again, to make

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1           sure I had no drugs left on me or money, removed  
2           the wire.

3   Q    He took the wire off?

4   A    Yes.

5   Q    Now, before you did any of this, were you aware  
6           that you would be searched before and after?

7   A    Yes.

8   Q    Were you aware that you were going to be wired?

9   A    Yes.

10   Q   Do you remember actually signing something saying  
11           that you were aware of that?

12   A    Yes, sir.

13   Q   Were you aware that if you had any crack cocaine on  
14           you or you tried to keep any of that money, what  
15           would happen to you?

16   A    Yes, I would be charged and I would go to jail.

17   Q   And of course you were aware prior to doing this  
18           that you were going to be monitored the whole time?

19   A    Yes, sir.

20   Q   Before we get much farther along, I want you to  
21           look at some charts. What I'm going to do is swing  
22           this around to see if we can all see it. The first  
23           chart is State's Exhibit Number 1. Is this that  
24           West Columbia area you were being asked to work  
25           in?

1 A Yes, sir.

2 Q This road here (indicating), is that Double Branch,  
3 just to orient the jury, right here (indicating)?

4 A Yes.

5 Q This road right here (indicating), what road is  
6 that?

7 A (Witness leaves the witness stand). That's Holmes  
8 Street.

9 Q Holmes Street?

10 A Yeah.

11 Q You might need to speak up a little bit since I've  
12 got your head turned. This place (indicating) that  
13 is marked off in red and colored in yellow, whose  
14 house is that?

15 A That's Stanley Golson's.

16 Q Is that house you went to?

17 A Yes, sir.

18 Q Now, when Detective Jones dropped you off in order  
19 to make this buy, did he take you right to the  
20 front door?

21 A No.

22 Q Where did he drop you off, somewhere on Holmes  
23 Street, on Double Branch?

24 A We went off onto Holmes Street here to the side. I  
25 got off at the house -- right before the house.



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- 1 Q Right here (indicating)?
- 2 A Yeah, before we got to the corner.
- 3 Q Right around the corner on Holmes Street?
- 4 A Yes.
- 5 Q From this point to Stanley Golson's house, what did
- 6 you do?
- 7 A I walked.
- 8 Q After you finished with the buy, where did you
- 9 walk?
- 10 A I walked down through Alley Street.
- 11 Q Alley Street, this little dirt road right here
- 12 (indicating)?
- 13 A Yes, back to Double Branch.
- 14 Q Back to Double Branch. Is that where you were
- 15 picked up?
- 16 A Yes.
- 17 Q Again, were you aware you were being taped?
- 18 A Yes.
- 19 Q I will ask if you recognize this C.D. I've got in
- 20 my hand which is State's Exhibit Number 3.
- 21 A Yes sir.
- 22 Q How do you recognize that?
- 23 A My initials are on.
- 24 Q It that J.W.?
- 25 A Yes.

1 MR. HUBBARD: Your Honor, I ask to be able to  
2 publish this at this time.

3 THE COURT: You may publish it. That is  
4 State's Exhibit Number 3?

5 MR. HUBBARD: Yes, sir. number 3.

6 (State's Exhibit Number 3 is played for the  
7 jury).

8 (During the playing of the tape, State's  
9 Exhibit Number 3, the following was reported).

10 BY MR. HUBBARD:

11 Q Jannie, who are you talking to right at that point?

12 A Detective Jones.

13 Q So you are still in his car?

14 A Yes.

15 Q He's about ready to let you out?

16 A Yes.

17 (The tape was continued and the following was  
18 reported).

19 BY MR. HUBBARD:

20 Q Right there who are you talking to?

21 A To the guy inside the door.

22 Q Do you recall what you were telling him? I don't  
23 know if you can hear.

24 A I told him: Stanley told me to go on in.

25 Q Who are you talking to right there?

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- 1 A That's Stanley Golson.
- 2 Q What are you telling him right there?
- 3 A That my number was disconnected.
- 4 Q Why were you telling him that?
- 5 A Because he said he was trying to call me.
- 6 Q So you two have known each other?
- 7 A Yes, sir.
- 8 Q I mean, you have actually called one another
- 9 before?
- 10 A Yes, sir.
- 11 Q What are you asking for right there?
- 12 A A 40.
- 13 Q Again, what does that mean?
- 14 A Forty-dollars worth of rock cocaine.
- 15 Q What did you ask right there?
- 16 A I asked him when he got it if he could get me
- 17 something decent.
- 18 Q Whose name did you use?
- 19 A Stanley.
- 20 Q At any time you were talking to him and referring
- 21 to him as Stanley, did he ever say: That's not my
- 22 name?
- 23 A No.
- 24 Q You were dealing with this man sitting here in this
- 25 courtroom?

- 1 A Yes, sir.
- 2 Q I will stop it again. What has happened at this  
3 point?
- 4 A He's going to get me something.
- 5 Q He went to leave the premises?
- 6 A Yes.
- 7 Q Is that when you went in the kitchen?
- 8 A Yes, sir.
- 9 Q Is this where you are just waiting for him?
- 10 A Yes.
- 11 Q While you were waiting, did other people show up?
- 12 A There was that other guy that was inside.
- 13 Q Were there other people outside? Did you hear some  
14 voices?
- 15 A There's people outside.
- 16 Q Who are you talking to there?
- 17 A Stanley.
- 18 Q So he is back?
- 19 A Yes.
- 20 Q Is that the phone number he gave you?
- 21 A Yes, it is.
- 22 Q Does he tell you the phone number and then you  
23 repeat it?
- 24 A Yes.
- 25 Q I know it's kind of hard to hear on this. At this

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- 1 point what are you doing?
- 2 A I'm walking back to meet Detective Jones.
- 3 Q Are you telling him where you are?
- 4 A Yes, I was on Double Branch, that I was back on
- 5 Double Branch.
- 6 Q Okay. Whose voice did we hear right at the end?
- 7 A Detective Jones.
- 8 Q He's coming to pick you up?
- 9 A Yes.
- 10 Q I want to ask you, do you also recall several
- 11 months after this, July 1st of '04, being shown a
- 12 photographic lineup?
- 13 A Yes, sir.
- 14 Q Let me see if you recognize what has already been
- 15 put into evidence, State's Exhibit number 5. Is
- 16 that the lineup that was shown you?
- 17 A Yes, it was.
- 18 Q Did law enforcement tell you -- or what did law
- 19 enforcement tell you when they showed you that
- 20 lineup?
- 21 A They just asked me if I recognized anybody in the
- 22 lineup.
- 23 Q And did you tell them whether you did or not?
- 24 A Yes, I did. I said I recognized number five, that
- 25 it was Stanley Golson.

1 Q And how did you indicate that?

2 A I circled it and put my initials by it.

3 Q And was this as to the incident that evening?

4 A Yes, it was.

5 Q Looking in the courtroom today, I will ask you a  
6 silly question. That man you've known for 20  
7 years, that man you dealt with May 25, 2004, is he  
8 in the courtroom?

9 A Yes, he is.

10 Q Please point him out.

11 A Sitting over here (indicating).

12 Q Mr. Golson?

13 A Yes.

14 Q Is there any doubt in your mind it was Stanley  
15 Golson that you dealt with May 25, 2004?

16 A No.

17 Q Ms. Wiseman, please answer any questions the  
18 defense might have.

19 THE COURT: Thank you, Solicitor.

20 Mr. Kendrick.

21 MR. KENDRICK: Thank you, Judge.

22 CROSS EXAMINATION

23 BY MR. KENDRICK:

24 Q How are you doing today?

25 A Okay.

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- 1 Q My name Josh Kendrick. I represent Mr. Golson.  
2 You and I have never met, have we?
- 3 A No, sir.
- 4 Q So the Lexington police, Detective Burke, that we  
5 were talking about earlier, he sought you out to be  
6 an informant in this case; correct?
- 7 A Well, actually I talked to the Cayce Police  
8 Department, and they gave him my number and he  
9 called me.
- 10 Q When he talked to you, he talked to you about  
11 specifically looking for Stanley; right?
- 12 A Not exactly.
- 13 Q So he wanted you to look for whoever was around  
14 Holmes Street?
- 15 A Whoever that I could go buy from.
- 16 Q And you had known Stanley for a long time?
- 17 A Yes, sir.
- 18 Q Tell me, were you friends with Stanley?
- 19 A Yeah, acquaintance.
- 20 Q Y'all weren't real close then?
- 21 A Not real close.
- 22 Q Do you use drugs?
- 23 A No, I don't.
- 24 Q Have you ever?
- 25 A Yes, I have.

- 1 Q What drugs have you ever used? :
- 2 A Marijuana. I have used cocaine. I have used
- 3 L.S.D.
- 4 Q Did you ever use crack cocaine?
- 5 A Yes.
- 6 Q Frequently?
- 7 A No.
- 8 Q When was the last time you used crack cocaine?
- 9 A Probably 2000.
- 10 Q So at the time you were working with these guys,
- 11 you weren't using any crack cocaine?
- 12 A No.
- 13 Q Did they ever drug test you?
- 14 A No.
- 15 Q Did they ever talk to you about using drugs?
- 16 A Yes.
- 17 Q What did they tell you about using drugs?
- 18 A That if I got caught using drugs, I would be
- 19 charged. If I was caught in possession of any, I
- 20 could be charged.
- 21 Q Were you working during this time?
- 22 A I was doing yard work.
- 23 Q ~~How much money~~ were you making doing yard work?
- 24 A Depending on the job.
- 25 Q Do you charge by the hour, by the job?



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- 1 A It depends. Sometimes they want to pay me by the  
2 hour. Sometimes they just want to pay you by the  
3 whole job.
- 4 Q The \$50 you were making with these guys was a  
5 pretty good chunk of money, right?
- 6 A It was helping feed my family.
- 7 Q So it was very necessary to your livelihood then?
- 8 A Yes, it was.
- 9 Q You needed that money?
- 10 A Yes.
- 11 Q When you say feeding your family, that was you and  
12 your?
- 13 A Me, my father and my brother.
- 14 Q So you were relying on the money from the narcotic  
15 agents to take care of them?
- 16 A Yes.
- 17 Q Now, you said that you went in the kitchen over  
18 here in this house that you said was [REDACTED]  
19 [REDACTED]t?
- 20 A Holmes Street, yes.
- 21 Q Do you know who else lives at that street address?
- 22 A There was somebody else there. I don't know if  
23 they lived there.
- 24 Q There were other people walking around the street  
25 that day, too; weren't there?

- 1 A Yes, it was.
- 2 Q Was there a good bit of people around this area?
- 3 A There was a few.
- 4 Q You said you went in the kitchen to try to see
- 5 where you say Stanley was going, right?
- 6 A Yes.
- 7 Q And you couldn't see?
- 8 A No.
- 9 Q You told the police that he went to the house
- 10 behind that, right?
- 11 A He went out the back door of his house, and that's
- 12 behind his house.
- 13 Q Tell me in this house in general, where does the
- 14 kitchen window face, the front or the back?
- 15 A It faces the back part.
- 16 Q If we can look at this for a minute, this
- 17 (indicating) is the house we talking about. So the
- 18 kitchen window is back here (indicating)?
- 19 A It's kind of like to the side over here.
- 20 Q This side (indicating)?
- 21 A It's not in the back per se, but it's on this side
- 22 (indicating).
- 23 Q Facing this way (indicating)?
- 24 A Yes.
- 25 Q And you didn't see Stanley go this way

JANNIE WISEMAN -- CROSS -- MR. KENDRICK

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- 1 (indicating)?
- 2 A No.
- 3 Q You don't know where he went?
- 4 A No.
- 5 Q That other guy was talking to you while you were in
- 6 there, too; right?
- 7 A He was talking a little bit.
- 8 Q He was trying to get you to buy crack from him,
- 9 wasn't he?
- 10 A Well, he was just -- he did really ask me to buy
- 11 any crack from him, no.
- 12 Q This is an area where you know to go to get crack?
- 13 A Yes, sir.
- 14 Q A lot of people sell crack out there, right?
- 15 A A lot of people know about that area.
- 16 Q Because a lot of people sale drugs there, right?
- 17 A Yes.
- 18 Q Been selling drugs there for 25 years, right?
- 19 A Probably.
- 20 Q Now, you would automatically recognize Stanley
- 21 wherever you were; right?
- 22 A Yes.
- 23 Q So when they showed you this photo lineup that we
- 24 looked at, which I believe is State's Exhibit 5, do
- 25 you know any of those other guys on that lineup?

- 1 A No.
- 2 Q So when they showed you this, you picked out your
- 3 20-year friend Stanley Golson; right?
- 4 A Yes.
- 5 Q Because you didn't know these other guys?
- 6 A No.
- 7 Q But you've known Stanley since you were 20 years
- 8 old, right?
- 9 A Yeah.
- 10 Q You said during the time you were working, you made
- 11 around ten buys?
- 12 A Yes.
- 13 Q So you made about 500 bucks doing this? Does that
- 14 sound about right?
- 15 A Maybe close to that.
- 16 Q Did you have to pay taxes on the \$500?
- 17 A No.
- 18 Q So you just got to keep that money?
- 19 A Yes.
- 20 Q Paid cash?
- 21 A Yes.
- 22 Q Did you ever report it to the tax people?
- 23 A No.
- 24 Q No. Now, you told us that in this case you got
- 25 dropped off right here (indicating)?

- 1 A Yes.
- 2 Q Is that Holmes Street still?
- 3 A I'm pretty sure it's still Holmes Street.
- 4 Q That says Holmes right there. Now, according to
- 5 this map this (indicating) is Alley Street; right?
- 6 A Yes.
- 7 Q He didn't drop you off up here (indicating)?
- 8 A No.
- 9 Q He dropped you off down there? You are 100 percent
- 10 sure?
- 11 A Yes.
- 12 Q Then where did he go in the car? Where did James
- 13 go in the car?
- 14 A He turned around and left.
- 15 Q Turned around on this road and went out this way
- 16 (indicating)?
- 17 A Yes.
- 18 Q So show me, did he drop you off right here
- 19 (indicating) you think, estimated? This road is
- 20 not very long, is it?
- 21 A It's not very long, right before that house.
- 22 Q Right before you got to this house (indicating)?
- 23 A Yeah.
- 24 Q So then he turned around and went back this way
- 25 (indicating)?

- 1 A Yes.
- 2 Q He never went around this way (indicating)?
- 3 A No.
- 4 Q So he wasn't able to watch which house you went to?
- 5 A No.
- 6 Q He, in fact, wouldn't know which house you went to,
- 7 right?
- 8 A No, I don't think so.
- 9 Q You said when you talked to this guy at the door,
- 10 you said you saw Stanley, and he said it was okay
- 11 to come on in?
- 12 A Yes.
- 13 Q So you saw Stanley out in the street somewhere?
- 14 A He was out to the side of the house.
- 15 Q So he came in the house with you?
- 16 A He came in after me.
- 17 Q How many times have you seen Stanley in 20 years?
- 18 What I'm getting to is --
- 19 A A lot.
- 20 Q When you say an acquaintance, y'all were friends;
- 21 right?
- 22 A Yes, to some extent we were friends.
- 23 Q Did you ever know Stanley's phone number?
- 24 A Yes.
- 25 Q And it was the 739 number?

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1 A Yes.

2 Q You knew that the whole -- you have known that as  
3 long as you have known him?

4 A No, not the whole time. No.

5 Q That day was the first day you knew Stanley's phone  
6 number?

7 A No, I had had it prior, but it was the first time  
8 that I had -- I hadn't called him in a long time.

9 Q So when the person you are talking about left this  
10 house, you don't even know what direction on this  
11 street (indicating) they went in; right? When they  
12 left here, when the person you said was Stanley  
13 left here? You don't know if he went back here  
14 (indicating)?

15 A He went behind the house.

16 Q Behind the house?

17 A Yes.

18 Q So somewhere in this area (indicating)?

19 A Yes.

20 Q There weren't any police out here watching where he  
21 went, right?

22 A No.

23 MR. KENDRICK: Your Honor, if I can beg the  
24 Court's indulgence one second.

25 THE COURT: Yes, sir.

1 (Pause).

2 BY MR. KENDRICK:

3 Q You said earlier you had been arrested for drugs in  
4 2000, 2001; right?

5 A Yes, sir.

6 Q But no drug use since then, correct? You have been  
7 clean for five, six years?

8 A For a while, yes.

9 Q For a while. How long is a while?

10 A Since right after 2000.

11 Q Have you met with the solicitor or the detectives  
12 about the trial today?

13 A Yes.

14 Q How many times have you met with them?

15 A Twice.

16 Q Did you listen to the tape again?

17 A Yes.

18 Q Did you go over the maps with them?

19 A Yes.

20 Q Did you talk about where you went, where people  
21 were?

22 A I told them where I went, yes.

23 Q And your memory today is very clear about what  
24 happened that day?

25 A Yes, it is.



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1 MR. KENDRICK: Thank you, Your Honor. I have  
2 no further questions.

3 THE COURT: Thank you. Solicitor, anything on  
4 redirect?

5 MR. HUBBARD: No redirect, Your Honor.

6 THE COURT: Ms. Wiseman, you may step down.  
7 Solicitor, you may call your next witness.

8 MR. HUBBARD: The State calls Viola Martin.  
9 Your Honor, it may take just a moment for her to get  
10 here. She is elderly.

11 (Pause).

12 VIOLA S. MARTIN, being  
13 first duly sworn, testified as follows:

14 CLERK: State your full name on the record,  
15 spelling your last, please.

16 THE WITNESS: Viola S. Martin.

17 DIRECT EXAMINATION

18 BY MR. HUBBARD:

19 Q Ms. Martin, do you know Stanley Golson?

20 A That's my grandson.

21 Q Your grandson?

22 A Yes.

23 Q I just want to ask you a few very simple questions.

24 I won't keep you too long. Let me grab this and  
25 move right over here. I've got a board up here,

- 1 Ms. Martin. Right here (indicating) is Holmes  
2 Street.  
3 A Yes.  
4 Q Do you live on Holmes Street?  
5 A Yes, [REDACTED].  
6 Q [REDACTED]?  
7 A Yes.  
8 Q How long have you lived on Holmes Street?  
9 A Back ever since 1944 I lived over there on Holmes  
10 Street.  
11 Q So you've been there for a long time?  
12 A Yes.  
13 Q And you've known Stanley his whole life?  
14 A Yes.  
15 Q Back in 2004 was Stanley living in [REDACTED]  
16 Street?  
17 A Holmes Street.  
18 Q And you lived right across the street?  
19 A Yes.  
20 Q Back then, and maybe still now, was your phone  
21 number [REDACTED]?  
22 A (Witness nods). (Indicating affirmative response).  
23 Q [REDACTED]?  
24 A Yes.  
25 Q Did Stanley have permission to come into your house

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1           and make calls on your phone?

2   A     Yes.

3   Q     Did he have permission to receive calls on your  
4           phone?

5   A     Yes.

6   Q     Did he have a phone at that time in his house?

7   A     No.

8   Q     No. So he used your phone?

9   A     That's right.

10   Q     So if he wanted somebody to call him, he'd give  
11           them your phone number?

12   A     Yes, he would.

13   Q     Ms. Martin, thank you. That's all I've got for  
14           you?

15           THE COURT: Thank you, Solicitor.

16   Mr. Kendrick.

17           MR. HUBBARD: They may have some questions for  
18           you, Ms. Martin. I'm not sure.

19           MR. KENDRICK: Your Honor, I don't have any  
20           questions for Ms. Martin.

21           THE COURT: Thank you, Mr. Kendrick.

22   Ms. Martin, you may step down.

23           Any objection to Ms. Martin being excused?

24           MR. HUBBARD: Not at all, Your Honor.

25           THE COURT: Thank you so much for being here,

1 Ms. Martin.

2 THE WITNESS: Thank you.

3 THE COURT: Mr. Hubbard, you may call your  
4 next witness.

5 MR. HUBBARD: The State calls Lieutenant J.J.  
6 Jones.

7 JOHN EDWARD JONES, JR., being  
8 first duly sworn, testified as follows:

9 CLERK: State your full name and spell your  
10 last.

11 THE WITNESS: My name is Lieutenant John  
12 Edward, "J.J." Jones, Jr., J-O-N-E-S.

13 DIRECT EXAMINATION

14 BY MR. HUBBARD:

15 Q Lieutenant, where do you work?

16 A I work for the Lexington County Sheriff's Office  
17 here in Lexington County, South Carolina.

18 Q How long have you been in law enforcement?

19 A Approximately 12 and a half years.

20 Q Where did you first start in law enforcement?

21 A I first began my career at the University of South  
22 Carolina Police Department whenever I was finishing  
23 a degree.

24 Q After you finished up at U.S.C., where did you work  
25 in law enforcement?

JOHN JONES -- DIRECT -- MR. HUBBARD

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1 A I then moved here to the Lexington County Sheriff's  
2 Office in 1997.

3 Q Back in 2004 what were your duties with the  
4 Sheriff's Department?

5 A That year I was a narcotics agent assigned to the  
6 narcotics enforcement team.

7 Q How long were you in narcotics?

8 A A little over six years.

9 Q Were you ever on what we call the drug task force  
10 with multiple agencies serving together in  
11 Lexington County?

12 A I was on the drug task force, the N.E.T. team.

13 Q Was the primary purpose street level buys and  
14 street-level dealing?

15 A We did do street level buys.

16 Q Now, I see you have got some brass on your collar  
17 now. I am assuming you are out of narcotics now?

18 A Yes, sir, I transferred to the patrol division in  
19 2004. I worked there for nearly two years and was  
20 promoted to lieutenant.

21 Q So once you were a detective in narcotics, you were  
22 actually promoted to sergeant and then lieutenant;  
23 correct?

24 A Correct, sir.

25 Q So you have been promoted twice since then?

1 A Yes, sir.

2 Q Right now as a lieutenant, what do you do with the  
3 Sheriff's Department?

4 A Right now at the Sheriff's Office, I'm am an  
5 administrator over deputies in region two, which  
6 includes Batesburg and Pelion, all the way down to  
7 Swansea, Gaston. I am in charge of patrol and  
8 investigations.

9 Q You say region two. Do we often call that the  
10 south region?

11 A We often call it south and west region, yes.

12 Q How many lieutenants do they have in the south and  
13 west region?

14 A Just one.

15 Q That's you?

16 A I'm him.

17 Q Back in your days as narcotics officer, May 25,  
18 2004, did you assist Detective Burke in a narcotics  
19 investigation?

20 A I did help him that day with a narcotics  
21 investigation.

22 Q What was your role that day?

23 A My role that day was to drive the confidential  
24 informant to the location, make a purchase, and  
25 then drive her back to the meet location.

JOHN JONES -- DIRECT -- MR. HUBBARD

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- 1 Q Were you there at the site prior when they talked  
2 to her and screened her and all that before she  
3 ever went to the site?
- 4 A I was there present and witnessed him search the  
5 confidential informant and also provide her with a  
6 wire and the documented funds.
- 7 Q And that was where, do you remember?
- 8 A That was over in Cayce at the pods business. They  
9 are close to I-26 at 302. There is a hotel there  
10 called the Masters Inn.
- 11 Q Did you observe Detective Burke search the C.I.?
- 12 A I did see Detective Burke search the C.I.
- 13 Q Had you met the C.I. before, Jannie Wiseman?
- 14 A I believe that was the first time I had ever  
15 encountered that particular C.I.
- 16 Q But you saw the search?
- 17 A I did see the search of the confidential informant.
- 18 Q Did you see her get wired up?
- 19 A I did see her get wired up by Detective Burke.
- 20 Q And you knew that she was given money by Detective  
21 Burke?
- 22 A Yeah, I knew she was given \$40 in U.S. currency.
- 23 Q Back on that day, May 25th, were you wearing your  
24 uniform like you are today?
- 25 A No, unfortunately not that day. I was wearing blue

- 1 jeans and a T-shirt of some type, I'm sure.
- 2 Q Were you driving a car with a blue light on top?
- 3 A No, sir, I was drying a panel van with a ladder on
- 4 the top.
- 5 Q Something that you just wouldn't be recognized in?
- 6 A Absolutely not.
- 7 Q I will ask to you look at State's Exhibit Number 1,
- 8 this chart right beside you. Do you recognize this
- 9 area?
- 10 A I do recognize that area as the Double Branch area
- 11 of West Columbia in Lexington County, South
- 12 Carolina.
- 13 Q You recognize this as Double Branch?
- 14 A Yes, sir.
- 15 Q This street here (indicating), do you know what
- 16 street that is?
- 17 A That would be Holmes Street.
- 18 Q This area that we have got marked in red.
- 19 A That would be the Defendant's home where the
- 20 purchase of crack cocaine was made.
- 21 Q Your roll that evening in taking the informant,
- 22 Ms. Wiseman, to this location, do you recall at
- 23 what point or where you dropped her off? If you
- 24 need to step down to show the jury, I would ask the
- 25 Court's permission for you to do so.



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1 THE COURT: You may do so.

2 A (Witness leaves the witness stand). When I drove  
3 the informant, I drove her down this way  
4 (indicating), and I dropped her off in this  
5 vicinity right here (indicating) so she could walk  
6 to the house.

7 Q I tell you what. While you are still standing up  
8 after, the purchase do you remember where you  
9 picked her up?

10 A After the purchase and I was told I could pick her  
11 up, I picked her up in this vicinity right here  
12 (indicating) near Alley Street.

13 Q Double Branch and Alley?

14 A Yes, sir.

15 Q You can take your seat.

16 A (Witness resumes the witness stand).

17 Q Is there a reason why you didn't drive her right up  
18 to that doorstep on [REDACTED]?

19 A Unfortunately even though we do have unmarked --  
20 drive unmarked cars and have regular clothes, many  
21 times we are seen before in raids and/or whenever I  
22 was a patrol uniformed officer. We didn't want to  
23 take a chance of blowing that under cover drug  
24 deal.

25 Q Is that why you let her off around the corner?

- 1 A Yes, I let her off around the corner. I was also a  
2 shield there. I could get in there quick to get to  
3 her if I needed to.
- 4 Q Now, the communication, you could not hear the wire  
5 on Ms. Wiseman; correct?
- 6 A No, I could not hear anything she was talking about  
7 on the wire.
- 8 Q That was Detective Burke's job, right?
- 9 A That was Detective Burke's job.
- 10 Q Were you and Detective Burke in communication this  
11 whole time?
- 12 A Yes, I had a radio that he could get a hold of me  
13 and/or cell phone. If he needed me to get in there  
14 quick, I would be the first one to her.
- 15 Q Did he -- or was he the one that let you know when  
16 she was done and needed to be picked up?
- 17 A He did. He said: It's time to go pick her back  
18 up.
- 19 Q Once Ms. Wiseman got back in the vehicle with you,  
20 the van I believe you said it was, did she show you  
21 anything?
- 22 A Yes, she had \$40 worth of crack cocaine in her  
23 hand.
- 24 Q Did she just open her hand up and show you that?
- 25 A She said: It's here.

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1 Q What, if anything, did you tell her to do?

2 A I told her to hold onto it and turn it over to  
3 Agent Burke as soon as we got back to the meet  
4 location.

5 Q During that time did you see her put her hands in  
6 her pockets, do anything like that?

7 A No. In fact, when, I was driving I made sure she  
8 held it up so she couldn't alter it or what we call  
9 pinch off of it and do any type damage to the  
10 evidence.

11 Q Were you there when she turned it over to Detective  
12 Burke?

13 A I was there when she turned it back over to  
14 Detective Burke.

15 Q Once he took it, what did he do to the informant?

16 A After he received the drugs from the informant,  
17 standard policy once again, we search the informant  
18 to make sure there is nothing on them, nothing  
19 illegal and to also obtain the wire back from that  
20 informant.

21 Q One final thing I want to ask you about. I will  
22 show you another chart. I believe you have seen  
23 this, State's Exhibit Number 2. Do you recognize  
24 this?

25 A I do recognize that, sir.

1 Q This location up here (indicating), can you tell us  
2 what that is?

3 A That would also be the Defendant's home on a  
4 smaller scale.

5 Q This location (indicating) marked in a big red box,  
6 what is that?

7 A That would be the Lakeview Alternative Center in  
8 West Columbia.

9 Q Is that a school?

10 A It is a school.

11 Q Now, if you would did you have an opportunity to  
12 drive from the Defendant's house, Mr. Golson's  
13 house, to the school and back to see how far it is?

14 A I did do it on two different occasions on the same  
15 day.

16 Q What was the measurement you got by driving?

17 A Both times on my odometer on my county vehicle, I  
18 go .4 miles both times.

19 Q Less than a half mile?

20 A Less than half a mile on both times. That route  
21 that I took was not as the crow flies, a straight  
22 line, but in a zigzag form because, of course, I  
23 couldn't drive through back yards and across ramps.  
24 I had to go to the letter of the law through the  
25 streets.

JOHN JONES -- CROSS -- MR. KENDRICK

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1 Q Thank you, Lieutenant. If you would, please answer  
2 any questions the defense might have.

3 A Yes, Mr. Hubbard.

4 THE COURT: Thank you, Solicitor.  
5 Mr. Kendrick.

6 CROSS EXAMINATION

7 BY MR. KENDRICK:

8 Q Good afternoon, Lieutenant Jones. Josh Kendrick. I  
9 represent Mr. Golson. You and I meet in the  
10 hallway earlier, right?

11 A Yes, sir.

12 Q But we don't really know each other, correct?

13 A Not really.

14 Q Have you had a chance to review this case, the  
15 reports, investigative reports, all that stuff?

16 A I did look at them. It was four days ago.

17 Q So it's been a while since this happened, so you  
18 just were trying to kind of remember all the  
19 details?

20 A Correct.

21 Q Are you familiar with an investigative report that  
22 said you dropped the C.I. off on Alley Street and  
23 Holmes Street?

