

VOLUME TWO OF TWO

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

STANLEY WRIGHT,

APPELLANT

APPELLATE CASE NO. 2013-002090

RECORD ON APPEAL

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JENNIFER MILLS: BY SOLICITOR SHELTON

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1 Q. Did that evidence bag have any item number associated
2 with it?

3 A. Item Number One.

4 Q. And what did you do with that?

5 A. I opened the sealed Item Number One bag and inside
6 there was a cloth draw string bag, a purple bag, a crown
7 Royal type drawstring bag. It was also a plastic bag that
8 was labeled 2011-L-05331-1RLB. I opened that package and
9 inside that package was a plastic bag that contained white
10 substance, a compressed white substance, crumbled powder.

11 I had to empty it out, take a wipe of the substance
12 without the packaging - -

13 Q. What was the weight without the packaging?

14 A. 212.45 grams.

15 Q. Thank you. Sorry to interrupt. Please continue.

16 A. I took a portion of that sample and did a color test
17 as I mentioned before putting the reagents on there to get
18 a specific color. And then I took another portion of the
19 sample and dissolved it in a solvent and took that vial
20 into the instrument room where the gas chromatography mass
21 spectrometer was and ran an analysis on that.

22 Q. And is that referring to Item Number 1.1?

23 A. Correct.

24 Q. And what was your conclusion and opinion as to what
25 that item contained?

1 A. The contents of the substance in Item 1.1 in my
2 opinion it contained cocaine.

3 Q. And the weight again was 212.45 grams?

4 A. Yes it was.

5 Q. What did you do after you performed your test and
6 came to your analysis's opinion?

7 A. I replaced the substance, the white powder substance,
8 back into the plastic bag and put it back into the outer
9 plastic bag that I found it in. I sealed that and then put
10 it in the next plastic bag.

11 Q. So you sealed the bag that is contained inside of
12 the bag you see in front of you?

13 A. Correct.

14 Q. So there is a bag inside that contains Item Number
15 1.1 that is still sealed?

16 A. Yes.

17 Q. And you sealed it?

18 A. I did.

19 Q. How about Item Number 1.2?

20 A. Item 1.2, that was a plastic bag again that was
21 labeled 2011-L-0533-1.2 RLB. And inside that bag I opened
22 it up and there was a plastic bag and white substance.

23 Q. Did you perform an analysis on that bag and white
24 substance contained within?

25 A. I did.

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1 Q. I should just say the white substance contained
2 within. I apologize.

3 Q. And what was the weight of that substance?

4 A. The weight of this substance without the packaging was
5 10.21 grams.

6 Q. And what did that substance contain in your opinion?

7 A. In my opinion it contains cocaine.

8 Q. What did you do with Item 1.2?

9 A. I placed the white substance back in the plastic bag
10 and sealed that and then it was placed into the next level
11 layer of plastic bag and was sealed.

12 Q. And that bag, the first plastic bag, you sealed it?

13 A. I did.

14 Q. And then in the next layer you said there is another
15 layer of plastic bag and you sealed that as well?

16 A. Yes.

17 Q. Now what about Item 2?

18 A. Item Number Two it was an evidence bag that was
19 labeled, again 2011-L-0533-2-RLB. I opened that bag and
20 inside there was a plastic bag that was tied that had some
21 greenish blue tannish material powder substance.

22 Q. Did you find any controlled substance in that?

23 A. I did not.

24 Q. So Item 1.1 and 1.2 you found cocaine?

25 A. Yes, sir.

1 Q. Now, first I'm going to approach with State's Exhibit
2 Number Forty.

3 SOLICITOR SHELTON: May I approach, Your Honor?

4 THE COURT: Yes, sir.

5 Q. And ask, Ms. Mills, if you recognize this
6 document?

7 A. Yes, sir, I do.

8 Q. What is it?

9 A. State's Exhibit Number Forty is a copy of the lab
10 report that I generated that gives the results of my
11 analysis in this case.

12 Q. And those are the statements and the analysis and
13 opinions that you just testified to?

14 A. Yes, sir.

15 SOLICITOR SHELTON: The State moves State's Exhibit
16 Number Forty into evidence.

17 THE COURT: Any objection?

18 MR. JOHNSON: No objection, Your Honor.

19 THE COURT: Thank you.

20 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY, IDENTIFIED
21 AND MARKED, RECEIVED INTO EVIDENCE.)

22 SOLICITOR SHELTON: Thank you.

23 May I approach, Your Honor?

24 THE COURT: Yes, sir.

25 SOLICITOR SHELTON: Thank you.

JENNIFER MILLS: BY SOLICITOR SHELTON

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1 Q. I'm gonna approach with State's Exhibits Number
2 Forty-two.'

3 I note this has already been admitted into
4 evidence as Renita Berry's Report.

5 I'd like you, Ms. Mills, to look at that document and
6 her findings and then look at your findings and see if
7 there is any discrepancy whatsoever.

8 A. The difference in the weight is the only difference
9 that I see. Also the date that it was received.

10 Q. Now as far as the weight, you say there is a
11 difference in the weight. Would you please tell the jury
12 what a difference in the weight is? First what is the
13 weight in Ms. Berry's report?

14 A. Ms. Berry reported in Item 1.1 that the sandwich bag
15 containing white powder compressed substance the weight of
16 the substance without the package was 212.89 grams. And my
17 report is 212.45 grams.

18 Q. Less than a half gram difference or around a half
19 gram difference?

20 A. Yes, sir.

21 Q. By over 212 grams?

22 A. Yes.

23 Q. What about for Item 1.2?

24 A. Ms. Berry's report reads plastic bag containing white
25 powder substance cocaine found the weight was 10.59 grams.

1 And my weight is 10.21 grams.

2 Q. Based on your training over thirty years of experience
3 are you able to tell the jury any explanation as to why
4 there could be a discrepancy that small in a weight of that
5 size?

6 A. There are factors to consider. One is that the
7 substance had to be poured out of another plastic bag and
8 weighed again. And there is a static electricity challenge
9 there with the weight, the powder clinging to the powder to
10 different bags therefore reducing the weight some. There
11 is also the difference between the substance being samples
12 being removed for analysis and then placed back in the
13 package and then being reweighed after someone else has
14 taken a portion out for analysis. And then the third and
15 probably the most significant one is moisture. The
16 substance was in the bag and I reopened it more than a year
17 later and that many times causes it to dry out which causes
18 a difference in the weight.

19 Q. And would you consider the difference in weight in
20 that large or small?

21 A. As small.

22 Q. Again, is less than a half gram difference in over
23 two hundred and twelve grams of cocaine?

24 A. Yes, sir.

25 Q. And what was the total weight from your analysis

JENNIFER MILLS: BY SOLICITOR SHELTON

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1 between the Item Number 1.1 and 1.2?

2 A. The total weight or combined weight of my analysis for
3 Items 1.1 and 1.2 is 222.66 grams.

4 Q. 222.66 grams?

5 A. Yes, sir.

6 Q. I also handed you a separate evidence transfer sheet.
7 I can't remember the exhibit number, I apologize.
8 Is it up there?

9 A. No, sir.

10 SOLICITOR SHELTON: May I approach, Your Honor?

11 THE COURT: Yes, sir.

12 SOLICITOR SHELTON: I apologize. I already handed it
13 back to the court reporter.

14 Q. State's Exhibit Number Forty-seven. Do you recognize
15 that exhibit?

16 A. I do.

17 Q. And what is it?

18 A. This is a copy of the receipt referenced to this case
19 that has my name and the date on it.

20 Q. And what is it - you say it references to the case.
21 Is that the reference to when you turned that back into
22 evidence?

23 A. Yes it is.

24 Q. And what date was that?

25 A. February the 20th, 2013.

1 Q. And who did you turn it back in to?

2 A. Jennifer Snyder.

3 Q. And before turning it back in to evidence what did
4 you do with all the separate items 1.1 and 1.2 and 2 before
5 turning them back into the outer packaging and returning it
6 into evidence what did you do?

7 A. They were returned to the original outer bags and
8 they were sealed by me and labeled and then placed into the
9 original - the outer bag that I received, the heat sealed
10 nylon bag.

11 Q. And did you heat seal that bag?

12 A. Yes, sir.

13 Q. And that was after you performed your analysis.

14 Correct?

15 A. Yes.

16 Q. And the inner bags inside of that bag are sealed by
17 you.

18 A. Yes, sir.

19 Q. And they remain sealed?

20 A. Yes, sir.

21 Q. And when you turned it into evidence was that heat
22 seal sealed?

23 A. It was.

24 SOLICITOR SHELTON: May I approach, Your Honor?

25 THE COURT: Yes, sir.

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1 SOLICITOR SHELTON: May I see State's Exhibit Number
2 Thirty-one?

3 Q. Now I'm going to point out to you on at the end of the
4 seal - end of the bag here - will you please tell the jury
5 what you see there?

6 A. Am I allowed to show it to the jury?

7 Q. Not yet.

8 A. State's Exhibit Number Thirty-one, the outer bag that
9 I receive the evidence in I opened the opposite end that
10 Ms. Berry sealed and removed the contents. I put the
11 contents back into the bag and heat sealed the end that I
12 had opened. I also put my initials, the date that I sealed
13 it 2/14/13, the laboratory case number 211L-0533 and my
14 initials across that heat seal at the end of the package.

15 Q. And is that heat seal along labels?

16 A. Yes it is.

17 Q. What could that cause?

18 A. An incomplete heat seal.

19 Q. But the evidence inside that bag was sealed by you?

20 A. Yes.

21 Q. And it is still sealed?

22 A. Yes, sir.

23 Q. And those are your initials from where you did heat
24 seal the exterior bag?

25 A. Yes, sir.

JENNIFER MILLS: BY SOLICITOR SHELTON

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1 Q. And that exterior bag simply holds the inner bags
2 together. Correct?

3 A. Yes.

4 Q. Is there any loose cocaine inside of the exterior bag?

5 A. No, sir.

6 Q. The interior - I've hammered this home and I'm gonna
7 ask you, the interior bags are sealed from your seal?

8 MR. JOHNSON: Your Honor, objection. Ask and
9 answered.

10 THE COURT: Sustain.

11 SOLICITOR SHELTON: Thank you. I withdraw the
12 question.

13 Please strike it from the record.

14 State moves State's Exhibit Number Thirty-one into
15 evidence.

16 THE COURT: Any objection?

17 MR. JOHNSON: Yes, Your Honor, we object.

18 THE COURT: What's the nature of your objection?

19 MR. JOHNSON: The objection is that the package is
20 open, the chain of custody is broken that we feel that it
21 does not meet the requirement to be presented to the jury.

22 THE COURT: The chain of custody has been established
23 that would go to the weight of the evidence not as to
24 admissibility so I'll admit it subject to your objection.

25 MR. JOHNSON: Thank you, Your Honor.

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1 (WHEREUPON: STATE'S EXHIBIT NUMBER THIRTY-ONE,
2 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

3 SOLICITOR SHELTON: Thank you.

4 Q. With it being admitted into evidence you may now show
5 it to the jury.

6 SOLICITOR SHELTON: May I approach the witness, Your
7 Honor?

8 THE COURT: Yes, sir.

9 Q. And I ask, Ms. Mills, if you would open first - I
10 apologize. I apologize, I'm getting ahead of myself.

11 I ask that you actually walk down with the piece of
12 evidence and show it to the jury as far as where it is now
13 open.

14 (WITNESS LEFT WITNESS STAND/PUBLISHED STATE'S EXHIBIT
15 NUMBER THIRTY-ONE TO THE JURY.)

16 Q. Thank you. Please return to the jury[sic] box, Ms.
17 Mills..

18 Now I'm gohna ask that you open along the long edge
19 State's Exhibit Number Thirty-one and identify what you see
20 inside.

21 (WITNESS OPENED EXHIBIT.)

22 Q. What do you find inside?

23 A. Inside State's Exhibit Thirty-one is the original
24 what we call Best Bag or control bag that was submitted
25 with the evidence. It has my initials and the date

JENNIFER MILLS: BY SOLICITOR SHELTON

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1 2/14/13.

2 Q. Is there anything contained in that bag?

3 A. No, sir, not at this time.

4 Q. And will you please show the jury Item 1.1.

5 (WITNESS PUBLISHED ITEM 1.1 TO THE JURY.)

6 A. This is Item 1.1. It has L - RLB sealed on the bottom
7 and the date on the bottom. It has my seal on the side
8 with the date 2/14/13 and the laboratory number and Item
9 No. 1 on that package.

10 Q. And what is contained inside that bag?

11 A. And this package which is labeled Item No. 1 is 1.1
12 and 1.2.

13 Q. And what is contained in 1.1?

14 A. 1.1 plastic bag containing a plastic bag containing
15 white substance.

16 Q. And what is your opinion as to what that white
17 substance is and how much it weighs?

18 A. In my opinion the substance in 1.1 contains cocaine
19 and the weight of the substance without the package is
20 212.45 grams.