24 A I dropped her off in that general vicinity. She  
25 walked to the house.

- 1 Q So you didn't actually drop her off down here  
2 (indicating), you dropped her over here  
3 (indicating)?
- 4 A To the best of my knowledge, I dropped her off on  
5 the side street that you just pointed to.
- 6 Q That one (indicating) or that one (indicating)?
- 7 A That one, the second one.
- 8 Q And then you had to turn around and leave?
- 9 A I did.
- 10 Q Because you didn't want to be recognized?
- 11 A Yeah, I didn't want to stay right on top of her and  
12 spook the drug dealer.
- 13 Q So you weren't able to watch which house she went  
14 into or who she talked to or anything like that?
- 15 A No, I did not see the house that she went into.
- 16 Q And do you know anything about -- you know that  
17 Ms. Viola Martin, who we just saw, lived in this  
18 house (indicating); correct?
- 19 A I don't know that for a fact. I knew that his  
20 mother lived somewhere across the street from that  
21 one. I assume that's the one you are pointing, but  
22 I don't know that for a fact myself.
- 23 Q Do you know anybody else that lives on Holmes  
24 Street?
- 25 A No, sir, I don't know anybody else that lives

JOHN JONES -- CROSS -- MR. KENDRICK

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1           there.

2   Q   Holmes Street is an area with a good bit of drug  
3       problems, correct?

4   A   Yes, that's correct.

5   Q   It's been that way for some time, hasn't it?

6   A   I've been there. Yeah, it's bad.

7   Q   Just to make sure I am correct -- the solicitor  
8       asked you earlier -- you didn't actually listen to  
9       what was going on on the wire that she had; right?

10   A   Unfortunately not. I didn't want to have the  
11       recording going on inside the undercover vehicle  
12       where I was at because it could also spook the drug  
13       dealer.

14   Q   So your direct knowledge of what happened on this  
15       street that day is that you dropped off Ms. Wiseman  
16       right here (indicating) and picked her up right  
17       there (indicating)?

18   A   Absolutely.

19   Q   The rest of your knowledge would be based on what  
20       she told you?

21   A   That's correct, sir.

22               MR. KENDRICK: That's all I have, Your Honor.  
23   Thank you.

24               THE COURT: Solicitor, anything on redirect?

25               MR. HUBBARD: No follow-up, Your Honor.

1 THE COURT: Thank you, Lieutenant. You may  
2 step down.

3 Solicitor, you may call your next witness.

4 MR. COLLINS: Candy Kyzer.

5 CANDY KYZER, being  
6 first duly sworn, testified as follows:

7 CLERK: State your full name and spell your  
8 last, please.

9 THE WITNESS: Candy Kyzer, K-Y-Z-E-R.

10 DIRECT EXAMINATION

11 BY MR. COLLINS:

12 Q Ms. Kyzer, where are you employed?

13 A Lexington County Sheriff's Department.

14 Q What do you do there?

15 A I'm an evidence custodian.

16 Q And as an evidence custodian, what are your duties  
17 on a daily basis?

18 A We get the evidence out of the evidence lockers,  
19 make sure everything is there that is on the  
20 paperwork, sign it in, enter it in the computer,  
21 printout bar codes labels, label it and put it in  
22 it's proper location.

23 Q I will hand you what is marked as State's Exhibit  
24 Number 4. Can you tell me what that is?

25 A It's a best kit.



CANDY KYZER -- DIRECT -- MR. COLLINS

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1 Q What is a best kit?

2 A It's usually where a deputy or investigator puts in  
3 drugs, other than marijuana, in it. Then it's  
4 usually sent to the drug lab to be tested.

5 Q That particular best kit, did you retrieve that out  
6 of the locker, evidence locker?

7 A Yes, I did.

8 Q And who put it in the evidence locker? Do you know  
9 that?

10 A Mike Burke.

11 Q And who has access to that evidence locker?

12 A There's three of us. It's Sergeant McMullen,  
13 myself, and at that time it was Linda Raines.

14 Q Can you tell us a little bit about what they look  
15 like and tell us what their purpose and stuff like  
16 that is, the evidence lockers as well as the  
17 evidence drug room.

18 A The evidence locker, the deputy can come in and  
19 then put the evidence in the locker. It locks and  
20 then the only one that has the key to that are the  
21 three evidence custodians.

22 We have to open it every morning and get the  
23 evidence out and then we sign it in. Our drug room  
24 is in the building and it is alarmed and secured.  
25 The only one that has the keys to the drug room is

1 the three evidence custodians.

2 Q So you took the drugs out of the locker that Mike  
3 Burke had placed in there, and then you put them in  
4 the drug room; is that correct?

5 A Yes, I did.

6 Q After that what did you do with them?

7 A It stayed there until the chemist let me know that  
8 she was ready for some best kits. Then when this  
9 one came up for time for it to be tested, I gave it  
10 to the chemist.

11 Q Who is chemist?

12 A Missy Horne.

13 Q That would be all the questions.

14 THE COURT: Thank you, Solicitor.

15 Mr. Kendrick.

16 MR. KENDRICK: No questions, Your Honor.

17 THE COURT: Thank you, Ms. Kyzer. You may  
18 step down.

19 Solicitor, you may call your next witness.

20 MR. COLLINS: The State calls Missy Horne.

21 MELISSA T. HORNE, being  
22 first duly sworn, testified as follows:

23 CLERK: State your full name on the record and  
24 spell your last.

25 THE WITNESS: My name is Melissa T. Horne,

MELISSA HORNE -- DIRECT -- MR. COLLINS

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1 H-O-R-N-E.

2 DIRECT EXAMINATION

3 BY MR. COLLINS:

4 Q Ms. Horne, where are you employed?

5 A I work for the Richland County Sheriff's  
6 Department.

7 Q What do you do there?

8 A I'm a forensic chemist in the drug analysis  
9 section.

10 Q What did you do -- where did you work previously to  
11 that, to Richland County?

12 A Before that I worked at the Lexington County  
13 Sheriff's Department in the drug analysis lab.

14 Q Back on May 25, 2004, where were you employed?

15 A At Lexington County Sheriff's Department.

16 Q And what did you do there?

17 A I was over the drug lab at the Sheriff's  
18 Department.

19 Q Can you give the Court, tell them what your  
20 school -- what school degrees you hold.

21 A I have a Bachelor of Science degree in Biochemistry  
22 from the College of Charleston.

23 Q And can you tell what types of training you have  
24 had.

25 A I was trained in drug analysis from the South

1 Carolina Law Enforcement Division, also known as  
2 S.L.E.D. I've had extensive training in  
3 instrumentation and chemical analysis pursuant to  
4 controlled and non-controlled substances.

5 Q Do you have any other certifications that you hold?

6 A Also I'm a law enforcement officer.

7 Q How many times would you say you have testified in  
8 court?

9 A I've testified approximately 70 times.

10 Q And how many times have you been qualified as an  
11 expert?

12 A Approximately 70 times.

13 MR. COLLINS: I would like to move to have  
14 Ms. Horne qualified as an expert in drug and chemical  
15 analysis, as well as identification, forensic chemistry.

16 MR. KENDRICK: No objection, Your Honor.

17 BY MR. COLLINS:

18 Q I am handing you what has been marked --

19 THE COURT: Just a minute, please, Solicitor.

20 MR. COLLINS: I'm sorry, Your Honor.

21 THE COURT: Y'all can talk much faster than I  
22 can write. I was trying to get down the various areas.

23 Ladies and gentlemen of the jury, normally a  
24 person cannot give opinion testimony. Normally when a  
25 person testifies, they must testify as to what they

MELISSA HORNE -- DIRECT -- MR. COLLINS

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1 either saw, heard or smelled or sensed by smell or  
2 something of that nature.

3           However, there is an exception when someone is  
4 qualified because of education or experience. They are  
5 permitted to give their opinions in certain areas if the  
6 Court qualifies them that way.

7           This witness, Ms. Horne, will be qualified in  
8 the area of drug and chemical analysis identification  
9 and forensic chemistry to give opinion testimony in  
10 those areas.

11           That does not mean that you must accept the  
12 opinion, but it is evidence for you to use in any way  
13 that you see fit.

14           Thank you, Solicitor. You may proceed.

15           MR. COLLINS: Thank you, Your Honor.

16 BY MR. COLLINS:

17 Q   State's 4 is right in front of you, what is marked  
18 as State's I.D. 4. Can you please tell me what  
19 that is.

20 A   Yes, this is a heat-sealed pack. Inside of it is  
21 the best evidence bag from the Lexington County  
22 Sheriff's Department.

23 Q   Let's talk about the best evidence bag. What is  
24 that?

25 A   That's a tamper-evident bag that the officers put

1           their evidence in.

2   Q    What do you mean by tamper evident?

3   A    Tamper evident means if someone was to try to  
4       tamper with this bag, it would be very evident that  
5       it has been tampered with, the lines and stuff.  
6       You would know whether or not it has been stretched  
7       or torn or cut.

8   Q    What do you do -- let's say you did get a bag that  
9       had been tampered with. What would you do with it  
10      at that point?

11   A    I would return it back to the officer who submitted  
12      it.

13   Q    In this particular case, the drugs there, did you  
14      get those drugs, take those drugs?

15   A    Yes, I did.

16   Q    Who did you get those drugs from?

17   A    I received them from Candy Kyzer.

18   Q    And then what did you do with them? Did you  
19      perform an analysis on those particular drugs?

20   A    Yes, I did.

21               MR. COLLINS: I would move now to have State's  
22   4 moved into evidence.

23               THE COURT: Mr. Kendrick .

24               MR. KENDRICK: No objection, Your Honor.

25               THE COURT: State's 4 is in evidence without

MELISSA HORNE -- DIRECT -- MR. COLLINS

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1 objection.

2 (State's Exhibit Number 4 is received into  
3 evidence).

4 BY MR. COLLINS:

5 Q Did you produce a report?

6 A Yes, I did.

7 MR. COLLINS: I would like to have this marked  
8 as the next exhibit.

9 (State's Exhibit Number 6 is marked for  
10 identification).

11 BY MR. COLLINS:

12 Q What has been marked as State's 6, did you make a  
13 report, a finding, of what that substance was in  
14 that bag?

15 A Yes, I did.

16 Q What were your findings?

17 A Item one, a Ziploc bag contained rock substance,  
18 results: Cocaine crack found, 0.25-grams, a  
19 control two substance.

20 MR. COLLINS: I would like to move State's 6  
21 into evidence.

22 THE COURT: Mr. Kendrick.

23 MR. KENDRICK: No objection, Your Honor.

24 THE COURT: State's 6 in evidence without  
25 objection.

1 (State's Exhibit Number 6 is received into  
2 evidence).

3 MR. COLLINS: I would like to publish State's  
4 6 and State's 4 to the jury.

5 THE COURT: All right.

6 MR. COLLINS: That would be all the questions  
7 we have, Your Honor, of this witness.

8 THE COURT: Thank you, Solicitor.  
9 Mr. Kendrick.

10 MR. KENDRICK: Yes, sir, Your Honor.

11 THE COURT: The jury has State's 4 and 6.

12 MR. KENDRICK: That's what I was looking for.

13 THE COURT: You can wait until they have had a  
14 chance to look at those.

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

16 (Pause).

17 THE COURT: Mr. Kendrick, I believe 4 and 6  
18 are available.

19 MR. KENDRICK: Thank you.

20 CROSS EXAMINATION

21 BY MR. KENDRICK:

22 Q I have a couple of questions. I apologize for  
23 making you sit up there that long. This bag -- the  
24 original, I guess, condition of the drug -- is it  
25 exactly how it would have come from the field to



MELISSA HORNE -- CROSS -- MR. KENDRICK

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1 the evidence locker; correct?

2 A That's correct.

3 Q Those drugs have no packaging or wrapping around  
4 them, correct?

5 A They are inside of an evidence -- I mean -- a  
6 Ziploc bag.

7 Q Is that a Ziploc bag that the police put it in or a  
8 Ziploc bag that it was purchased in?

9 A I don't know. That Ziploc bag was inside the best  
10 evidence bag. So I don't know where the Ziploc bag  
11 came from, but I didn't put it in there.

12 Q Thank you.

13 MR. KENDRICK: That would be all I have, Your  
14 Honor.

15 THE COURT: Thank you, Mr. Kendrick.  
16 Solicitor, anything on redirect?

17 MR. COLLINS: Nothing, Your Honor.

18 THE COURT: Thank you very much, Agent Horne.  
19 You may be excused.

20 Any objection, Mr. Kendrick?

21 MR. KENDRICK: No, sir.

22 THE COURT: Thank you very much.

23 THE WITNESS: Yes, sir, thank you.

24 THE COURT: Solicitor, you may call your next  
25 witness.

1 MR. HUBBARD: Your Honor, at this time the  
2 State rests.

3 THE COURT: With that being said, ladies and  
4 gentlemen, I think we will take a brief afternoon  
5 recess. I have a matter of law that I have to take up  
6 at this point in the trial.

7 Please remember during this recess, you are  
8 not to discuss the case with anyone. This includes your  
9 fellows jurors or anyone else. If anyone tries to talk  
10 with you about the case, please let me know immediately.

11 Remember to keep an open mind about this case  
12 until I instruct you to begin your deliberations.  
13 Mr. Foreman, if you would check with your fellow jurors  
14 and let me know after the break if anyone has child  
15 pickup times or any particular commitment this evening.  
16 I am not sure how late we will need to run this evening.

17 However, I typically run until about 5:30 or  
18 quarter to six. If people have other commitments,  
19 please let me know when you return. We will take a  
20 15-minute recess. You may now go with the bailiff.

21 (The jury retires to the jury room).

22 THE COURT: Mr. Kendrick, any motions?

23 MR. KENDRICK: Your Honor, I have two motions  
24 for directed verdict on both counts. The first one on  
25 straight distribution would simply be that despite the

1 evidence they presented as far as whether those drugs  
2 were actually distributed by Mr. Golson, I don't think  
3 they have reached the threshold there.

4 All the other officers and witnesses simply  
5 repeated what they had been told by Ms. Wiseman. I  
6 don't think her testimony was conclusive enough to  
7 establish the drugs came from Mr. Golson.

8 On the second count, Your Honor, I'd argue  
9 that they haven't established that this would meet the  
10 definition of a school under the statute. It apparently  
11 is some type of alternative school. It seems like I  
12 heard someone say that they closed down at some point.

13 I don't know whether it was or not, Your  
14 Honor, but I think in this case, especially with the  
15 severe consequences the proximity would carry that we  
16 would need someone to testify on the record that it was,  
17 in fact, an operable school at the time in 2004 and that  
18 Lakeview Alternative School was one of the six or seven  
19 things that would fall under the statute .

20 I simply make those motions for directed, Your  
21 Honor, and ask you to enter a verdict of not guilty.

22 THE COURT: Thank you, Mr. Kendrick. I would  
23 respectfully deny those motions. Under the standard  
24 that I must apply at this stage, I think there is  
25 sufficient direct and circumstantial evidence to go

1 forward on both the distribution of crack cocaine and  
2 distribution of crack cocaine within proximity of a  
3 school. Any other motions?

4 MR. KENDRICK: Not at this time, Your Honor.  
5 I would ask that the Court -- Mr. Golson and I, and I  
6 will state this for the record, Mr. Golson and I have  
7 discussed fairly extensively that he is not going to  
8 testify in this trial.

9 I am aware the Court always addresses the  
10 Defendant individually. I would simply request that  
11 that be done. If that is the case and Mr. Golson sticks  
12 with our earlier plan, we won't be presenting any  
13 evidence, Your Honor.

14 THE COURT: Mr. Golson, would you please  
15 stand.

16 Madame Clerk, would you please place  
17 Mr. Golson under oath.

18 CLERK: Yes, sir. Raise your right hand,  
19 please.

20 STANLEY GOLSON is first duly  
21 sworn.

22 THE COURT: Mr. Golson, I need to go over some  
23 things with you, and I have to do this with everyone who  
24 is on trial.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: I need your responses to be under  
2 oath. That's why I had the clerk place you under oath.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: We have reached the stage of the  
5 trial where the State has rested. Your side, the  
6 defense, now has the opportunity to present evidence for  
7 the jury to consider. Do you understand where we are at  
8 in the trial?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: In that regard you may call  
11 witnesses to testify. If you choose to testify  
12 yourself, you may do so. Do you understand?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: No one can force you to testify.  
15 You have an absolute right to remain silent. If you  
16 choose not to testify, I would tell the jury that they  
17 cannot hold your silence against you in any way. I will  
18 tell them they are not to discuss that in the jury room.  
19 Do you understand?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: If your side offers no evidence at  
22 all, in other words, if neither you nor anyone on your  
23 behalf testifies or offers any exhibits, then your  
24 attorney, Mr. Kendrick, will get to make the last  
25 argument to the jury. Otherwise the solicitor gets to

1 make the last argument. Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Solicitor, does the Defendant,  
4 Mr. Golson, have a prior criminal record that would  
5 subject him to impeachment?

6 MR. HUBBARD: Yes, sir, he sure does.

7 THE COURT: All right. Let's settle that on  
8 the record, please.

9 MR. HUBBARD: Your Honor, he has got several  
10 convictions from 1999, February of 1999. He has got a  
11 conviction for distribution of crack cocaine within  
12 proximity.

13 Also in 1999 he has got a distribution of  
14 crack cocaine -- conspiracy to distribute crack cocaine,  
15 excuse me. Another distribution of cocaine in 1999.  
16 Distribution of crack cocaine within proximity,  
17 February 1999.

18 There is another distribution of crack  
19 cocaine, February of '99. Distribution of marijuana  
20 within proximity of a school February of '99.  
21 Distribution of crack cocaine within proximity of a  
22 school, February of '99.

23 Distribution of marijuana, distribution of  
24 crack cocaine, February of '99. Conspiracy to  
25 distribute crack cocaine, February of '99. Distribution

1 of crack cocaine within proximity of a school, February  
2 of '99.

3 Distribution of crack cocaine within proximity  
4 of a school, February of '99. Distribution of crack  
5 cocaine, February of '99. Distribution of crack  
6 cocaine within proximity of a school, February of '99.  
7 Distribution of crack cocaine, February of '99.  
8 Conspiracy to distribute crack cocaine, February of '99.  
9 Distribution of crack cocaine, February of '99.

10 He also has, Your Honor, several convictions  
11 from June of 2003. He has got a distribution of crack  
12 cocaine, a distribution of crack cocaine within  
13 proximity of a school and possession of crack. Those  
14 are all February (sic) 2nd of 2003.

15 THE COURT: It appears then you have eight  
16 prior distributions of crack cocaine within proximity of  
17 a school, two prior conspiracies to distribute crack  
18 cocaine -- excuse me -- three prior conspiracies to  
19 distribute crack cocaine.

20 There are six prior distributions of crack  
21 cocaine, distribution of cocaine, distribution of  
22 marijuana in proximity to distribute. That's from 99.  
23 Then there is an additional distribution of crack  
24 cocaine proximity and possession of crack cocaine in  
25 June of '03.

1           You have approximately 23 prior convictions  
2 that would fit under 609. Is that correct, Solicitor?

3           MR. HUBBARD: Yes, sir, Your Honor.

4           THE COURT: Is that correct, Mr. Kendrick?

5           MR. KENDRICK: Your Honor, just for the  
6 record, the sentencing sheets I have, most of those  
7 distributions of crack and proximity from February of  
8 '99 were actually pled and sentenced as powder.

9           I don't think that's relevant to whether they  
10 would be impeachable or not, but I do want to say that  
11 just to clear up the record. I am reading this off just  
12 the sentencing sheets that were given to me by the  
13 Solicitor's Office. So there may be some that I am  
14 missing, Your Honor. I will state this, and again --

15           MR. HUBBARD: Your Honor, I believe that's  
16 correct. It is hard to read these old sentencing  
17 sheets. You can't read it off his rap sheet. I can go  
18 into that later, but it involved a P.C.R. where he had a  
19 conviction that came back.

20           Reading his rap sheet is almost impossible.  
21 The sentencing sheets are what we have gone from. Your  
22 Honor, these are the real old ones. It's kind of hard  
23 to look and see what they are, but that is correct.

24           THE COURT: Well, it may make a difference to  
25 Mr. Golson. By my count in '99, he had six prior



1 distributions of crack cocaine, and now we are saying  
2 that he had six prior distributions of cocaine. Is that  
3 correct?

4 MR. KENDRICK: That's what the sentencing  
5 sheets I have reflect, Your Honor. It looks like  
6 distribution of crack cocaine written at the top in  
7 somebody's handwriting, and then at the bottom it  
8 says -- it's crossed out as charged.

9 The only other thing I would state just very  
10 quickly for the record, Your Honor, is that most of  
11 these indictment numbers from '93 were vacated pursuant  
12 to a P.C.R.

13 I have discussed this extensively with my  
14 client. I have pulled the orders from the Clerk of  
15 Court's Office downstairs, and it appears he pled guilty  
16 to those same indictments.

17 The way the order is written is that the plea  
18 was vacated, the sentences were vacated, and the charges  
19 were remanded for a new trial. I would simply state  
20 that for the record in case my client has any objection  
21 to the way I read his rap sheet.

22 Because the judge specifically stated the  
23 charges were remanded and then he pled guilty to those  
24 charges, it doesn't, for our purposes and especially for  
25 the purpose of testifying, it doesn't significantly

1 change the impeachment.

2 In fact, it probably brings them closer to  
3 within the time limit. But there was a plea in '99 to a  
4 lot of '93 charges that were vacated. The reason I  
5 bring this up, Your Honor, is because it has been the  
6 subject of some confusing evidence before I became  
7 involved in the case and since I became involved as far  
8 as discussing with my client how that works.

9 THE COURT: What would you intend to use to  
10 impeach him with, Solicitor?

11 MR. HUBBARD: All of those, Your Honor. What  
12 happened is in '93, he got all those charges that you  
13 heard about that had 1999 on them. He pled to some of  
14 those charges in 1994, received a 30-year sentence.

15 That was vacated on a P.C.R. and sent back to  
16 us to prosecute. The one that handled that case at that  
17 point was me. I pled him to everything he had. I think  
18 I did drop it down to the powder cocaine, but he pled to  
19 all those distributions and proximities. That's in '99.

20 He was still being held in custody at that  
21 time. He basically got what amounted to a time served  
22 sentence. So it goes all the way up to '99. So I think  
23 that is within the time frame. The 2003s are obviously  
24 within the time frame. So I would look to use all of  
25 those, Your Honor.

1           THE COURT: Do you agree with that,  
2 Mr. Kendrick?

3           MR. KENDRICK: Your Honor, if I can beg the  
4 Court's indulgence. I think my client wants to address  
5 the Court. I think it has been addressed, but I do not  
6 want to prevent him from telling the Court anything he  
7 wishes.

8           I have explained that we are not in front of  
9 the jury, and this would not -- we are discussing his  
10 prior record, Your Honor. This would not qualify as him  
11 testifying or presenting a defense.

12           If I am incorrect on that in any way, then I  
13 would ask, I guess, for the Court to alert me to that.  
14 But it's my understanding he does want to -- again,  
15 because of the substantial stakes here, Your Honor, if  
16 he has something he wants to say, I don't want to stop  
17 him from saying it.

18           THE COURT: Yes, sir, Mr. Golson. Is there a  
19 question you want to ask me about that?

20           THE DEFENDANT: Yes, sir.

21           THE COURT: All right.

22           THE DEFENDANT: Your Honor, I understand there  
23 is nothing that you can do at this point or say since  
24 certain things don't come up when you are in trial, but  
25 I'm the one on trial here today.

1           My cases were reversed and vacated November 6  
2 of 1996 because of illegal use of food stamps from the  
3 West Columbia Police Department that I supposed to have  
4 gave to the police department, who said I supposed to  
5 gave it to an informant from S.L.E.D. S.L.E.D. said  
6 they didn't have no involvement because I contacted  
7 S.L.E.D. myself.

8           Even though I pled in '99 after they released  
9 me from prison and make me pay another bond to get out  
10 of jail, they never had the food stamps or the drugs I  
11 supposed to have sold the first time from the person,  
12 the agent, that supposed to have been from S.L.E.D.

13           There never was an agent from S.L.E.D. They  
14 never got no drugs from me. They never got no food  
15 stamps. They never could used food stamps. I just want  
16 to bring that to your attention because it's a federal  
17 offense for them to use food stamps anyway.

18           Even though I probably shouldn't have pled  
19 again in '99, I did because they were threatening me  
20 with 175 years. Other than that, I wouldn't have. I  
21 was just getting out of prison with no money and  
22 couldn't afford an attorney. I know food stamps is a  
23 federal offense.

24           THE COURT: Well, for our purposes of our  
25 discussion right now, it's trying to settle your record

1 to determine if you were to take the witness stand  
2 today --

3 THE DEFENDANT: I understand what you are  
4 saying.

5 THE COURT: -- what prior offenses the  
6 solicitor could use to impeach you.

7 THE DEFENDANT: I understand that.

8 THE COURT: It just goes to your credibility.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: In fact, I would tell this jury  
11 that the law allows the solicitor, the prosecutor, to  
12 ask you in front of the jury about whether you have been  
13 convicted of certain offenses in the past.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: However, the solicitor can't go  
16 into the detail of those prior offenses, but they can  
17 ask you if you have been convicted of those prior  
18 offenses: Distribution of cocaine, conspiracy to  
19 distribute cocaine, distribution of marijuana,  
20 conspiracy to distribute marijuana.

21 If that happens I would tell the jury that  
22 they can only consider that evidence against you, if  
23 they consider it at all against you, on the issue of  
24 whether your testimony is believable and for no other  
25 purpose.

1           They can't consider that evidence to determine  
2 whether or not you distributed crack cocaine on May 25,  
3 2004, to Jannie Wiseman. But they can consider that  
4 prior evidence as to whether or not they believe any of  
5 what you say, all of what you say or none of what you  
6 say. Do you understand?

7           THE DEFENDANT: Yes, sir, I understand what  
8 you are saying.

9           THE COURT: And to make an informed decision,  
10 you need to be aware of what record the solicitor can  
11 ask you about.

12          THE DEFENDANT: Yes, sir.

13          THE COURT: It appears that he can ask you  
14 about eight proximities -- and you understand what I say  
15 when I say proximity -- distribution of cocaine within  
16 proximity of a school.

17          THE DEFENDANT: Yes, sir.

18          THE COURT: Three conspiracies to distribute  
19 cocaine, six distributions of cocaine -- excuse me --  
20 seven distributions of cocaine, and one distribution of  
21 marijuana and one distribution of marijuana within a  
22 proximity of a school. That's from '99.

23          Then he can ask you about a distribution of  
24 crack cocaine, distribution of crack cocaine within  
25 proximity of a school, and possession of crack in 2003.

1 Do you understand?

2 THE DEFENDANT: Yes, sir, I understand what  
3 you are saying.

4 THE COURT: The decision about whether you  
5 testify or not is your decision to make and yours  
6 alone. I expect that you have conferred with your  
7 attorney or with anyone whose opinion you value on  
8 important decisions, but the decision about whether you  
9 testify or not is your call, your decision. Do you  
10 understand?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has anyone exercised any undue  
13 influence over you to get you to choose to testify or  
14 not to testify?

15 THE DEFENDANT: No, sir.

16 THE COURT: Today are you under the influence  
17 of any medication, drugs or alcohol or anything that  
18 affects your thinking ability?

19 THE DEFENDANT: No, sir.

20 THE COURT: Do you suffer from any physical or  
21 mental problem that affects your thinking today?

22 THE DEFENDANT: No, sir.

23 THE COURT: Whatever decision you have made  
24 about whether to testify or not to testify, is it your  
25 decision made of your own free will and accord?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: The Court is going to take about a  
3 12-minute recess. I will allow him that 12 minutes to  
4 confer additionally with his attorney before I ask him  
5 the ultimate question.

6 Are there any particular requests to charge  
7 beside distribution and proximity?

8 MR. HUBBARD: I don't believe so, Your Honor,  
9 not from the State.

10 THE COURT: What about the issue of  
11 identification?

12 MR. KENDRICK: Your Honor, under these  
13 specific facts, I don't know that an I.D. charge is what  
14 I would be requesting. I guess maybe just before we  
15 start, Your Honor, Mr. Hubbard and I had discussed  
16 simply scheduling the finishing up of this trial.

17 I don't know if you had already made up how  
18 you wanted to handle that, if you want to do everything  
19 today and send it to them today.

20 THE COURT: I don't really have a preference.  
21 Do y'all have a preference?

22 MR. KENDRICK: My preference, Your Honor, when  
23 it's late in the afternoon, is that we come back in the  
24 morning and give it to them and argue and charge, simply  
25 because I hate to keep them here late and kind of, you



1 know, start to think: Oh, we need to get in a hurry to  
2 decide.

3 It is not a preference I am so steadfast on  
4 that I would argue strenuously over, but I think that  
5 for the jury's convenience, we would have them here all  
6 day.

7 THE COURT: Solicitor?

8 MR. HUBBARD: No objection, Your Honor, but  
9 whatever Your Honor feels is appropriate.

10 THE COURT: With that being said, why don't  
11 you have a seat, Mr. Golson. We will just release our  
12 jury for the day and have them come back at 9:30 in the  
13 morning.

14 MR. KENDRICK: Yes, sir, Your Honor, thank  
15 you.

16 MR. HUBBARD: Yes, sir.

17 THE COURT: Mr. Bailiff, if you would bring us  
18 our jury.

19 (The jury returns to the courtroom).

20 THE COURT: It appears our jury is back  
21 present in the courtroom.

22 Ladies and gentlemen of the jury, based on  
23 some matters that I would have to hear this afternoon,  
24 rather than keep you all captive back there for the  
25 remainder of the afternoon, I will allow y'all to take

1 your evening recess.

2 I would remind you during the recess you are  
3 not to discuss the case with anyone. That includes your  
4 fellow jurors, your family, and your friends. As I tell  
5 jurors, back when my chaps were still at home, the first  
6 thing that happens when you go home in the afternoon is:  
7 What did you do today, Daddy? What did you do today,  
8 Momma?

9 Although they are not around anymore, I don't  
10 quite have them all off the payroll, but they are not at  
11 the house anymore. You can obviously tell your family  
12 you have been selected and you are serving on a jury,  
13 but you cannot discuss the case, the facts of the case  
14 with them.

15 Remember again to keep an open mind about the  
16 case. Do not begin your deliberations until you have  
17 heard all of the evidence that is going to be presented,  
18 the closing arguments of the attorneys, the charge on  
19 the law by the Court, and advised to begin your  
20 deliberations.

21 With that being said, I am going to release  
22 you momentarily and ask you to please back in your jury  
23 room at 9:30 a.m. If you would please be back at 9:30  
24 in the morning, we will certainly hope to start promptly  
25 at that time. Please have a pleasant evening. You are

1 now excused for the day.

2 (The jury is excused for the day at 4:25 p.m.)

3 THE COURT: With that being said,  
4 Mr. Kendrick, I won't make the Defendant make his  
5 decision this afternoon. However, I would ask that you  
6 notify the solicitor by 8:30 in the morning by telephone  
7 whether the Defendant is going to testify or not.

8 Is that time enough, Solicitor?

9 MR. HUBBARD: Yes, sir, that's plenty of time.  
10 Yes, sir.

11 THE COURT: I will give him time to ponder it  
12 over the evening hours if he needs to discuss it any  
13 further with his lawyer.

14 MR. KENDRICK: The only thing I ask, Your  
15 Honor, I think -- we probably don't need much time, but  
16 as far as if I get here before 8:30, I don't know that I  
17 will actually be able to talk with Mr. Golson.

18 Even if you made it 8:45, I think it might be  
19 a little easier. I don't anticipate there being a  
20 problem, Your Honor, but I just hate to come in and tell  
21 you I will do something by 8:30.

22 THE COURT: I don't mind giving him over the  
23 evening to ponder that serious decision. At the same  
24 time I certainly don't want the solicitor preparing for  
25 his closing, and then have a defendant that he needs to

1 cross examine. I am trying to give him as much time as  
2 possible.

3 MR. KENDRICK: If you can just give me until a  
4 few minutes after 8:30, I think if the deputies have him  
5 here at 8:30, I will track him down, Your Honor. I will  
6 be here before 8:30 and we will go from there.

7 THE COURT: That's sounds fine. Is that fine,  
8 Solicitor?

9 MR. HUBBARD: Yes, sir, Your Honor. Your  
10 Honor, you did ask about charges. The only thing -- and  
11 I think it's in your standard charge on constructive --  
12 I mean, on evidence, circumstantial and direct. I  
13 believe that is usually in your charge.

14 THE COURT: Yes, sir I will charge that.  
15 Court will be in recess.

16 (Whereupon the proceedings were concluded for  
17 April 3, 2007).

18 (The following proceedings were reported on  
19 April 4, 2007).

20 THE COURT: Ready, Solicitor?

21 MR. COLLINS: Yes, sir, Your Honor.

22 THE COURT: Mr. Kendrick?

23 MR. KENDRICK: Yes, sir, Your Honor. We might  
24 be able to discuss one thing regarding the closing  
25 argument.

1 THE COURT: Well, no, when the jury comes out,  
2 we are going to get started. First off let me ask you  
3 on the record, is the Defendant going to testify?

4 Stand up for me, please, Mr. Golson.

5 CLERK: Is he still under oath, Your Honor?

6 THE COURT: Yes. You are still under oath.  
7 You had the opportunity to think about whether or not  
8 you want to testify or not testify. Have you made your  
9 decision?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you choose to testify or not to  
12 testify?

13 THE DEFENDANT: Not to.

14 THE COURT: I find the Defendant has made a  
15 decision not to testify, and he has made that decision  
16 intelligently and knowingly as far as his rights are  
17 concerned to testify or not to testify. He makes it of  
18 his own free will and accord.

19 Thank you, Mr. Golson. You may be seated.  
20 Mr. Kendrick.

21 MR. KENDRICK: Your Honor, just to save time,  
22 Mr. Collins and I were going through the PowerPoint  
23 presentation he is going to use. Effectively it looks  
24 just like that. I think there's four or five more  
25 lines.

1           I have an objection to that, Your Honor. It's  
2 transcribing the tape. Probably the strongest one would  
3 be at the end it has the name Stanley and a quote that  
4 he said.

5           Your Honor, those are questions of fact for  
6 the jury. I am afraid that by doing it this way, it  
7 appears that they are telling them what is on that tape  
8 when, in fact, it would be up to the jury to determine  
9 what is on the tape. That's my objection, Your Honor.  
10 I have another thought about it also.

11           THE COURT: I will allow him to do so.  
12 Obviously the closing arguments of the attorney is not  
13 evidence. The tape has been introduced into evidence.  
14 It's State's 3, I think.

15           So I will allow him to do that. Obviously it  
16 would be up to the jury to determine whether or not what  
17 the solicitor informs the jury is on the tape. Whether  
18 he does it by telling them that and/or showing them that  
19 or both, it would be their decision of whether or not  
20 that is or is not on the tape.

21           MR. KENDRICK: Based on that, Your Honor,  
22 then what I would be requesting at the appropriate  
23 time, I would ask the Court -- and I will discuss it  
24 obviously in my closing -- but I would ask the Court  
25 to, specifically with reference to this presentation in

1 the tape, just to explain to the jury that this is not  
2 what is on the tape. What is on the tape is what they  
3 say.

4 THE COURT: No, sir, I'm not going to do that.  
5 I will tell them before either closing argument that the  
6 facts are as they determine the facts to be, not as the  
7 solicitor says the facts are, not as Mr. Kendrick says  
8 the facts are.

9 But it is solely and exclusively within their  
10 province to determine what the facts are based on the  
11 sworn testimony and any and all exhibits that were  
12 presented in evidence. This could be the State's worse  
13 witness because they could hear it different than what  
14 the State transcribes it to be.

15 MR. KENDRICK: Yes, sir.

16 THE COURT: They don't have to accept this  
17 transcription by the State. It wouldn't be any  
18 different, just because it's electronically, he could  
19 write it down if he wanted to as he went through and  
20 play it and say: Here is what they said. They could  
21 hear something very different, Mr. Kendrick.

22 MR. KENDRICK: Thank you, Judge.

23 THE COURT: I am sure you could.

24 MR. KENDRICK: Thank you, Your Honor.

25 THE COURT: Anything further?

1 MR. HUBBARD: No, sir, Your Honor.

2 THE COURT: Again, the indictment is not going  
3 in. Here is the copy of the verdict form if y'all want  
4 to take them and look at them. That's what I intend to  
5 send into the jury, not the indictment itself. Y'all  
6 can have copies of those.

7 MR. HUBBARD: Thank you, Your Honor.

8 THE COURT: With that being said, anything  
9 further, Mr. Kendrick?

10 MR. KENDRICK: No, Your Honor, I just need to  
11 rest on the record.

12 THE COURT: Solicitor, anything further?

13 MR. HUBBARD: No, sir, Your Honor.

14 THE COURT: Any objection to the form of the  
15 verdict?

16 MR. HUBBARD: No, sir.

17 MR. KENDRICK: No, Your Honor.

18 THE COURT: You can rest on the record when  
19 the jury comes in.

20 Mr. Bailiff, if you would bring us our jury.

21 (The jury returns to the courtroom at  
22 10:15 p.m.)

23 THE COURT: Good morning, ladies and gentlemen  
24 of the jury.

25 It appears our jury is present in the



1 courtroom. .

2 Ladies and gentlemen, the State has rested.  
3 The defense is never required to present evidence. The  
4 State has the burden of proof of proving the case beyond  
5 a reasonable doubt. The Defendant has pled not guilty.  
6 The Defendant is presumed to be innocent.

7 Mr. Kendrick, you may call your first witness.

8 MR. KENDRICK: Your Honor, the defense doesn't  
9 intend to call any witnesses and would now rest.

10 THE COURT: Thank you very much, Mr. Kendrick.  
11 Your motions are renewed.

12 MR. KENDRICK: Yes, sir, Your Honor, renew all  
13 prior motions.

14 THE COURT: I would reaffirm my prior rulings.

15 With that being said, ladies and gentlemen,  
16 you have heard all the testimony you are going to hear  
17 during the trial of this case from both the State and  
18 the defense.

19 We are now at the point of the trial where the  
20 attorneys have the opportunity to address you in what is  
21 known as the closing arguments. These are very  
22 different from opening statements because the attorneys  
23 may comment on the facts and any inferences drawn from  
24 the facts.

25 They may also refer to the law and how the

1 facts or inferences are drawn therefrom and apply to the  
2 facts of the case. What the attorneys tell you during  
3 their closing arguments, although they are true  
4 arguments, it is not evidence.

5 The facts are solely and exclusively your  
6 province. It's the facts as you remember them to be, as  
7 you decide them to be, not as the solicitor may state  
8 they are or as Mr. Kendrick.

9 The facts are solely and exclusively in your  
10 province to use your good common sense, your good  
11 judgment, your memories, your abilities, and all those  
12 factors you bring into this courtroom to determine what  
13 the true facts are.

14 After the closing argument by the prosecutor,  
15 the defense attorney, Mr. Kendrick, will have the  
16 opportunity to present the closing argument on behalf of  
17 Mr. Golson.

18 At that point I will charge you the law that  
19 applies in this case, which should take me about 17  
20 minutes to do so. Thereafter the case would be  
21 submitted to you for your deliberation and for your  
22 verdict.

23 With that being said, Mr. Bailiff, I don't  
24 like anyone coming in or out of the courtroom during the  
25 period of time in which the attorneys are addressing the

1 jury.

2 If anyone wants to leave, they certainly may  
3 do so between the arguments. They may do so between the  
4 arguments and my final charge to the jury. Beyond  
5 that -- and, of course, as I have always told you,  
6 Mr. Bailiff, that does not include the elected Clerk of  
7 Court or any Justice of the Supreme Court or my wife.

8 With that being said, ladies and gentlemen, I  
9 would ask you to please give the attorneys your complete  
10 and undivided attention as you have throughout the trial  
11 of this case.

12 Solicitor, you may address the jury.

13 MR. COLLINS: May it please the Court, Your  
14 Honor.

15 THE COURT: Yes, sir.

16 CLOSING ARGUMENT

17 MR. COLLINS: Ladies and gentlemen, this is a  
18 case about distribution of crack cocaine. That  
19 distribution of crack cocaine gave rise to two charges,  
20 distribution of crack cocaine, as well as the  
21 distribution of crack cocaine within close proximity of  
22 a school or park.

23 In his opening, Mr. Hubbard said this case was  
24 about a snapshot of illegal drug activity here in  
25 Lexington County. I pose to you that's what it's about.

1 You have heard a lot of testimony, and all that  
2 testimony points to that man sitting right over there,  
3 Stanley Golson. All of the testimony points to Stanley  
4 Golson.

5       You first heard from Mike Burke. He was the  
6 chief case agent on this case. He explained to you how  
7 they initially focused on [REDACTED] in that  
8 particular area of Lexington County in West Columbia.

9       He said they had many complaints from that  
10 area. In doing so they got a confidential informant.  
11 That confidential informant could buy drugs from that  
12 man sitting over there, Stanley Golson.

13       The reason she could buy drugs from him is she  
14 had known him for 20 years. He explained, you know,  
15 Billy Graham can't go in and buy drugs. It takes  
16 someone that knows the language, knows the person, that  
17 can buy drugs, someone they trust, if you will.

18       Mike Burke then told you how they set the deal  
19 up, how they executed the C.I. agreement with Jannie  
20 Wiseman, how she fully understood if she did anything  
21 illegal, she was going to jail.

22       She was not allowed to have any of her own  
23 money on her. She was not allowed to keep any of the  
24 drugs. They went to the pods over here in Cayce. They  
25 searched her. He searched her.

1           He wired her up with surveillance. Then upon  
2 doing so, he then put her in the car with Lieutenant  
3 J.J. Jones. J.J. Jones drove her to the location, drove  
4 her in a police vehicle.

5           He didn't listen to what is happening.  
6 However, he had a radio that he communicated with Mike  
7 Burke, who was listening from another undercover  
8 vehicle.

9           He monitored the transaction the whole time,  
10 from the minute they tested the bug, the wire, until the  
11 very end whenever she met back up with him in the  
12 final -- when they debriefed her.

13           He wired her up, gave her Sheriff's Department  
14 funds and said: Go do what you said you could do. Buy  
15 drugs from Stanley Golson. Because that was a problem  
16 area, [REDACTED] in the West Columbia area of  
17 Lexington County.

18           He wired her up, gave her Sheriff's Department  
19 funds, sent her with a law enforcement, Lieutenant J.J.  
20 Jones, sent her to that area. Lieutenant Jones then  
21 dropped her off.

22           He dropped her off because he didn't want to  
23 be seen because he had been on raids and stuff like  
24 that. He said: You know, people might recognize me,  
25 which would endanger not only him and the C.I. but

1 everyone concerned.

2 She walked up to Stanley Golson's house. She  
3 went in, and the entire time this was being monitored.  
4 Mike Burke listened the entire time to what was going  
5 on.

6 It was recorded. He then, when she did what  
7 she was supposed to, she got paid. She was paid the  
8 money that they had agreed on. She was paid for her  
9 services. She was doing a job, just like everyone else  
10 does. They get paid.

11 Her job is very dangerous. She went and she  
12 had known Stanley for 20 years or more. She went in and  
13 purchased drugs from him. They had a relationship  
14 previous to this.

15 You then heard from the expert, Missy Horne.  
16 She said the item that was taken, that was given from  
17 Stanley Golson and sold to the confidential informant,  
18 Jannie Wiseman, to Mike Burke was put in evidence.

19 She then tested it. That turned out to be --  
20 that was crack cocaine, just like it was represented on  
21 the tape. You will hear: I need a 40. Forty dollars  
22 worth of crack cocaine. That was found to be \$40 worth  
23 of crack cocaine, exactly what Stanley Golson had sold  
24 to her.

25 Mike Burke then explained, and you saw the

1 evidence -- and you will get to take those charts back  
2 there that he helped make up -- that was within one-half  
3 mile of Lakeview Education Center. Right here  
4 (indicating) is Stanley Golson's house, and this is  
5 (indicating) Lakeview Education Center.

6 Let's talk about Jannie Wiseman. She was the  
7 confidential informant. She went to law enforcement  
8 officers in Cayce and said: I want to do some work for  
9 you. I know how to do it. I have bought drugs. I can  
10 go in and buy drugs at [REDACTED] [REDACTED]

11 She did so. She explained how they met at the  
12 pods. She was wired up. She was searched. She was  
13 told by law enforcement and she understood she was going  
14 to jail.

15 Like anybody else if she broke the law on that  
16 day, did anything that was illegal, she was going to  
17 jail. She fully understood that. She also understood  
18 she was going to get paid, and she did so. She got paid  
19 from purchasing drugs from the Defendant.

20 Let's talk about the recording for a minute.  
21 You will get to take that back. You will get to take  
22 this C.D. We will set up a way for you to play it, and  
23 you'll get to take it back there.

24 Play it back there and listen to it yourself.  
25 I say to you, I know you see a lot of T.V. I watch

1 T.V., C.S.I. It seems like everything on C.S.I. is  
2 always perfect, the tapes and everything. Everything is  
3 always perfect.

4 This tape might not be perfect, but you can  
5 hear. Portions of this tape you can hear the Defendant,  
6 Stanley Golson, talking on it. You can hear the  
7 confidential informant. You can hear law enforcement  
8 officers, too.

9 You can take that tape back with you and  
10 listen to it. I will play some excerpts from the tape  
11 to let you listen to it, some things to look for that  
12 will be your guide in the tape. Listen to those. Let  
13 them be your guide. You will see who is saying the  
14 statements at that particular time.

15 (During the playing of State's Exhibit  
16 Number 3, the C.D., the following was reported).

17 MR. COLLINS: When she arrived at the location  
18 at Stanley Golson's house, she told the guy who was  
19 sitting at the door that Stanley told her to go on in,  
20 and she did so. The guy let her right in.

21 Upon doing so, she goes in the house -- excuse  
22 me, I'm having a little technical difficulties. Jannie  
23 now says: I need a 40. She goes in and tells the  
24 person: Stanley, I need a 40.

25 That happens at about -- you will see it at



1 this part of the tape -- about 2 minutes and 48 seconds  
2 into the tape. Next Jannie says: Stanley, can you get  
3 me something decent.

4 She wants something decent for her money.  
5 That's what they say in the drug deal, decent. Stanley  
6 says or he gives the phone number, [REDACTED], the same  
7 phone number you heard Ms. Viola Green come in and say:

8 This is my phone number. Stanley Golson is my  
9 grandson. He lives across the street from me. I let  
10 him use my phone number sometimes. He gave that phone  
11 number to Jannie Wiseman.

12 Then Jannie repeat the phone number back to  
13 him, and he says: Yep, that's the right phone number.  
14 There is also some other dialogue in between that you  
15 can listen to.

16 When she walks in, Stanley is like: I tried  
17 to call you earlier today. She is like: I know, sorry.  
18 My phone has been disconnected. You can listen to that.  
19 You can hear that man's voice on the tape, Stanley,  
20 always referred to him as Stanley.

21 I don't know exactly what Mr. Kendrick is  
22 going to say in his closing. My assumption is he will  
23 say: It wasn't my client. When you listen to the tape,  
24 listen to the evidence, ladies and gentlemen.

25 I ask you to believe -- can you imagine as you

1 listen to the tape, you've got some bare facts. Listen  
2 to the tape. It says in a ten-minute conversation, a  
3 little over maybe, Stanley is being referred to as  
4 Stanley the whole tape. The whole tape Jannie Wiseman  
5 is saying Stanley. Stanley this, Stanley that.

6 "Stanley told me I could come in." The guy at  
7 the front door, "Stanley told me I could come in." The  
8 guy at the front door lets her in. "Stanley, can you  
9 get me something decent. Can you get me something  
10 decent."

11 [REDACTED] is where she went. That's where the  
12 Defendant lived. He sits right there now. That's where  
13 he lived back on May 25, 2004. His grandmother,  
14 Ms. Viola Green, says she has lived in that area for  
15 years.

16 But Stanley lived across the street from her  
17 at [REDACTED] He was giving out the phone  
18 number, his grandmother's phone number. She said:  
19 Stanley uses my phone.

20 Ladies and gentlemen, all the evidence points  
21 to that man, Stanley Golson. All the evidence that you  
22 have heard points to him. Jannie, during the entire  
23 tape, is referring to Stanley, talking to Stanley.

24 What kind of coincidence would that be that a  
25 guy goes in, talks for ten minutes about Stanley, to

1 Stanley and nobody says: Hey, I'm not Stanley. He  
2 never said that because it was Stanley Golson selling  
3 that crack, ladies and gentlemen.

4 He was giving out his grandmother's phone  
5 number as a contact point. He lived at [REDACTED]  
6 Street. All the evidence points to him. He points the  
7 finger to himself. Not only is it the evidence, he  
8 points it to himself.

9 He doesn't say anything about calling him  
10 Stanley, doesn't say anything. He just says okay, like  
11 I'm Stanley. That's the reason. He doesn't say  
12 anything. He points the finger to himself when he tells  
13 his grandmother's phone number as she sits up there and  
14 says it's okay for him to use it.

15 Ms. Green's testimony was very short. The  
16 only thing she said was: Stanley used my phone number.  
17 I let him use my phone number sometime, and he lived at  
18 [REDACTED] across the street from me. You know  
19 what? This man used his grandmother's phone number and  
20 gave it to Jannie Wiseman right there. You will hear  
21 that on the tape.

22 Mr. Kendrick asked some of the witnesses if  
23 this Holmes Street area in West Columbia was a bad area.  
24 They said: Yes, a lot of drug deals go down, a lot of  
25 drug deals.

1           But, you know, that's one of the men right  
2 there at [REDACTED] selling drugs in that area.  
3 There might be a lot of good people in that area. There  
4 might be a lot of people selling drugs, but you have a  
5 lot of good people.

6           You have Ms. Viola Green. She lives there.  
7 She has lived there for years. But she and the good  
8 people of Lexington that live in that area of Lexington  
9 County, do they deserve to have drug dealers living  
10 across the street from them? No, they don't, ladies and  
11 gentlemen of the jury.

12           You have heard all the evidence. All the  
13 evidence points to Stanley Golson. He himself points to  
14 the fact that he sold the drugs to Jannie Wiseman on  
15 that day. He points to himself. The evidence points to  
16 him.

17           The judge is going to instruct you on  
18 reasonable doubt. Reasonable doubt -- and he is going  
19 to give you the law. He is going to tell you what to  
20 follow when you go back to your jury room. He's going  
21 to tell you what to do. He is going to tell you what to  
22 apply to the facts.

23           And in that he's going to talk about  
24 reasonable doubt. In doing so you have to use your good  
25 common sense. Reasonable doubt is something that would

1 not leave you firmly convinced.

2           You have heard all the evidence. All the  
3 evidence points to that man, Stanley Golson. He himself  
4 points to himself. He says: "Hey, I sold the drugs  
5 that day."

6           I ask you to take it back there. Apply your  
7 good common sense. You didn't check it at the door.  
8 You are going to take it and listen to the trial the  
9 whole time. Apply it to the facts as you have heard  
10 them.

11           Take the tape. You will get a chance to  
12 listen to it. Take the photo lineup where Jannie  
13 Wiseman picked him out and says: This is the guy that  
14 sold me the drugs on May 25, 2004, a guy I had known  
15 some 20 years.

16           Take the analyst. Her report says the items  
17 here in this bag, these two little things here are  
18 crack. That is what Stanley Golson sold to Jannie  
19 Wiseman that day. You will get to take these, and this  
20 as well. It will show you where the school was in  
21 proximity to this house.

22           You get to take all of that, ladies and  
23 gentlemen. One thing I ask you is to go back, use your  
24 good common sense, apply it to the facts, and there is  
25 but one verdict you can come back with.

1           That man sold drugs to Jannie Wiseman out of  
2           [REDACTED] gave his grandmother's phone number  
3           to her and said: Call me back if you need anything.  
4           Thank you.

5           THE COURT: Thank you, Solicitor.  
6           Mr. Kendrick, you may address the jury.

7           MR. KENDRICK: Thank you, Judge. May it  
8           please the Court.

9           THE COURT: Yes, sir.

10                           CLOSING ARGUMENT

11           MR. KENDRICK: Good morning. I spoke to y'all  
12           a little bit at the beginning of this trial about what  
13           you were doing here and how important your job was. The  
14           solicitor came up here and talked to you, and he talks  
15           about pointing fingers.

16                       He talks about all the evidence pointing a  
17           finger at our table. He talks about Mr. Golson himself  
18           pointing the finger at himself. Ladies and gentlemen,  
19           Mr. Golson has not pointed the finger at himself.

20                       One of the most important parts of the system  
21           that we are in is that Mr. Golson has pled not guilty.  
22           When he pleads not guilty, he points the finger over  
23           here and says:

24                       Prove it. Prove it. Y'all can't just say I  
25           was doing something. You've got to prove it to a jury

1 of my peers from Lexington County beyond a reasonable  
2 doubt.

3 So let's talk about where the evidence  
4 actually points. Let's talk about what you actually  
5 heard. Ladies and gentlemen, we went through the  
6 witnesses with the solicitor and what everybody said.

7 Agent Burke, Agent Jones, those are good guys.  
8 When you watch "Law and Order, Matlock," shows like that  
9 since we are talking about T.V. shows that I tell  
10 everybody I hate, secretly I love them.

11 The defense attorney always go after the  
12 police officers, calls them liars, fights with them.  
13 They attack them. In the real world that isn't how it  
14 works. Because like the rest of us, they are stuck with  
15 what they have to work with.

16 What did Agent Burke tell you about what went  
17 on -- actually we have got a better picture here. What  
18 did Agent Burke tell you about what went on at Holmes  
19 Street?

20 He told you what went on here was what he  
21 heard from the confidential informant, what she told  
22 him. He didn't have any independent knowledge because  
23 he wasn't here.

24 He gave us a good reason for not being there.  
25 Because he didn't want to be seen. He might be known.

1 That's fine. It doesn't change what he says, which was  
2 nothing.

3 I asked him on the record: Do you know who  
4 lives in all these other houses? No. It's the same  
5 thing with Agent Jones. He dropped off the undercover  
6 or the C.I. and turned around and left.

7 He wasn't able to stay, wasn't able to stay  
8 and see where she went. Again, perfectly fine reasoning  
9 for that. He didn't want to tip anybody off to what  
10 they were doing.

11 Because as you have heard, there was a lot of  
12 people around here. As you will hear on that tape,  
13 there were a lot of people around. They don't want to  
14 drive up into that mess and get found out.

15 So what can Agent Jones tell you? Nothing.  
16 They were both very honest up there, and they both told  
17 me that. "I didn't see anything. We couldn't follow  
18 her. We couldn't keep her under surveillance."

19 The expert tells us that this is crack  
20 cocaine, but she can't tell us where it came from, other  
21 than what is on this form. So ultimately her chain  
22 leads back to Jannie Wiseman.

23 Ms. Martin (sic) tells you about a phone  
24 number. That's all she says. She said: Yes, that's  
25 the phone number. I told Stanley he can use it. He's



1 my grandson. He can use the phone.

2           What we have done now is put a lot of innuendo  
3 together. We have put a lot of cumulative evidence. We  
4 have found the same people to say the same thing in the  
5 hopes that we can convince you, we can convince this  
6 jury, that there was a bunch of evidence all pointing  
7 the finger at Mr. Golson when, in fact, it does not. It  
8 points it back over here (indicating).

9           It says to you: What do we have? We have  
10 Jannie Wiseman. That's all we have. Ms. Wiseman  
11 admitted to you on the stand that about five or six  
12 years ago, she had been convicted of obtaining drugs by  
13 fraud.

14           So she's a liar. She can't say she's not a  
15 liar. They can't say she is not a liar because she is a  
16 liar. She got in trouble for it. Then she says she  
17 cleaned up her act and became an informant.

18           We look at motivations. We look at biases  
19 when we are considering what witnesses say. I would  
20 submit to you that the witness you need to consider the  
21 most is Ms. Wiseman.

22           She is the first link in this chain that  
23 leads to Mr. Burkes, Mr. Jones, and Ms. Kyzer. As y'all  
24 all know, it's the weakest link in that chain that  
25 determines how strong it is.

1           It doesn't matter what they say. It doesn't  
2 matter how credible they were because we can believe  
3 everything they're saying, but they are only telling us  
4 what they know from Ms. Wiseman, been taken in, just  
5 like she is going to take the rest of us in. That's  
6 what we are here for today, to fix that.

7           Ms. Wiseman then becomes an informant. She  
8 says she makes a good bit of money for what she's doing  
9 in her life, about \$500. She needed that money to take  
10 care of her family.

11           Motivation, biases, what's the most powerful  
12 motivation? Some people would say money, but it's  
13 probably family. While it may be a noble intention,  
14 it's still a perfect reason to change the truth a little  
15 bit.

16           Why do we accuse her of that? Because we  
17 already know she's a liar. We know that she got drugs  
18 by fraud before. What did she tell us? That she had  
19 been involved with other agencies, and she found out  
20 about this deal going on, that they wanted her to go do  
21 something on Holmes Street.

22           How did she know how to get into all these  
23 places? How is she able to walk around with a free  
24 pass? She sat up there on the stand and told us: I  
25 don't do any drugs anymore. I am cleaned up.

1           That is the choice and the decision, something  
2 y'all ought to consider. How did she get into these  
3 places? How does she walk around apparently with no one  
4 paying any attention to her. They let her come on  
5 through.

6           You think that's the only time she has been  
7 there, these few times she goes in to make buys? Or do  
8 you ask yourselves is it because she goes there a lot?  
9 People don't wake up and decide they are going to enter  
10 the crack business as an informant. She told you she  
11 had done drugs in the past.

12           So it's your decision. Is she doing them now?  
13 Was she doing them? How did she get in there so easily?  
14 We go to Holmes Street with her. She says there's other  
15 people there. There's other voices on that tape.

16           So we start talking about coincidences. What  
17 a coincidence that Stanley is the one we keep talking  
18 about. That's no coincidence. That's the person she  
19 knew. She's known him for 20 years.

20           She knows Stanley. She knows what he looks  
21 like. Again, you guys watch T.V. Why didn't I spend an  
22 hour cross examining her on this photo I.D. where she  
23 picked out Stanley? It's simple. Because she knows one  
24 of these guys, and she has known him since she was 20  
25 years old.

1           She doesn't know the rest of them. I know who  
2 she is going to pick out. Y'all did, too. We didn't  
3 have to wait on this. There was no suspension in this.  
4 She picks out the person that she knows.

5           She goes into the house. What you guys saw up  
6 here, I would strongly urge you to listen on here. You  
7 heard four things up there that are on here. You heard,  
8 while we are thinking over it, a tiny snapshot of this  
9 tape.

10           We didn't play the whole thing for you in this  
11 last argument because we needed to give you a snapshot  
12 in hopes that you will lose sight of the big picture.  
13 Listen to the rest of that tape. Listen to the other  
14 people on there. Listen to what the other people are  
15 saying.

16           Listen to who is saying what, who is not  
17 saying what. Listen to the inflexions. Listen to the  
18 tones. Listen to what they are discussing on there.  
19 Think about what Ms. Wiseman said happened while that  
20 tape was going on.

21           Stanley, my buddy, known him for 20 years, he  
22 is the target. He's the guy I will get paid to get  
23 arrested. Stanley left.

24           Where did he go?

25           I don't know.

1 Out the back door?

2 Yeah.

3 Could you see out the back?

4 Yeah.

5 So where did he go?

6 I don't know. I didn't see.

7 Why not? Why didn't she see it? Where did he  
8 go? Did he go here, here, here, here (indicating)? She  
9 doesn't know. We don't know. The police don't know.  
10 They don't even know who lives back there.

11 They don't know who live in those places.  
12 Ultimately they don't know where this came from, other  
13 than from Ms. Wiseman. You don't know where this came  
14 from, other than Ms. Wiseman.

15 At the beginning of this trial, Mr. Hubbard  
16 talked to you about the task force and what they were  
17 doing. Street level dealers, that's who we're trying to  
18 get. We are trying to get these guys and get them off  
19 the street.

20 So we are here about the operation they've run  
21 which has some ways it could have been a little better.  
22 They could have watched where their informant went, and  
23 then Agent Burke or Agent Jones could have told you: We  
24 went into that house. We saw Stanley at the door. They  
25 can't tell you because they weren't able to do that, and

1 they didn't do it.

2           So now again we are left with Ms. Wiseman's  
3 testimony. They prerecorded funds from the county, they  
4 wrote the serial numbers down, used them to buy the  
5 crack. They are not here. We don't have them.

6           We didn't get them from Stanley, didn't get  
7 them from anybody, don't know where they are, don't know  
8 where this crack is from, where it came from. They are  
9 missing parts of this case, ladies and gentlemen.

10           They are very important missing parts. Don't  
11 be snowed under by the fact that there were a lot of  
12 witnesses all saying the same thing. Think about why  
13 they were saying it. Because they had it from their  
14 confidential informant who needed money, who knew  
15 Stanley, knew where he lived, and ended up in a very  
16 convenient money-making scheme.