21 Q. And is your seal, seal still intact in that bag?

22 A. Yes, sir.

23 SOLICITOR SHELTON: May I approach, Your Honor?

24 THE COURT: Yes, sir.

25 Q. The State's approaching with State's Exhibit Marker

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1 Thirty-one (A.) I ask to publish to the jury.

2 THE COURT: Fine.

3 (STATE'S EXHIBIT THIRTY-ONE (A) PUBLISHED TO THE
4 JURY.)

5 SOLICITOR SHELTON: Additionally, Your Honor, the
6 State moves Forty-seven into evidence as a Transfer Sheet
7 between Ms. Mills and Ms. Snyder.

8 THE COURT: Any objection?

9 MR. JOHNSON: I'm sorry, Your Honor, I didn't hear.

10 SOLICITOR SHELTON: The Transfer Sheet between Ms.
11 Mills and Ms. Snyder, State's Exhibit Number Forty-seven.

12 MR. JOHNSON: I have no objection.

13 THE COURT: Thank you.

14 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-SEVEN,
15 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

16 SOLICITOR SHELTON: And finally State moves what's
17 already been authenticated as State's Exhibit Forty-one
18 which is Renita Berry's marijuana report.

19 THE COURT: Any objection?

20 MR. JOHNSON: No objection, Your Honor.

21 THE COURT: Thank you.

22 (WHEREUPON: STATE'S EXHIBIT NUMBER FORTY-ONE,
23 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

24 BY SOLICITOR SHELTON:

25 SOLICITOR SHELTON: May I approach the witness, Your

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1 Honor.

2 THE COURT: Yes, sir.

3 Q. And contained within State's Exhibit Number Thirty-one

4 (A) is Item 1.1 and 1.2?

5 A. Yes, sir.

6 Q. Is that all the cocaine in this case?

7 A. Yes.

8 Q. Thank you. Those are all the questions I have.

9 Please answer any questions the defense has.

10 THE COURT: Mr. Johnson.

11 MR. JOHNSON: Thank you, Your Honor, may it please the
12 court.

13 CROSS-EXAMINATION

14 JENNIFER MILLS BY MR. JOHNSON:

15 Q. Good afternoon.

16 A. Yes, sir.

17 Q. Just a couple of questions for you. When you finished
18 your examination of the cocaine, or the items that you

19 determined to be cocaine, you sealed the bag?

20 A. Yes, sir.

21 Q. So it was not open. Correct?

22 A. No, sir.

23 Q. When it left you it was not open?

24 A. No.

25 Q. But it was open just now. Correct?

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1 A. The outer bag when I looked at it now it was yes, sir.

2 Q. Okay. Next the final - actually the final question.

3 Your job as a forensic - as a forensic expert is to
4 test for substances such as cocaine and marijuana and
5 things of that nature. Correct?

6 A. Yes, sir.

7 Q. And you tested this and you found it to be cocaine.
8 Correct?

9 A. I found it to contain cocaine.

10 Q. But you have no evidence that that cocaine belonged
11 to my client do you?

12 A. No, sir, I do not.

13 Q. No other questions.

14 THE COURT: Any redirect?

15 SOLICITOR SHELTON: Thank you, Your Honor.

16 The State rest.

17 THE COURT: Thank you.

18 Ms. Mills, you may be excused. Thank you.

19 MS. MILLS: Thank you.

20 (WITNESS LEAVING WITNESS STAND.)

21 THE COURT: Ladies and gentlemen of the jury, at this
22 time the State has rested its case and it is about 12:30,
23 it probably would be a good time to take our lunch break.
24 There are a few matters of law that we must take up outside
25 of your presence. We will allow you to come back at - you

1 should have enough time by 1:45 to resume the trial of this
2 case. Again please don't discuss the case with anybody,
3 don't allow anybody to discuss the case with you, it's not
4 time for you to deliberate yet. We still have to finish
5 the entire case so do not deliberate amongst yourselves
6 either do any independent research of the case but at this
7 time you're excused until 1:45. Thank you.

8 (JURY EXITS COURTROOM FOR LUNCH RECESS AT 12:30 P.M..)

9 THE BAILIFF: The jury is clear, Your Honor.

10 THE COURT: Thank you.

11 Any matters from the Defense?

12 MR. JOHNSON: Yes, Your Honor. At this time we renew
13 our matters concerning motions and objections and motions
14 for a directed verdict.

15 THE COURT: Okay, sir, you may proceed.

16 MR. JOHNSON: I guess our first motion, Your Honor,
17 would be a motion that the chain of custody as related to
18 the cocaine evidence that the package was clearly open and
19 there is our belief that because that package was open that
20 the chain of custody was broke. It calls into question the
21 integrity of the packet as well as the items that was
22 presented to the jury was actually items that was tested.

23 The State presented a number of witnesses', all the
24 witnesses indicated that the item was sealed but nobody can
25 explain how the item opened. A lot of people gives - give

1 a somewhat of an explanation that it could have popped open
2 due to some flaw in the seal or something of that nature
3 but nobody knew. Everybody could say it was sealed but
4 nobody could say what happened to the package.

5 And one other significant thing is nobody could say
6 when it happened. That would call that package into
7 question as to whoever that particular package stayed
8 within the chain and when did it did happen. It is our
9 belief that the integrity of the package was flawed by the
10 seal being broken and that as a result the chain of custody
11 was broken and as a requirement that particular item
12 cocaine should not be given to the jury and that that
13 particular charge of cocaine should be dismissed.

14 THE COURT: Solicitor.

15 SOLICITOR SHELTON: Your Honor, the package in
16 question is an exterior package that the actual packaging
17 of the cocaine was packaged within. That package remained
18 sealed even when we presented it into court. That's just
19 for the purpose of establishing the chain if its even
20 necessary past the time of the forensic testing to bring it
21 into court to show it to the jury if that's even necessary
22 and the State isn't conceding to that. That was sealed,
23 the package is actually containing the cocaine within the
24 exterior package which is still sealed.

25 And in fact Renata Berry testified that the exterior

1 package is just a redundancy to keep the interior packages
2 together. Similarly similar to a paper evidence bag even
3 where you put in other evidence bags that are sealed to
4 close that. And other counties actually do that. So it
5 really is a redundancy. It doesn't affect the integrity of
6 the evidence whatsoever. The actual evidence that was
7 presented is contained inside Item No. 1.1 - Item No. 1
8 rather, State's Exhibit Number Thirty-one (A) and that
9 package remains sealed.

10 Both chemist testified that the package was sealed
11 when they received it before testing. The packages they
12 received so that there is absolutely nothing, no problem
13 whatsoever with the testing and there is absolutely no
14 problems whatsoever with the ultimate publishing of the
15 evidence to the jury that's the actual cocaine because that
16 bag was still sealed or it was contained inside of the
17 exterior bag is a redundancy and is there only to keep the
18 interior together.

19 THE COURT: Either gentlemen?

20 MR. JOHNSON: Just one response, Your Honor.

21 THE COURT: Yes, sir.

22 MR. JOHNSON: Mainly for the record, Your Honor, it is
23 our contention that it is incumbent upon the court to
24 ensure that the - in this case the cocaine that was
25 presented to the jury during trial is the actual cocaine

1 that was seized at the time my client was arrested.

2 The outer package which contained the items that was
3 tested by the lab the reason the outer package is sealed is
4 to maintain that integrity of that package all the way to
5 the jury. If the package is flawed or the chain is broken
6 before it gets to the jury then the court cannot certify or
7 the state cannot certify that that is actually the package
8 that was tested and sealed by the lab.

9 The package that was shown to the jury today was
10 opened. They cannot certify that that is actually the
11 package that was tested by the lab. He's saying that it's
12 just redundancy. It is not. It is sealed to protect the
13 integrity all the way to the point that its opened before
14 the jury from a sealed package and handed to the jury. In
15 this case the package was not sealed prior to handing it to
16 the jury and we believe that it breaks the chain.

17 THE COURT: Thank you, Mr. Johnson. I'm gonna
18 respectfully deny your motion pursuant to State v. Taylor
19 basically where an analyzed substances pass through several
20 hands that evidence must not leave it to conjecture as to
21 who had it and what was done to it I think the State has
22 proven through the testimony and establishes the chain of
23 custody who has had it. The standard is not that the State
24 has to abolish all probability of any tampering which you
25 know that goes to the weight of the evidence not to it's

1 admissibility. The State has proven that the actual or has
2 submitted the evidence that the actual bag containing the
3 actual cocaine was not open, just the bag that contained
4 the sealed bag so you're free to argue certainly to the
5 jury that it was open and I think that goes to the weight
6 of the evidence but not it's admissibility so I'm going to
7 respectfully deny your motions.

8 MR. JOHNSON: Thank you, Your Honor.

9 Your Honor, at this time we also would like to move to
10 renew all prior objections.

11 THE COURT: Yes, sir.

12 MR. JOHNSON: As it relates to that. Also, Your
13 Honor, as it relates to a directed verdict we do not
14 believe that the State has met it's burden. The State has
15 shown that cocaine was found at a location where my client
16 resides. But they have also shown evidence that there was
17 at least one other person located at that residence as well
18 as a possibility of other people. Thereby I do not believe
19 that the State has met their burden by showing that my
20 client had possession of the cocaine therefore we ask for a
21 directed verdict because the State has not met it's burden
22 of proof as it relates to my client having possession of
23 the cocaine or marijuana.

24 THE COURT: Thank you, Mr. Johnson.

25 Mr. SHELTON.

1 SOLICITOR SHELTON: Thank you, Your Honor.

2 The State has shown that not only was it his
3 residence, it was found in the master bathroom of the
4 residence and the cocaine and the marijuana was his
5 personal identification contained within a credit card, a
6 debit card, his photograph was above the master bathroom
7 vanity which the cocaine was found within. Also his ID was
8 found in the master bedroom pertinent to that master bath.
9 Further is found a bag full of mail that was identified as
10 the defendant's inside that master bedroom. Including the
11 bag that the defendant was the only one on the scene when
12 officers arrived. Evidence shows that it is believed that
13 clothing contained inside of the bedroom or some male
14 clothing all of this goes to the fact that it is Mr.
15 Wright's drugs.

16 THE COURT: Thank you, gentlemen. As you know the
17 trial court is concerned with the existence of evidence and
18 not it's weight. There has been some direct and
19 circumstantial evidence that would logically deduce the
20 potential guilt of the defendant and I will respectfully
21 deny your motion, Mr. Johnson.

22 Anything further at this time?

23 MR. JOHNSON: And to my other objections as well, have
24 been denied as well?

25 THE COURT: Yes, sir, my ruling stands as previously

1 ruled upon.

2 MR. JOHNSON: Thank you, Your Honor.

3 THE COURT: Anything further before we take our lunch
4 break?

5 MR. JOHNSON: Your Honor, do you want to examine our
6 client as far as his right to --

7 THE COURT: Do you want to do that right now?

8 MR. JOHNSON: I think that would be good ---

9 THE COURT: Sure.

10 MR. JOHNSON: --- if it might save some time.

11 THE COURT: Mr. Wright, if you would please stand.

12 Madame Clerk, would you swear the defendant, please?

13 MADAME CLERK: Yes, ma'am.

14 Raise your right hand for me please.

15 (WHEREUPON: STANLEY WRIGHT,
16 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

17 THE COURT: Mr. Wright, if at any point while I'm
18 asking you any questions if you do not understand please
19 stop me and let me know, okay?

20 MR. WRIGHT: Yes, ma'am.

21 THE COURT: All right, sir, at this point I'm gonna
22 explain certain rights to you in detail that you have in
23 considering your case. You have reached the stage of the
24 trial where you may present your defense. You have the
25 right to claim the protections given to you by the Fifth

1 Amendment to the Constitution of the United States which
2 states in part no person shall be compelled in any criminal
3 case to be a witness against himself. This means that you
4 cannot be required to testify in this case. You have a
5 right to testify on your own behalf, however, no one can
6 make you testify. This is a personal right and no one can
7 waive this right except for you. If you decide to testify
8 you will be subject to the same rules that govern other
9 witnesses' and you may be examined and cross examined on
10 any relevant issue in this case.

11 And in addition if you have any convictions involving
12 dishonesty or false statement or for crimes punishable by
13 imprisonment for one year and this court determines that
14 the approbative value of admitting this evidence outweighs
15 the prejudicial effect to you the solicitor will be able to
16 introduce your record and attack your credibility.

17 If you decide to testify this decision on your part
18 must be freely voluntarily and intelligently made with the
19 knowledge of the protections given to you by the Fifth
20 Amendment and the consequences of your decision to testify.

21 If you decide not to testify I will instruct the jury
22 that they cannot give the fact that you did not testify any
23 consideration whatsoever and that there is to be absolutely
24 no prejudice to you because you did not testify. It is
25 left entirely up to you whether or not you testify. You

1 may talk to your attorney, your family, your friends, or
2 anyone else, but that final decision is entirely up to you.
3 Do you understand what I've explained to you?