17           We know she needed the money. We know she's a  
18 liar. She told us that from right up there. You can  
19 evaluate the credibility of Burke, Jones, the experts.  
20 I will tell you I think their credibility was great.  
21 They seemed like honest guys, seemed like good guys  
22 doing their job.

23           But again it's like a chain. They are only  
24 as strong in doing their job as Ms. Wiseman is, the  
25 liar who knows Stanley. It doesn't help her to say:

1 Oh, I have known him 20 years. That's how I picked him  
2 out.

3 Think about it. Who is she going to pick out?  
4 I know Stanley. Let's see if we can make this work.  
5 Listen to what is on that tape. Listen to the other  
6 voices. Listen to what they are saying.

7 If you get that out of that tape, that's the  
8 wrong tape. There is more on it. You could hear it  
9 when you were listening to it. There is more in  
10 between. There is other people talking. They are  
11 trying to give you a snapshot of something in hopes you  
12 will lose sight of the big picture.

13 When I talked to you about the missing  
14 prerecorded funds that we don't have in front of us,  
15 when I talked to you about the fact that they weren't  
16 able to surveil where she actually went, they couldn't  
17 see what house she went into, when I talked to you about  
18 the fact that there were other people involved in, those  
19 become very important to this big picture we are looking  
20 for.

21 The snapshots they give you are like puzzle  
22 pieces. We take each one of those pieces and we put it  
23 together. Hopefully at the end, we are left with a  
24 clear picture of what one side says happened.

25 You render a verdict. It means a true

1 declaration. It means: Based on what we have heard, we  
2 can say beyond a reasonable doubt he is guilty or he is  
3 not guilty.

4           They didn't prove it beyond a reasonable  
5 doubt. Look at that puzzle and what these things that  
6 I point out to you are. Those are pieces of the puzzle  
7 that don't fit. They don't quite go together  
8 correctly.

9           So we put them together anyway, smash the  
10 pieces in, and we are left with a picture that's got  
11 holes all in it. When you hold that picture up to the  
12 cold light that you have to evaluate this case in back  
13 in that jury room and you see those holes, guess what  
14 you are left with? Reasonable doubt.

15           It is a high responsibility, a heavy weight  
16 that you carry today to sit in judgment of another man.  
17 There is a reason that we all picked you, maybe not one  
18 that we can say or one that we can put into words. But  
19 for some reason each one of you brought something to  
20 this jury that we wanted.

21           We hope that you each keep your individual  
22 opinions. You each make your decision, and no one else  
23 can change that decision. If you are only one with it,  
24 that is absolutely your right. It is your privilege to  
25 be able to stand up and say: No, this is how I decide.



1           You must come together if y'all make the same  
2 decision you'll make, this guilty or not guilty  
3 decision. Ladies and gentlemen, what is right in this  
4 case, what speaks for what is right for the people of  
5 Lexington County, for the Defendant, and even for the  
6 State is to come back with a verdict of not guilty.

7           Because the reasonable doubt that is  
8 throughout this case demands that be your verdict.  
9 Ladies and gentlemen, I have talked to you long enough,  
10 so I will sit down, and we are done.

11           Like I said, go back, look at the evidence,  
12 listen to that tape. Think about what is not here.  
13 Think about what hasn't been shown to you. Realize that  
14 is also as important as what has been. I think when you  
15 do that, you will come back with a verdict of not  
16 guilty. Thank you.

17           THE COURT: Thank you, Mr. Kendrick.

18           (Whereupon the Court charged the jury as  
19 follows).

20           THE COURT: Mr. Foreman, ladies and gentlemen  
21 of the jury, the indictments charge the Defendant with  
22 distribution of crack cocaine and distribution of crack  
23 cocaine within proximity of a school.

24           Each indictment charges a separate and  
25 distinct offense. You must decide each indictment

1 separately on the evidence and the law applicable to it,  
2 uninfluenced by your decision as to any other  
3 indictment.

4           The Defendant may be convicted or acquitted on  
5 any or all of the offenses charged. You will be asked  
6 to write a separate verdict of guilty or not guilty for  
7 each indictment.

8           I remind you that the fact that the Defendant  
9 was arrested, charged, and indicted in this case is not  
10 evidence in this case and cannot be considered by you as  
11 evidence of guilt in this case, nor does it create any  
12 presumption or inference of guilt.

13           These documents, these indictments are simply  
14 the formal written instruments which contain the charges  
15 made against the Defendant. It is the formal document  
16 by which the cases are brought into Court.

17           The Defendant has pled not guilty to these  
18 indictments, and that plea puts the burden on the State  
19 to prove the Defendant guilty. A person charged with  
20 committing a criminal offense in South Carolina is never  
21 required to prove himself innocent.

22           I charge you that it is an important rule of  
23 the law that the Defendant in a criminal trial, no  
24 matter what the seriousness of the charge may be, will  
25 always be presumed to be innocent of the crime for which

1 the indictments were issued unless guilt has been proven  
2 by evidence satisfying you of that guilt beyond a  
3 reasonable doubt.

4 This presumption of innocence does not end  
5 when you begin your deliberations, but it accompanies  
6 the Defendant throughout the trial until you reach a  
7 verdict of guilt based on the evidence satisfying you of  
8 that guilt beyond a reasonable doubt.

9 The presumption of innocence is like a robe of  
10 righteousness placed about the shoulders of the  
11 Defendant which remains with the Defendant until it has  
12 been stripped from the Defendant by evidence satisfying  
13 you of the Defendant's guilt beyond a reasonable doubt.

14 The presumption of innocence is not a mere  
15 legal theory. It is not just a legal phrase. It is a  
16 substantial right to which every defendant is entitled  
17 unless you the jury are satisfied from the evidence of  
18 the Defendant's guilt beyond a reasonable doubt.

19 The State has the burden of proving the  
20 Defendant guilty beyond a reasonable doubt. Some of you  
21 may have served as jurors in civil cases where you were  
22 told that it is only necessary to prove that a fact is  
23 more likely true than not true, such as by the greater  
24 weight or preponderance of the evidence.

25 In criminal cases the State's proof must be

1 more powerful than that. It must be beyond a reasonable  
2 doubt. Proof beyond a reasonable doubt is proof that  
3 leaves you firmly convinced of the Defendant's guilt.

4           There are few things in this world that we  
5 know with absolute certainty, and in criminal cases the  
6 law does not require proof that overcomes every possible  
7 doubt.

8           If based on your consideration of the evidence  
9 you are firmly convinced that the Defendant is guilty of  
10 the crimes charged, you must find the Defendant guilty.  
11 If, on the other hand, you think there is a real  
12 possibility that the Defendant is not guilty, you must  
13 give the Defendant the benefit of the doubt and find him  
14 not guilty.

15           I remind you that during this trial, you and I  
16 have certain duties to perform. As the trial judge, it  
17 is my responsibility to preside over the trial of this  
18 case, and I also have the duty to rule on the  
19 admissibility of the evidence offered during this trial.

20           You are to consider only the competent  
21 evidence before you. You are to consider only the  
22 testimony which has been presented from this witness  
23 stand and any exhibits which have been made part of the  
24 record in this case.

25           I have the additional duty to charge you the

1 law applicable to this case. As the presiding judge, I  
2 am the sole judge of the law of this case, and it is  
3 your duty as jurors to accept and apply the law as I now  
4 state it to you.

5 If you already have any idea as to what the  
6 law is or what the law ought to be and it does not agree  
7 what I now tell the law is, you must abandon this idea  
8 because you are sworn to accept the law and apply the  
9 law exactly as I state it to you.

10 In every case tried in this court before a  
11 jury, the jury becomes the sole and exclusive judge of  
12 the facts in a case. A trial judge cannot intimate,  
13 state, comment on or make any statement to a trial jury  
14 about the facts in a case.

15 Since you the jury are the sole judge of the  
16 facts in this case, you are not to infer from what I  
17 have said during the progress of this trial or in ruling  
18 upon the admissibility of the evidence or otherwise or  
19 anything that I say now during the course of this  
20 instruction to you that I have any opinion about the  
21 facts in this case.

22 The law does not allow me to have an opinion  
23 about the facts in this case. This is a matter solely  
24 for you the jury to determine. As jurors it is your  
25 duty to determine the effect, the value, the weight, the

1 truth of the evidence presented during the trial.

2           There are two types of evidence which are  
3 generally presented during a trial, direct evidence and  
4 circumstantial evidence. Direct evidence is the  
5 testimony of a person who claims to have actual  
6 knowledge of a fact, such as an eyewitness.

7           It is evidence which immediately establishes  
8 the main fact to be proved. Circumstantial evidence is  
9 proof of a chain of facts and circumstances indicating  
10 the existence of a fact.

11           It is evidence which immediately establishes  
12 collateral facts from which the main fact may be  
13 inferred. Circumstantial evidence is based on inference  
14 and not on personal knowledge or observation.

15           The law makes absolutely no distinction  
16 between the weight or value to be given to either direct  
17 or circumstantial evidence, nor is a greater degree of  
18 certainty required of circumstantial evidence than of  
19 direct evidence.

20           You should weigh all of the evidence in the  
21 case. After weighing all the evidence, if you are not  
22 convinced of the guilt of the Defendant beyond a  
23 reasonable doubt, you must find the Defendant not  
24 guilty. If after weighing all of the evidence, you are  
25 convinced of the guilt of the Defendant beyond a

1 reasonable doubt, you must find the Defendant guilty.

2           Necessarily you must determine the  
3 credibility of witnesses who have testified in this  
4 case. Credibility simply means believability. It  
5 becomes your duty as jurors to analyze and to evaluate  
6 the evidence and determine which evidence convinces  
7 you of its truth.

8           In determining the believability of witnesses  
9 who have testified in this case, you may believe one  
10 witness over several witnesses or several witnesses over  
11 one witness.

12           You may believe a part of the testimony of a  
13 witness and reject the remaining part of the testimony  
14 of that same witness. You may believe the testimony of  
15 a witness in its entirety or reject the testimony of a  
16 witness in its entirety.

17           You may consider whether any witness has  
18 exhibited to you any interest, bias, prejudice or other  
19 motive in this case. You may also consider the  
20 appearance and manner of a witness while on the witness  
21 stand.

22           I instruct you and emphasize that the fact the  
23 Defendant did not testify is not a factor to be  
24 considered by you in any way in your deliberation and in  
25 your consideration on the question of the guilt or

1 innocence of the Defendant. It must not be considered  
2 by you in any manner.

3 A defendant has the constitutional right to  
4 remain silent, and the assertion of this right must not  
5 be considered by you in your deliberations. I repeat,  
6 under your oath you are to draw no conclusions  
7 whatsoever from the fact that the Defendant in this case  
8 did not testify.

9 The fact that the Defendant did not testify  
10 should not even be discussed in the jury room. The  
11 burden of proof, as I have stated to you, is on the  
12 State. The Defendant is not required to prove his  
13 innocence. The burden of proof remains on the State to  
14 prove guilt beyond a reasonable doubt.

15 In order to establish criminal liability,  
16 criminal intent is required. For example, the mental  
17 state required to be proven by the State for a  
18 particular crime might be purpose, intent, knowledge,  
19 recklessness or criminal negligence.

20 Criminal intent must be proven by the State  
21 beyond a reasonable doubt. Criminal intent is always a  
22 matter that must be determined by the jury from the  
23 circumstances surrounding the situation.

24 There is no way to prove criminal intent to a  
25 mathematical certainty. There is no way medical science



1 can dissect a person's brain and determine what the  
2 person had in mind. So the law says that criminal  
3 intent may be inferred from the circumstances shown to  
4 have existed.

5 This is how you make a determination of  
6 whether or not the element requiring intent was present.  
7 It is not necessary to establish intent by direct and  
8 positive evidence, but intent may be established by  
9 inference, in the same way as any other fact, by taking  
10 into consideration the acts of the parties and all the  
11 facts and circumstances of the case.

12 Criminal intent is a mental state, a conscious  
13 wrongdoing. It is up to you to determine what the  
14 Defendant intended to do based on the circumstances  
15 shown to have existed.

16 As to Indictment 2006-GS-32-3494, the  
17 Defendant is charged with distribution of crack cocaine.  
18 The State must prove beyond a reasonable doubt that the  
19 Defendant distributed crack cocaine.

20 Crack cocaine means an alkaloid cocaine or  
21 free base form of cocaine which is the end product of a  
22 chemical alteration whereby the cocaine in salt form is  
23 converted to a form suitable for smoking. Crack cocaine  
24 is commonly referred to as rock or rock cocaine.

25 Distribution means to deliver or to actually,

1 constructively or attempt to transfer a drug, other than  
2 by administering or dispensing. Deliver means to  
3 actually, constructively or attempt to transfer a drug.

4 A transfer can involve an exchange for money,  
5 a barter or a gift. There does not have to be anything  
6 given in exchange for the drugs for a transfer to  
7 constitute distribution. Distribution means to deliver  
8 or to actually, constructively or attempt to transfer a  
9 drug, other than by administering or dispensing.

10 As to Indictment 2006-GS-32-3491, the  
11 Defendant is charged with distribution of crack cocaine  
12 within proximity of a school or park. The State must  
13 prove beyond a reasonable doubt that the Defendant  
14 distributed, sold, purchased, manufactured or unlawfully  
15 possessed with intent to distribute crack cocaine while  
16 in, on or within one-half mile of the grounds of a  
17 public or private elementary, middle or secondary  
18 school, a public playground or park, a public vocational  
19 or trade school or technical education center or a  
20 public or private college or university. That would be  
21 distribution of crack cocaine within proximity of a  
22 school or park.

23 Mr. Bailiff, would you please hand this  
24 document to the foreman so he can review it as I go over  
25 it with the jury panel.

1           Mr. Foreman, you will have this document with  
2 you in the jury room. It is the case caption: The  
3 State of South Carolina versus Stanley Golson, the  
4 indictment numbers. It's entitled verdict form.

5           There are two separate and distinct charges in  
6 this case, two separate and distinct indictments. There  
7 are two possible verdicts as to each indictment. There  
8 is no significance whatsoever in the order in which I  
9 state these possible verdicts. It is simply that one  
10 must be stated first.

11           If after your consideration of the evidence  
12 and the jury's determination of the facts and applying  
13 the facts to the law as I have stated to you the law is  
14 in South Carolina, as to the charge of distribution of  
15 crack cocaine, if the jury unanimously finds the  
16 Defendant guilty, I would ask you to please make a  
17 checkmark to the left of the word guilty and circle that  
18 also.

19           If after your consideration of the evidence,  
20 the facts as the jury determines the facts to be,  
21 applying those facts to the law as I have stated it to  
22 you, you find unanimously that the State has not met its  
23 burden of proof, that there is reasonable doubt and you  
24 find the Defendant not guilty, I would ask you to check  
25 to the left of not guilty and circle that.

1           You may find the Defendant guilty or not  
2 guilty as to distribution of crack cocaine. As to the  
3 charge of distribution of crack cocaine within proximity  
4 of a school, again, after your consideration of the  
5 evidence and the jury's determination of the facts and  
6 applying those facts to the law as I have stated to you,  
7 the jury unanimously finds the Defendant guilty of  
8 distribution of crack cocaine within proximity of a  
9 school, I would ask you to check to the left of the word  
10 guilty and circle that.

11           If, on the other hand, you find unanimously  
12 that the State has not proved the Defendant guilty of  
13 distribution of crack cocaine within proximity of a  
14 school, I would ask you to check to the left of not  
15 guilty and circle that.

16           Once the jury has reached a unanimous verdict  
17 as to each indictment, separately and distinctly,  
18 Mr. Foreman, I would ask you to please sign as the  
19 foreperson and date it.

20           It will tell you there: Please notify the  
21 bailiff after completing all deliberations. If you  
22 would knock on the door, we will receive you back into  
23 the courtroom for your verdict.

24           Again, ladies and gentlemen, the order in  
25 which I have stated these possible verdicts -- and you

1 consider these indictments separately and distinctly.  
2 He may be found guilty as to both indictments. He may  
3 be found not guilty as to both indictments. He may be  
4 found guilty of one and not guilty of the other. It's  
5 entirely up to you and your view and determination of  
6 the evidence.

7           One must simply be stated first, number one.  
8 There is no significance whatsoever. Number two, ladies  
9 and gentlemen, your verdicts must be unanimous verdicts,  
10 the verdict of the entire jury panel. All 12 of you  
11 must agree on the verdicts.

12           Your verdict cannot be based on sympathy,  
13 passion, prejudice, emotion or any other consideration  
14 not in evidence in this case. Again, Mr. Foreman, when  
15 the jury agrees on a unanimous verdict as to both  
16 charges, sign, date, knock on the jury room door and  
17 inform the bailiff you have reached a verdict. At that  
18 time we will receive you back into the courtroom to  
19 receive your verdict.

20           I will ask you, Mr. Foreman -- well, just  
21 several other things. We will make arrangements for you  
22 to have the equipment in there where you can listen to  
23 the tape. I assume and I am sure -- I think there was a  
24 software computer engineer on the jury. I am sure there  
25 is someone that can operate it with ease in there.

1           If not I will make arrangements to have  
2 someone do that. But if you have any problems  
3 technically, please let me know. You will have the  
4 exhibits in there with you.

5           If you have any questions during the course of  
6 your deliberations, Mr. Foreman, if you would just write  
7 them out for me, notify the bailiff. He will give them  
8 to me, and I will certainly respond to you.

9           I would ask you to please leave the verdict  
10 form up on the rail at this time and to return to your  
11 jury room. Do not begin your deliberations until you  
12 are directed to do so by the clerk or the bailiff.

13           I must under State law discuss some matters  
14 with the attorneys before you are advised to begin your  
15 deliberations. If you would please leave the form now.  
16 Mr. Foreman, ladies and gentlemen of the jury, if you  
17 would go with our bailiff to your jury room.

18           (The jury retires to the jury room).

19           THE COURT: Any exceptions from the State,  
20 Solicitor?

21           MR. HUBBARD: No, sir, Your Honor.

22           THE COURT: Defense?

23           MR. KENDRICK: Your Honor, my client has asked  
24 me to note an exception to the fact the jury is told  
25 that they have to unanimously reach a guilty or not

1 guilty verdict. He points out, of course, that they  
2 could not reach any verdict and doesn't want them to be  
3 under the impression that they have to reach a verdict.

4 THE COURT: Does he want me to tell them that  
5 they do not have to reach a unanimous verdict? I mean,  
6 that seems to be the reverse to me. If I told them, you  
7 don't have to reach a unanimous verdict, they might  
8 think the majority rules. If they don't reach a  
9 verdict, I am sure they will let us know.

10 MR. HUBBARD: In addition to that, it's almost  
11 like asking them to come back with a mistrial.

12 THE COURT: Right.

13 MR. HUBBARD: I don't think that is proper.

14 THE COURT: Your objection is certainly noted  
15 for the record, Mr. Kendrick and Mr. Golson. I take it  
16 quite seriously, but I'm not going to recharge them as  
17 to that issue. Any others?

18 MR. KENDRICK: Thank you, Judge, no others.

19 THE COURT: Thank you very much, Mr. Kendrick.  
20 Thank you, Mr. Golson. If y'all would please come check  
21 the evidence. How do you want to go about getting the  
22 equipment into the jury room?

23 MR. HUBBARD: Your Honor, I would suggest that  
24 our computer tech would take it in there. There is a  
25 password to get into that program, unless you want us to

1 send back the password and see if any of them know how  
2 to use it.

3 Otherwise I think we could just send back a  
4 computer. It's got speakers on it. But when you put  
5 that C.D. in, it pops up you need a password. You type  
6 in the password.

7 THE COURT: Mr. Kendrick?

8 MR. KENDRICK: I don't have a problem with  
9 that.

10 THE COURT: I don't have a problem with that  
11 either if Mr. Kendrick doesn't. I would like to put the  
12 technician under oath.

13 MR. HUBBARD: Yes, sir.

14 (Pause).

15 THE COURT: How many exhibits are there,  
16 Mr. Solicitor?

17 MR. HUBBARD: There are six and all are  
18 accounted for, and we do have the verdict form here.

19 THE COURT: So it's State's 1 through 6 and  
20 the verdict form?

21 MR. HUBBARD: Yes, sir.

22 THE COURT: Is that correct, Mr. Kendrick?

23 MR. KENDRICK: Yes, sir, Your Honor.

24 THE COURT: Let's wait on Mr. Reynolds. Is  
25 that who we are waiting on?



1 MR. HUBBARD: Yes, sir.

2 THE COURT: Let's take care of it all at one  
3 time.

4 (Pause).

5 THE COURT: Mr. Reynolds, would you place your  
6 left hand on the Bible and raise your right.

7 (The computer technician is duly sworn).

8 THE COURT: Anything further, Mr. Kendrick?

9 MR. KENDRICK: No, sir, Your Honor.

10 THE COURT: Mr. Reynolds is the computer  
11 technician, I.T. supervisor, I guess I would say, for  
12 the Eleventh Circuit Solicitor's Office.

13 MR. KENDRICK: Yes, sir.

14 THE COURT: If y'all would get all that at one  
15 time.

16 Mr. Bailiff, you can tell them they can begin  
17 their deliberations.

18 BAILIFF: Bring the alternates out, Your  
19 Honor?

20 THE COURT: Yes, sir, bring them out, please.

21 (The alternates are excused).

22 (The jury commences its deliberation at  
23 11:15 a.m.)

24 (The following occurred at 12:17 p.m.)

25 THE COURT: I understand we have a verdict.

1 Anything from the State before we bring in our jury?

2 MR. HUBBARD: No, Your Honor.

3 THE COURT: From the defense?

4 MR. KENDRICK: No, Your Honor.

5 THE COURT: Mr. Bailiff.

6 (The jury returns to open court to report its  
7 verdict).

8 THE COURT: Our jury is now back present in  
9 the courtroom.

10 Mr. Foreman, has the jury reached a verdict?

11 FOREMAN: Yes, sir.

12 THE COURT: Madame Clerk.

13 CLERK: Please pass it up by the bailiff,  
14 please, sir.

15 (Hands to Court).

16 THE COURT: The verdict appears to be in the  
17 proper form.

18 Madame Clerk, you may publish our verdict.

19 (Whereupon the verdicts of the jury are  
20 published as follows).

21 CLERK: Indictment 2006-GS-32-3494, and  
22 2006-GS-32-3491, the State versus Stanley Golson, as to  
23 the charge of distribution of crack cocaine, we the jury  
24 unanimously find the Defendant guilty.

25 As to the charge of distribution of crack

1 cocaine within proximity of a school, we the jury  
2 unanimously find the Defendant guilty. It is so signed  
3 Mr. Watkins, foreperson.

4 Mr. Watkins, ladies and gentlemen of the jury,  
5 if this is your verdicts, please indicate each of you by  
6 raising your right hand, please.

7 (All jurors so indicate).

8 CLERK: All hands are raised, Your Honor.

9 THE COURT: Thank you, Madame Clerk.

10 Solicitor, anything additional for the jury?

11 MR. HUBBARD: Not at this time, Your Honor.

12 THE COURT: From the defense, Mr. Kendrick?

13 MR. KENDRICK: Your Honor, I'd asked that they  
14 be polled individually.

15 THE COURT: All right. Madame Clerk.

16 CLERK: As I call your name, please hold your  
17 hand up so I can recognize you. I will ask you: As to  
18 the verdicts, were these your verdicts and are they  
19 still your verdicts? At that time I need for you to  
20 respond.

21 Amelia Hayne, as to the verdicts, were these  
22 your verdicts and are they still your verdicts?

23 JUROR: Yes.

24 CLERK: Remone Osby, as to the verdicts, were  
25 these your verdicts and are they still your verdicts?

1 JUROR: Yes, ma'am.

2 CLERK: Roynel Watkins, as to the verdicts,  
3 were these your verdicts and are they still your  
4 verdicts?

5 JUROR: Yes, ma'am.

6 CLERK: Andrew Shackley, as to the verdicts,  
7 were these your verdicts and are they still your  
8 verdicts?

9 JUROR: Yes, ma'am.

10 CLERK: Evelyn Lavigne, as to the verdicts,  
11 were these your verdicts and are they still your  
12 verdicts?

13 JUROR: Yes, ma'am.

14 CLERK: Lon Simpson, as to the verdicts, were  
15 these your verdicts and are they still your verdicts?

16 JUROR: Yes, ma'am.

17 CLERK: James Cox, as to the verdicts, were  
18 these your verdicts and are they still your verdicts?

19 JUROR: Yes, ma'am.

20 CLERK: Brenda Tucker, as to the verdicts,  
21 were these your verdicts and are they still your  
22 verdicts?

23 JUROR: Yes, ma'am.

24 CLERK: Thomas Kimery, as to the verdicts,  
25 were these your verdicts and are they still your

1 verdicts?

2 JUROR: Yes, ma'am.

3 CLERK: Nicole Deyo, as to the verdicts, were  
4 these your verdicts and are they still your verdicts?

5 JUROR: Yes, ma'am.

6 CLERK: Carol Trim, as to the verdicts, were  
7 these your verdicts and are they still your verdicts?

8 JUROR: Yes, ma'am.

9 CLERK: Richard Buff, as to the verdicts, were  
10 these your verdicts and are they still your verdicts?

11 JUROR: Yes, ma'am.

12 CLERK: The jurors are polled, Your Honor.

13 THE COURT: Thank you, Madame Clerk.

14 Mr. Kendrick, anything further for the jury?

15 MR. KENDRICK: No, sir, Your Honor.

16 THE COURT: Any reason in law why sentence  
17 should not be imposed at this time?

18 MR. KENDRICK: No, Your Honor. We are ready  
19 to go forward with sentencing.

20 THE COURT: Solicitor?

21 MR. HUBBARD: We are ready, Your Honor.

22 THE COURT: Thank you. Anything additional  
23 from the State, Solicitor?

24 MR. COLLINS: Your Honor, previously we had  
25 served Mr. Kendrick and his client with a life without

1 parole notice based on his previous record, Your Honor.

2 I pass that up to the Court.

3 THE COURT: What is the Defendant's previous  
4 record, Solicitor?

5 MR. HUBBARD: Your Honor, by our count he has  
6 some -- by our count, it looks like 20 prior drug  
7 convictions. Eight of those are proximity charges which  
8 enables us to seek a life sentence.

9 THE COURT: Do you have certified copies of  
10 his prior convictions that would have Mr. Golson fall  
11 within the confines of life without parole?

12 MR. HUBBARD: Yes, sir, Your Honor. What I  
13 have here, Your Honor, these are all the certified  
14 convictions, including the proximity charges. I have  
15 not separated them out, Your Honor.

16 THE COURT: All right.

17 MR. HUBBARD: I believe Your Honor will find a  
18 number of them from 1999 and again from the year 2003.  
19 And then, of course, here today. If Your Honor wishes I  
20 can go through and explain how those all arose.

21 THE COURT: It appears by notice filed  
22 March 2nd of 2007, that Mr. Golson and his attorney were  
23 served with notice of the State's intention to seek life  
24 without parole pursuant to 17-25-45.

25 This notice states that the State intends to

1    rely upon the following convictions and any such other  
2    convictions so discovered to statutorily enhance  
3    punishment.

4               There are a list of six -- excuse me -- eight  
5    convictions for distribution of cocaine within proximity  
6    of a school, all of which constitute a strike or serious  
7    offenses under 17-25-45. Further, that he is currently  
8    charged with four counts of distribution of crack  
9    cocaine. So there are additional counts pending?

10              MR. HUBBARD: Yes, sir, Your Honor. There are  
11    three additional distributions and three additional  
12    proximity charges.

13              THE COURT: All right. Yes, sir,  
14    Mr. Rentiers.

15              PROBATION OFFICER: Your Honor, he is  
16    presently on probation. He has a pending violation, not  
17    including these offenses here. A warrant was issued and  
18    served on him. He is on probation for distribution of  
19    cocaine within proximity, distribution of cocaine first,  
20    possession of crack first, failure to stop for a blue  
21    light. We issued a warrant on May 6, 2004, which was  
22    served on him September 27, 2006. The warrant is  
23    pending.

24              THE COURT: Mr. Kendrick, do you want me to go  
25    into the violation of probation at this time also?

1 MR. KENDRICK: That's fine, Your Honor.

2 THE COURT: Excuse me?

3 MR. KENDRICK: That's fine, Your Honor, if you  
4 want to do it that way. I do have an argument on the  
5 life without parole. If you want me to wait until you  
6 are ready for it. It's fairly -- it would be as brief  
7 as I can make it. It's obviously somewhat complex.

8 THE COURT: Do you have any issues concerning  
9 service of the notice of life without parole?

10 MR. KENDRICK: I do not have an issue with the  
11 actual service on myself and my client.

12 THE COURT: I would be glad to hear from you,  
13 Mr. Kendrick.

14 MR. KENDRICK: Your Honor, as far as receiving  
15 life without parole for this case -- and I want you to  
16 keep in mind that I am specifically arguing in this  
17 particular case that there was a quarter gram of crack  
18 involved.

19 Your Honor, what I would argue is that life  
20 without parole would be disproportionate to the offense.  
21 I have done a good bit of research over the last week,  
22 couple of weeks, and understand that while there is some  
23 suggestion that this disproportionate argument is  
24 disfavored, that is actually not true when you get into  
25 the opinions.



1           State v. Jones is the case that I kind of  
2 started with, Your Honor, which suggests from the South  
3 Carolina Supreme Court that after Harmelin v. Michigan  
4 from the U.S. Supreme Court that the three factor test  
5 found in Solem was no longer mandated in a life without  
6 parole case.

7           For the purposes of this argument, Your Honor,  
8 I don't think that South Carolina has adopted that  
9 position. I think that is apparent in some of the  
10 opinions. I also don't think it really matters.

11           The Harmelin versus Michigan case, Your Honor,  
12 is 650-some-odd grams of cocaine out in Michigan with no  
13 prior felonies where the person received a mandatory  
14 life sentence.

15           That Supreme Court opinion was a plurality  
16 opinion from a very divided Supreme Court, Your Honor.  
17 I don't think it gives us a definite precedent. It runs  
18 through some of the jurisprudence from the 20th century,  
19 basically saying that there isn't an absolute ban on the  
20 proportionality argument.