4 MR. WRIGHT: Yes, ma'am.

5 THE COURT: And have you discussed this with your
6 attorney whether or not you should testify?

7 MR. WRIGHT: Yes, ma'am.

8 THE COURT: Do you wish to talk to your attorneys any
9 more at this time as to whether or not you wish to testify?

10 MR. WRIGHT: No, ma'am.

11 THE COURT: And what is your decision regarding
12 whether you wish to testify?

13 MR. WRIGHT: I would not like to testify.

14 THE COURT: You would not like to testify. Thank you,
15 sir.

16 Anything further?

17 MR. JOHNSON: We have nothing further, Your Honor.

18 THE COURT: Can we print out the defendant's jury
19 instructions? Are they ready? Almost. Well have them
20 ready for you in about fifteen minutes if you all want to
21 come back to chambers we'll print them out for you.

22 SOLICITOR SHELTON: Thank you, Your Honor, I apologize
23 for not giving it to you when John ask for it this morning.
24 I forgot that I had very early on in this case printed out
25 some possible request to charge or just with regarding the

1 trafficking. It's very straight forward and very simple.
2 It's probably what you already have in your charge so I'll
3 just hand this to John if that's all right.

4 MR. JOHNSON: And, Your Honor, because we've not put
5 in those cases I do not believe we put any evidence up
6 therefore we should have the last argument; is that
7 correct?

8 THE COURT: Yes, sir. So you're not gonna call any
9 witnesses?

10 MR. JOHNSON: No, Your Honor.

11 THE COURT: Okay, sir. That's fine. Thank you.

12 Do you all need more time then if you're not gonna put
13 anything up to prepare for closings during lunch? Or will
14 forty-five give you enough time?

15 MR. JOHNSON: I don't know what to do in closing, Your
16 Honor, so I think I'm ready.

17 THE COURT: Okay. I just want to make sure I give you
18 plenty of time.

19 SOLICITOR SHELTON: Forty-five is fine for me.

20 THE COURT: So we'll review the jury charge. Did you
21 discuss whether or not you wanted the jury charges to go
22 with the jury?

23 SOLICITOR SHELTON: I haven't discussed that as how
24 the law is as long as it's the complete charge. The State
25 doesn't have a problem with it.

1 THE COURT: How about the Defense?

2 MR. CHAPLIN: Your Honor, we would like it done, go
3 back with the jury.

4 THE COURT: Okay. I think it can be very helpful so
5 we'll do that. Thank you, gentlemen.

6 SOLICITOR SHELTON: Thank you, Your Honor.

7 (COURT IN LUNCH RECESS AT 12:55 P.M..)

8 (COURT BACK IN SESSION AT 02:30 P.M..)

9 THE COURT: Thank you. You may have a seat.

10 Did you all look at the final printed version that's
11 going back to the jury just to make sure there is no
12 problems.

13 MR. CHAPLIN: Your Honor, remember we need to rest in
14 front of the jury.

15 THE COURT: Oh absolutely. Absolutely. I was also
16 gonna ask the two of you once you've rest would you all
17 mind if we go ahead and go straight into the closings and
18 then reserve any motions for after that. That way the jury
19 is not coming in and out.

20 SOLICITOR SHELTON: Absolutely.

21 MR. CHAPLIN: What ever makes it easier for you and
22 them.

23 THE COURT: Okay. Do you all prefer they sign the
24 indictment and the verdict form? Or do you just get them
25 to sign it later?

1 MR. CHAPLIN: Your Honor.

2 THE COURT: Yes, sir.

3 MR. CHAPLIN: The last thing is I don't even know if
4 you want it or she would care to have it we did send
5 someone down to look at the video tape from Barker Partin.

6 THE COURT: Yes, sir.

7 MR. CHAPLIN: And they sent us a notarized - I'll pass
8 it up to Your Honor and if you wanted to make it - just say
9 that they don't have it cause it's too long and they loop
10 every four weeks:

11 THE COURT: Certainly. And we can make that a Court's
12 Exhibit.

13 MR. CHAPLIN: That's fine.

14 THE COURT: Once we get the final jury charge printed
15 I'm gonna make that a Court's Exhibit since it's going back
16 with the jury as well.

17 MR. CHAPLIN: I don't think that would be part of a
18 Court Exhibit would it?

19 THE COURT: If you'd like for it to be just to show
20 that you went to ---

21 MR. CHAPLIN: No.

22 THE COURT: --- the point of --

23 MR. CHAPLIN: No.

24 THE COURT: No. You don't want it to be a Court's
25 Exhibit? That's fine.

1 MR. JOHNSON: I think that was just related to our
2 pretrial motion, Your Honor.

3 THE COURT: Right. I just don't know if you wanted
4 that part --

5 SOLICITOR SHELTON: The State wouldn't mind making it
6 an exhibit to show that it was actually done and followed
7 through upon. Of course it's in the record.

8 MR. JOHNSON: We will make it a part of the record but
9 that one that will go back to the jury it wasn't - none of
10 that was --

11 THE COURT: And it would be a Court's Exhibit not --

12 MR. CHAPLIN: Take that back.

13 MADAME COURT REPORTER: So what are you calling this?
14 An affidavit or a letter? Just a letter?

15 MR. CHAPLIN: Yeah, that the affidavit from the IT
16 person from Barker Park. I think his name is on the
17 bottom.

18 MADAME COURT REPORTER: All right.

19 MR. CHAPLIN: We just told him verbally and then I
20 wanted something official.

21 Affidavit in Response to Subpoena.

22 MADAME COURT REPORTER: Which will be Court's Exhibit
23 Number Three.

24 MR. CHAPLIN: Okay.

25 (WHEREUPON: COURT'S EXHIBIT NUMBER THREE, IDENTIFIED

1 AND MARKED, RECEIVED INTO THE RECORD.)

2 MADAME COURT REPORTER: And the jury charge will be
3 Court Exhibit Number Four.

4 (WHEREUPON: COURT'S EXHIBIT NUMBER FOUR, IDENTIFIED
5 AND MARKED, RECEIVED INTO THE RECORD.)

6 THE COURT: You ready to bring our jury up?

7 MR. JOHNSON: Yes, Your Honor.

8 SOLICITOR SHELTON: The State is, Your Honor. Thank
9 you.

10 THE COURT: Bring up our jury.

11 Ladies and gentlemen, once we have the jury seated
12 there will be nobody coming in and out of the courtroom so
13 as not to --

14 THE BAILIFF: Your Honor, the jury is entering.

15 (JURY REENTERS COURTROOM AT 02:38 P.M..)

16 THE BAILIFF: The jury is seated, Your Honor.

17 THE COURT: Ladies and gentlemen of the jury, thank
18 you so much for your patience. I understand we held you
19 back there a little bit longer than we anticipated but we
20 are very thankful for your patience.

21 Mr. Chaplin.

22 MR. CHAPLIN: Your Honor, the defense rest at this
23 time.

24 THE COURT: Thank you.

25 Ladies and gentlemen of the jury, at this time both

1 the State the Defense have rested their cases and it's now
2 time for me to instruct you on the law of the case. The
3 indictments in this case allege several different offenses
4 against the defendant. The charges are possession with
5 intent to distribute marijuana; trafficking cocaine, and
6 weapons possession during the commission of a violent
7 crime.

8 Each indictment charges -

9 MR. CHAPLIN: Your Honor, may we approach?

10 THE COURT: Yes, sir.

11 MR. CHAPLIN: Sorry to interrupt.

12 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
13 THE JURY AT 02:40 P.M..)

14 MR. CHAPLIN: Thank you, Your Honor.

15 THE COURT: I completely got ahead of myself. I
16 apologize, I completely neglected to let the Defense
17 attorneys and the State give their closing statements so
18 please strike what I just said. I will instruct you all
19 after they finish so I apologize for that.

20 Solicitor, you may proceed.

21 SOLICITOR SHELTON: Thank you, Your Honor.

22 Defense counsel, ladies and gentlemen of the jury.

23 I don't know if you remember but yesterday morning I
24 grabbed this paper bag here before I started my opening and
25 I set it right there. Inside is a digital scale and it has

CLOSING ARGUMENT: BY SOLICITOR SHELTON

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1 a care function set to zero.

2 MR. JOHNSON: Your Honor.

3 THE COURT: Yes, sir.

4 MR. JOHNSON: I will need to object to the - what the
5 State is preparing to do. I think he has the items before
6 him and the jury can look at those items. Those things
7 that he's presented now are not necessary and I think they
8 are cumulative, have no - it's just not proper for a
9 closing argument.

10 THE COURT: I disagree, Mr. Johnson, I think it is
11 proper and your objection is over ruled. Thank you.

12 MR. JOHNSON: Thank you, Your Honor.

13 SOLICITOR SHELTON: What I've just poured in there is
14 four grams, more than one, more than two, more than three.
15 Four grams. Remember what Andre Florencio testified to
16 yesterday? Half a gram of cocaine can be sold on the
17 street for personal use for about Fifty bucks. One gram
18 can be sold on the street for a Hundred bucks. Four grams.

19 That is eleven grams. Possession of more than ten
20 grams of cocaine in South Carolina is trafficking in
21 cocaine. Knowing possession of more than ten grams, actual
22 or constructive, is trafficking in cocaine a violent crime.

23 That is two hundred and twenty-three grams. Two
24 Hundred and twenty-two and a half grams by Jennifer Mills
25 less estimate less analysis, two hundred and twenty-three

1 grams of cocaine right here per Renita Berry's analysis.
2 Cash and a seizure form with the cash showing the Two
3 Thousand Four Hundred and Eight Dollars that was seized
4 from the defendant. And the handgun all seized from the
5 defendant.

6 Now I encourage you to look at this. It's the Crown
7 Royal bag. Was found underneath the defendant's vanity.
8 And feel it, the cocaine is still hard and compressed.
9 And I do this so the Madame Clerk will not get mad if I
10 spill it. As this trial went on as I kid I loved the
11 Wizard of Oz, one of my favorite movies, still is. And it
12 was reminding me of the end of the movie with the Wizard
13 flaying behind the curtain in plain view and yelling look
14 not at the man behind the curtain because all that's
15 important in this case is the fact that Mr. Stanley Wright
16 possessed over two hundred grams of cocaine in his
17 residence and in his master vanity with his debit card
18 underneath it, with his picture of himself up on the mirror
19 and with his ID laying outside the doorway between there
20 and his bed.

21 What does that say? That he's in possession of those
22 drugs. Those drugs belong to him. I'm Stanley Wright
23 these are my drugs.

24 Now the master bathroom bath and vanity. You've seen
25 this picture in the exhibit, that's what it looked like

CLOSING ARGUMENT: BY SOLICITOR SHELTON

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1 when Collier went through, Archbell went through. And why
2 did they go through to find a person, find a missing
3 person? They weren't there to look for drugs, they were
4 trying to locate someone who had hung up on a 911 call.
5 They couldn't find it they opened that and you can see how
6 large it is. Someone could be stowed inside of it
7 especially a small female.

8 They were looking inside of that to try to find
9 someone injured or possibly dead. Their training and
10 experience tells them to do that. That's not an issue in
11 this case. They were there lawfully. That's not for you
12 to determine whether they actually saw it lawfully or not.
13 That's not an issue in the case. The issue is whether
14 these drugs belong to Stanley Wright. That is a matter of
15 law that the Court has already determined. It's not a
16 matter of fact for you to determine whether they first saw
17 those drugs lawfully.

18 There are the drugs inside of the vanity. There is a
19 Crown Royal bag, same one right here. There is the
20 individual packages of marijuana that are right here in
21 this bag. And there is the large package of marijuana
22 that's right here in this bag. You can even look at this,
23 see. It's the same bag that's still in here. This is the
24 original Best Bag that Lauve put it in that it was cut out
25 of. The control number is the same. There is the cocaine

1 within the bag in the vanity and there is the marijuana in
2 bags and more bags. These. All taken together right
3 there, right there in his master bedroom bath vanity.

4 Scale that was on top of that same vanity right above
5 these drugs. This scale right here. Debit card. Where
6 was the debit card found? Beneath the drugs. This debit
7 card with Stanley Wright's name on it, Stanley Wright,
8 Junior underneath the drugs. And also what is this? It's
9 a picture. State's Exhibit Number Thirty-three. On the
10 mirror and you can see the very edge of it in the bottom of
11 that - top of that picture above the master bedroom vanity.
12 This picture, I am Stanley Wright this is my master
13 bedroom. These are my drugs. This is my master bedroom.
14 This is my gun. And in case you have any doubt about it
15 let's keep going.

16 There is the gun in the master bedroom closet. This
17 is his South Carolina ID card next to the bed in the master
18 bedroom. Right there same card. Cash: A big deal was
19 made about whether the cash was hidden or not. The fact is
20 there is a Thousand Dollars cash lying around inside of his
21 living room behind a statute in a wad all of large bills.
22 There they are.

23 What is trafficking cocaine? We can talk about it but
24 let's look at what the actual law is. The Judge is gonna
25 tell you what the law is and always defer to the judge.

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1 The Judge is the judge of the law, you are the judges of
2 the facts. That's the reason we stand up when you walk in
3 the courtroom. You have an important roll in this case as
4 the judge has, more important than what we have. You are
5 the judge of the facts. This is what the law that you will
6 interpret to those facts is for trafficking.