21           It does kind of differentiate between the fact  
22 that in a death penalty case, there is proportionality  
23 while in a life without parole case there is not. The  
24 reasoning in that, again, plurality opinion, Your Honor,  
25 the penalty at best would be revocable.

1           It rejects the rehabilitation of a convict as  
2 the basic purpose of criminal justice and is an absolute  
3 denunciation of all that is embodied in our kind of  
4 concepts of humanity.

5           Your Honor, what they say differentiates a  
6 life without parole sentence is that there is the  
7 possibility of retroactive legislation reduction and  
8 executive clemency, both of which, Your Honor, I think  
9 are so rare and so difficult to achieve that it does put  
10 a life without parole sentence in line with a death  
11 penalty sentence.

12           The concurring opinion in the Harmelin case  
13 from Kennedy states that the Court in the past has  
14 recognized under the Eighth Amendment that there is a  
15 proportionality argument.

16           The problem is they haven't ever done any  
17 clear parameters. Your Honor, I apologize, I have got  
18 the cites on these cases if you want them. I imagine  
19 that you are probably familiar with most of them I am  
20 arguing. My printer broke last night, so I was unable  
21 to get a copy of them to you.

22           Basically what the concurring opinion in the  
23 Harmelin case stated is that under Payne versus  
24 Tennessee, there is language that we have recognized the  
25 principles that have guided criminal sentencing change

1 with the times, Your Honor.

2 In this case you don't have the power under  
3 the statute to do anything, other than sentence him to  
4 life without parole. That statute has been in effect  
5 for some time.

6 It's my opinion that under some of the cases  
7 that came out recently from the U.S. Supreme Court and  
8 the Federal system, the Booker case, the Blakeley case,  
9 the California v. Cunningham case, there is a change in  
10 sentencing, Your Honor.

11 They are moving away somewhat from a judge's  
12 discretion being taken away by the legislature. Even  
13 though they recognize it's still proper, there is some  
14 suggestion that it may not be.

15 They also recognize in Harmelin that the  
16 concurring opinion in the state sentencing principles  
17 embody different assumptions, whereas what South  
18 Carolina might be concerned with, California may not.  
19 Washington state may not be.

20 Your Honor, in the South Carolina Constitution  
21 Article 12, Section 2 where they create the Department  
22 of Corrections, one of the charges they give to the  
23 Department of Corrections is the rehabilitation of  
24 inmates, which is clearly impossible in a life without  
25 parole case.

1           Your Honor, I think where I am going with this  
2 is when you look at the State versus Jones case, which  
3 is 344 S.C. 48, a 2001 Supreme Court opinion, they go  
4 back to State v. Branham, which is 341 S.C.271,  
5 challenging the validity -- I'm sorry -- challenging the  
6 proportionality of a life without parole sentence.

7           What they do, Your Honor, is go through  
8 whether the proportion still exists. They state clearly  
9 that the Harmelin opinion establishes that  
10 disproportionality is still here, that we can look at  
11 the proportion of the sentence to the actual crime.

12           In upholding that case where there were  
13 several armed robberies and the person received a life  
14 without parole sentence, they receive other sentences.  
15 Your Honor, what I concentrated on were the actual drug  
16 cases they cite.

17           I would ask Your Honor to consider the vast  
18 difference between those cases and this one. United  
19 State versus D'Angou, which I may be pronouncing that  
20 wrong, 16 Fd.3d 604, a '99 case out of the Fourth  
21 Circuit, they pointed out that if he was an single user  
22 or even a single distributor, the person who received  
23 life without parole for prior felonies, all drugs, Your  
24 Honor, what they did point out was in this current  
25 incident offense, he had a substantial quantity of

1 drugs, and he was a high-level dealer, almost a manager  
2 of a large hub of dealers.

3 They also cite U.S. v. Hill out of the Sixth  
4 Circuit, which is 30 Fd.3d 48 for the proposition, again  
5 that a drug case was resulting in life without parole is  
6 proportional.

7 Again, Your Honor, the difference in that is  
8 they find 376 total grams of crack, a gun, a beeper, and  
9 the buy money from the case, as well as other money used  
10 to buy drugs.

11 Your Honor, again, this is a quarter gram of  
12 crack. I specifically refer to this case. I'm not  
13 looking for precedent or see change in the way that we  
14 do sentencing, but I do think that there is a concern  
15 with a quarter gram of crack elevating him to a life  
16 without parole status.

17 Because even though he has significant priors,  
18 Your Honor, we state 20-something priors, he has a set  
19 of priors from '93 that was vacated in a post conviction  
20 relief action, and then he pled to those in '99 to get  
21 out of jail basically and received time served on those.

22 That's one set. He then has another  
23 distribution which he pled and receive probation on,  
24 Your Honor. This now subjects him as a third offender  
25 to a 30 year maximum sentence, which is a significant

1 sentence anyway you look at it, Your Honor.

2 I do believe that if we look at this case, a  
3 life without parole sentence on such a small amount of  
4 drugs is extremely out of proportion. The recidivism  
5 statute already provides for a very high sentence, which  
6 I wouldn't argue, Your Honor.

7 What I would argue is that you don't have the  
8 discretion to do anything other than to put this man  
9 away for the absolute rest of his life based on two  
10 pencil size pieces, pencil eraser size pieces of crack.

11 So specifically under the Eighth Amendment,  
12 Your Honor, this would constitute cruel and unusual  
13 punishment. It is out of proportion. The argument that  
14 a sentence must be in proportion with the gravity of the  
15 offense is still alive under all the precedent, Your  
16 Honor.

17 So I would object to him receiving a life  
18 without parole sentence and ask that he be sentenced  
19 under the third offender statute with the maximum of 30  
20 years.

21 THE COURT: Mr. Kendrick, didn't State versus  
22 Burdette address the issue of the Eighth Amendment as  
23 far the recidivist statute is concerned?

24 MR. KENDRICK: Your Honor, I think as far as  
25 -- and, again, I'm not off the top of my head familiar

1 with that. I had, I thought, searched every single case  
2 that talked about the recidivist statute.

3 Again, whether it did or not, I think the  
4 problem would be that we would still be entitled to an  
5 individual proportionality review based on the case law  
6 as it stands. Since the Harmelin case, there has been  
7 no U.S. Supreme Court case law that would outlaw the  
8 ability to do that.

9 THE COURT: And you can't show me a case  
10 though, where the Court has conducted, the trial Court,  
11 has conducted a proportionality review under the  
12 recidivist statute?

13 MR. KENDRICK: Your Honor, I don't know that I  
14 can show you one where they have actually done it, but I  
15 can show you -- I believe the case law clearly states  
16 that you have the power to do that and you can do it.

17 Your Honor, I think the stakes in this case  
18 are a severe sentence in proportion to the small amount  
19 of drugs involved. I think it would mandate it, Your  
20 Honor. I think that justice would require it.

21 THE COURT: Thank you, Mr. Kendrick.  
22 Anything, Solicitor, in response?

23 MR. HUBBARD: Not much, Your Honor. I will  
24 just say the one thing I do agree with defense counsel  
25 on is that I don't believe you do have an option. I

1 believe under our statutory scheme, it is a life  
2 sentence.

3 Just for the Court's edification, we didn't  
4 just approach this case with a notice of life.  
5 Obviously we tried to work things out. That wasn't up  
6 to us. We were compelled to do what we did.

7 As to his charges and his convictions going  
8 back to 1993, that's when he was charged. He pled  
9 guilty in 1994 and received a 30-year sentence. In 1999  
10 that sentence was vacated and sent back to this court.

11 I handled those charges back in '99. He did  
12 plea to everything and basically received a time-served  
13 sentence. My thought at that time as a young prosecutor  
14 was that a man that had just gotten a reprieve from 30  
15 years and an fresh start surely would never come back to  
16 this courtroom again.

17 That's in '99. In 2003 he was back again. He  
18 got mercy the second time. A prosecutor in my office  
19 let him walk out on probation. He is back again today,  
20 not with just one charge but two charges before Your  
21 Honor.

22 He has got six others pending. Your Honor, we  
23 still tried to work it out. We are here because of  
24 Mr. Golson. I think that's a factor in any  
25 proportionality that Your Honor would have to conduct if



1 Your Honor went through a proportionality analysis.

2 We do what we have to do, not because we hate  
3 people. It's just our job. Your Honor, I believe under  
4 the statute and under our case law, the sentence is  
5 mandatory.

6 THE COURT: Thank you, Solicitor.  
7 Mr. Kendrick, anything further?

8 MR. KENDRICK: No, Your Honor. I would point  
9 out again that it's an Eighth Amendment argument based  
10 on what has happened here today. The severity of the  
11 offense that he is being sentenced for, regardless of  
12 what he has done in the past, today is what he is being  
13 sentenced for and the gravity of the offense.

14 Whether he was given a break before and again  
15 whether he had six other charges pending is irrelevant.  
16 He is as innocent of those as he was when he started  
17 this trial.

18 So I would ask you just to concentrate on this  
19 case. His prior record would have already elevated him  
20 to a third offender. That's already been provided for  
21 in the statute.

22 THE COURT: Is there anything you would like  
23 to say concerning the probation violation?

24 MR. KENDRICK: Your Honor, it depends. If  
25 your decision is that you are required to give a

1 mandatory life without parole sentence, you know, for  
2 recordkeeping I ask that you give him -- no, I don't  
3 have anything to say on the probation violation. I  
4 don't think it comes into play if he is, in fact, going  
5 to receive a life without parole sentence.

6 THE COURT: Thank you, Mr. Kendrick. Does  
7 Mr. Golson care to say anything?

8 THE DEFENDANT: Sir, I really don't have  
9 anything to say.

10 THE COURT: Thank you, Mr. Golson. You may be  
11 seated.

12 I am going to make a part of the record the  
13 life without parole notice, the 20 sentencing sheets  
14 that have been handed up, proof of service where  
15 Investigator Wilson served Mr. Golson, and Mr. Golson  
16 signed with the attached booking sheet, proof of service  
17 by Investigator Jill Johnson where Mr. Kendrick accepted  
18 service, and a memo to Mr. Kendrick from Solicitor  
19 Collins in reference to Mr. Golson where it states the  
20 State intended to seek life without parole should his  
21 client be convicted, with an attached motion.

22 I also have in front of me the probation sheet  
23 where he was placed on probation in 2003 for  
24 distribution of cocaine within proximity, distribution  
25 of cocaine, and possession of crack cocaine, a 15-year

1 business of our criminal justice system without folks  
2 like you. I know you are not volunteers. You are the  
3 last true draftees in America. We could not be about  
4 this very important business of conducting our system  
5 without y'all's help. I thank you and salute you for  
6 that input. You are now excused.

7 (The jury is excused).

8 (Court's Exhibit Numbers 1-6 are marked for  
9 purposes of the record).

10 \*\*\* END OF REQUESTED TRANSCRIPT OF RECORD \*\*\*

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## C E R T I F I C A T E

I, the undersigned L. Coconut Pantsari, Official Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal, in the Criminal Court for Lexington County, South Carolina on the 3rd and 4th days of April, 2007.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 5, 2007

L. Coconut Pantsari

Court Reporter

## FORM 5

STATE OF SOUTH CAROLINA )

County of Lexington )Stanley Golson, #200479 )

Full name and prison number (if any) of Applicant )

v. )

State of South Carolina )

IN THE COURT OF COMMON PLEAS

2010 SEP -2 P 1:53

DETHA. CARRIGG  
CLERK OF COURT  
LEXINGTON SC

APPLICATION FOR

POST-CONVICTION RELIEF

2010CP3203755

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention McCormick Correctional Institution F  
386 Redemption Way, McCormick, SC 29899
2. Name and location of Court which imposed sentence Lexington County  
General Session Court, Lexington, SC 29072
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) 2006-GS-32-3491
  - (b) 2006-GS-32-3494

A TRUE COPY

Lex. Co. C.C.C.P., G.S. &amp; P.C.

224  
closed CA file # 198000034  
pending CA file # 20072346  
closed PCR file # 20024808  
closed PCR Appeal file # 20025724  
no previous SVP file 59E; 59407

ATTORNEY GENERAL'S OFFICE

RECEIVED 09/27/2010

ADMINISTRATIVE INSTRUCTIONS

FILE OPEN END

HAVE COPIES MADE

ROUTE TO

ORDER TRANSCRIPT

PEN RECORDS CLERK RECORDS

OTHER

- (c) N/A
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) April 4, 2007, Life without parole FILED
- (b) April 4, 2007, Life without parole
- (c) 2010 SEP -2 P 1:53
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty N/A BETH A. CARRIGG  
CLERK OF COURT
- (b) after a plea of not guilty After a plea of not guilty 2010 SEP -2 P 1:53
- (c) after a plea of nolo contendere N/A
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. N/A
- iii. N/A
- (b) the result in each such Court to which you appealed:
- i. Appeal Dismissed
- ii. N/A
- iii. N/A
- (c) the date of each such result:
- i. July 6, 2010
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished Opinion No. 2010-UP-347
- ii. N/A
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) N/A

(c) N/A

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) SEE ATTACHMENT

2010 SEP -2 P 1:53

(b)

RETHA GARRIGG  
CLERK OF COURT  
COLUMBIA SC

(c)

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) SEE ATTACHMENT

(b)

(c)

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? Yes

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

Appeal

ii. N/A

iii. N/A

iv. N/A

(b) the name and location of the Court in which each was filed:

South Carolina Court of Appeals, Columbia, SC 29211

ii. N/A

iii. N/A

iv. N/A

2010CP 3203755



- (c) the disposition thereof:
- i. Appeal Dismissed FILED
- ii. N/A
- iii. N/A 2010 SEP -2 P 1:53
- iv. N/A BETH A. CARRIGG  
CLERK OF COURT  
JOHNSTON SC
- (d) the date of each such disposition:
- i. July 6, 2010
- ii. N/A
- iii. N/A
- iv. N/A
- (c) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. Unpublished Opinion No. 2010-UP-347
- ii. N/A
- iii. N/A
- iv. N/A
14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
- No
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
- i. N/A
- ii. N/A
- iii. N/A
- (b) the proceedings in which each ground was raised:
- i. N/A
- ii. N/A
- iii. N/A

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2010CP3203755

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) SEE ATTACHMENT

2010 SEP -2 P 1:53

(b) \_\_\_\_\_

(c) \_\_\_\_\_

BETH A. GARRIGG  
CLERK OF COURT  
LEXINGTON SC

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? N/A
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?  
No

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
- i. Joshua Snow Kendrick, 1924 Barnwell St., Cola., SC 29201
- ii. Elizabeth Franklin-Best, SC Appellate Defense, Cola., SC
- iii. N/A
- (b) the proceedings at which each such attorney represented you:
- i. Trial & Sentencing
- ii. Appeal
- iii. N/A

Revised 3/2003

2010CP3203755

19. State clearly the relief you seek in filing this application:  
Vacate Conviction and Sentence

FILED

2010 SEP -2 P 1:53

20. Are you now under sentence from any other court that you have not challenged?  
No

BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON SC

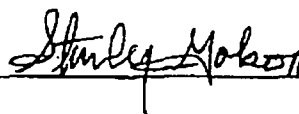
ORIGINAL

STATE OF SOUTH CAROLINA )

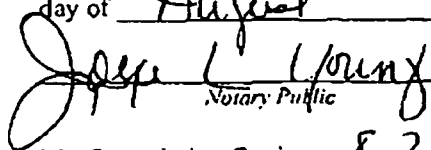
County of Lexington )

## VERIFICATION

I, Stanley Golson, #200479, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.



SWORN to and subscribed before me this 31  
 day of August, 2010.

 (L.S.)  
 Notary Public

My Commission Expires: 8 28 2011

FILED  
 2010 SEP -2 P 1:53  
 BETH A. CARRIGG  
 CLERK OF COURT  
 LEXINGTON SC

Revised 3-2003

2010CP3203755

ORIGINAL

**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, Stanley Golson, #200479, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Stanley Golson  
Applicant

SWORN or affirmed to and subscribed before me this

31 day of August, 2010.

Joseph L. Young  
Notary Public

My Commission Expires: 8 28 2011

FILED  
2010 SEP -2 P 1:53  
BETH A. CARRIG  
CLERK OF COURT  
JUDICIAL DISTRICT OF SC

Revised 3/2003

2010CP 3203755

Mr. Stanley Golson, #200479

McCormick Corr. Inst.

386 Redemption Way

McCormick, SC 29899

FILED

2010 SEP -2 P 1:53

BETH A CARRIGG  
CLERK OF COURT  
LEXINGTON SC

PCR ATTACHMENT

10. (a) Trial Counsel, Joshua S. Kendrick, Ineffective Assistance of Trial Counsel
- (b) Appellate Counsel, Elizabeth Franklin Best, Ineffective Assistance of Appellate Counsel
11. (a) Ineffective Assistance of Trial Counsel, failure to object to the two (2) invalid convictions.
- (b) Court was without jurisdiction to impose, sentence and convictions.
16. (a) Ineffective Assistance of Trial Counsel, Post-Conviction Relief Remedy.
- (b) Ineffective Assistance of Appellate Counsel, Post-Conviction Relief Remedy.

2010CP3203755

ORIGINAL  
SEP 02 2010

Mr. Stanley Golson, #200479

FILED

McCormick C.I. F4A-162

386 Redemption Way

2010 SEP -2 P 1:53

McCormick, SC 29899

BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON SCAugust 31<sup>st</sup>, 2010

WW

Ms. Beth A. Carrigg, Clerk of Court  
Lexington County, 11th Judicial Circuit  
205 East Main Street  
Lexington, SC 29072

2010CP3203755

Re: PCR

Case Nos: 2006-GS-32-3491; 3494

Dear Clerk,

Would you please stamp clock and file this Post-Conviction  
Application and, serve a copy on all said parties and please  
serve a copy back to me, for my files.

Thanking you in advance, for all your efforts in my behalf.

/s/ Stanley Golson  
Mr. Stanley Golson, Pro se

cc: File

Trial Court was clearly without jurisdiction to use  
Applicant's prior convictions.

2010 SEP -2 7 1:53

Counsel did not perfect the Appeal despite a clear request  
by the Appellant to do so, and the Court, relying upon  
circuit precedent, determined that this was the equivalent of  
complete denial of Counsel which did not require a prejudice  
showing. Fern v. Gramley, 99 F.3d 258 (7th 1996). Cite at  
Robbins, 120 S.Ct. 765. Appellate Counsel who files a meritorious  
brief need not, and should not raise every nonfrivolous claim,  
but rather may select from among them in order to maximize the  
likelihood of success on Appeal. Nonetheless, it is possible to  
bring a Strickland claim based on Counsel's failure to raise a  
particular claim, though it is difficult to demonstrate that  
Counsel was incompetent and generally only ignored issue - are  
clearly stronger than those presented will the presumption of  
effective assistance of Counsel be overcome. Constitutional  
Amendments sixth, fourteenth. Applicant has Exhibit to support  
his claims where Applicant notified Counsel to the aforementioned  
issue.

As the Records show in State v. Stanley Golson, Op. No.  
\_\_\_\_\_. Appellate Counsel may render  
Ineffective Assistance of Counsel for failure to present an issue  
on appeal. However, Counsel is not required to raise every  
non-frivolous claim, but instead may select among them in order  
to maximize the likelihood to a favorable outcome. Smith v.  
Robbins, 528 U.S. 259, 288, 120 S.Ct. 746, 145 L.Ed. 756, Jones  
v. Barnes, 463 U.S. 745, 103 S.Ct. 3308, 77 L.E.2d 987.

right: Southerland v. State, 524 S.E.2d 833 (1999).

FILED

The test to establish a claim that Appellate Counsel was ineffective for failing to pursue a claim on direct Appeal is the same Strickland standard. Smith v. Robbins, 120 S.Ct. 2466 (2000). In applying this test to claims of ineffective assistance of Counsel on Appeal, reviewing Court must accord Appellate Counsel the presumption that he decided which issue were most likely to afford relief on Appeal. Pruett v. Thompson, 996 F.2d 1560 (4th Cir.), 397 S.E. 2d Thrift indeed, "Winnowing out weaker arguments on Appeal and focusing on those more likely to prevail far from being evidence of incompetence, is the hallmark of effective Appellate advocacy. Smith v. Muray, 106 S.Ct. 2061.

Although recognizing that notwithstanding Barnes it is still possible to bring a Strickland claim based on Counsel's failure to raise a particular claim, "On direct Appeal, the Supreme Court has recently reiterated that" when ignored issues are clearly stronger than those presented, will the presumption of effective Assistance of Counsel be overcome. Robbins, 102 S.Ct. 765.

On Record of Appeal, Appellate Counsel Elizabeth Franklin-Best "never" raised any issue, after numerous attempts to get her to do so, she completely ignored my requests. Trial Court erred by using the numbers 1-7 on the front page of the Life Without Parole Notice, because they "do not exist". Conviction was "vacated" November 6th, 1996, at a PCR Hearing, verbally by the honorable Thomas J. Ervin signed on March 19, 1997 and "voided" by the Lexington County Clerk of Court's Office on March 24, 1997.



235  
ORIGINAL  
RS  
SCANNED

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS  
C/A No: \_\_\_\_\_

2010 SEP -2 P 1:53

Stanley Golson, #200479,  
Applicant  
BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON, SC

MEMORANDUM OF LAW IN SUPPORT  
OF POST-CONVICTION RELIEF

vs.

STATE OF SOUTH CAROLINA,  
Respondent.

2010CP 3203755

Now comes the Applicant's move before this Honorable Court  
on the following matter: pursuant to S.C. Code of Laws, §  
17-27-10.

STATEMENT OF THE CASE

On November 6th, 2006, the Lexington County Grand Jury  
indicted Stanley Golson on the charges of Distribution of Crack  
Cocaine and Distribution Crack - Proximity School Zone and on  
April 3rd and 4th, 2007, Golson proceeded to trial before the  
Honorable Knox M. McMahan, and a jury. He was represented by  
Joshua Snow Kendrick, Esquire. The jury returned a verdict of  
guilty, on both charges. Judge Knox M. McMahan sentenced Golson  
to life without parole on both charges, ran concurrently.  
Golson's Attorney filed a Notice of Appeal.  
This Appeal follows.

A TRUE COPY  
*[Signature]*  
Lex. Co. C.C.C.P., G.S. & F.C.

ARGUMENT

FILED

The Applicant was denied his sixth and fourteenth Amendment right to effective assistance of Appellate Counsel for failure to raise Applicant's subject matter jurisdiction issue, and prosecution retaliation issue. And any other issues, that could have been raised. Even Applicant's subject matter jurisdiction issue, that could have been raised at anytime, even for the first time on Direct Appeal.

Applicant's claim of Ineffective Assistance of Appellate Counsel "must" be alleged according to S.C. Code Ann., § 17-27-45 (c) If the Applicant contends that there is evidence of material facts not previously presented and that requires vacation of conviction or sentence, the application must be filed under this chapter within one year after date, when the facts could have been ascertained by the exercise of reasonable diligence.

obviously, since it was dealing with a State conviction, the Court had to utilize the Due Process Clause of the fourteenth Amendment to apply the constitutional standard to the State's, "The right to a fair trial is a fundamental liberty secured by fourteenth Amendment." 425 U.S. at 503, 96 S.Ct. at 1692, 48 L.E.2d at 130. Also cite at State v. Ex Rel McMannis, 254 S.E.2d 805.

Ineffective Assistance of Appellate Counsel in violation of the sixth Amendment. A defendant in A criminal case has a sixth Amendment right to the effective assistance of Counsel on direct Appeal. Evitt v. Lucey, 105 S.Ct. 830-885). An accused is entitled to Assistance of Counsel on an Appeal as a matter of

Additionally, in Ezell, the Supreme Court found that the appropriate remedy for Ineffective Assistance of Appellate Counsel is a new trial. Id. Ezell v. State, 345 S.W.2d 852 (2001). FILED  
2010 SEP 24 1:53

In Applicant's case, State v. Stanley Golson, BETH A. CARRIGG  
CLERK OF COURT  
COLUMBIA SC  
\_\_\_\_\_, Appellate Counsel Elizabeth Franklin-Best would be Ineffective Assistance of Counsel for failing to raise this meritorious issue on Appeal, of Prosecution Retaliation and subject matter jurisdiction, which may be raised at anytime, even for the first time on Direct Appeal. See Exhibits presented.

#### CONCLUSION

Wherefore, for the foregoing reason, Applicant should be granted a new trial based upon Appellate Counsel's failure to raise his claim on Appeal.

Date: August 31<sup>st</sup>, 2010.

Stanley Golson

Mr. Stanley Golson, #200479

McCormick C.I. #129

386 Redemption Way

McCormick, SC 29899

Pro se Applicant

State of South Carolina  
County of Lexington

In The Court of Common Pleas

2010 SEP -2 P 1:53

Stanley Golson )

vs )

State of South Carolina )

Case No. # H-500825 WITH A. CARRIGG  
CLERK OF COURT  
829. LEXINGTON SC

2010CP3203755

The Applicant in addition to the grounds previously stated set out the following grounds for Post-Conviction Relief.

1. Counsel was ineffective for not attacking the arrest warrant, which state(s) Distribution of Crack Cocaine, offense 4th or more. The arrest warrant is invalid, and places applicant, "Falsely Imprisoned".

The Honorable Scott D. Whittle was without jurisdiction to sign the arrest warrants.

And at this point, the Applicant only has (1) one conviction for crack cocaine. His crack cocaine conviction was on July 29th 1993.

Distribution of Crack Cocaine. The Magistrate Court was without jurisdiction to sign the arrest warrants.

A/W Nos.

1. H-500825
2. H-500829

Therefore, the indictments are Nullity and conviction should be Vacated.

2. Court appointed Counsel, was ineffective. Because at the time Magistrate signed A/W there wasn't "No Analysis of any Drugs" of the incident date of 5-25-04, which left the Court without jurisdiction. The Magistrate Judge should have been afforded some type of analysis of the said drugs.

Court was without Jurisdiction.

Case Must Be Vacated.

See: State v. Williams 376 S.E. 2d 773(1989)

The State Must establish a complete Chain of Custody.

ORIGINAL  
FILED  
SCANNED  
A TRUE COPY  
JUL 29 2010  
LEX. CO. C.C.P., G.A. & EQ.

|                          |   |                              |
|--------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA  | ) | IN THE COURT OF COMMON PLEAS |
|                          | ) | ELEVENTH JUDICIAL CIRCUIT    |
| COUNTY OF LEXINGTON      | ) |                              |
|                          | ) |                              |
|                          | ) | 2010-CP-32-3755              |
|                          | ) |                              |
| Stanley Golson, #200479, | ) |                              |
| Applicant,               | ) |                              |
|                          | ) |                              |
| v.                       | ) | RETURN                       |
|                          | ) |                              |
| State of South Carolina, | ) |                              |
| Respondent.              | ) |                              |

---

The Respondent, making its Return to the application for post conviction relief (PCR) filed September 2, 2010, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant was indicted at the October 2006 term of the Lexington County Grand Jury for Distribution of Crack Cocaine (2006-GS-32-3494) and Distribution of Crack Cocaine within Proximity of a School (2006-GS-32-3491). He was represented by Josh Kendrick, Esquire. On April 3-4, 2007, the Applicant underwent trial pursuant to which he was found guilty as charged. He was sentenced by the Honorable R. Knox McMahon to confinement for life without parole.

A timely notice of appeal was filed on the Applicant's behalf. The South Carolina Court of Appeals subsequently dismissed the Applicant's appeal by unpublished opinion dated July 6, 2010. (2010-UP-347).

Attached herewith and incorporated herein are the records of the Lexington County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, and the guilty plea transcript. The Respondent reserves the right to amend and/or supplement this Return upon receipt with any relevant materials.

## II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel;
  - a. "Failure to object to the two invalid convictions;"
2. Ineffective assistance of appellate counsel;
3. Subject Matter Jurisdiction

## III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. Nevertheless, the allegation of ineffective assistance of counsel probably raises a question of fact which cannot be conclusively refuted by the record and, therefore, requires that an evidentiary hearing be held. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983); Delaney v. State, 269 S.C. 555, 238 S.E.2d 679 (1977).

#### IV.

A defendant is constitutionally entitled to effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830, 83 L.Ed.2d 821 (1985). "However, appellate counsel is not required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523 (1990). Appellate counsel has a professional duty to choose among potential issues according to their merit. Jones v. Barnes, 463 U.S. 745 (1983). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

The Applicant must show that appellate counsel's performance was deficient and that he was

prejudiced by the deficiency. Thrift, at 537; Gilchrist v. State, 364 S.C. 173, 612 S.E.2d 702 (2005); Anderson v. State, 354 S.C. 431, 581 S.E.2d 834 (2003). When a claim of ineffective assistance of counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of effective assistance of counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id.

The Respondent contends that the Applicant's appellate attorney rendered effective assistance of counsel. However, this ground for relief may raise factual issues that are not conclusively refuted by the record. The Respondent requests an evidentiary hearing on this allegation.

#### V.

The Respondent submits that the Applicant's allegation that the trial court lacked subject matter jurisdiction is without merit. Subject matter jurisdiction is the power of a court to hear and determine cases of the general class to which the proceedings in question belong. Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994). A review of the record clearly indicates that there is no basis upon which to conclude that the trial court lacked subject matter jurisdiction. Further, the Applicant's indictments are facially valid and proper. An indictment is adequate and valid on its face if the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, the defendant to know what he is called upon to answer, and acquittal or conviction to be placed in bar to any subsequent prosecution. State v. James, 472 S.E.2d 38 (S.C. 1996); State v. McIntire, 221 S.C. 504, 71 S.E.2d 410 (1952). The indictments in this case are



facially valid because they contain all the necessary elements of the offenses intended to be charged, state the date of the offenses, and the name of the accused. The respondent moves for summary dismissal pursuant to South Carolina Code Ann. §17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that this allegation should be dismissed as a matter of law.

VI.

Each and every allegation contained within the application not hereinbefore expressly admitted, qualified or explained is hereby denied.