7 I'm gonna break this down for you but I want to have
8 you see the entire law first. This is actual South
9 Carolina law. The statute section is called 44-53-
10 370(e)(2). Any person who knowingly sells, manufactures,
11 cultivates, delivers, purchases, or brings into this state,
12 or, who aids by providing or who provides financial
13 assistance or otherwise aids, abets, attempts, or conspires
14 to sell, manufacture, cultivate, deliver, purchase, or
15 brings into this state, or, - all of these are or - who is
16 knowingly in actual or constructive possession or who
17 knowingly attempts to become in actual or constructive
18 possession of ten grams or more of cocaine is guilty of
19 trafficking in cocaine.

20 Focus on that last. Or who knowingly attempts, or who
21 knowingly is in actual or constructive possession, or who
22 knowingly attempts to become in actual or constructive
23 possession of ten grams or more is guilty of trafficking
24 cocaine.

25 It's the possession of more than ten grams of cocaine

1 makes you guilty of trafficking if you know it.
2 Trafficking cocaine: Any person who is knowingly in actual
3 or constructive possession of ten grams or more of cocaine
4 is guilty of trafficking in cocaine. There are certain
5 laws that have when you hear them you kind of think you
6 have some type of summary in your mind as to what they
7 might be. Trafficking is one of them. You think
8 trafficking you think well we're shipping things over seas
9 or we're flying things in or you're driving things around.
10 That's not what the law is. It's possession of over ten
11 grams. Sure it could be bringing into the State. But the
12 mere possession of it of more than ten grams and knowing
13 that you're in possession of it is trafficking in cocaine
14 under South Carolina law.

15 And this breaks it down even more. Knowing possession
16 actual or constructive - and I'll get into that in just a
17 little bit - of over ten grams of cocaine is trafficking in
18 cocaine. Not over two hundred grams is a typo. But not
19 over two hundred grams, that is a typo. In this case
20 however there are two hundred grams of cocaine. And in
21 order for him to be guilty of trafficking in cocaine over
22 two hundred grams we must prove beyond a reasonable doubt
23 that he is in possession of more than two hundred grams of
24 cocaine. I say more than ten grams because trafficking
25 cocaine is a violent offense and it's unlawful to possess a

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1 firearm while you are committing a violent offense. And
2 that's another charge he's charged with. Okay.

3 Trafficking in cocaine over two hundred grams of
4 cocaine. Knowing possession, actual or constructive, plus
5 over two hundred grams of cocaine equals trafficking in
6 over two hundred grams of cocaine.

7 Possession of a weapon during the commission of a
8 violent crime. Trafficking in cocaine, possessing that
9 much cocaine is a violent crime. And why? Well probably
10 because it most of the time involves this. The legislature
11 has determined that. And it did involve this. He had this
12 to protect his product.

13 Actual and constructive possession. Now actual
14 possession is when the drugs are found in the actual
15 physical custody of the defendant. For example he was in
16 actual possession of a fourteen hundred and eighty dollars
17 on his person yesterday. Mr. Johnson was in actual
18 possession of a six hundred dollars he showed you
19 yesterday. I'm in actual possession of my wallet right
20 now.

21 What is constructive possession? Constructive
22 possession is when the defendant has dominion and control,
23 or the right to exercise dominion and control over the
24 drugs. Constructive possession can be established by
25 circumstantial or direct evidence. That's *State v. Brown*.

1 That is a case law in South Carolina. That's not me just
2 saying it.

3 So what is constructive possession? Remember when I
4 brought that grocery bag in and I sat it down. I left it
5 there. I knew where it was. It was there all night. I
6 got back today it was still there. I had constructive
7 possession of that grocery bag. This courthouse was locked
8 the day before. I've got a key pad to get in the
9 courthouse. I had constructive possession of the contents
10 of the grocery bag. I still do. It's right there. That's
11 just one example of what constructive possession is. Think
12 about the things one might have in your bathroom right now.
13 Anybody at home? Do you have constructive possession of
14 them? Toothbrush, toothpaste, personal items, medications,
15 private items? Yes.

16 You have a key to your house. What about your car?
17 Do you have anything in your trunk? Do you have a key to
18 your trunk? A key to your car? Anything in your car right
19 now you have constructive possession of it. You have
20 dominion and control over it. You have the right to
21 exercise dominion and control over it.

22 Stanley Wright had constructive possession of all of
23 this. The Defense admitted it's his house, it's his
24 bedroom. All of this. Where do you keep your most
25 personal items in your master bedroom? In your bedroom

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1 where do you keep your most personal private items? In
2 your bedroom in your medicine cabinet underneath your
3 vanity cause that's personal to you.

4 Now let's think about knowingly and constructive
5 possession. Remember when Archbell testified when he
6 walked into the residence it was an over whelming smell of
7 marijuana? Where did they find drugs in the house? The
8 master bedroom. That's where the smell was coming from.
9 That's how - I mean you can - This is sealed and you can
10 smell it and it's been sitting in this for over two years.
11 You really think that Stanley Wright didn't know it was
12 there in his master bedroom where he has his own picture
13 over his master bedroom vanity?

14 Let's think about these drugs and that scale I used.
15 One gram, One Hundred Dollars. What's a kilo? One
16 thousand grams. What's a quarter kilo? Two hundred and
17 fifty grams. Remember when Renita Berry testified that it
18 was compressed like a sugar cube? And what Florencio
19 talked about when he said that when you break if off of a
20 brick it's compressed? And when she said that some of it
21 was loose like it had been taken out, part of it taken off?
22 What does that show you? Personal use is one gram. This
23 is two hundred and twenty-three grams and the fact is it
24 doesn't even matter whether he bought it for to use it
25 himself over years. Because there is no Cosco, Sam's Club,

1 defense to trafficking in cocaine. If you possess more
2 than a certain amount you're guilty of it. Anyone would be
3 knowingly so.

4 You don't have to have the intent to distribute it.
5 You possess it you're guilty of that. That's the way the
6 law is written. Why is that? Because that cocaine is
7 worth, wholesale, Nine to Ten Thousand Dollars for a
8 quarter kilo. So let's just say Eight Thousand Dollars
9 wholesale. You sell one gram of that at a time without
10 even cutting it, without even adding any sugar or adding
11 any baby formula or anything else to it, what they call
12 cutters of fillers to it, which is what happens when you
13 have something off a brick you add more things to cut it as
14 Florencio testified to. If that happens, you just sell
15 that one gram at a time that's Twenty-two Thousand Dollars
16 worth of drugs.

17 If you cut it and double it, that is Forty-four
18 Thousand Dollars worth of drugs. You think there is any
19 doubt that Stanley Wright doesn't know that he has Forty-
20 four Thousand Dollars worth of drugs in his bathroom? No
21 there is no doubt.

22 In the legal business we call certain things red
23 herrings. And that's kind of what I'm talking about when
24 look not at the man behind the curtain. One red herring in
25 this case is the chain of custody. You've heard everyone

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1 that's touched these items testify. You know exactly what
2 they did with them. You know exactly how they were
3 handled. You know exactly how they were sealed and who by.
4 You know exactly who took the items out, what they did with
5 them, how they handled them, how they resealed them. And
6 you know that first of all the cocaine was tested by Renita
7 Berry and found over two hundred and twenty grams of
8 cocaine in it well before Jennifer Mills even opened it
9 back up and retested it.

10 And furthermore it's sealed. No seal is broken here.
11 And even if you want to focus on the fact that this seal
12 cause they went back and it's kind of like Santa Claus
13 checking the list twice and actually tested it twice to
14 make sure they had the right result and also to make sure
15 we could bring this case to trial and justice is served.
16 That this heat seal was broken because it was sealed over
17 these paper labels that's not even all the way broken open,
18 you can see that this can't even get in and out of it. You
19 saw Eileen Rios shaking it. This was tested and sealed,
20 this is inside, this is a redundancy to keep all the items
21 together.

22 The 911 caller I told you already. All that does is
23 explain why officers responded to the scene initially.
24 Sweeping the house is legal. They were looking for someone
25 in distress and it's legal to do that. The Court has ruled

1 upon that; that is legal. This is not your concern. Your
2 concern is once they found the drugs, were they his?

3 They just weren't his drugs. That's not credible
4 either. There is over whelming evidence to the contrary.
5 How many identifying pieces of information do we have that
6 are closely associated to those drugs of Stanley Wright?
7 The scene wasn't secured. All the testimony is that yes it
8 was. The only testimony you heard from anyone not being at
9 the scene was from one individual that approached Mr.
10 Archbell. Mitchell Archbell said that he was causing a
11 scene. He was being unruly and they had to push - get him
12 away from the scene.

13 Once those drugs were seen inside of the residence no
14 one went in and no one went out. And why did the officer's
15 not seize them right away? Because they're doing their job
16 correctly. They were looking for a person, they weren't
17 looking for drugs, they just happened to see the drugs.
18 They saw the drugs, they noted it, they kept doing their
19 job because they were looking to make sure someone was safe
20 and not injured. And when they exited they secured the
21 scene and they called the people who specialize in this
22 stuff.

23 You saw how long it took Ray Heroux to even introduce
24 all of the evidence in this case. Imagine how much man
25 power it takes to accurately and secure a scene, going into

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1 this house, take the pictures correctly, seize the evidence
2 put it in the bags, sign the bags correctly, seal the bags,
3 all which Ray Heroux did. It takes a lot of time.

4 Road deputies jobs are to respond to 911 calls, 911
5 hangups. They called the experts, the experts got a search
6 warrant, came in served the search warrant, and then
7 located the drugs. That's how proper procedure works.
8 They were doing their jobs correctly and you know why?
9 Because the Constitution of the United States demands it.

10 Once they got out what they were looking for they
11 happen to see it they had probable cause to get the search
12 warrant. That's not for you to determine. They got the
13 search warrant they responded to the scene and then they
14 searched the house after a judge issued that search
15 warrant.

16 All the evidence states, all the evidence shows that
17 the house was secured once those drugs were located. No
18 one got in and out of that house except law enforcement.
19 And no law enforcement went back into the house until after
20 the search warrant was obtained. And that was the purpose
21 of searching the house for drugs and all this.

22 And did any other people have access to the house?
23 There is no evidence to show that they did on that
24 afternoon. The 911 caller they were looking for her and
25 she wasn't there. Look at the pictures see if you see any

1 female clothing in that. See if you see any female
2 identifying information underneath the drugs. Or if you
3 see any female ID's lying in the master bedroom. Mere
4 presence? No.

5 So let's specify the chain of custody. Heroux on
6 August 31st through the middle of the night September 1st
7 took it and turned it into temporary storage. Correct?
8 James Padgett delivered it into central evidence. He
9 testified to that. Eileen Rios then delivered it to Renata
10 Berry on 9/26/2011 who tested it and found more than 220
11 grams of cocaine and also over five ounces of marijuana.

12 Renata Berry returned it into evidence on December 2nd
13 2011. It had already been tested, both drugs at that time,
14 over two hundred grams of cocaine were found at that time
15 and the outside was sealed, the inside was sealed,
16 everything was sealed.

17 Jennifer Snider took it from evidence and Cynthia
18 Payne on February 6th , 2013 to retest it while Renata
19 Berry was out of the country. She wasn't able to testify
20 in court so we could bring the case into court and she has
21 recently returned. Cynthia Payne then transferred it to
22 chemist Jennifer Mills who testified and then retested the
23 drugs. When Jennifer got the drugs they were sealed from
24 Renata. She opened it, she took them out still inside the
25 inside packages - this package - and then tested it. And

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1 what was her findings? Within a half gram difference of
2 weight and the exact same findings. Two hundred and
3 twenty-two and a half grams of cocaine.

4 And then Jennifer Mills returned it into evidence as
5 Jennifer Snider. It was sealed at that time and at some
6 point in evidence this seal here became open. This seal -
7 and you can look at it - signed by Jennifer Mills - there
8 is her initials - on February 14, 2013. Renata Berry right
9 there from when she sealed it earlier. And her seal is
10 still intact as well.

11 She tested the cocaine long before Jennifer Mills
12 tested it and resealed it. When Jennifer Mills received
13 the cocaine it was sealed. She tested it and her findings
14 were consistent with Renita Berry. The exterior of the bag
15 is a redundancy. That's what Renita Berry told you. And
16 the interior bag remains sealed.

17 The 911 caller, the matter in which Archbell and
18 Collier first saw the drugs is legal - period. Stanley
19 Wright was the only one home. The evidence is over
20whelming that the drugs belonged to Stanley Wright and he
21knew that they were there. Think about this thing about
22Stanley Wright's job. Who is the only person that you
23heard anything about Stanley Wright having a job from? His
24lawyer. What I say isn't evidence. What his lawyers says
25is not evidence. There is no evidence whatsoever that

1 Stanley Wright had a job at the time whatsoever. And this
2 thing about it being the end of the month or right before
3 Labor Day weekend. I happen to remember exactly when
4 August 31st 2011 was because I was in the middle of a trial
5 in Collenton County that ended on September 2nd, 2011 and
6 that was a Friday. August 31st, 2011 was a Wednesday. It
7 wasn't the end of the week right before a holiday weekend.
8 It was a Wednesday when he had all this money on him.
9 What a lawyer says is not evidence.

10 Proof beyond a reasonable doubt. Now these are not my
11 words. This is the law of the State of South Carolina,
12 it's consistent with the law across the United States.
13 There are very few things in this world that we know with
14 absolute certainty and in criminal cases the law does not
15 require proof that over comes every possible doubt. Proof
16 beyond a reasonable doubt is proof that leaves you firmly
17 convinced that the defendant is guilty. Firmly convinced
18 of the defendant's guilt.

19 Reasonable doubt equals a real possibility that the
20 defendant is not guilty. Not any possibility. A meteor
21 can hit us in two seconds. That's a possibility. Not any
22 possibility. A real possibility.

23 Again, trafficking in over two hundred grams of
24 cocaine is knowingly possessing either actual or
25 constructive possession of over two hundred grams of

CLOSING ARGUMENT: BY SOLICITOR SHELTON

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1 cocaine and that equals trafficking in over two hundred
2 grams of cocaine.

3 Mere presence. If you believe that the defendant was
4 merely present at his own house, the only one home with
5 over whelming marijuana smoke in his house, and all these
6 drugs are found in his master bedroom vanity, with his
7 debit card underneath it, his picture up on top, and then
8 his ID outside of the door to the bathroom next to the
9 bedroom and its his bedroom, if he is merely present and
10 doesn't have anything to do with those drugs then you find
11 him not guilty. If you think that raises a real
12 possibility then he's not guilty.

13 Possession of marijuana with intent to distribute.
14 Knowing possession of marijuana with intent to distribute
15 equals possession of marijuana with intent to distribute.
16 How do we show you he has intent to distribute? Well
17 here's all the marijuana. Here are the two little baggies
18 that are in here. Remember the little corner baggies that
19 were talked about? And then look at these right next to
20 it. What is marijuana packaged in? These are one of the
21 things that people package marijuana in. Florencio
22 testified to that. And how about this? It's really hard
23 to explain that. And this. And the Fourteen Hundred and
24 Eighty Dollars cash he had on him when there is no evidence
25 whatsoever that he had a job.

1 Possession of a weapon during the commission of a
2 violent crime is knowingly possession of a firearm during
3 the commission of a violent crime equals possession of a
4 weapon during the commission of a violent crime. The
5 defendant had a pistol in his closet in his master bedroom
6 closet. He was also in possession of over ten grams of
7 cocaine. That is trafficking in cocaine. He was in
8 possession of a firearm during the commission of a violent
9 crime. This plus this equals possession of a weapon during
10 the commission of a violent crime.

11 If this was mine, and I'm not here in evidence, I'm
12 not here arguing for you, and I know this is cocaine, and I
13 know this is a firearm I'm guilty. This street value at
14 least Twenty-two Thousand Dollars of cocaine in there.

15 And why did do I say - and I don't mean to be flippit
16 because I mean for you to take this seriously. Obviously
17 this is serious. One of the definitions of reasonable
18 doubt is reasonable doubt that makes a reasonable person
19 hesitate to act. Think about that. Hesitate to act. It's
20 not hesitate to think. Its important to think about this
21 and think about what is reasonable. Use the plain
22 language, the plain meaning of the word reasonable doubt.
23 It's very much that, a reasonable doubt, not any doubt, a
24 reasonable doubt. And remember what Florencio said, Staff
25 Sergeant Florencio when he was talking about when you have

CLOSING ARGUMENT: BY SOLICITOR SHELTON

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1 this the marijuana, this the cocaine, this the baggies,
2 this the digital scale all together lying in the same room
3 in your master bedroom? Remember when he said that drug
4 dealers like to keep things close?

5 And then this loaded on a closet shelf. It's not
6 unlawful to have a loaded gun in your closet shelf. A lot
7 of people do. Is it smart not to just keep it out there
8 especially if you have kids just loaded? No not smart.
9 But is it legal? Perfectly. Is this legal? Use your
10 common sense. No it's not.

11 I've already talked about the drugs and kilos are
12 compressed hard. Nearly two hundred and fifty grams of
13 cocaine. That is Nine to Ten Thousand Dollars of cocaine.
14 Let's just say this is Eight Thousand Dollars of cocaine.
15 Twenty-two Thousand Dollars street value before it's even
16 cut. Loaded handgun laying on the back bedroom shelf.
17 Over five ounces of marijuana. Baggies some with small
18 amounts of marijuana packaged. Twenty-four Hundred and
19 Eighty Dollars in cash and a scale.

20 Use your common sense is what Florencio says. And he
21 wasn't able to anser this question and I'll answer it right
22 now. What does it mean? It means he's a drug dealer.
23 It's exactly what it means. Is it pretty, is it nice, is
24 it a nice thing to say? Absolutely not but that's what the
25 evidence compels.

1 Drug dealers like to keep their drugs close. What's
2 closer than you master bathroom vanity?

3 Now there was a question ask that I honestly wish I
4 would ask one of the witnesses'. And is it perfectly legal
5 to have Two Thousand, Four Hundred and Eighty Dollars? Yes
6 it's perfectly legal to have a Thousand Dollars cash
7 absolutely. Do a lot of people just have it lying around?
8 No I don't think so. Do a lot of people walk around with
9 Fourteen Hundred and Eighty Dollars cash in their house?
10 No. Is it legal? Perfectly. And then it's ask well is it
11 normal? There is nothing normal about this case. There is
12 nothing normal without the drugs - the question was ask
13 without the drugs would that be normal? Sure. The problem
14 is that this is a drug case and there is no question that
15 those drugs were in his house.

16 There is no question it's his house, they admit it's
17 his house. There is no question that's his master
18 bathroom. Use your common sense. There is no question
19 that he knew that street value of at least Twenty-two
20 Thousand Dollars of drugs was in his master bathroom
21 vanity.

22 That's why this case is here. That's why you're here
23 today because of the drugs. There is nothing normal about
24 it. And if there is God help us all.

25 These are just some of the reasons you can consider

CLOSING ARGUMENT: BY SOLICITOR SHELTON

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1 that would lead you to be firmly convinced of his guilt.
2 The defendant is home alone. The drugs are found in his
3 master bathroom. The defendant's debit card is found with
4 the drugs. The defendant's picture is found above the
5 vanity containing drugs. Over two hundred grams of cocaine
6 is tested twice same result. Over five ounces of
7 marijuana. Over an ounce gives an inference, gets you an
8 inference that it was there with possession with intent to
9 distribute. Over five ounces with the baggies with the
10 cash with the digital scale gives you proof beyond a
11 reasonable doubt.

12 The defendant's ID is found next to the master bed.
13 Defendant's mail found on the master bedroom floor. The
14 gun is found in the master bedroom closet. Men's clothing
15 and shoes are found in the bedroom closet. Almost Fifteen
16 Hundred Dollars cash found on the defendant and another
17 Thousand Dollars cash found in the living room. The master
18 bedroom is only access to the master bath and the master
19 closet. You can't get to either one without going through
20 the master bedroom where the defendant lives.

21 Now this isn't an easy task you have to undertake.
22 It's probably one of the most sober task you will ever have
23 to undertake. And we appreciate your service so much. You
24 paid attention through some trying times. You've been here
25 for a long time and we cannot thank you enough.

CLOSING ARGUMENT: BY SOLICITOR SHELTON
BY MR. JOHNSON

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1 Our system of government would not work without you.
2 And now I'm going to humbly ask you to go back do your duty
3 as a juror look at the evidence consider the facts and come
4 back with a verdict of guilty on all counts. And why?
5 This totality of the circumstances compels you to find him
6 guilty. Thank you.

7 THE COURT: Mr. Johnson.

8 MR. JOHNSON: Thank you, Your Honor.

9 Good afternoon, ladies and gentlemen. I want to start
10 off by saying that during the course of the last two and a
11 half days its been contentious sometimes. Please don't
12 take that the wrong way. We are both advocates for
13 justice. It's the prosecution's job to be a advocate for
14 the State and to prove his point. It's my job as defense
15 counsel to represent my client and to be an advocate for
16 him.

17 The system does not work if you don't have two equal
18 dedicated advocates on both sides. So it gets contentious
19 sometimes.

20 But the facts are that my client is on trial. He's
21 charged with serious charges, and the system requires that
22 he be represented and be given a just and fair trial. And
23 I think you can do that.

24 We did not come before you and argue that there is
25 some conspiracy and people are conspiring just to set him

CLOSING ARGUMENT: BY MR. JOHNSON

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1 up. We are not arguing to you that drugs didn't exist in
2 that home. We're going to argue the law to you as the law
3 states it. What counsel tells you, what I tell you, is not
4 the law. The Judge will tell you the law once we finish.
5 You will take that law back there with you and you need to
6 take that and compare it to the facts in this case. It's
7 my job just to try to help you to see my client's side and
8 why he is saying that he is not guilty of these charges.

9 There were drugs found in the house. My client was
10 outside the house. There was at least one other individual
11 at that house. Because remember, the police was going
12 inside to look for her. So there is evidence of two people
13 that was in that house. At least two. And the reason I
14 say at least two, because remember, they have shown you all
15 this evidence they collected but you have heard of no one
16 investigating.

17 Police have a tendency - I used to be a prosecutor and
18 I just tell police you do a good job. You grab the right
19 person a lot of times and you arrest them and then you go
20 back and prepare your case. It's supposed to be the other
21 way around. You prepare your case. You collect the
22 evidence, you decide and you look at the facts and then
23 make the determination who to arrest. The police arrested
24 someone that they believed to be the owner of these drugs.
25 That was the end of the case. They went and collected

1 everything - And remember, by 2:30 - They got there at 18 -
2 Well they got there around six o'clock. By 2:30 which is
3 approximately eight hours this case is closed.

4 Investigation done. Warrants given out. People
5 arrested and we're here today. In eight hours all this
6 supposedly evidence collected, pictures taken, evidence
7 taken, eight hours.

8 Now a prime example: It was State Exhibit Number
9 Thirteen, an example of investigation. They have a picture
10 of the debit card that was found on the - the drugs which
11 they say indicated that my client must have been the person
12 to have possession because his credit card - I mean his
13 debit card is there. Well you're gonna take this back with
14 you, I want you to take a look at it. It expired in 2010.
15 This is August the 31st of 2011. What could he do with it?
16 Go to the ATM machine and get money out? No. Its an
17 expired credit card that was in the bottom of a cabinet in
18 a room where he slept. It does not show that he was there
19 today with it. He had no use for it.

20 But they're saying that this shows that he must have
21 been in possession of it cause his debit card was there. I
22 submit to you this is not his debit card. Its an old debit
23 card but it's not one that's used. Look at these things
24 when you go in the back. They make a difference. It's not
25 just that simple.

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1 Another point.. The State never even looked at it.
2 They didn't take the time. All they saw was a name and
3 that's good enough.

4 His driver's license. Sometimes its near the door
5 near the bathroom. Sometimes its near the bed, sometimes
6 it's in the middle of the floor. It's under his bed. Look
7 at the picture. Not near the bathroom. Its his house.
8 We're not saying that its not his house. The State makes a
9 big argument and they said all the time actual possession
10 and constructive possession. But there is one fact. Mr.
11 Wright was not in actual possession of anything. They
12 searched him he had no drugs on him at all. That's a fact.

13 This Two Thousand Dollars that they are saying is drug
14 money: Look at the money when you go back. Crisp Twenty
15 Dollar bills the kind of things you get when you go to the
16 bank and cash your check. Their not crumpled up. They are
17 not folded. They are not used. Remember no drugs para -
18 there was no analysis of drugs found on any items where you
19 would get when people are using drugs. And believe me if
20 the police had it, you would have heard it. But then
21 again, they didn't investigate.

22 A gun in the house: Almost every home owner has a gun
23 in his house. Nowadays you probably need to have one in
24 your house. I have one. At the time that this happened
25 Mr. Wright cooperated with the police. He didn't run. He

1 cooperated and did everything that was ask of him. The
2 officer testified to that. They drug this out, they say
3 this is the evidence that they have, and that's true. But
4 none of that evidence indicate that my client possessed it.
5 No fingerprints on nothing. There is no DNA found on
6 nothing connecting my client. Remember this is not a one
7 bedroom house. This is a three bedroom house.

8 There is nothing to say that my client was the
9 individual in that house to have possession of that drugs,
10 except that they have a driver's license, they have an
11 expired debit card, and they have Two Thousand Dollars.
12 The money wasn't found near the drugs. The law requires
13 the State to prove beyond a reasonable doubt that my client
14 had actual, which he didn't, or constructive which we
15 believe they did not prove possession of cocaine and
16 marijuana.

17 If they do not prove that beyond a reasonable doubt,
18 you by the oath that you took are required to find him not
19 guilty.