VII.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

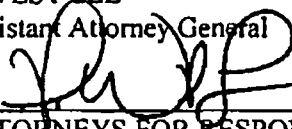
Respectfully submitted,

HENRY DARGAN McMASTER  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

A. WEST LEE  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Telephone: (803) 734-3737

December 30, 2010

|                          |   |                       |
|--------------------------|---|-----------------------|
| STATE OF SOUTH CAROLINA  | ) |                       |
|                          | ) | COURT OF COMMON PLEAS |
| COUNTY OF LEXINGTON      | ) |                       |
| <br>Stanley Golson,      | ) |                       |
|                          | ) |                       |
| APPLICANT                | ) | Post-Conviction       |
|                          | ) | Relief Hearing        |
| -VS-                     | ) | 2012-CP-32-03755      |
|                          | ) |                       |
| State of South Carolina, | ) |                       |
|                          | ) |                       |
| STATE                    | ) |                       |
| _____                    | ) |                       |

BEFORE THE HONORABLE FRANK R. ADDY, JR., JUDGE

APRIL 17, 2013

LEXINGTON, SOUTH CAROLINA

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

J. Walt Whitmire, Esq.  
For the State

Charles Brooks, Esq.  
For the Applicant

REMA K. GANTT THOMAS  
CIRCUIT COURT REPORTER

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1 (The applicant, together  
2 with counsel, was personally present in the  
3 courtroom.)

4 ATTORNEY GENERAL: May it please the  
5 Court?

6 THE COURT: Yes, sir. You can go ahead,  
7 please.

8 ATTORNEY GENERAL: The State calls Stanley  
9 Golson v. State.

10 At this moment, Mr. Brooks has a motion  
11 for the Court.

12 THE COURT: All right. The record should  
13 reflect that the State apparently is seeking to  
14 proceed on 10-CP-32-3755, Stanley Golson versus  
15 State. Mr. Brooks is present, representing Mr.  
16 Golson.

17 Mr. Brooks, you have a motion for the  
18 Court?

19 MR. BROOKS: Yes, sir, Judge. I talked  
20 with my client. Ostensibly, he's indicated he  
21 wishes to act for a continuance as he's got two  
22 boxloads full of materials and feels he's not  
23 adequately prepared to go forward.

24 THE COURT: Okay. Do you feel prepared to  
25 go forward, Mr. Brooks?

1                   MR. BROOKS: Judge, personally as a  
2 lawyer, you've probably seen me before. I've  
3 handled a bunch of PCRs, I'm sure. I don't see Mr.  
4 Spence. I've dealt with him quite a bit.

5                   Judge, I've read the transcript and  
6 materials, so I'm as adequately prepared as any  
7 lawyer would be. But obviously, in deference to my  
8 client, who would serve life without parole, I would  
9 defer to him, because he obviously needs more time,  
10 Your Honor.

11                  THE COURT: Okay. The State, I assume,  
12 opposes the motion?

13                  ATTORNEY GENERAL: Yes, Your Honor, the  
14 State opposes. This is a 2010 case. It's one of  
15 the oldest cases in the jurisdiction. Mr. Golson  
16 has had multiple attorneys. This has been continued  
17 term after term. We just ask that Mr. Golson have  
18 his day in court now.

19                  THE COURT: All right. The record should  
20 reflect that Mr. Golson has a good bit of paper and  
21 a good bit of files, a good number of files on  
22 counsel table. I've made the request of the person  
23 who escorted Mr. Golson from SCDC to bring that  
24 material up.

25                  Apparently, the warden's policy was to not

1       allow him to take the material here into court. But  
2       obviously he's had a chance to bring it in. And I  
3       think the record should also reflect that I've  
4       delayed resuming this hearing about 30 minutes now  
5       for purposes of allowing Mr. Golson to review any of  
6       the material that was brought up from the van  
7       downstairs.

8               Mr. Golson, what is it that you feel like  
9       you need more time for?

10              MR. GOLSON: Well, Your Honor, this is my  
11       first time seeing my attorney, Mr. Brooks. He wrote  
12       me a few times, and I wrote him a few times about  
13       things pertaining to the case. There's a few  
14       witnesses and stuff I need for him to speak to  
15       concerning my case and talk to witnesses and stuff  
16       and other issues and stuff that I'd like for him to  
17       bring.

18              THE COURT: All right.

19              MR. GOLSON: I'm trying to learn as much as  
20       I can.

21              THE COURT: Certainly.

22              MR. GOLSON: I had different attorneys.  
23       It ain't my fault that the attorneys got off my  
24       case. I understand it was 2010 when I filed my PCR  
25       for this case as soon as I was denied on direct



1       appeal because that stopped the clock.

2               THE COURT: I see, right. Well, Mr.

3       Golson --

4               Or, Mr. Brooks, let me ask you this.

5       You've communicated primarily by letter with your  
6       client, is that correct?

7               MR. BROOKS: Yes, sir. And we also had a  
8       phone conversation for approximately an hour on --  
9       we talked about an hour I want to say last week.  
10      I've got it down as 4/11/2013, 4/12/2013 where we  
11      talked, and I've got two pages of notes where we  
12      talked on the phone. We scheduled a phone  
13      conference, Judge, and we talked a lot about the  
14      case and these issues.

15              THE COURT: All right.

16              MR. BROOKS: That was April 11, Judge, at  
17      10:30 we spoke. We had it originally scheduled for  
18      15 minutes and went over because it was quite  
19      extensive. So in my file, we indicated an hour for  
20      purposes of his defense. And we talked about that  
21      long.

22              ATTORNEY GENERAL: Your Honor, may I add  
23      something?

24              THE COURT: Yes.

25              ATTORNEY GENERAL: Obviously, I just got

1 in the circuit in this job, and this prejudices Mr.  
2 Kendrick, who's been subpoenaed countless times to  
3 come testify at Mr. Golson's PCR. Mr. Kendrick  
4 practices law in Columbia, and it's about 30 minutes  
5 to get here.

6 And we just ask that Mr. Golson get his  
7 allegations on the record and have his PCR today.  
8 My understanding is all of this discovery on these  
9 issues relate to the LWOP statute.

10 And I believe Mr. Kendrick is prepared and  
11 ready to testify to any ineffective allegations  
12 claimed. If there's something else that's  
13 meritorious, I would be happy to hear it and why the  
14 continuance is merited.

15 THE COURT: All right. May I ask you  
16 this? You said that Mr. Golson has previously had  
17 attorneys appointed. Give me the background on that  
18 and kind of procedurally how many times you have  
19 sought to have this case heard.

20 ATTORNEY GENERAL: Haywood May (PH), my  
21 predecessor, has had this case since 2010. The file  
22 is one of the thickest files I have for  
23 correspondence. It was continued, I believe, last  
24 term because Mr. -- I do apologize -- Mr. Brooks was  
25 just appointed.

9

1           He had the continuance in order to prepare  
2       for this case as the standard policy. They've had  
3       plenty of time to go to court.

4           Mr. Nick Riley was originally appointed on  
5       this case and withdrew, I believe -- I beg the  
6       Court's indulgence.

7           MR. BROOKS: While he's looking at that, I  
8       got the case around the end of November, beginning  
9       of December of 2012, just for background purposes,  
10      Your Honor.

11          THE COURT: Sure. At the time that Mr.  
12      Riley was representing Mr. Golson, were there any  
13      times that the case was called and it had to be  
14      continued? Was Mr. Riley relieved for a particular  
15      reason, or do you have any record of that?

16          ATTORNEY GENERAL: Your Honor, I'm  
17      reviewing the order right now relieving counsel.  
18      Certainly, this was before I was even an attorney.  
19      The order was dated March 20, 2012, almost 14 months  
20      ago. We had the subpoena for Mr. Kendrick to be  
21      here Wednesday, April 25, 2012, and Thursday,  
22      February 2, 2012.

23          And this is prior to Mr. Brooks' being  
24      substituted to represent him in this matter --  
25      Wednesday, August 3, 2011; Thursday, August 16,

1       2012, which we just reviewed that. Mr. Kendrick has  
2       been subpoenaed to come testify in this case three  
3       times prior to Mr. Brooks' substitution on the case.

4               THE COURT: All right. Mr. Golson, a  
5       moment ago you raised your hand as if you wanted to  
6       tell me something else. And certainly I'm happy to  
7       hear from you.

8               MR. GOLSON: Yes, sir. Mr. Brooks, this  
9       is my first time seeing each other. I talked to him  
10      twice on the phone and stuff. You only get one bite  
11      of this apple, and I'm trying to get my full bite.  
12      And I need time to confer with him.

13              And I've got a good bit of witnesses. I  
14      need more time with this case so I can go on through  
15      with it. We haven't contacted them, and we haven't  
16      had a chance to talk. Me and him just talked over  
17      the phone. That's not good enough. That's just not  
18      good enough.

19              I don't understand that. But that's not  
20      good enough for him to just talk to me over the  
21      phone. I need to be able to sit down with him and  
22      talk to him concerning my case. If I need a  
23      witness, then that's my -- I'm the one serving the  
24      time.

25              THE COURT: All right. Mr. Golson, I do

11

1 understand your situation. Here's the situation  
2 that the Court finds itself in. This case has been  
3 continued multiple times.

4 As a matter of practice, it's my policy to  
5 allow one continuance, no questions asked, anytime  
6 somebody says that they're simply not prepared on a  
7 civil case like this. And I do understand that in  
8 this case, you're serving life without the  
9 possibility of parole.

10 The transcript in this case is not  
11 terribly lengthy. Mr. Brooks indicates to me that  
12 he is ready to go. I'm inclined, based upon the  
13 history of this case and the age of this case, to  
14 allow the matter to go forward today.

15 And I do feel that certainly Mr. Brooks  
16 has asserted that he's prepared. He's the second  
17 lawyer that you've had on this case. The case has  
18 been continued numerous times.

19 At some point in time, there simply has to  
20 be a date that the case is heard. And based upon  
21 that and for those reasons, I'm going to deny the  
22 applicant's motion for a continuance at this time.

23 So, Mr. Brooks, if you will, go ahead and  
24 call your first witness, please, sir -- or hold on.

25 Yes, sir?

1                   ATTORNEY GENERAL: May it please the  
2 Court?

3                   THE COURT: Yes, sir.

4                   ATTORNEY GENERAL: I would ask that Mr.  
5 Brooks state Mr. Golson's allegations on the record,  
6 Your Honor.

7                   THE COURT: Okay.

8                   If you're ready to proceed, Mr. Brooks.

9                   MR. BROOKS: Judge, his allegations are  
10 that he should not have been served with life  
11 without parole because his convictions were not  
12 valid and should not have been used for enhancement  
13 purposes, and that obviously his lawyer, Mr.  
14 Kendrick, should have objected to those things being  
15 used for purposes of his sentencing.

16                   Additionally, Judge, Mr. Golson felt that  
17 Mr. Kendrick should have objected or moved to  
18 suppress the tape used as a part of the case, a tape  
19 from a CI who allegedly made a buy. Mr. Kendrick  
20 should have objected to the audio equipment being  
21 taken into the jury room for the jury to consider in  
22 deliberating.

23                   He talked about the convictions, Judge.  
24 Also, that Mr. Kendrick should have raised the issue  
25 about the indictment being defective. In addition

13

1 to that, Mr. Kendrick should have raised the issues  
2 about discovery and Brady violations, which my  
3 client will presumably testify to.

4 And obviously he should have objected to  
5 the authenticity of Mr. Golson's voice on that tape,  
6 whether or not that really was him. In addition to  
7 that, one of the issues my client also wanted to  
8 raise is whether or not Mr. Kendrick should have  
9 moved to suppress the entire incident, the alleged  
10 buy from the CI.

11 My client's position is that the police  
12 should have had judicial permission, i.e. a warrant,  
13 in order to conduct this alleged buy and needed a  
14 warrant to wire up the CI, for lack of a better  
15 word, with the audio equipment to record this  
16 alleged buy. I believe that puts down all the  
17 issues for the Attorney General.

18 THE COURT: All right, very good. Let's  
19 move forward then and take whatever testimony you  
20 feel is necessary or that the applicant feels is  
21 necessary at this point in time, Mr. Brooks. So you  
22 can call your first witness.

23 MR. BROOKS: We would go ahead and call  
24 Mr. Golson.

25 THE COURT: Mr. Golson, if you would, sir,

Stanley Golson - Direct

14

1       come forward and raise your right hand, please, sir.

2       I need you to step around this way, though, please.

3       I'm sorry. Thank you.

4               (The witness was sworn.)

5               CLERK OF COURT: Have a seat and state  
6       your name for the record, please.

7               MR. GOLSON: Stanley Golson.

8               MR. BROOKS: Are you ready, Judge?

9               THE COURT: By all means.

10              STANLEY GOLSON, having first been duly  
11       sworn, testified as follows:

12                       DIRECT EXAMINATION

13       BY MR. BROOKS:

14              Q       Mr. Golson, you had Mr. Kendrick  
15       representing you in this matter?

16              A       Yes, sir.

17              Q       And he was court-appointed to you?

18              A       Yes, sir.

19              Q       Do you recall how long you had him on your  
20       case?

21              A       Yes, he was appointed February the 20th.

22              Q       And in relation to when you went to trial,  
23       how long before that did you go to trial?

24              A       About 30-something days.

25              Q       Did you tell him what your defenses were



Stanley Golson - Direct

15

1 in regards to your case?

2 A Yes.

3 Q One of those being whether or not these  
4 convictions are actually valid for purposes of being  
5 served with life without parole, is that correct?

6 A That's correct.

7 Q Okay. You told him all of this --

8 A Yes, I did.

9 Q -- is that correct?

10 A Yes, sir.

11 Q Okay. Now, these convictions that are  
12 laid out in the Solicitor's notice of life without  
13 parole, they should have been challenged. Can you  
14 tell the Court why they should have been challenged?

15 A The convictions are -- the incidents are  
16 from 1990. The conviction was vacated November 6,  
17 1996, in front of the Honorable Thomas J. Herd from  
18 Anderson, South Carolina. State appeal -- state  
19 appeal was denied. Judge Anderson signed an order  
20 3/19/97, and the Clerk of Court signed a disposition  
21 that the case had been overturned and void 3/24/97..  
22 On March 2, 1998, they released me from prison  
23 because the state appeal was denied and the it came  
24 down.

25 Q And what subsequently happened to those

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1 charges?

2 A Well, they brought from prison March 2,  
3 1998, to the courthouse and gave me another bond. I  
4 thought I had to be reindicted once your case has  
5 been vacated, but they gave me a \$30,000 bond, and I  
6 was released.

7 Almost a year later, they brought the  
8 charges back to trial without me being reindicted  
9 and allowed me to plead guilty to 15 years suspended  
10 to five years with time served for the illegal  
11 sentence that I spent in prison in two years and be  
12 off probation if I didn't get into any trouble.

13 Q And did you challenge those convictions?

14 A Yes, I paid \$75 and paid the fee here at  
15 the courthouse and filed for a PCR.

16 Q Okay. And what happened at that PCR?

17 A Well, I was denied on the PCR for whatever  
18 reason without all the issues being inside the order  
19 and whatever. But I was denied on it.

20 Q Okay. Now, in addition to that, you raise  
21 the issue about a 2002 indictment that was used also  
22 as a part of the Solicitor's justification for life  
23 without parole?

24 A Yes. It's number eight from the life  
25 without parole notice. Right now, I don't have my

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1 paperwork. It's not on the table. I don't know if  
2 I need to get down and get it or what, so I can have  
3 it to explain to explain in detail. But they  
4 indicted me for the charges on the side in front of  
5 the notices for distribution of cocaine.

6 Q Was that the 2002-GS-32-727 indictment?

7 A Yes, it is.

8 Q Distribution of cocaine in full proximity  
9 of a school?

10 A Yes, it is.

11 Q Okay. And why do you feel -- had you ever  
12 challenged that particular conviction?

13 A No, sir.

14 Q Okay. Did you sell -- did you get a  
15 sentence on that 2002 indictment?

16 A Yes, I did.

17 Q What was your sentence on that?

18 A Fifteen years suspended, three years'  
19 probation.

20 Q Okay. And you asked Mr. Kendrick to  
21 challenge that conviction, as well?

22 A Both convictions.

23 Q Okay. And did he ever do that?

24 A Not that I know of.

25 Q Okay. Now, in addition to that, you also

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1       raise the issue about Mr. Kendrick should have asked  
2       to suppress the evidence from the CI, is that  
3       correct?

4             A     Yes, sir.

5             Q     Okay. What was the basis that he should  
6       have asked for that to be suppressed?

7             A     Because through my reading and  
8       understanding, they've got to qualify you, go  
9       through SLED. You get an order. You have probable  
10      cause. You go through a federal judge to get an  
11      order for the police department to use on why they  
12      go pull somebody to go to somebody's residence to  
13      buy drugs or something for them, whatever the issue  
14      may be.

15            Q     Okay.

16            A     In this case, there's no authorization. I  
17      don't see any. It's not in my motion discovery.

18            Q     Okay. And obviously at the trial, Mr.  
19      Kendrick never raised such an objection, is that  
20      correct?

21            A     That's correct, sir.

22            Q     Okay. And for that, that's one of the  
23      reasons why you feel he was ineffective?

24            A     Yes, that's one of the reasons I feel he  
25      was ineffective, because without probable cause or

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1       having authorization to put the wire on inside the  
2       informant, then the indictment ain't no good. They  
3       took that information to go to the Grand Jury Court  
4       with an indictment.

5           Q     Okay. Now, in addition to that, that's  
6       one of the reasons why he should have objected to  
7       the tape being played, is that right?

8           A     He should have objected to the tape being  
9       played and introduced into the Court at the trial  
10      for them to take it to the jury room.

11          Q     Okay, all right. And he did not do that?

12          A     No, sir. It's not on the record.

13          Q     And you also talked about Mr. Kendrick  
14      didn't raise any Brady or discovery violations?

15          A     Right. Concerning on the U.S. Code of  
16      Laws 18-25-18-9 and 10, ten days before trial, me  
17      and my attorney, Mr. Kendrick, should have had an  
18      opportunity to review those records and stuff  
19      concerning the wiretap and probable cause and  
20      whatever the used to get this -- use that wire on  
21      the girl, on the informant.

22          Q     Okay, all right.

23          A     And also up under South Carolina Code of  
24      Laws 217-30-10, that whole section dealing with  
25      wiretapping.

1           Q     And Mr. Kendrick never raised any of those  
2     at your hearing?

3           A     No -- no, sir.

4           Q     Did he ever raise an issue about the  
5     authenticity of the tape and whether or not that was  
6     your voice on it?

7           A     You couldn't hardly hear nobody's voice.  
8     You couldn't definitely hear my voice on the tape.  
9     You couldn't hear nobody's voice. I thought maybe  
10    they would bring the tape into the courtroom so the  
11    Court Reporter could type it up.

12                You couldn't hear the tape. That's why I  
13    asked you could I have the tape so that this judge  
14    or whatever judge be in this hearing could hear the  
15    tape and hear it for himself. I figure I had a  
16    right to have the tape since they used it to put me  
17    in prison.

18          Q     Did he move to suppress it?

19          A     No, sir, he didn't.

20          Q     Do you think that the lack of issues that  
21    Mr. Kendrick raised hurt you and caused you to be  
22    unsuccessful in your trial?

23          A     Yes, I do, because, like I said, under the  
24    South Carolina Code of Laws Statute 17-30-10 and all  
25    the way through 145 or whatever the last statute is

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1       and up under the federal law 18-25 of the United  
2       States Code of Laws -- 25-18-9 and 10 and 18-25-15  
3       where information is gathered through wiretap, there  
4       must be an order.

5               And if they don't have the order, then  
6       there should have been a motion to suppress the  
7       evidence. If there's no motion to suppress the  
8       evidence, sometimes they usually could do it and the  
9       Solicitor Office would get some type authorization.  
10      But not even did they get no type of authorization.

11             So that evidence from the wiretap went to  
12      the Grand Jury from the Magistrate's Office after  
13      they filed the warrants on me and I was arrested.  
14      It went to the Clerk of Court, from the Clerk of  
15      Court to the Solicitor's Office, and the Solicitor's  
16      Office took it to the Grand Jury, and they came up  
17      with these indictments that I tried and got  
18      sentenced for.

19             So that was illegal and it was prejudice  
20      to me because if they're supposed to have an  
21      authorization of the wiretap and stuff pertaining to  
22      the laws of the state and federal laws and they  
23      didn't have it, then it should have prejudiced me if  
24      I had an attorney that was supposed to be  
25      representing me at trial.

1           Q     Okay. And being that it is, you obviously  
2     are asking for this conviction to be set aside and  
3     that it be remanded for a new trial, is that  
4     correct?

5           A     Exactly.

6           Q     Okay. Is there any issue that we haven't  
7     raised?

8           A     Yes, I'm attacking my prior convictions up  
9     under 17-27-10 and 20 in McDuffie versus State. I  
10    want to attack them in sequences. Even the order  
11    that was drew up -- not order, I mean, excuse me,  
12    the notice. The notice is invalid. The notice has  
13    got distribution of crack cocaine on it. Those  
14    convictions was vacated November 6, 1997.

15          Q     Okay.

16          A     The order was signed 3/19/97.

17          Q     That's from Judge Herd?

18          A     That's from Judge Herd.

19          Q     Where you were successful on PCR?

20          A     Right. So if I pled guilty in '99 and  
21    they released me in '98 to distribution of cocaine  
22    without any indictments, then that should have been  
23    on front of the life without parole notice, not the  
24    crack cocaine. Those charges had already been  
25    vacated.



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1           I didn't plead to that in '99. Those are  
2 the charges they used for enhancement, but they've  
3 got crack cocaine on it. I didn't plead to no crack  
4 cocaine in '99. There was no crack cocaine in '99.  
5 So that prejudiced me because I'm serving time for  
6 it when there's no charges for it or no indictments.

7           Q     All right.

8           A     Now, number eight on the front of the life  
9 without parole notice, could you give me that notice  
10 over there? Thank you. Number eight on front of  
11 the life without parole notice has got distribution  
12 of cocaine within proximity of a school zone under  
13 Indictment 02-GS-32-727.

14           I don't have an indictment for that, sir.  
15 That's prejudice to me because they used it on the  
16 front of this notice, and they took it as a serious  
17 offense, and they gave me life without parole for  
18 enhancement.

19           The other numbers, like I just said,  
20 they've already been vacated. If they would have  
21 put anything on the front of this notice, it would  
22 have been distribution of cocaine. Still, they  
23 never reindicted me. That prejudiced me. They are  
24 nonviolent convictions. I had parole dates on them.  
25 My brother was my co-defendant. He served time on

1       them. He went up for parole three times on county  
2       work release. I have his paperwork where he went up  
3       for parole. That's a matter of public record. SCDC  
4       has it. Parole/Pardon has it. But I'm still  
5       sentenced and sitting here for it today without any  
6       indictment after it had been reindicted and serving  
7       a life without parole sentence for it, and it's a  
8       parolable offense -- two years' probation.

9               Q     And obviously that's something it's your  
10       position that Mr. Kendrick should have raised that  
11       and he didn't?

12              A     He sure should. He should have made a  
13       motion in opposition to this notice right here  
14       because it's invalid. These numbers don't even  
15       exist. I've never been reindicted.

16                    The sentence was invalid. The statutes  
17       states that if a sentence couldn't be suspended,  
18       probation can't be granted.

19              Q     Is there anything, any other issues, that  
20       we haven't raised yet?

21              A     I'm sure I've got plenty of issues right  
22       there on the table. I need to get to my paperwork  
23       so I can show it to him.

24                    THE COURT: If you need to step down and  
25       take a look at the material that you have, please

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1       feel free to do so.

2               MR. GOLSON: Yes, sir.

3               THE COURT: Once you've gathered the  
4       material there, if you would just come back to the  
5       witness stand so that the Court Reporter can be sure  
6       to hear anything that you have to tell us, Mr.  
7       Golson.

8               MR. GOLSON: Yes, sir.

9               Q     Mr. Golson --

10              A     Yes, sir.

11              Q     -- I asked you are there any issues that  
12       we have not raised to the judge? We have raised the  
13       issue of Mr. Kendrick not moving to suppress the  
14       life without parole because your position is that  
15       these are not valid convictions.

16              A     Right.

17              Q     We've already done that.

18              A     Right.

19              Q     You've already testified to that, right?  
20       And you also indicated the issue about Mr. Kendrick  
21       not moving to suppress the 2002 indictment that was  
22       used to enhance you. You've said that already,  
23       isn't that correct?

24              A     The 2002?

25              Q     Have you said it already?

1           A     Which one do you mean by the 2002?

2           Q     Number eight, 2002 indictment.

3           A     What about it, now? Ask me again.

4           Q     Have you already told the judge why Mr.  
5 Kendrick was ineffective for not moving to suppress  
6 that and it being used to enhance?

7           A     Right.

8           Q     So my question --

9           A     Okay.

10          A     -- are there any other issues that we  
11 haven't said here this morning?

12          A     Right, yes, it is.

13          Q     What other issues other than the prior  
14 conviction and other than your claim that the police  
15 needed to have a warrant in order to wire up the CI  
16 -- what other issues? We challenged the conviction  
17 and the wiretap.

18          A     Okay.

19          Q     Are there any other issues other than  
20 those two that you've talked about already?

21          A     Yes. Is it only two? You're talking  
22 about just those two priors, right? Yes, sir, I  
23 think there's more than two.

24          Q     Listen to me carefully.

25          A     It's more than two. But, anyway, I heard

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1       what you said.

2               Q     Okay.

3               A     Yes, okay. We're going go inside the  
4       6/24/03 guilty plea, which is number eight, okay --  
5       which is number eight? There is convictions inside  
6       of that conviction, number eight that's on the front  
7       of the life without parole notice, that are not  
8       serious offenses.

9               Those are conviction pleas inside of that  
10      plea. They've just got this one on the front of the  
11      notice. But there was other pleas inside of that  
12      plea, you understand? I was pro se that day when I  
13      stood in front of the Honorable Westbrook, but there  
14      was pleas inside of it, so far as a failure to stop  
15      for a blue light.

16              That's not a serious offense, but I'm  
17      serving time for it because it's inside that plea.  
18      Okay, listen to me. There's a possession charge,  
19      but there was no drugs at the stop in Cayce, and  
20      there's no chain-of-custody drugs. I didn't have  
21      any drugs. They indicted me for that, no drugs,  
22      okay? You asked me -- you asked me --

23              Q     Does that have anything to do with this  
24      notice for life without parole?

25              A     Yes, it does. It's inside this plea.

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1 Q Okay.

2 A This plea --

3 Q Listen to me carefully. Listen to me  
4 carefully. I believe we have told the judge your  
5 issue about these prior convictions.

6 A Yes, we did tell the judge about that.  
7 But you asked me if there's any other issues.

8 Q Any further issues pertaining to your PCR  
9 and ineffective assistance of counsel of Mr.  
10 Kendrick.

11 A Right.

12 Q Are there any other things that we haven't  
13 talked about?

14 A Yes, I'm telling you now. Inside of  
15 number eight, there are other charges that was  
16 inside except this right here, okay?

17 Q I understand.

18 THE COURT: When you say that there are  
19 other charges that inside number eight, do you mean  
20 that there --

21 MR. GOLSON: I pled to one thing, and they  
22 let me plead concurrent to all of it, Your Honor.  
23 It's probably like about four or five different  
24 charges.

25 THE COURT: And so you were facing

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1 multiple charges at the time of the plea, and you  
2 pled to all of them together?

3 MR. GOLSON: They gave me a different  
4 sentence, but they ran them all concurrent. But  
5 what I'm telling him now is they are not serious  
6 offenses, most serious offenses.

7 THE COURT: Okay. Did the State --

8 MR. GOLSON: And --

9 THE COURT: Let me ask you this. Those  
10 other charges, I understand, just for example, maybe  
11 one of the other charges was petty larceny or  
12 shoplifting, okay?

13 MR. GOLSON: Yes, sir, you're right.

14 THE COURT: I think what Mr. Brooks is  
15 getting at is that for purposes of enhancement,  
16 obviously Judge McMahon could not have considered  
17 those --

18 MR. GOLSON: Right.

19 THE COURT: -- and they should not be used  
20 against you. Are you saying that those convictions,  
21 if it was for petty larceny or shoplifting, that  
22 were, as you put it, contemporaneous or inside the  
23 plea that you did back in June of '03 --

24 MR. GOLSON: Yes, sir.

25 THE COURT: -- are you saying that those

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1       were used for enhancement?

2               MR. GOLSON: No, they're not on the front  
3       of the notice.

4               THE COURT: Okay.

5               MR. GOLSON: But they was a part of that  
6       plea for this charge.

7               THE COURT: Okay.

8               MR. GOLSON: So I'm just bringing that up  
9       to let you know they were a part of the plea. So  
10       even though they're not on the face of this notice,  
11       they're part of this charge and the sentence that  
12       I'm doing time for.

13              THE COURT: I understand what you're  
14       saying. I don't know that it's terribly relevant to  
15       this issue, okay?

16              MR. GOLSON: Okay.

17              THE COURT: Because if those charges were  
18       not used to enhance --

19              MR. GOLSON: Okay.

20              THE COURT: -- and that's I think what Mr.  
21       Brooks is getting at, okay?

22              MR. GOLSON: Okay, all right. All right,  
23       sir.

24              THE COURT: Not to steal your thunder  
25       here, Mr. Brooks.



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1           But are there other additional matters  
2           that you feel I need to be considering or thinking  
3           about that affected your representation or that were  
4           affected by your representation?

5           MR. BROOKS: You're asking me?

6           THE COURT: Yes, what else? Basically, as  
7           Mr. Brooks would say, what else do you feel was --

8           Q     You've covered the convictions --

9           THE COURT: Right.

10          Q     -- that are on there. You're talking  
11          about them. You hashed that out, okay. You talked  
12          about what you feel is the State should have gotten  
13          in order for the judge to allow them to use a CI and  
14          wire the CI up, and you talked about that.

15          Is there anything else that we haven't  
16          talked about pertaining to this particular trial and  
17          Mr. Kendrick's representation of you that we haven't  
18          talked about? I'm just trying to make sure we get  
19          the issues out in regards to Mr. Kendrick's  
20          representation.

21          A     Well, I think we said about the tape and  
22          stuff. I think we covered all of that by the tape  
23          should have been objected to and the jury shouldn't  
24          have been allowed to take it in the jury room. They  
25          didn't identify the voices on the tape, because you

1       couldn't hear the tape.