20 Now we spent a lot of time as some people might say
21 nick pickin talking about holes in the evidence and stuff.
22 That does not prove that the evidence was something wrong
23 necessarily with the evidence but it's about attention to
24 details. If you make a mistake here, you make a mistake
25 here, there is a good chance that on this side you also

CLOSING ARGUMENT: BY MR. JOHNSON

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1 made a mistake. They made a lot of mistakes in this case.
2 But they want you to believe that they're perfect.

3 They also talked about procedure. They didn't follow
4 procedure. They can - Everyone can tell you that the bag
5 was sealed and they did it perfectly. But somebody lied to
6 you. And you know how I know that? Because the bag was
7 open. But nobody can't tell you how that happened. What
8 they have, they have constructive and actual possession of
9 that bag the whole time for the last two years and they
10 can't even tell you what happened to it. So how do you
11 expect them to tell you who actually possessed that
12 cocaine? They made up their mind that they had someone.
13 They found drugs and they arrested someone. Case closed
14 eight hours.

15 No officer testified that he did any investigation.
16 The number one witness takes pictures and collected
17 evidence. That's all he did. Didn't talk to no
18 witnesses'. Didn't talk to no neighbors. Didn't attempt
19 to investigate anything. The officers told you on the Drug
20 Force they had never ever heard of my client before in this
21 town of being a drug dealer. He was not on their radar.
22 He was not on there. I submit to you because he wasn't.
23 He still isn't.

24 They have not given you a closed case. It is open.
25 They have not told you that there - they showed you a

1 picture of one bedroom. There is two other bedrooms. You
2 know why they don't have pictures of the other bedroom?
3 They never went in there. They are not trying to ascertain
4 if anybody else is there because if there are other people
5 that live in that trailer, then the case got problems.

6 These are all things that you need to consider.
7 Things are not just that simple. They are not just that
8 simple. Think of your own homes, of your own bathrooms,
9 and how children and the people that live there. Do you
10 know everything that's under your sink at all times? Think
11 of the police coming up to a house there are people
12 outside. If there is someone else that has drugs how hard
13 would it have been for them to run inside and try to hide
14 the drugs? And if you're gonna hide drugs where are you
15 gonna go? You are gonna go in the bathroom the furthest
16 away from the door. Look at the picture. Its up under the
17 sink in the master bedroom on top of an expired ID card
18 that belonged to my client.

19 It would be real simple for you to walk back there and
20 spend ten minutes and say let's go home. I ask you to take
21 your time in this. This is not that simple.

22 The Judge will give you a charge and in that charge
23 she will tell you the law. She will also tell you certain
24 things. One of the things that I think is very important
25 is she will give you the charge about mere presence. That

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1 charge basically states that a person's mere presence at
2 the scene where drugs and contraband is found, his mere
3 presence there does not make him in possession of that
4 drug. That's why the State is spending a lot of time with
5 the ID card and the other things because they realize that
6 just my client's presence there at that scene in that house
7 does not make him in possession of those drugs. They have
8 to show other things. That's why their pushing so hard
9 about this Thousand Dollars and all the other things.

10 Its not that unusual for an individual who has a job
11 and the reason I say not that I'm saying it, there was no
12 evidence from the State that he didn't have a job when I
13 ask the police. They agree with me it wasn't unusual to
14 have that kind of money.

15 I ask that you do not use my client not testifying
16 against him because that's his right not to testify. It
17 also gives us the advantage to talk to you last. Because
18 if we put up any evidence the State would get to talk to
19 you last. I think this case is important enough that the
20 Defense have the last word. So please do not use anything
21 about my client not testifying against him. All the
22 evidence is here. You will have all the evidence that we
23 could give you.

24 Reasonable doubt: People you see it on TV and they say
25 the only reasonable doubt and its not always with there is

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CHARGE TO THE JURY:

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1 no doubt. That doesn't exist. The Judge will tell you
2 about reasonable doubt but the way I try to explain it to
3 you is, reasonable doubt is the kind of doubt that
4 reasonable people such as yourselves have after looking at
5 the evidence. To me it's just that simple.

6 If you look at all this evidence, look at the facts,
7 and seriously look at it, and you still have doubt, that's
8 reasonable doubt. That's the doubt that requires you to
9 find my client innocent. Its not for us to prove ourselves
10 innocent. Its for the State to prove him guilty. Because
11 right now at this very second as my client sits there he's
12 innocent. He is innocent. You can call him a drug dealer
13 all you want but that the only thing in this case that is
14 not true.

15 Right now at this second, you know, America, my client
16 is innocent. He is a citizen just like you and you are the
17 ones that can find him guilty. Only then is the defense of
18 my client over when you as a jury makes that decision.
19 Take your time, ladies and gentlemen, this is not play
20 play. This is not TV, this is not reality TV, this is true
21 life. Please take your time. Thank you.

22 THE COURT: Thank you, gentlemen.

23 Ladies and gentlemen of the jury, I know I run on fast
24 forward before as I obviously was before, and so now with
25 the State and the Defense have both rested and given their

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1 closing statements, it's time for me to instruct you on the
2 law. Make sure you can hear me here.

3 The Defendant in this case has been - The Indictments
4 in this case allege several different offenses against the
5 defendant. The charges are Indictment Number One
6 possession with intent to distribute marijuana. Indictment
7 Number Two trafficking in cocaine. And Indictment Number
8 Three weapons possession during the commission of a violent
9 crime.

10 Each indictment charges separate and distinct
11 offenses. You must decide each Indictment separately on
12 the evidence and the law applicable to it uninfluenced by
13 your decision as to any other indictment. The Defendant
14 may be convicted or acquitted on any or all of the offenses
15 charged. You will be ask to write a separate verdict of
16 guilty or not guilty for each indictment.

17 The Defendant has pled not guilty to each of these
18 indictments and the plea of not guilty puts the burden on
19 the State to prove the Defendant guilty of each indictment
20 before he can be convicted of that indictment.

21 A person charged with committing a criminal offense in
22 South Carolina is never required to prove himself innocent.
23 I charge you that it is an important rule of the law that
24 the defendant in a criminal trial no matter what the
25 seriousness of the charge may be will always be presumed to

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1 be innocent of the crime for which the indictment was
2 issued unless guilt has been proven by the evidence
3 satisfying you of that guilt beyond a reasonable doubt.

4 The presumption of innocence does not end when you
5 begin your deliberations but it accompanies the Defendant
6 throughout the trial until you reach a verdict of guilt
7 based upon the evidence satisfying you of that guilt beyond
8 a reasonable doubt. The presumption of innocence is like a
9 robe of righteousness placed about the shoulders of the
10 defendant which remains with the Defendant until it has
11 been striped from the Defendant by evidence satisfying you
12 of the defendant's guilt beyond a reasonable doubt.

13 The presumption of innocence is not a mere legal
14 theory, it's not just a legal phrase. It's a substantial
15 right to which every defendant is entitled unless you the
16 jury are satisfied from the evidence of the defendant's
17 guilt beyond a reasonable doubt.

18 What is a reasonable doubt in the law? A reasonable
19 doubt is the kind of doubt that would cause a reasonable
20 person to hesitate to act. The State has the burden of
21 proving the defendant guilty beyond a reasonable doubt.
22 Some of you may have served as jurors in civil cases where
23 you were told that its only necessary to prove that a fact
24 is more likely true than not true such as by the greater
25 weight or preponderance of the evidence. In criminal cases

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1 the State's proof must be more powerful than that. It must
2 be beyond a reasonable doubt.

3 Proof beyond a reasonable doubt is proof that leaves
4 you firmly convinced of the defendant's guilt. There are
5 very few things in the world that we know with absolute
6 certainty and in criminal cases the law does not require
7 proof that over comes every possible doubt. If based on
8 your consideration of the evidence you are firmly convinced
9 that the defendant is guilty of the crime charged, you must
10 find the defendant guilty. If on the other hand you think
11 there is a real possibility the defendant is not guilty,
12 you must give the defendant the benefit of the doubt and
13 find him not guilty.

14 I remind you that during this trial you and I have
15 certain duties to perform. As a trial judge its my
16 responsibility to preside over the trial of the case and I
17 also have the duty to rule on the admissibility of the
18 evidence offered during this trial. You are to consider
19 only the competent evidence before you. If there was any
20 testimony ordered stricken from the record in this case
21 during this trial, you must disregard that testimony. You
22 are to consider only the testimony which has been presented
23 from this witness stand, any exhibits which have been made
24 part of the record in this case, and any stipulations of
25 counsel in this case.

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1 There has been testimony regarding a 911 call for
2 domestic disturbance. That testimony is relevant only to
3 show why law enforcement went to the scene to investigate.
4 You are not to consider that 911 call for domestic
5 disturbance as evidence of another crime.

6 In addition I have the duty to charge you the law
7 applicable to this case. As a presiding judge I am the
8 sole judge of the law in this case and it's your duty as
9 jurors to accept and apply the law as I now state it to
10 you. If you already have any idea as to what the law is or
11 what the law ought to be and it does not agree with what I
12 now tell you the law is, you must abandon this idea because
13 you are sworn to accept the law and apply the law exactly
14 as I state it to you.

15 In every case tried in this court before a jury the
16 jury becomes the sole and exclusive judge of the facts in
17 the case. A trial judge cannot intimate, state, comment,
18 or make any statement to a trial jury about the facts in a
19 case. Since you the jury are the sole judge of the facts
20 in the case you are not to infer from what I have said
21 during the progress of this trial and ruling upon the
22 admissibility of evidence or otherwise or anything that I
23 say now during the course of this instruction to you that I
24 have any opinion about the facts in this case. The law
25 does not allow me to have an opinion about the facts in

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1 this case. This is a matter solely for you the jury to
2 determine. As jurors it is your duty to determine the
3 effect, value, weight, and the truth of the evidence
4 presented during this trial.

5 There are two types of evidence which are generally
6 presented during a trial. Direct evidence and
7 circumstantial evidence. Direct evidence is the testimony
8 of a person who claims to have actual knowledge of a fact
9 such as an eyewitness. It is evidence which immediately
10 establishes the main fact to be proved.

11 Circumstantial evidence is proof of a chain of facts
12 and circumstances indicating the existence of a fact. It
13 is evidence which immediately establishes collateral facts
14 from which the main fact may be inferred.

15 Circumstantial evidence is based on inference and not
16 on personal knowledge or observation. The law makes
17 absolutely no distinction between the weight or value to be
18 given to either direct or circumstantial evidence. Nor is
19 a greater degree of certainty required for circumstantial
20 evidence than of direct evidence.

21 You should weigh all of the evidence in the case.
22 After weighing all of the evidence if you are not convinced
23 of the guilt of the defendant beyond a reasonable doubt you
24 must find the defendant not guilty.

25 In order to establish criminal liability, criminal

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1 intent is required. For example the mental state required
2 to be proven by the State for a particular crime might be
3 purpose, intent, knowledge, recklessness, or criminal
4 negligence. Criminal intent must be proven by the State
5 beyond a reasonable doubt. Criminal intent is always a
6 matter that must be determined by the jury from the
7 circumstances surrounding the situation. There is no way
8 to prove intent to a mathematical certainty. There is no
9 way medical science can dissect a person's brain and
10 determine what the person had in mind so the law says that
11 criminal intent may be inferred from the circumstances
12 shown to have existed.

13 This is how you make a determination of whether or not
14 the element requiring intent was present. It is not
15 necessary to establish intent by direct and positive
16 evidence, but intent may be established by inference in the
17 same way as any other fact by taking into consideration the
18 acts of the parties and all of the facts and circumstances
19 of the case.

20 Criminal intent is a mental state, a conscious wrong
21 doing. It is up to you to determine what the defendant
22 intended to do based upon the circumstances shown to have
23 existed. Criminal intent can arise from action or failure
24 to act. It may arise from negligence, recklessness, or an
25 indifference to duty or to consequences that is considered

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1 by the law to be the equivalent of criminal intent.

2 Necessarily you must determine the credibility of
3 witnesses' who have testified in this case. Credibility
4 simply means believability. It becomes your duty as jurors
5 to analyze and to evaluate the evidence and to determine
6 which evidence convinces you of it's truth. In determining
7 the believability of witnesses' who have testified in this
8 case, you may believe one witness over several witnesses'
9 or several witnesses' over one witness. You may believe a
10 part of the testimony of a witness and reject the remaining
11 part of the testimony of that same witness. You may
12 believe the testimony of a witness in its entirety or
13 reject the testimony of a witness in its entirety. You may
14 consider whether any witness has exhibited to you any
15 interest, bias, prejudice, or other motive in this case.
16 You may also consider their appearance and manner of a
17 witness while on the witness stand.

18 Normally a person cannot give opinion testimony.
19 Normally when a person testifies and must testify as to
20 what they either saw, heard, sensed by smell or something
21 of that nature. However there is an exception when someone
22 is qualified because of education or experience they are
23 permitted to give their opinion in certain areas if the
24 Court qualifies them that way.

25 These witnesses' will be qualified areas of illicit

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1 drug trade practices, illicit drug trade valuation and
2 forensic chemistry in this case in order to give opinion
3 testimony in that area. That does not mean that you must
4 accept the opinion but it is evidence for you to use in any
5 way that you see fit.

6 I will give you a copy of these instructions in
7 written form during your deliberations. You may refer to
8 the instructions to guide your decision making. You must
9 consider the instructions as a whole and not follow some
10 and ignore others. Please return the instructions to the
11 Court at the time your verdict is rendered.

12 The Defendant is charged with possession with the
13 intent to distribute marijuana. The State must prove
14 beyond a reasonable doubt that the defendant possessed
15 marijuana with the intent to distribute it. To prove
16 possession the State must also - must prove beyond a
17 reasonable doubt that the Defendant had both the power and
18 the intent to control the disposition or the use of the
19 marijuana.

20 Possession may be either actual or constructive.
21 Actual possession means that the marijuana was in the
22 actual physical custody of the Defendant. Constructive
23 possession means that the Defendant had dominion and
24 control or the right to exercise dominion and control over
25 either the marijuana itself or the property on which the

CHARGE TO THE JURY:

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1 marijuana was found.

2 Mere presence at the scene where the drugs were found
3 is not enough to prove possession. Actual knowledge of the
4 presence of the marijuana is strong evidence of the
5 Defendant's intent to control its disposition or use. The
6 Defendant's knowledge and possession may be inferred when a
7 substance is found on the property under the Defendant's
8 control. However, this inference is simply an evidentiary
9 fact to be taken into consideration by you along with the
10 other evidence in this case and to be given the weight you
11 decide it should have.

12 Two or more persons may have joint possession of the
13 drug. The State must also prove beyond a reasonable doubt
14 that the Defendant intended to distribute the marijuana.
15 Distribute means to deliver other by - other than by
16 administering or dispensing a drug. Intent may be shown by
17 acts and conduct of the Defendant and other circumstances
18 from which you may naturally and reasonably infer intent.

19 In determining whether the Defendant had the intent to
20 distribute the marijuana you may consider the circumstances
21 surrounding the Defendant's alleged possession. You may
22 consider the amount of the substance alleged to have been
23 possessed, the manner in which it was alleged possessed,
24 the place where it was allegedly possessed, and other
25 factors which you consider to be important.

CHARGE TO THE JURY:

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1 You must find the Defendant did not intend to have the
2 marijuana solely for his own use. Possession of more than
3 twenty-eight grams or one ounce of marijuana creates an
4 inference that the Defendant possessed the marijuana with
5 the intent to distribute it.

6 The inference does not relieve the State from proving
7 beyond a reasonable doubt that the Defendant had the intent
8 to distribute. It's simply an evidentiary fact to be taken
9 into consideration by you along with the other evidence in
10 this case and to be given the weight you decide it should
11 have.

12 The Defendant is charged with trafficking in cocaine.
13 The Defendant must - The State must prove beyond a
14 reasonable doubt the Defendant knowingly sold,
15 manufactured, cultivated, delivered, purchased, brought
16 into this state, provided financial assistance or otherwise
17 aided, abetted, attempted, or conspired to sell,
18 manufacture, cultivate, deliver, purchase, or bring into
19 this state, was knowingly in actual or constructive
20 possession, knowingly attempted to become in actual or
21 constructive possession of cocaine.

22 The State must also prove beyond a reasonable doubt
23 that the amount of cocaine or any mixture containing
24 cocaine was two hundred grams or more but less than four
25 hundred grams.

CHARGE TO THE JURY:

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1 To prove possession the State must prove beyond a
2 reasonable doubt that the Defendant had both the power and
3 the intent to control the disposition or the use of the
4 cocaine possession may be either actual or constructive.

5 Actual possession means that the cocaine was in the
6 actual physical custody of the Defendant. Constructive
7 possession means that the Defendant had dominion and
8 control or the right to exercise dominion or control over
9 either the cocaine itself or the property on which the
10 cocaine was found.

11 Mere presence at the scene where the drugs were found
12 is not enough to prove possession. Actual knowledge of the
13 presence of the cocaine is strong evidence of the
14 Defendant's intent to control it's disposition or use. The
15 Defendant's knowledge and possession may be inferred when
16 the substance is found on the property under the
17 Defendant's control. However this inference is simply an
18 evidentiary fact to be taken into consideration by you with
19 the other evidence in the case and to be given the weight
20 you decide it should have. Two or more persons may have
21 joint possession of a drug.

22 Deliver means to actually constructively or attempt to
23 transfer the drug. Distribute means to deliver other than
24 by administering or dispensing a drug. Deliver means to
25 actually constructively or attempt to transfer a drug. A

CHARGE TO THE JURY:

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1 transfer can involve an exchange for money, a barter, or a
2 gift. There does not have to be anything given in exchange
3 for the drugs for a transfer to constitute distribution.

4 Manufacture means to produce, prepare, concert,
5 process, plant, cultivate, grow, or harvest a drug
6 naturally or chemically. Manufacturing includes any
7 packaging or repackaging of the drug or labeling or
8 relabeling of the drugs container.

9 Intent may be shown by acts and conduct of the
10 Defendant and other circumstances which you may naturally
11 and reasonably infer intent. In determining whether the
12 Defendant had the intent to distribute the cocaine, you may
13 consider the circumstances surrounding the Defendant's
14 alleged possession. You may consider the amount of the
15 substance alleged to have been possessed, the manner in
16 which it was allegedly possessed, the place where it was
17 allegedly possessed, and other factors which you consider
18 to be important. You must find that the Defendant did not
19 intend to have the cocaine solely for his own use.

20 Possession of more than one or more grams of cocaine
21 creates an inference that the Defendant possessed the
22 cocaine with intent to distribute it. This inference does
23 not relieve the State from proving beyond a reasonable
24 doubt that the Defendant had the intent to distribute. It
25 is simply an evidentiary fact to be taken into

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1 consideration by you along with the other evidence in the
2 case and to be given the weight you decide it should have.

3 The Defendant is charged with possession of a weapon
4 during the commission or attempt to commit a violent crime.
5 The State must prove beyond a reasonable doubt that the
6 Defendant was in possession of a firearm or visibly
7 displayed what appeared to be a firearm during the
8 commission of a violent crime. A firearm means any machine
9 gun, automatic rifle, revolver, pistol, or any weapon which
10 is designed to or may be readily converted to expel a
11 projectile. In order to find the Defendant guilty of
12 possession of a weapon during the commission of a violent
13 crime, you must first find the Defendant guilty of either
14 committing a violent crime, or attempting to commit a
15 violent crime.

16 Trafficking in cocaine two hundred grams or more but
17 less than four hundred grams is a violent crime. The State
18 must prove beyond a reasonable doubt that the weapon
19 furthered, advanced, or helped in the commission of the
20 crime.

21 Ladies and gentlemen, the term verdict is actually
22 Latin for to speak the truth. And in the jury room you
23 will have the three indictments with you as well as a
24 verdict form. And on the verdict form you will have the
25 possible verdicts and make no meaning as to in which order

CHARGE TO THE JURY:

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1 they are placed guilty or not guilty. We could have just
2 as easily flipped flopped and just one - one had to go
3 before the other.

4 As you make your determination on each of the
5 indictments, Mr. Foreperson, you must sign, circle your
6 verdict, and it must be a unanimous verdict from all of
7 you, and you circle the verdict and then, Mr. Foreman, if
8 you would sign and date the bottom of the verdict form.
9 And also on each indictment on the front portion where it
10 says verdict, Mr. Foreperson, if you would write the
11 verdict on each of the indictments as to what your verdict
12 is and also sign and date that as well.

13 Please do not begin your deliberations yet. You will
14 be escorted to the jury room but you are not allowed to
15 deliberate until we make sure you have all of the exhibits
16 and matters that are properly before you. And also, I ask
17 after your service in this trial has been concluded, you
18 may have the right - you have the right to either refuse or
19 discuss the verdict and as you have deliberated you are
20 free to terminate those discussions at any time. You don't
21 have to discuss it with anybody, that is solely in your
22 discretion and your choice. If you choose to terminate
23 those conversations with someone and they pursue that
24 discussion against your wishes please contact the Clerk of
25 Court's Office.

CHARGE TO THE JURY:

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1 At this point please retire to your jury room and do
2 not begin deliberations. After you have - Hold on one
3 second. After you have reached a verdict though, Mr.
4 Foreperson, if you would knock on the door to let the
5 bailiff know that you've reached a verdict and then we will
6 receive your verdict. Thank you.

7 (JURY EXITS COURTROOM TO START DELIBERATIONS AT 03:59
8 P.M..)

9 THE BAILIFF: The jury is clear, Your Honor.

10 THE COURT: Thank you.

11 Any exceptions or additions from the State or the
12 Defense as to the jury charges?

13 SOLICITOR SHELTON: Actually, Your Honor, and I
14 apologize for not catching this ahead of time, I scanned it
15 and I apologize for not finding it. At the end you
16 actually gave a charge of possession with intent to
17 distribute cocaine and I don't think when you just started
18 - I'm at the bottom of Page 14.

19 THE COURT: Did we not take that up?

20 SOLICITOR SHELTON: It says in determining whether the
21 Defendant had the intent to distribute the cocaine you can
22 consider the circumstances surrounding the Defendant's
23 alleged possession. You may consider the amount of the
24 substance alleged to have been possessed and other factors
25 and so on. You must find the Defendant did not intend to

CHARGE TO THE JURY:

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1 have the cocaine solely for his own use, possession of one
2 or more grams of cocaine creates an inference that the
3 Defendant possessed the cocaine with the intent to
4 distribute it.

5 Again, the State apologizes for not catching that
6 ahead of time and obviously we wish we would have but the
7 State would ask for a curative instruction and a recharge
8 on striking that language that's - the statute toward a
9 definition of possession with intent to distribute cocaine
10 and recharging on possession - I mean trafficking cocaine.
11 The reason for this is that simple possession knowing,
12 actual or constructive possession of more than two hundred
13 grams of cocaine is trafficking in cocaine. There is no
14 burden for the State to show that they possessed it with
15 the intent to distribute it under the trafficking statute
16 and that this charge creates a burden upon the State.

17 THE COURT: All right, show me again. I just found
18 the actual correct charge again. What page were you
19 looking at?

20 SOLICITOR SHELTON: Page 14. And then at the bottom
21 of Page 14 the last paragraph. Unless it's the old version
22 I have.

23 THE COURT: I think you have an old version. We redid
24 it and my - Do you want to look at mine? .

25 SOLICITOR SHELTON: Yes. Thank you.

CHARGE TO THE JURY:

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1 Right underneath manufacture.

2 THE COURT: Okay.

3 SOLICITOR SHELTON: It's right at the top of Page 15.

4 THE COURT: What? In determining - where that
5 paragraph starts?

6 SOLICITOR SHELTON: That all the way through to
7 possession of a weapon during the commission or attempt to
8 commit a violent crime is the definition of possession with
9 the intent to distribute cocaine and not trafficking.

10 THE COURT: Yeah we need to take that out. I'm sorry
11 we didn't catch that.

12 SOLICITOR SHELTON: I'm sorry I didn't catch it.

13 Thank you for showing it to me.

14 THE COURT: What we'll do is we'll take that portion
15 out, make that a second Court's Exhibit and I'll just
16 recharge the jury on that. Do you want me to just recharge
17 them on that one?

18 MR. CHAPLIN: Yes.

19 SOLICITOR SHELTON: Yes. And I would ask that
20 trafficking be recharged because just to clarify the
21 record. Well I guess you're asking to recharge them yes,
22 the one trafficking.

23 THE COURT: Right. I mean you don't want anything
24 else recharged?

25 MR. JOHNSON: No.

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1 THE COURT: Just the trafficking?

2 MR. CHAPLIN: We're fine.

3 MR. JOHNSON: That would be fine with that.

4 THE COURT: All right. So we'll keep this as Court's
5 Exhibit One so it shows what we're redacting and then we'll
6 do Court's Exhibit Two with the redacted language.

7 SOLICITOR SHELTON: And further more upon that...

8 Mr. Chaplin and Mr. Johnson.

9 MR. CHAPLIN: Excuse me.

10 SOLICITOR SHELTON: I do not know if maybe you would
11 keep it back still in but the delivered, distribute,
12 manufacture language is really for the possession with the
13 intent to distribute charge cause those are separate
14 elements. It's also separate elements of trafficking but
15 there are also other definitions in trafficking that are
16 not included in that charge with specific cause possession
17 with the intent to distribute is deliver, distribute, or
18 manufacture the drug is the definition of that statute so
19 we would ask for that language to be stricken.

20 MR. CHAPLIN: Well, Your Honor, no.

21 MR. JOHNSON: No.

22 MR. CHAPLIN: Go ahead.

23 MR. BROWN: I would rather, Your Honor, we try
24 striking too much the jury would be extremely confused.
25 You can say that I gave you the wrong instructions as far

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1 as the charge, and take out that last part, the first part
2 that we agreed to. And then the jury can look at that all
3 they want but if it's not related to anything they have
4 it's not gonna change anything.