2               Q     Correct.

3               Q     They can't say that it's my voice, but I'm  
4       just saying you couldn't hear their informant's  
5       voice neither. But concerning anything that's  
6       concerning the tape, you know, they just used my  
7       priors. And I feel the priors is illegal and  
8       invalid, especially one through seven. The sentence  
9       was suspended, the statute says the sentence can't  
10      be suspended, parole can't be granted -- indictment  
11      -- nonviolent convictions. I've got so much  
12      paperwork. These are the motions that I had for  
13      suppression. I had a copy for everybody.

14                   I might have a break for a minute, Your  
15      Honor, just to check for that.

16                   THE COURT: All right.

17                   MR. GOLSON: These are just the motions  
18      right here. But I a motion to suppress concerning  
19      the wiretap.

20                   THE COURT: All right. Let me suggest  
21      this, then.

22                   MR. GOLSON: Yes, sir.

23                   THE COURT: If there's no objection, if  
24      you feel that you need additional time to check  
25      through your paperwork, that's perfectly fine. What

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1 we could do is you can step down.

2 MR. GOLSON: Yes, sir.

3 THE COURT: You can have a chance to  
4 review it. If there's something else you need to  
5 bring up --

6 MR. GOLSON: That's what I'd like --

7 THE COURT: -- we can proceed with the  
8 testimony of the other witness. And then if he  
9 needs to be re-called, we can re-call him at that  
10 point in time, if that's acceptable to everybody.

11 MR. GOLSON: That would be fine with me,  
12 Your Honor.

13 THE COURT: Let's do that, then, after you  
14 cross-examine.

15 Okay, just stay where you are, and then  
16 we'll do a cross.

17 MR. GOLSON: Okay.

18 THE COURT: And we'll give you a chance to  
19 look back and make sure you've covered all the bases  
20 you want to cover.

21 MR. GOLSON: Thank you.

22 THE COURT: Attorney General?

23 ATTORNEY GENERAL: May it please the  
24 Court?

25 THE COURT: Yes, sir.

1 CROSS-EXAMINATION

2 BY ATTORNEY GENERAL:

3 Q Good morning, Mr. Golson.

4 A Good morning.

5 Q I'm just trying to get a procedural  
6 history of the past convictions that were used to  
7 enhance.

8 A Yes, sir.

9 Q So the first one occurred in 1993, is that  
10 correct?

11 A Yes, sir.

12 Q And the judge granted PCR on that case in  
13 1996?

14 A Yes, sir.

15 Q And as a matter of granting PCR on the  
16 case, your case was remanded back to the Circuit  
17 Court, is that correct?

18 A Yes, sir.

19 Q And you accepted a guilty plea on those  
20 charges, is that correct?

21 A I accepted a guilty plea, but I was never  
22 reindicted, sir.

23 Q Do you understand when you accept a guilty  
24 plea or proceed to trial, you waive any sort of  
25 defect in the indictment as something that's a

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1 preliminary matter?

2 A Those indictments, the ones that you said  
3 I waived, sir, from 1993 when they indicted me for  
4 the time when I was supposed to be pleading to five  
5 years, no more than three years, those indictments  
6 were defective because my case was overturned. They  
7 said I sold something to a SLED agent at SLED --

8 Q Mr. Golson --

9 A Yes, sir.

10 Q Mr. Golson --

11 A Yes, sir.

12 Q -- do you understand that when PCR is  
13 granted --

14 A Yes, sir.

15 Q -- the only thing that is wiped away is  
16 that conviction or that final decision?

17 A Say it again, sir?

18 Q Do you understand when a PCR is granted,  
19 you have to go back for retrial, it's a whole new  
20 bite of the apple?

21 A Yes, if they reindicted me -- right?

22 Q And you filed a PCR after that --

23 A Yes, sir.

24 Q -- and the Court denied your claim, is  
25 that correct?

1           A     Right. That's right, sir.

2           Q     And on your 2002 case, you pled guilty, is  
3     that correct?

4           A     Yes, sir.

5           Q     And these indictment issues that you asked  
6     Mr. Kendrick to research that you're bringing before  
7     this Court today, did you pursue them on a direct  
8     appeal?

9           A     Which ones, sir?

10          Q     On 2002, any sort of issue with the  
11     indictments, jurisdiction, anything. Did you pursue  
12     that conviction on direct appeal?

13          A     No, sir.

14          Q     Did you PCR, as you're doing today, your  
15     attorney at that time? Do you recall who your  
16     attorney was?

17          A     No, I was pro se, sir.

18          Q     You were pro se?

19          A     Yes, sir.

20          Q     Now, leading into trial, Mr. Kendrick  
21     spent a fair amount of time with you explaining the  
22     statute, didn't you -- explaining life without  
23     parole and the enhancement -- is that correct?

24          A     They wasn't talking about life without  
25     parole. They served me notice. I don't think they

Stanley Golson - Cross

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1 served one on Mr. Kendrick.

2 Q In addressing your Fourth Amendment  
3 issue --

4 Brief indulgence, Your Honor.

5 THE COURT: Yes, sir.

6 Q Do you recall who the confidential  
7 informant was who testified against you at trial?

8 A This trial, sir, where Mr. Kendrick  
9 represented me?

10 Q Yes, the case we're here for today.

11 A Yes.

12 Q Who was that?

13 A Jamie.

14 Q And you've known this confidential  
15 informant most of your life, right?

16 A Sir?

17 Q You've known her most of your life?

18 A Right.

19 Q And she was invited into your home, is  
20 that correct?

21 A Excuse me?

22 Q She was invited into your home?

23 A Yes, I been knowing her.

24 Q And regarding the identification, didn't  
25 the confidential informant point you out at court as

1       being the man on the tape, is that correct?

2             A     She said that.

3             Q     Didn't she also pick you out in a pre-  
4       trial lineup?

5             A     I don't know about that. What was the  
6       lineup? They didn't put me with no three or four  
7       other guys.

8             Q     Mr. Golson --

9             A     Yes, sir.

10            Q     -- regarding your allegation on illegal  
11       wiretapping, was your personal phone line tapped at  
12       your house? Do you have evidence to show that  
13       today?

14            A     No, they didn't tap me out at my home  
15       phone. She wore -- they put a wire on her. They  
16       put a wire on her, and she came to my residence.

17            Q     Did your attorney explain to you --

18            A     No, sir.

19            Q     Let me finish, Mr. Golson.

20            A     I know what you're fixing to ask me, but  
21       go ahead.

22            Q     Did your attorney explain to you Fourth  
23       Amendment privacy interests?

24            A     No, sir.

25            Q     Nothing at all?



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1           A     No, sir.

2           Q     And what your expectation of privacy is?  
3     Did not explain any of this to you before trial?

4           A     No, sir.

5           ATTORNEY GENERAL:   A few more questions,  
6     Your Honor.   No further questions.

7           THE COURT:   Redirect?

8           MR. BROOKS:   No, Your Honor, other than  
9     him coming down.   And what I was going to do is I  
10    was going to call Mr. Kendrick while my client sees  
11    if he has any other issues that we haven't  
12    discussed.

13          THE COURT:   Certainly.

14          All right, Mr. Golson, if you'll step  
15    down, please.

16          MR. BROOKS:   We call Mr. Kendrick.

17          THE COURT:   Mr. Kendrick, if you'll come  
18    up, please.

19          (The witness was sworn.)

20          CLERK OF COURT:   Have a seat and state  
21    your name for the record, please.

22          MR. KENDRICK:   Josh Kendrick.

23          MR. BROOKS:   Are you ready, Judge?

24          THE COURT:   Please.

25          JOSH KENDRICK, having first been duly

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1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. BROOKS:

4 Q Mr. Kendrick, how are you today?

5 A Good.

6 Q You were appointed to represent Mr.

7 Golson?

8 A I was.

9 Q Did you get appointed 30 days before going  
10 to trial?

11 A That sounds about right.

12 Q Okay. Did he tell you about these prior  
13 convictions and whether or not they were valid or  
14 not?

15 A He did.

16 Q Did you look into them?

17 A I pulled the sentencing sheets from the  
18 Clerk's Office that showed he had pled guilty to  
19 them.

20 Q Okay. Do you recall when about those  
21 guilty convictions had taken place, these guilty  
22 pleas? Were they in '99?

23 A I don't remember, but I think what he said  
24 is accurate.

25 Q Okay. So you don't take exception to the

Josh Kendrick - Direct

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1 way he was talking about those prior convictions,  
2 that it's pretty much accurate?

3 A I mean, what he's stating is accurate.  
4 His conclusion I think may be a little bit off.

5 Q Okay. Did you ever raise any issues about  
6 those convictions being used for enhancement  
7 purposes during the trial?

8 A No, not in the nature that he was  
9 explaining up here. My challenge -- I did challenge  
10 the life without parole, but not based on the prior  
11 convictions.

12 Q Okay. Did you ever challenge the 2002  
13 conviction, which was number eight on the life  
14 without parole?

15 A No, I didn't challenge any of his prior  
16 convictions at his trial. And it's my position I  
17 wouldn't have been able to.

18 Q Did you challenge in any way, shape, or  
19 form the State's use of the CI --

20 A No.

21 Q -- and the tape from the CI?

22 A No, all that use was legal.

23 Q All right. Did you -- and when I say  
24 "challenge," you didn't move to suppress it in any  
25 way, shape, or form?

1 A No.

2 Q Didn't try to suppress the tape?

3 A I didn't have grounds, so, no, I did not.

4 Q And you didn't raise any discovery or  
5 Brady violations, is that correct?

6 A No. I mean, we actually spent the first  
7 -- I mean, half the day I think arguing over Brady  
8 and discovery violations. It actually got pretty  
9 heated between the Solicitor and I.

10 So I don't know if he just forgot that,  
11 but it was an issue about the confidential  
12 informant. I mean, I think it got to a point where  
13 we were fighting pretty hard on the record.

14 Q Did you argue to try to keep the tape out  
15 because of the authenticity and whether or not it  
16 was Mr. Golson on the tape?

17 A No. I mean, it was probably authentic.

18 Q Did you ever challenge the indictments on  
19 this case?

20 A No.

21 Q Did you ever raise an issue about the tape  
22 going into the jury room for them to deliberate?

23 A No, it was an exhibit.

24 Q Did you ever raise any challenges with  
25 regards to the lack of probable cause?

Josh Kendrick - Direct

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1           A     No.

2                     MR. BROOKS:  Beg the Court's indulgence,  
3     Your Honor.

4                     THE COURT:  Certainly.

5                     MR. BROOKS:  Judge, no other questions for  
6     Mr. Kendrick.

7                     THE COURT:  Very good.  
8                     Cross?

9                     ATTORNEY GENERAL:  May it please the  
10    Court?

11                    THE COURT:  Yes, sir.

12                               CROSS-EXAMINATION

13    BY ATTORNEY GENERAL:

14           Q     Good morning, Mr. Kendrick.

15           A     Good morning.

16           Q     Upon your first consultation with Mr.  
17    Golson, what was the version of facts that led to  
18    his arrest and charges?

19           A     I mean, I don't think it came from the  
20    first consultation with him.  Are you asking what  
21    the facts of the case were?

22           Q     As he explained them to you.

23           A     I honestly don't remember how he explained  
24    them.  I mean, it's been so long.  So you're  
25    probably asking me if he admitted that he did it or

1 not.

2 Q Oh, no, no. I was just asking you what  
3 was his story.

4 A I don't remember. I mean, I don't think  
5 his story was -- I mean, he said he didn't do it,  
6 and that's the defense we raised.

7 Q Just be patient with me. I'm asking --

8 A Sure, sure.

9 Q -- a handful of background questions for  
10 the record.

11 A Absolutely.

12 Q Notwithstanding his prior convictions,  
13 were there any other witnesses, defenses that he  
14 asked you to investigate?

15 A No.

16 Q And you filed for discovery and Brady in  
17 this case, is that correct?

18 A Yes.

19 Q Did you review it with Mr. Golson?

20 A Yes.

21 Q And based on the review and the  
22 consultations you had with him, were you able to  
23 determine the State's likelihood on success at  
24 trial?

25 A Yes.

Josh Kendrick - Cross

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1 Q The State's likely success at trial?

2 A Yes.

3 Q And you shared that with Mr. Golson?

4 A I did.

5 Q Did you advise Mr. Golson to enter a plea  
6 negotiation as a result, enter a guilty plea?

7 A I think they had offered me a range of  
8 time that I told him it would be a good idea to  
9 think about, but he wasn't interested.

10 Q In advising Mr. Golson to accept a guilty  
11 plea, did you advise him of the potential of the  
12 sentence under the three strikes law at trial?

13 A Yes, and I told him there wasn't any way  
14 around that, even with the information that he had  
15 brought up.

16 Q And in fact, at sentencing, didn't you  
17 challenge the law on its constitutionality?

18 A I challenged under Eighth Amendment  
19 grounds.

20 Q And was that preserved for appeal?

21 A It was.

22 Q And it was appealed, I believe. Now,  
23 regarding the trial itself, what was your strategy  
24 with the State's evidence, if you recall?

25 A That he didn't do it. I mean, they only

1        had one person that said he sold the drugs, and I  
2        didn't think that person was reliable. So we  
3        attacked that person's credibility. All the other  
4        witnesses could only say what this person had told  
5        them. There was no actual witness of it but her.

6            Q        Do you recall attacking the CI's motive?

7            A        I think that was a lot of the attack. I  
8        believe that was where the big fight at the  
9        beginning came from. I was trying to get her  
10       payment records, and I had been told they would give  
11       them to me. You know, we got to trial, and they  
12       said no. I think I ultimately ended up with them.  
13       But we certainly got it out that she was being paid.

14           Q        With the payment vouchers. Just a few  
15       more questions. In your pre-trial consultations  
16       with Mr. Golson, did you explain the Fourth  
17       Amendment to him and any defenses that he could  
18       possibly have or not have as a result?

19           A        I probably did. There aren't any Fourth  
20       Amendment issues in this case.

21           Q        So you explained to him before entering  
22       trial that to have a confidential informant testify  
23       against him who has known most of his life, with  
24       audiotape that's going to come in?

25           A        Sure. We knew about that. There was



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1 nothing wrong with them doing it the way they did  
2 it. We actually went and investigated the CI and  
3 found damaging information about her right before  
4 trial, which was we wanted. But as far as how they  
5 actually used her, they used her the way they're  
6 allowed to, whether I agree with it or not.

7 Q Did you hire an investigator in this case?

8 A I did.

9 Q So you presented Mr. Golson's case in the  
10 best possible way you could with the evidence that  
11 you had before the jury?

12 A There wasn't anything else we could have  
13 done.

14 ATTORNEY GENERAL: No further questions,  
15 Your Honor.

16 Thank you, Mr. Kendrick.

17 MR. BROOKS: No other questions for Mr.  
18 Kendrick.

19 THE COURT: Thank you, sir. You can step  
20 down.

21 MR. KENDRICK: Do you need me to stick  
22 around, Your Honor?

23 THE COURT: Maybe, perhaps.

24 ATTORNEY GENERAL: Your Honor, I would  
25 just ask that Mr. Kendrick remain for a few minutes

1 in response to anything Mr. Golson might bring up.

2 THE COURT: Very good.

3 Mr. Golson, if you'll come back up,  
4 please. You're still under oath, sir.

5 MR. GOLSON: Yes, sir.

6 MR. BROOKS: Are you ready, Judge?

7 THE COURT: Whenever you are, yes, sir.

8 DIRECT EXAMINATION CONTINUED

9 BY MR. BROOKS:

10 Q Mr. Golson --

11 A Yes, sir.

12 Q -- do you have any other issues to tell  
13 the Court that we have not talked about this  
14 morning? And the issues that we've talked about  
15 already extensively are issues dealing with your  
16 prior convictions that the State put down on their  
17 notice to seek life without parole and whether or  
18 not the State should have had a warrant for use of  
19 the CI and to wire the CI up. Do you have anything  
20 else relevant to this case other than those issues  
21 that we've already fully talked about?

22 A There's the conviction. It's a  
23 nonviolent, parolable offense. And I thought all  
24 the convictions had to be serious offenses upon the  
25 statute for them to use for enhancement.

Stanley Golson - Direct Continued

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1                   ATTORNEY GENERAL:  Objection, Your Honor,  
2   asked and answered through his previous testimony.

3                   THE COURT:  I understand.  Overruled.

4                   Q     Do you have anything else other than that?  
5   We've already talked about the convictions --

6                   A     Okay.

7                   Q     -- and why they shouldn't be used.  We've  
8   talked about that.

9                   A     Okay.

10                  Q     We done beat that to death, okay?

11                  A     Okay.

12                  Q     The Judge knows about it, that we don't  
13   think they should have been used, your attorney  
14   should have objected to them.  They should have  
15   indicted you again.  You are coming up to challenge  
16   them.  The Judge knows all of that.

17                  A     Okay.

18                  Q     We've beat that horse.

19                  Q     All right.

20                  Q     And on the issue with the wiretap, the CI  
21   coming in wired up, audiotape, we've beat that one.  
22   We've beat that one, so the Judge knows about that.

23                  A     Okay.

24                  Q     Do we have anything else to tell him other  
25   than those two things?

1           A     Okay. Well, the indictments in one  
2     through seven on the notice, there never was an  
3     agent, you know, from SLED, what's inside the body  
4     of those indictments saying that I sold something to  
5     an agent. He was --

6           Q     Listen to me again, Mr. Golson. One more  
7     time, listen to me.

8           A     Well, I don't think the Judge knows this,  
9     and so I need to tell him because this is my  
10    hearing. I understand what you're saying.

11          Q     He knows you're challenging those  
12    convictions.

13          A     Okay.

14          Q     And that Mr. Kendrick should have raised  
15    that as a part of representing you when the State  
16    gave you this life without parole notice, okay. He  
17    knows that you're challenging the validity of these  
18    convictions, okay. The indictments are not properly  
19    performed, that you won on PCR on these cases, they  
20    came back.

21          A     I see.

22          Q     The 2002 indictment, which is number eight  
23    on the notice, you've told the judge about that.

24          A     Right.

25          Q     Forget about the conviction, now. We done

Stanley Golson - Direct Continued

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1 beat that horse. Is there anything else?

2 A This is ain't no trial. This is what we  
3 and Mr. Kendrick went to court for.

4 Q That's why you went to court with Mr.  
5 Kendrick.

6 A I think we've probably raised all the  
7 issues concerning that. He filed a motion for a  
8 direct verdict on page 143 in my transcript. I  
9 don't know how he was appointed to represent me on  
10 direct appeal, so I asked for him to be relieved.  
11 He overlooked that. This is where he asked for a  
12 motion for a direct verdict on it concerning, I  
13 think -- the schoolhouse at that time was still an  
14 issue. There's some other issues on page 143 where  
15 he made two motions for a directed verdict, and I  
16 thought it was preserved for direct appeal.

17 Q Okay. Now, remember, PCRs are dealing  
18 with mistakes you think Mr. Kendrick made.

19 A Exactly.

20 Q Appeal deals with issues whether or not  
21 the judge made them during the trial. Your case was  
22 appealed, right?

23 A Okay.

24 Q We're talking about issues that Mr.  
25 Kendrick --

1           A     Yes, but he was on my appeal, too. He was  
2 my appeal attorney too, when it left this court.  
3 The other court, when I got sentenced.

4           Q     Are you saying he actually handled the  
5 appeal, or he just filed the notice and then it went  
6 to the Office of Appellate Defense?

7           A     He filed the notice.

8           Q     Okay.

9           A     He was on my case as a direct appeal  
10 attorney from Appellate Defense. But he wasn't  
11 working at Appellate Defense. He had his own office  
12 right there in Columbia on Main Street.

13          Q     Okay.

14          A     He was actually my attorney. He did my  
15 initial brief.

16          Q     Okay. So he handled the appeal?

17          A     After I asked him to be relieved, they  
18 appointed Ms. Elizabeth Best Franklin on my case,  
19 and she did the final brief, which is the exact  
20 thing except the names changed.

21          Q     Okay, all right.

22          A     I say it again. Now, the motion, he filed  
23 two motions for a direct verdict in my trial. But I  
24 thought it was preserved. When you preserve the  
25 issues and bring them up at trial, the lawyer don't

Stanley Golson - Direct Continued

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1 have to bring them up every non-prejudice issue on  
2 top of the appeal. So I'm telling you, yes, he was  
3 initially appointed until I found out he was my  
4 attorney when I got my initial brief. I don't know  
5 he was going to be on my direct appeal.

6 Q Okay. Is there anything else?

7 A I have these motions I'd like for you to  
8 bring up and let the judge rule on them concerning  
9 the motion to suppress.

10 Q Is this about the wiretap?

11 A Yes.

12 Q Okay. We've already beat that horse now,  
13 Mr. Golson.

14 A I have the motions, though. We haven't  
15 gave them to the judge. I know you spoke about  
16 them.

17 But if you have a motion, Your Honor,  
18 aren't you supposed to submit them to the Court?

19 THE COURT: I think the best thing to do  
20 is -- really, I understand your position about the  
21 wiretap. And I'll tell you, Mr. Golson, at this point in  
22 time you understand that you're correct, that if  
23 they were to try to wiretap under the law -- if they  
24 were to try to wiretap your phone, your personal  
25 phone, they would certainly need a warrant.

1 MR. GOLSON: Right.

2 THE COURT: Under the law of this state,  
3 however, they don't have to get a warrant in order  
4 to place a wire or a concealed recording device on a  
5 confidential informant when they're making a buy.  
6 There's no requirement that they obtain a warrant  
7 for that. You understand?

8 MR. GOLSON: Yes, sir, I heard what you  
9 said.

10 THE COURT: Okay. So I don't know that  
11 that's terribly helpful to you at this stage. But  
12 certainly if there's anything else you need to tell  
13 me, I am all ears.

14 MR. GOLSON: Okay. It's just like I said,  
15 I might have talked about it already. But I don't  
16 see where it's just a issue when even though I pled  
17 to the charge in '99 about reindictment or nothing.

18 I'm just saying the indictment was they  
19 didn't have jurisdiction from the beginning, sir,  
20 not before I got the case overturned. I have a  
21 right to bring it up and talk about it today because  
22 it still persists. All seven indictments states  
23 that I sold something to an agent from SLED. It  
24 never happened.

25 I even have evidence right here where this



Stanley Golson - Direct Continued

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1     little black girl, colored girl, she stays here in  
2     West Columbia. They've got her as an agent from  
3     SLED, I guess. So I'm saying I'm doing time for an  
4     agent at SLED for something that never happened  
5     where I'm serving life without parole for that  
6     conviction.

7             THE COURT: Are you talking about one of  
8     the prior cases that you pled guilty to, sir?

9             MR. GOLSON: Yes, all seven of those  
10    indictments, that's on the front of those. They've  
11    just got the schools on the front of it. But  
12    there's distributions that go with those schools.

13            And inside the bottom of each one of those  
14    distributions, they said it was an agent from SLED.  
15    I wrote SLED and asked them about that, about the  
16    Solicitor's Office putting that inside those  
17    indictments, because I'm serving time for it right  
18    now as I speak to you when that never happened.

19            THE COURT: I understand your position.  
20    And you're again talking about the indictments that  
21    you pled to previously.

22            MR. GOLSON: Prior convictions.

23            THE COURT: I understand.

24            MR. GOLSON: Prior convictions, yes, sir.

25            THE COURT: I understand your point.

1 Thank you, sir.

2 MR. GOLSON: Okay, I'll go on. I've got  
3 some things I'd like for my lawyer to put in as  
4 exhibits whenever you're finished.

5 Q Is there anything else other than those  
6 issues, because you've already testified to those  
7 issues? Is there any other issue?

8 A I have issues that I've got a stack of  
9 issues.

10 Q Listen to me. Are there any other issues  
11 other than these convictions that you're challenging  
12 that the judge now knows -- believe me, we all know  
13 why you're challenging these convictions and the  
14 reasons for them.

15 You testified to them. We put stuff in  
16 here. And you also talked about the CI, the  
17 wiretap. Is there anything else about this trial  
18 and Mr. Kendrick's representation of you in this  
19 trial, other than those two issues?

20 A No, not nothing else besides maybe the  
21 issues could have -- I drew up different issues in a  
22 different form.

23 Q Hold on, hold on.

24 A Okay.

25 Q Anything else other than those two issues,

Stanley Golson - Direct Continued

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1       yes or no?

2           A     Concerning the wiretap?

3           Q     And for him not challenging the prior  
4       convictions.

5           A     What about the issues that I've got --

6           Q     Anything else?

7           A     Yes.

8           Q     All right, what else?

9           A     Okay. I've got issues drawn up that's  
10       different, you know. Even though it's talking about  
11       the priors, there are different issues. So far as  
12       like number eight on --

13          Q     Just give one minute.

14          A     It's just like on one of these charges is  
15       a distribution of marijuana when they've got on the  
16       front of the life without parole notice, and it's  
17       distribution of crack cocaine. I mean, it's not.  
18       It's 1804, on the front of the notice.

19          Q     Okay.

20          A     Okay. I feel if you've got me doing -- if  
21       I'm doing time then, he should have objected to it  
22       because it's not a crack cocaine conviction. It's a  
23       marijuana conviction. I don't know if that -- I  
24       don't see it up under 17-25 of the serious statute  
25       or serious offense.

1                   And, again, you asked me the question do I  
2     have anything else. Yes, I don't see under the --  
3     the Honorable William P. Keesley told me if the  
4     sentence carried 30 years, they could still use that  
5     conviction. Well, neither one of mine carried the  
6     30 years. I was sentenced to 30 years.

7                   This is the thing. They sentenced me to  
8     life without parole for the school zone and for the  
9     distribution. But I don't see nowhere in the  
10    statute under 17-25-45 where they can use  
11    distribution cases less than a gram under the  
12    serious statute where you can get life without  
13    parole for it.

14                  And that's what I got here today, too. I  
15    got 0.17, 0.25. This is my third offense, and they  
16    don't have no -- I don't see nothing in the statute  
17    that says you can get life without parole for  
18    distribution of crack cocaine on third offense for  
19    less than a gram -- is it?

20                  I feel that he was ineffective and it  
21    prejudiced me by I'm being sentenced to a life  
22    without parole sentence being it's not in the  
23    statute. It's not in 44-50-375, not under the crack  
24    cocaine statute -- I have the statute -- I'm pretty  
25    sure y'all have the statute. Under 17-25-45 on the

Stanley Golson - Direct Continued

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1       serious statute where you can get life without  
2       parole. It's only three drug charges that you can  
3       get life without parole, and that is trafficking  
4       crack cocaine or cocaine, methamphetamine, or school  
5       zone charges.

6               ATTORNEY GENERAL: Objection. These  
7       should be raised on direct appeal.

8               THE COURT: All right, overruled. Thank  
9       you.

10              Q     Are there any other issues other than the  
11       convictions or the CI wiretap issue?

12              A     I just have some other issues I could  
13       submit in to the judge and my exhibits, to have them  
14       all put on the record.

15              Q     That's not an issue.

16              A     Okay.

17              Q     Any other issues? Is there something else  
18       other than those two things?

19              A     Well, Your Honor, I filed for motions  
20       before Mr. Kendrick was appointed to my case  
21       concerning the Grand Jury empanelment documents,  
22       because I know it came from the wiretap, and a  
23       motion to have my indictment dismissed.

24                    Mr. Kendrick told me he forgot about it,  
25       and he didn't say anything about it. And I thought

1 under Rule 29 of the South Carolina Rules of Court,  
2 there is supposed to be an order whether it's  
3 denying or granting the motion. But I did do it pro  
4 se.

5 I know everybody said, "Well, you're  
6 supposed to do your motions before trial, before the  
7 jury's sworn." Well, I did do it before the jury  
8 was sworn. And it's on file right now, you know.  
9 It's still on file. I've been sentenced since '07.

10 THE COURT: Mr. Golson, I understand your  
11 position. And I have a good feel for what you are  
12 telling me you feel like has been done in your case  
13 or has not been done in your case. So at this point  
14 in time, I assume the State has no cross?

15 ATTORNEY GENERAL: No, Your Honor.

16 THE COURT: All right. Thank you, Mr.  
17 Golson. You can step down. Thank you, sir.

18 MR. BROOKS: Judge, that's the applicant's  
19 case.

20 THE COURT: All right.

21 ATTORNEY GENERAL: Your Honor, the State  
22 rests.

23 THE COURT: All right, very good.

24 Mr. Kendrick, thank you for coming.  
25 You're free to go.

1 MR. KENDRICK: Thank you, Judge.

2 THE COURT: Mr. Golson, I know you're  
3 probably not aware -- and apparently there's  
4 something that you're seeking to have introduced at  
5 this point in time, Mr. Golson?

6 MR. GOLSON: Yes, sir. I have some  
7 exhibits I want to submit. I've got all these  
8 issues. I brought issues up for the things I spoke  
9 about. I didn't go on and speak about it. I don't  
10 have any issues.

11 I've got exhibits concerning this is a  
12 parolable offense. My brother's here in the  
13 courtroom. He had the same, identical charge where  
14 he went below -- you know what I'm saying. The  
15 statute itself states that it's a parolable offense.  
16 You know, you don't just deny the parole.

17 And I want to hand my exhibits in to the  
18 Court. I just don't want to just argue and talk  
19 about it once I present the evidence. You know, all  
20 my issues would be renewed under 17-27-80.

21 THE COURT: All right, Mr. Golson, I think  
22 the one exhibit that would be beneficial if it were  
23 introduced into evidence would certainly be the LWOP  
24 notice that was provided, because that's been  
25 referred to several times during the course of the

1 testimony.

2 So if somebody perhaps could put their  
3 hands on a clean copy of that LWOP notice, I think  
4 the one that Mr. Golson had when he was testifying  
5 is somewhat marked up. So if we could find that, I  
6 would like to see if that's perhaps --

7 ATTORNEY GENERAL: It's not in my records.

8 THE COURT: I had not run across it in my  
9 packet, but that's not to say it's not here.

10 ATTORNEY GENERAL: I didn't have it.

11 MR. GOLSON: Here it is.

12 THE COURT: It's attached to the  
13 sentencing sheet.

14 MR. BROOKS: Here's a clean copy.

15 THE COURT: If you have a clean copy,  
16 we'll mark that as -- may I see that before we mark  
17 it, briefly, please? Thank you.

18 MR. GOLSON: Your Honor --

19 THE COURT: Allow me to review this real  
20 quick, Mr. Golson.

21 Madam Court Reporter, if you wouldn't  
22 mind, please mark that I guess as Applicant's One.

23 (Applicant's Exhibit Number One, LWOP  
24 Notice, was marked for identification and entered in  
25 evidence.)



1 MR. BROOKS: Judge --

2 THE COURT: Yes, sir.

3 MR. BROOKS: -- before we recess on this  
4 case, we would submit that 30 days prior to going to  
5 trial on the life without parole perhaps should be  
6 ineffective assistance of counsel for purposes of  
7 time. There is a case, 466 U.S. 648, a 1984 case.  
8 I just wanted to go ahead and put that issue on the  
9 record for Your Honor to consider.

10 THE COURT: All right. And give me the  
11 cite again for that if you would, please?

12 MR. BROOKS: 466 U.S. 648.

13 THE COURT: All right, very good.

14 MR. BROOKS: Thank you, Judge.

15 MR. GOLSON: Your Honor --

16 THE COURT: Yes, sir.

17 MR. GOLSON: -- like I said, the issues  
18 that we talked about today, I had these issues  
19 already typed up and stuff. I would be happy to  
20 give that to the Court.

21 THE COURT: Do you have them typed up in  
22 the way of motions or something like that, or how do  
23 you have them typed? Let me see what you have,  
24 because your PCR application was actually very  
25 thorough, I thought.

1                   If there's no objection or if you feel  
2                   that it wouldn't be a violation of attorney-client  
3                   privilege, let me see what he's just handed you, and  
4                   I'll be more than happy to see if it's relevant.

5                   MR. BROOKS: It's just the application  
6                   that's typed up.

7                   THE COURT: Certainly.

8                   MR. GOLSON: That's just one issue, Your  
9                   Honor. I have copies for everybody, the Attorney  
10                  General, for the Court, and for me and my attorney.  
11                  All of the issues I did have typed up. We just  
12                  offered these on the stand when he just talked to me  
13                  concerning the issues that we were going to talk  
14                  about. But I actually had them typed up.

15                  THE COURT: Okay, I understand. Hold on  
16                  one moment and let me just take a quick look at what  
17                  your lawyer has just handed me.

18                  All right, the document that Mr. Golson  
19                  asked his attorney to pass up does echo a lot of  
20                  what he testified to previously. Attached to this  
21                  document there's also an indictment which indicts  
22                  Mr. Golson for the charge of distribution of  
23                  marijuana within the proximity of a school.

24                  That's the indictment that he referenced  
25                  in his testimony a moment ago, Indictment 1804, as

1       being the fifth item listed in the life without  
2       parole notice. And certainly Mr. Golson has put  
3       some work into this. If there's no objection, I  
4       have no issue making this a part of the record, as  
5       well.

6                ATTORNEY GENERAL: Your Honor, if I could  
7       have a chance to look over it.

8                THE COURT: He made you a copy. He was  
9       kind enough to do that.

10               ATTORNEY GENERAL: Oh, okay.

11               THE COURT: So if you want to get a copy  
12       from him, that's fine, too. I don't want to  
13       overburden the Court Reporter. So to the extent  
14       that we can keep things from being too duplicative,  
15       that would be very useful.

16               ATTORNEY GENERAL: That's fine.

17               MR. BROOKS: Judge, he wanted to get that  
18       one back and give you this one.

19               THE COURT: Oh, very good. We'll  
20       substitute the other one. That will be Applicant's  
21       Two, Madam Court Reporter.

22               (Applicant's Exhibit Number Two,  
23       Indictment 1804, was marked for identification  
24       purposes and entered in evidence.)

25               THE COURT: The record should reflect that

1 I just had a brief conference with the attorneys on  
2 another case for tomorrow that we're going to be  
3 continuing. And the Attorney General gave me an  
4 order continuing that case.

5 At this point in time, if there's nothing  
6 further, we will be closing the record on this case  
7 involving Mr. Golson. And I understand that there's  
8 a mountain of paperwork there.

9 But, Mr. Golson, I have a full  
10 understanding of what the issues are in this case.  
11 And I don't know that I need anything else from you.

12 MR. GOLSON: Okay. The reason why I  
13 asked, I just wanted to make sure.

14 THE COURT: Certainly, yes, sir.

15 MR. GOLSON: I just spent a lot of time  
16 just trying to type up my issues for you, and the  
17 Attorney General, and my attorney and stuff. And I  
18 thought maybe I was supposed to give out the issues,  
19 you know, so you'll have them submitted to the Court  
20 instead of just talking about it.

21 That's why I've got so much paperwork,  
22 because rough drafts, some of my stuff I had other  
23 inmates just to type them up for me. I thought I  
24 had to submit them to the Court instead of just  
25 talking about it, like certain exhibits and stuff I

1       haven't even passed up to you yet.

2               THE COURT:   Okay.

3               MR. GOLSON:   Yes, sir.

4               THE COURT:   Mr. Golson, the crux of this  
5       -- as you're well aware from the fine research that  
6       you have done, the crux of this question is whether  
7       or not your attorney was ineffective in some way,  
8       shape, or form, okay?

9               MR. GOLSON:   Exactly.

10              THE COURT:   And we've received testimony  
11       on that.   I don't need any more motions.   I don't  
12       need your version of what -- I don't need a written  
13       version of what you're saying he did wrong or went  
14       wrong, okay, in your trial.   I don't need that  
15       because we've received that testimony, I've got  
16       that.

17              And I don't think I need any copies of any  
18       of the exhibits introduced in trial because at that  
19       trial, any of those exhibits, the tape and things  
20       like that, that was an issue for direct appeal, or  
21       that was a question of fact for the jury.   So I  
22       don't need those, as well.

23              So I think that's kind of where we are,  
24       and that's why I'm satisfied as far as how we have  
25       supplemented the record, especially with that

1        indictment you referenced a moment ago -- and I  
2        think it was 1804, is what it was -- and the LWOP  
3        notice.

4                    So I am good to go, and I understand your  
5        argument clearly. And I don't feel like I need  
6        anything further as far as briefing or drafts that  
7        you may have prepared, although I'm sure you did a  
8        fine job of it, okay?

9                    Thank you very much, Mr. Golson. It's  
10       been a pleasure meeting you. I hope you have a  
11       great day. Y'all take care.

12                   MR. BROOKS: He'll take this under  
13       advisement, is that correct?

14                   ATTORNEY GENERAL: Thank you, Your Honor.

15                   THE COURT: Yes, sir. I always take these  
16       under advisement. I will be back at the office.  
17       I'm going to print out the Form 4 from the previous  
18       hearings that my clerk has e-mailed to me. I will  
19       do that back at my office. And I'll get something  
20       on this out hopefully in the next day or two. Thank  
21       you very much.

22                   ATTORNEY GENERAL: Thank you, Your Honor.

STATE OF SOUTH CAROLINA    )  
COUNTY OF LEXINGTON        )

**COURT REPORTER'S CERTIFICATION**

I, REMA K. GANTT THOMAS, OFFICIAL COURT  
REPORTER, AND NOTARY PUBLIC IN AND FOR THE STATE OF  
SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF  
RECORD OF THE PROCEEDINGS HAD AND EVIDENCE  
INTRODUCED IN THE ABOVE-CAPTIONED CASE ON APRIL 17,  
2013, IN LEXINGTON, SOUTH CAROLINA.

I FURTHER CERTIFY THAT I AM NEITHER OF COUNSEL  
NOR KIN TO ANY OF THE PARTIES TO THIS CAUSE OF  
ACTION, NOR AM I INTERESTED IN ANY MANNER IN ITS  
OUTCOME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND  
AND SEAL AT CHAPIN, SOUTH CAROLINA.

---

REMA K. GANTT THOMAS  
OFFICIAL COURT REPORTER  
NOTARY PUBLIC FOR SOUTH CAROLINA

*Exhibit*

STATE OF SOUTH CAROLINA ) COUNTY OF LEXINGTON  
 FILED ) COURT OF GENERAL SESSIONS

vs.

2011 FEB -2 ) P 3:43

LIFE WITHOUT PAROLE NOTICE

Stanley Golson

BETH A. GARRICK  
CLERK OF COURT  
LEXINGTON, SC

WARRANT #s H-500824-H-500831

This is to hereby serve as notice to Stanley Golson and his attorney, Josh Kendrick, of the State's intent though it's attorney, Kent Collins, to seek Life Without Parole in the case of State of South Carolina vs Stanley Golson, pursuant to section 17-25-45 of the South Carolina Code of Laws. The State intends to rely upon the following convictions and any such other convictions so discovered to statutorily enhance punishment:

- 1) Distribution of Crack Cocaine with in Close Proximity of a School under indictment number 93-GS-32-1794
- 2) Distribution of Crack Cocaine with in Close Proximity of a School or Park under indictment 93-GS-32-1797
- 3) Distribution of Crack Cocaine with in Close Proximity of a School under indictment number 93-GS-32-1799
- 4) Distribution of Crack Cocaine with in Close Proximity of a School under indictment number 93-GS-32-1802
- 5) Distribution of Crack Cocaine with in Close Proximity of a School under indictment number 93-GS-32-1804
- 6) Distribution of Crack Cocaine with in Close Proximity of a School under indictment number 93-GS-32-1806
- 7) Distribution of Crack Cocaine with in Close Proximity of a School under indictment number 93-GS-32-1808
- 8) Distribution of Cocaine with in Close Proximity of a School under indictment number 02-GS-32-727

Pleading to each of these offenses constitutes a strike/serious offense under 17-25-45.

Mr. Golson is currently charged with four counts of Distribution of Crack Cocaine and four counts of Distribution of Crack Cocaine within Close Proximity of a School. A conviction for any of these will be his third strike/serious offense.

*Kent Collins*  
 Kent Collins  
 Assistant Solicitor  
 11<sup>th</sup> Judicial Circuit  
 attachments

A TRUE COPY

Lex. Co. C.C.C.P., G.S. &amp; P.C.





|                         |   |                                 |
|-------------------------|---|---------------------------------|
| State of South Carolina | ) | In The Court of Common Pleas    |
|                         | ) |                                 |
| County of Lexington     | ) |                                 |
|                         | ) |                                 |
| Stanley Golson          | ) | Case No# <u>2010-CP-3203755</u> |
| Applicant,              | ) |                                 |
|                         | ) |                                 |
| vs                      | ) |                                 |
|                         | ) |                                 |
| State of South Carolina | ) |                                 |
| Respondent.             | ) |                                 |

---

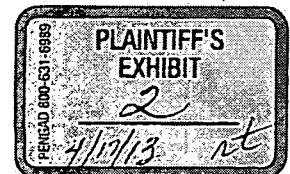
The Applicant in addition to the grounds previously stated set out the following for Post-Conviction Relief:

Court appointed trial counsel, Mr. Kendrick was ineffective for not "Objecting" to the solicitor, Kent Collins, placing the indictment number #93-GS-32-1804 on the front page of the Life Without Parole Notice for Distribution of Crack Cocaine Within Close Proximity of a School -- under indictment number #93-GS-32-1804 -- "A Non-Violent Conviction".

Clearly this shows Mr. Kendrick failed to do a factual and legal investigation because this is not an indictment for Distribution of Crack Cocaine in a School Zone. Neither does that conviction of the indictment even "Exist"; that indictment was vacated verbally by the Honorable Thomas J. Ervin on Nov. 6th 1996, and signed the order March 19, 1997, then the conviction was "Voided" by the Lexington County Clerks Office on 3-24-97.

Secondly, the indictment number #93-GS-32-1804 was a conviction of Marijuana School Zone conviction incidents of Oct. - 3-28-1992. Clearly this is ineffective assistance of counsel, the two (2) prong test which is required by Strickland v. Washington.

In a P.C.R. action, the burden of proof is on the applicant to prove his allegation by a preponderance of the evidence. Frasser v. State 570 S.E. 2d 172,174(2002) citing Rule 71.1(E)SCRPC. Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant "Must" prove counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a



just result.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgement. Strickland, 466 U.S. at 690. An applicant "Must" overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E. 2d 624, 625(1989).

A Two-pronged test is used in evaluating allegations of ineffective assistance of counsel, first, the applicant "Must" prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by it's reasonableness under prevailing professional norms. 386 S.E. 2d at 625 quoting Strickland, 466 US at 688.

Second, counsel's deficient performance "Must" have prejudiced the applicant such that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. 386 S.E. 2d at 625(quoting Strickland, 466 US. at 689) A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Evan v. State, 363 SC 495, 611 S.E. 2d 510(2005).

The applicant Golson will show, that his trial counsel Mr. Kendrick was ineffective, by a preponderance of evidence and as the results landed the applicant in prison with a Life Without Parole Sentence. Which placed him unlawfully in prison and falsely imprisoned.

If a trial court is convinced that it made an error which unfairly prejudiced trial of the accused, it is it's duty to immediately discharge defendant and grant a new trial, sua sponte.

## Conclusion

The Applicant's Sentence / Conviction  
Must  
Be Vacated and the Applicant Should Be  
Immediately Released.

s/ \_\_\_\_\_  
pro se STANLEY L. L. L.

Date: April, 17<sup>th</sup> - 2013

s/ \_\_\_\_\_

## Table of Cases.

U.S. v. Stapleton f. Supp.

Miller v. Pate 87 S.Ct. 785 (1967)

Price v. Cobbs

Malicious Prosecution

Subject Matter Jurisdiction

14th Amendment Violation U.S.C.A.

Misconduct in Office

Obstruction of Justice

17-25-10. No person shall be punished until legally convicted.

584 S.E. 2d 117

562 S.E. 2d 624

State v. Parker(SC 2002) 571 S.E. 2d 288

Joseph v. State(SC 2002) 571 S.E. 2d 280

State v. Smalls S.C. App. 2003 581 S.E. 2d 850

Edwards v. State(SC 2007) 642 S.E. 2d 738

FORM 32 (12/87)

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

INDICTMENT FOR  
DISTRIBUTION OF MARIJUANA WITHIN THE  
PROXIMITY OF A SCHOOL

At a Court of General Sessions, convened on June 14, 1993,  
the Grand Jurors of Lexington County present upon their oath:

That STANLEY GOLSON did in Lexington County on or about October 15, 1992, distribute a quantity of marijuana, a controlled substance within a one-half mile radius of Northside Middle School, such distribution not having been authorized by law, in violation of Section 44-53-445, of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

T. J. Myers  
SOLICITOR

328  
**COPY**

**ORIGINAL**

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

Stanley Golson,  
S.C.D.C. No. 200479,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

Case No. 2010-CP-32-3755

**ORDER OF DISMISSAL**

RECEIVED  
CLERK OF COURT  
LEXINGTON  
2011 FEB 26 AM 11:32  
14

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed September 2, 2010. Respondent made its Return on December 30, 2010. An evidentiary hearing into the matter was convened on April 17, 2013 at the Lexington County Courthouse. The Applicant was present and was represented by Charles T. Brooks, III., Esq. The Respondent was represented by Walt Whitmire, Esq., of the Office of the Attorney General. Applicant and counsel testified at the hearing. As a preliminary matter, at the call of this case the Court also denied Applicant's *pro se* motion for continuance. This Court found PCR counsel conducted numerous consultations with Applicant in preparation for the hearing, and the case had been continued numerous time. Counsel understood Applicant's allegations and was fully prepared to present his case. In short, a continuance was wholly unnecessary and worked no prejudice upon Applicant or his counsel.

#### PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant was

*am*

indicted at the October 2006 term of the Lexington County Grand Jury for distribution of crack-cocaine (2006-GS-32-3494) and distribution of crack-cocaine within proximity of a school (2006-GS-32-3491). He was represented by Josh Kendrick, Esq. (counsel). On April 3, 2007, Applicant underwent trial and was found guilty as indicted. He was sentenced by the Honorable R. Knox McMahon to life imprisonment without the possibility of parole (LWOP).

A Notice of Appeal was filed on the Applicant's behalf and perfected. The South Carolina Court of Appeals affirmed Applicant's conviction and sentence in an unpublished opinion (Op. No. 2010-UP-347 filed on July 6, 2010). The Remittitur soon followed

At the PCR hearing, Applicant moved forward on the following allegations:

1. Ineffective assistance of counsel:
  - a. Failure to object to the prior convictions used to enhance Applicant's sentence to life to LWOP;
  - b. Failure to make a motion to suppress the audio recordings from the informant's wire as the fruits of an illegal search;
  - c. Failure to make a motion to suppress the audio recordings from the informant's wire for lack of foundation;
  - d. Failure to object to the jury's review of exhibits during deliberations.
2. Prosecutorial Misconduct:
  - a. Failure to disclose unspecified exculpatory evidence.

DEBRA O. GRIFFIN  
CLERK OF COURT  
LEXINGTON, SC

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2011 FEB 26 AM 11:32

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### SUMMARY OF TESTIMONY

First, Applicant alleged counsel was ineffective for failing to object to prior conviction used to enhance Applicant's sentence to LWOP. Applicant claimed counsel should have challenged the State's record of his prior convictions used for enhancement prior to trial. Applicant stated that his 1990 conviction had been reversed. He claimed he was never properly indicted once his PCR was granted. Applicant subsequently entered a guilty plea to time served with the remainder of the active sentence suspended on the service of probation in 1998.

Applicant reasoned that because he was never indicted, his sentence was illegal. He claimed the sentence was invalid because he received the benefit of a suspended sentence not allowed by statute. Applicant explained that he filed another PCR Application on the matter and appeared *pro se*. He acknowledged that PCR action had been denied and dismissed. In addition, Applicant asserted he was illegally sentenced in 2002 for distribution within the proximity of a school (2002-GS-32-727). Applicant asked counsel to look these matters when he was served with the solicitor's intent to seek LWOP. Applicant also cited to a "possession charge," where he was charged despite the police not discovering drugs. Lastly, he claimed four other convictions that he served concurrent sentences on should have only counted as one prior offense for enhancement purposes.

Second, Applicant alleged counsel was ineffective for failing to object to the use of an unqualified informant in the controlled buy that led to his arrest and conviction. Applicant announced that he recently learned that an informant must be certified through the South Carolina Law Enforcement Division "SLED" prior to aiding police in narcotics interdictions. Applicant acknowledged that he had known the informant, "Jaime," for most of his life. He also acknowledged he invited her into his home and that she implicated him for the commission of this offense. Lastly, he acknowledged <sup>that his</sup> ~~his~~ phone lines were never tapped.

Third, in the alternative, Applicant alleged counsel was ineffective for failing to object to the alleged illegal controlled buy because the police failed to get an anticipatory warrant to conduct the operation. Thus, Applicant asserted the fruits of the informant's wire were rendered inadmissible absent sufficient authorization. Applicant stated counsel never advised him on the extent of his Fourth Amendment privacy expectations.

FILED  
CLERK OF COURT  
JANUARY 26 2011  
COX, SC

JAN 26 2011

FILED



Fourth, again in the alternative, Applicant alleged counsel was ineffective for failing to object to audio recording from the wire because it was not properly authenticated and thereby constituted inadmissible evidence. Applicant stated "you couldn't hardly hear nobody's voice. You couldn't definitely hear my voice on the tape."

Fifth, Applicant alleged counsel was ineffective for failing to object to trial judge providing a cassette player, or its functional equivalent, that allowed the jury to listen to evidence during deliberations. Applicant reasoned the failure to object here compounded the prejudice from the tape recording which, as explained above, Applicant had maintained was inadmissible as violative of his Fourth Amendment rights.

Sixth, Applicant alleged counsel was ineffective for failing to object to the solicitor's untimely discovery disclosures. Applicant claimed the untimely disclosures constituted violations of both Rule 5, and Brady. Applicant indicated the prejudice occurred because the "U.S. Code of Laws" demanded that discovery disclosures be made at least ten (10) days prior to trial. He also claimed similar protections under South Carolina law.

Counsel testified to his course of conduct during the representation. Applicant never asked counsel to investigate additional witnesses or defenses. He independently reviewed the solicitor's notice of intent to seek LWOP. He obtained the prior sentencing sheets from the Clerk Court, and upon examination, counsel determined the convictions listed in the notice comported with the Clerk's records. Counsel discussed the accuracy of the notice with Applicant. He explained to Applicant that there was no way to challenge the numerous prior convictions that supported the notice. Instead, he advised Applicant that he would mount an Eighth Amendment challenge to the LWOP statute. Counsel independently reviewed the State's evidence and determined the audio recordings from the informant's wire constituted admissible evidence.

Counsel was adamant that there were not "any Fourth Amendment issues in this case." He noted the audio tape "was probably authentic." Furthermore, counsel noted he had no basis to object to an admissible court exhibit entering the jury room during deliberations. Counsel also noted that he vigorously raised a Rule 5, SCRCrP violation during the pretrial motions. Counsel apprised Applicant of the strength of the State's evidence and strongly advised him to consider the plea offer. Counsel testified he was fully prepared to take Applicant's case to trial. He hired an investigator in Applicant's case. Counsel developed a trial strategy to attack the informant's credibility. Even with the benefit of hindsight, counsel noted that there was nothing else he could have done to more effectively to present Applicant's case. For the reasons outlined below, this court agrees.

#### APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, (1984); Butler, 286 S.C. at 441, 334 S.E.2d at 813. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 668, 104 S.Ct. at 2064. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland, *supra*. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court's records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and exhibits from the prior proceedings, and legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds trial counsel's testimony more credible than Applicant's testimony. This Court finds counsel conducted a thorough investigation into Applicant's case as well as a thorough, independent evaluation of the State's notice to seek LWOP. All this information was properly discussed with Applicant in anticipation of trial. A defense attorney is not compelled by a duty to honor the wishes of an unreasonable client with regard to frivolous objections to clearly admissible evidence. Here, counsel appropriately devoted his resources and efforts to a reasonable trial strategy and thorough advocacy at trial. As

a result, counsel was certainly effective and proficient pursuant to Strickland's reasonableness standard.

A.

This Court finds Applicant's allegation that counsel was ineffective for not objecting to the use of prior convictions for enhancement purposes is wholly without merit. This Court finds the trial judge <sup>meticulously</sup> ~~meticulously~~ reviewed the clerk's records for possible error. (Trail Transcript pp.210-11; pp.219-22). <sup>2m</sup> See S.C. Code Ann. § 17-25-45; see also State v. Payne, 332 S.C. 266, 271, 504 S.E.2d 335, 337 (Ct. App. 1998) ("However, our case law has a long history of embracing the presumption of regularity that attaches to final judgments. The defendant bears the burden of proving his prior conviction is invalid."). The allegation that Applicant's numerous prior convictions were invalid rested merely on hearsay and speculation. This Court agrees with counsel that this allegation is without merit. Counsel carefully advised Applicant on the propriety of the use of his prior convictions to meet the LWOP statute's requirement. Furthermore, the trial judge carefully scrutinized Applicant's certified prior convictions. Therefore, this allegation is denied and dismissed.

B.

This Court finds Applicant's various allegations that counsel was ineffective for not making objections and suppression motions are without merit. "When the defendant claims that counsel's failure to articulate a Fourth Amendment claim was ineffective assistance, [the] defendant must show that such claim is **meritorious** and that the verdict would have been different absent the evidence that **should** have been excluded." McHam v. State, 404 S.C. 465, 475-76, 746 S.E.2d 41, 47 (2013) (citing Sikes v. State, 323 S.C. 28, 30, 448 S.E.2d 560, 562 (1994) (emphasis supplied). "The Fourth Amendment to the United States Constitution

guarantees the right of the people to be free from unreasonable searches and seizures and provides that no warrants shall be issued except upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized. Id., at 476, 746 S.E.2d at 47 (citing U.S. Const. amend. IV). "A search compromises the individual interest in privacy; a seizure deprives the individual of dominion over his or her person or property." Id. (internal citations and quotations omitted). This Court finds Applicant had no privacy interest in the wire worn on the informant's person. At the PCR hearing, Applicant acknowledged that he invited the informant into his home as a social guest. Additionally, Applicant had a close personal association with the informant. The record also clearly shows the informant's identity was properly disclosed to counsel. See State v. Humphries, 354 S.C. 87, 90, 579 S.E.2d 613, 615 (2003). Again this Court agrees with counsel's decision to refrain from making a frivolous objection. Therefore, this allegation is denied and dismissed.

This Court finds Applicant's allegation that counsel was ineffective for failing to object to the admission of the audio tape from the informant's wire based on authenticity is without merit. A proper foundation for the evidence was established. See State v. Aragon, 354 S.C. 334, 336, 579 S.E.2d 626, n.3 (Ct. App. 2003). Next, this Court finds Applicant's allegation that counsel was ineffective for not objecting to <sup>the</sup> jury having access to exhibits during deliberations to ~~be~~ be wholly without merit. See State v. Steadman, 257 S.C. 528, 542, 186 S.E.2d 712, 717 (1972).

C.

Last, Applicant failed to meet his burden to prove counsel was ineffective for failing to challenge an alleged discovery or Brady violation.<sup>1</sup> "The Brady disclosure rule requires the

<sup>1</sup>Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963)

prosecution to provide to the defendant any evidence in the prosecution's possession that may be favorable to the accused and material to guilt or punishment.” Porter v. State, 368 S.C. 378, 384, 629 S.E.2d 353, 356 (2006) (citation omitted). Brady evidence is either favorable exculpatory evidence or favorable impeachment evidence. Porter, 368 S.C. at 384, 629 S.E.2d at 356 (citing United States v. Bagley, 473 U.S. 667, 676, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985)). “Materiality of evidence is determined based on the reasonable probability that the result of the proceeding would have been different had the evidence been disclosed to the defense.” Id. (citing Kennerly, 331 S.C. at 453, 503 S.E.2d at 220). A “reasonable probability” is demonstrated when the suppression “undermines confidence in the outcome of the trial.” Id. (quoting Bagley, 473 U.S. at 678, 105 S.Ct. 3375). The State must disclose Brady evidence even when a criminal defendant does not specifically request the evidence. Id. (citing United States v. Agurs, 427 U.S. 97, 107, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976)). “Rule 5 permits inspection of evidence in the State's possession which [is] material to the preparation of his defense or [is] intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant” upon request by the defendant. Rule 5(a)(1)(C), SCRCrP.” Hyman v. State, 397 S.C. 35, 47, 723 S.E.2d 375, 381 (2012) (internal quotations and citations omitted). Here, counsel’s representation was vigorous and competent. The issue was properly raised and ruled upon by the trial judge. This Court finds Applicant has produced no credible evidence to substantiate this allegation. Therefore, this allegation is denied and dismissed.

D.

Except as discussed above, this Court finds that the Applicant affirmatively abandoned the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas

Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable."

Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

### CONCLUSION

Based on all the forgoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

### IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant is remanded to the custody of Respondent.

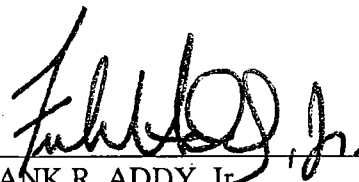
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LEXINGTON, SC

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IT IS SO ORDERED this 17<sup>th</sup> day of February, 2014.



FRANK R. ADDY, Jr.  
Presiding Judge  
Eleventh Judicial Circuit

Greenwood, South Carolina

LETHA A. COOPER  
CLERK OF COURT  
LEXINGTON, SC

2014 FEB 26 A.M. 32

FILED



DOCKET NO. 2006-GS-32-3491

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

OCTOBER TERM 2006

THE STATE

vs.

Stanley Golson

WITNESSES

LCSD Lexington County Multi-Agency  
Narcotics Enforcement Team  
Burke, M

A-2006-32-02152 9/25/2006 3:47 PM

ARREST WARRANT NUMBER

H500829

TRUE BILL

ACTION OF GRAND JURY

Sam A. Lucas

Foreperson of Grand Jury

Date: 6 Nov 06

VERDICT

Guilty

Indictment for  
Distribution of Crack Cocaine within Proximity  
of School

§44-53-445

DONALD V. MYERS, SOLICITOR

Sam A. Lucas 4 Nov 2007  
Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

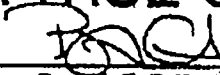
INDICTMENT FOR

Distribution of Crack Cocaine within Proximity of School

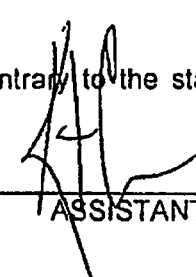
§44-53-445

At a Court of General Sessions, convened on OCTOBER, 2006, the Grand Jurors of Lexington County present upon their oath:

That Stanley Golson did in Lexington County on or about May 25, 2004, knowingly and intentionally, willfully and unlawfully sell, distribute, cultivate, manufacture, deliver, or bring into this State, or did provide financial assistance or otherwise, aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, or bring into this State, possess with intent to distribute or was knowingly and intentionally in actual or constructive possession of or did knowingly and intentionally attempt to become in actual or constructive possession of crack cocaine a controlled substance while in, on, or within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school or a grounds of a public or private playground or park or a public vocational or trade school or technical education center or a public or private college or university, to wit: Lakeview Alternative School, in violation of § 44-53-445, Code of Laws of South Carolina, 1976, as amended.

**A TRUE COPY**  
Lex. Co. C.C.O.P., G.S. & P.O.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
ASSISTANT SOLICITOR

WITNESSES

LCSD Lexington County Multi-Agency  
Narcotics Enforcement Team  
Burke, M

A-2006-32-02152 9/25/2006 3:37 PM

ARREST WARRANT NUMBER

H500825

TRUE BILL

ACTION OF GRAND JURY

*Bong A Lucas*

Forfeign of Grand Jury  
Date: 10 Nov 06

VERDICT

*Guilty*

*Donald V. Myers*  
Forfeign of Petit Jury  
Date: 4 Apr 07

DONALD V. MYERS, SOLICITOR

DOCKET NO *2006* -GS-32- *3994*

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

OCTOBER TERM 2006

THE STATE

vs.

Stanley Golson

CDR#

Indictment for

DISTRIBUTION OF CRACK COCAINE

§44-53-375

STATE OF SOUTH CAROLINA     )  
                                          )  
COUNTY OF LEXINGTON         )

INDICTMENT FOR  
DISTRIBUTION OF CRACK COCAINE

§44-53-375

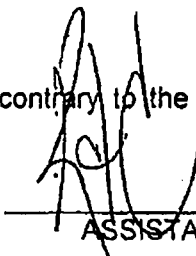
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**A TRUE COPY**

  
**Lex. Co. C.C.C.P., G.S. & P.O.**

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
ASSISTANT SOLICITOR