5 THE COURT: I agree. I think we're drawing too much
6 attention to it. I think what we'll do is just recharge
7 the trafficking cocaine and take out that last portion as
8 you requested.

9 MR. BROWN: I mean it's unfortunate we missed it. We
10 had it --

11 SOLICITOR SHELTON: And the one last thing that I will
12 show you is that on the trafficking cocaine charge, again I
13 apologize for not catching this in advance. I was focusing
14 on the more defense orientated situations and that's a
15 lesson learned. Deliver: If you read the trafficking
16 cocaine charge here the Defendant is charged with
17 trafficking cocaine. The State must prove beyond a
18 reasonable doubt that the Defendant knowingly sold,
19 manufactured, cultivated, delivered, purchased, brought
20 into this state, provided financial assistance, or
21 otherwise aided, abetted, attempted or conspired to sell,
22 manufacture, cultivate, deliver, purchase, or bring into
23 this state, was knowingly in actual or constructive
24 possession. Knowingly attempt to come in actual or
25 constructive possession of cocaine.

CHARGE TO THE JURY:

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1 I don't know. I need to look at the statute and see
2 if there is an or between the second and third line up
3 right here state and then comma or was knowingly and
4 actual.

5 THE COURT: I gotcha. That might must be a typo.

6 SOLICITOR SHELTON: I think there is an or there.

7 MR. CHAPLIN: There is no - You got Court
8 Administration.

9 MADAME COURT REPORTER: What did you say, John?

10 THE COURT: If you pull up the statute let's see if
11 there is an or in there.

12 SOLICITOR SHELTON: I have the statute in my power
13 point and I copied and paste from that statute.

14 Its Section 44-53-370(e) e as in egg (2).

15 MADAME COURT REPORTER: We'll make that one --

16 THE COURT: We'll just keep this.

17 MADAME COURT REPORTER: Leave this one Four and make
18 the next one Five?

19 THE COURT: Right.

20 MADAME COURT REPORTER: Okay.

21 THE COURT: I prefer it as One and Two.

22 (WHEREUPON: COURT'S EXHIBITS NUMBER FIVE, IDENTIFIED
23 AND MARKED, RECEIVED INTO EVIDENCE.)

24 SOLICITOR SHELTON: I apologize, Judge, again for not
25 catching that.

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1 THE COURT: That's okay. We all were kind of rushed
2 during lunch.

3 SOLICITOR SHELTON: I would just ask that the language
4 be --

5 (PAUSE.)

6 THE COURT: To begin on the bottom of Page 11.
7 Correct?

8 SOLICITOR SHELTON: Yes.

9 THE COURT: And it stops - You just want the
10 trafficking portion from the to where the State must also
11 prove beyond a reasonable doubt that two hundred grams or
12 more but less than four grams - you want the whole
13 possession and actual possession and constructive
14 possession you want the whole thing?

15 SOLICITOR SHELTON: I think if we're gonna recharge on
16 the - I think we should recharge the entire trafficking
17 portion charge if we're going to recharge. The State would
18 prefer that.

19 MR. CHAPLIN: And, Your Honor, whatever you prefer to
20 do.

21 THE COURT: I just want to make sure we're all on the
22 same page so your Page 14 at the top after it says
23 manufacturing.

24 MR. CHAPLIN: We just don't - we don't have one, Your
25 Honor.

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1 THE COURT: Why don't you come up here and look?

2 Starting on Page 11 of the proposed charge from
3 trafficking cocaine through the top of Page 14 to right
4 here?

5 SOLICITOR SHELTON: Correct.

6 THE COURT: Correct? Mr. Johnson, do you agree?

7 MR. JOHNSON: That's fine.

8 THE COURT: Okay.

9 MR. JOHNSON: That's fine.

10 THE COURT: You ready for the jury?

11 SOLICITOR SHELTON: Yes, Your Honor. Thank you.

12 MR. CHAPLIN: The Defense is ready.

13 THE BAILIFF: The jury is entering, Your Honor.

14 (JURY REENTERS COURTROOM AT 04:24 P.M..)

15 THE BAILIFF: Your Honor.

16 THE COURT: Thank you.

17 Ladies and gentlemen of the jury, I am going to
18 recharge you the one portion of the jury instruction once
19 again. And this portion is regarding the trafficking
20 cocaine charge.

21 The jury instruction on that charge is the defendant
22 is charged with trafficking in cocaine. The State must
23 prove beyond a reasonable doubt that the Defendant
24 knowingly sold, manufactured, cultivated, delivered,
25 purchased, brought into this state, or provided financial

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1 assistance, or otherwise aided, abetted, attempted, or
2 conspired to sell, manufacture, cultivate, deliver,
3 purchase, or bring into this state, or, was knowingly in
4 actual or constructive possession or knowingly attempted to
5 become in actual or constructive possession of cocaine.

6 The State must also prove beyond a reasonable doubt
7 that the amount of the cocaine or any mixture containing
8 cocaine was two hundred grams or more but less than four
9 hundred grams. To prove possession the State must prove
10 beyond a reasonable doubt that the Defendant had both the
11 power and the intent to control the disposition or use of
12 the cocaine. Possession may be either actual or
13 constructive.

14 Actual possession means that the cocaine was in the
15 actual physical custody of the Defendant. Constructive
16 possession means that the Defendant had dominion and
17 control or the right to exercise dominion or control over
18 either the cocaine itself or the property on which the
19 cocaine was found.

20 Mere presence at the scene where the drugs were found
21 is not enough to prove possession. Actual knowledge of the
22 presence of cocaine is strong evidence of the Defendant's
23 intent to control its disposition or use. The defendant's
24 knowledge and possession may be inferred when the substance
25 is found on the property under the defendant's control.

CHARGE TO THE JURY:

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1 However this inference is simply an evidentiary fact to be
2 taken into consideration by you along with the other
3 evidence in the case to be given the weight you decide it
4 should have. Two or more persons may have joint possession
5 of the drug.

6 To deliver means to actually constructive or to
7 attempt to transfer the drug. Distribute means to deliver
8 other than be administering or dispensing a drug. Deliver
9 means to actually constructively or attempt to transfer the
10 drug. A transfer can involve an exchange for money, a
11 barter or a gift. There does not have to be anything given
12 in exchange for the drugs for a transfer to constitute a
13 distribution.

14 Manufacture means to produce, prepare, convert,
15 process, plant, cultivate, grow or harvest a drug naturally
16 or chemically. Manufacturing includes any packaging or
17 repackaging of the drug or labeling or relabeling of the
18 drugs container.

19 Ladies and gentlemen, that concludes the charge on the
20 trafficking cocaine. You will have the jury instructions
21 that are applicable for you to consider with you in the
22 jury room for your deliberations. Once again please retire
23 to your jury room. Do not begin deliberations until you
24 receive the evidence and the verdict forms along with the
25 instructions and Bailiff Bob instructs you to being. Make

1 sure you knock on the door when you're done deliberating.

2 Thank you.

3 (JURY RETIRES TO DELIBERATE AT 04:29 P.M..)

4 THE COURT: Mr. Jay, can you grab the alternate at
5 well.

6 MR. JAY: Yes, sir.

7 THE BAILIFF: The jury is clear, Your HOnor.

8 THE COURT: Thank you.

9 Any exceptions or additions on the charge from either
10 the State or the Defense?

11 SOLICITOR SHELTON: Not from the State. Thank you.

12 MR. CHAPLIN: Not from the Defense, Your Honor.

13 THE COURT: Then we'll be at ease for a moment.

14 (COURT AT EASE AT 04:30 P.M..)

15 (COURT BACK IN SESSION AT 04:53 P.M..)

16 THE COURT: I want to let you all know that the
17 demolition with the renovations at the courthouse, they are
18 about to begin work unless I tell them to stop. My concern
19 is I don't want them to interfere at all with the jury's
20 deliberations. It's too noisy and if it distractes them in
21 any way whatsoever we'll order them to stop.

22 Are you all okay if we send the bailiff in to let the
23 jury know that if it in anyway bothers them or disturbs
24 them to let us know and we'll make them stop? Is that okay
25 with the State to send --

1 SOLICITOR SHELTON: I don't have a problem with that,
2 the State doesn't.

3 MR. CHAPLIN: That's fine with us as well, Your Honor.

4 THE COURT: Okay.

5 MR. CHAPLIN: Because I heard in about ten minutes
6 they're gonna crank up.

7 THE COURT: Right. I just don't want it to be too
8 distracting or disturbing to the jury. We'll make them
9 stop if it gets loud.

10 SOLICITOR SHELTON: Thank you, Your Honor.

11 THE COURT: Thank you all.

12 (COURT IN RECESS AT 04:55 P.M..)

13 (COURT BACK IN SESSION AT 05:11 P.M..)

14 THE COURT: You may be seated.

15 We have a question from the jury but actually I think
16 it's a simple fix. I'll let you read what the question is
17 but basically the jury needs clarification on possession of
18 a weapon during the commission of a violent crime. And
19 does the mere presence of the gun qualify or does the State
20 have proof that it - used to in furtherance of the advance
21 of the crime.

22 My position is that they have the law, they have the
23 exact charge on what they are supposed to do. I would
24 suggest just to write you have the law as to what you have
25 to find and give that to the jury instead of bringing them

1 back out and recharge them on it.

2 Are you all okay with that?

3 MR. CHAPLIN: We're in agreement, Your Honor.

4 SOLICITOR SHELTON: Yes, Your Honor.

5 THE COURT: All right. So I'm just gonna make this a
6 Court's Exhibit and write it on the back and send it back
7 to the jury.

8 SOLICITOR SHELTON: Thank you, Your Honor.

9 MR. CHAPLIN: Thank you, Your Honor.

10 THE COURT: If I can have a pen.

11 So I'm gonna word it "you have the law with you as to
12 the elements necessary."

13 SOLICITOR SHELTON: Yes. A matter of fact its that
14 way already. I'm sorry, go ahead.

15 THE COURT: I mean any suggestion.

16 MR. CHAPLIN: Your Honor, obviously you charged it,
17 you charged it and they have everything like you said back
18 there already. What they have there they need to obviously
19 run with it.

20 SOLICITOR SHELTON: I would say if you - I would
21 submit to the Court just a simple instruction that you are
22 to follow the law as I charged you and as you have with
23 you.

24 THE COURT: Any objection to that?

25 MR. CHAPLIN: No.

1 THE COURT: If you all want to look at exactly what I
2 wrote to make sure you have no ---

3 SOLICITOR SHELTON: Yes, Your HONor.

4 THE COURT: --- questions and we'll mark it as a
5 Court's Exhibit.

6 (WHEREUPON: COURT'S EXHIBIT NUMBER SIX, IDENTIFIED
7 AND MARKED, RECEIVED INTO EVIDENCE.)

8 SOLICITOR SHELTON: Yes.

9 THE COURT: Any objections?

10 SOLICITOR SHELTON: No.

11 MR. CHAPLIN: No.

12 THE COURT: We will be at ease.

13 (COURT AT EASE AT 05:15 P.M..)

14 (COURT BACK IN SESSION AT 06:17 P.M..)

15 THE COURT: I think the jury has reached a verdict.

16 We sent notice to them the work crew has stopped
17 working so we'll have some peace and quite in here while we
18 receive the verdict. We will hold off one minute until
19 they finish before we bring the jury in.

20 Anything else before we bring the jury in?

21 SOLICITOR SHELTON: Not from the State. Thank you,
22 Your Honor.

23 MR. CHAPLIN: Not from the Defense, Your Honor.

24 THE COURT: Thank you.

25 For the members of the audience, please be mindful

1 that no outburst or any signs of emotion when the jury's
2 verdict is read. If you feel that you cannot control your
3 emotions I'm going to ask you to go ahead and step out of
4 the courtroom now because that will not be tolerated okay.

5 THE BAILIFF: Your Honor, the jury is entering.

6 (JURY REENTERS COURTROOM AT 06:20 P.M..)

7 THE BAILIFF: All right, Your Honor, they are seated.

8 THE COURT: Thank you.

9 Mr. Foreman, have the members of the jury reached a
10 verdict?

11 MR. FOREMAN: Yes, ma'am, we have.

12 THE COURT: Would you please hand it to Mr. Bob
13 please.

14 (VERDICT RECEIVED UP BY THE COURT.)

15 THE COURT: Mr. Foreman, I just see on one where you
16 did not sign on the indictment. Was that an over sight?

17 MR. FOREMAN: I thought I did.

18 THE COURT: I'll hand that back to you.

19 Oh did you put it on there?

20 MR. FOREMAN: Yes, ma'am.

21 THE COURT: I'm sorry. I didn't see it.

22 MR. FOREMAN: Signed in the same place on all three of
23 them.

24 THE COURT: Right. I see your signature but the
25 actual verdict as you did on the other - -

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1 MR. FOREMAN: Oh I'm sorry.

2 THE COURT: No that's okay. Thank you.

3 MR. FOREMAN: Picked the wrong one didn't I.

4 THE COURT: Thank you.

5 Madame Clerk, would you please publish the verdict.

6 MADAME CLERK: The State of South Carolina versus
7 Stanley Wright as to the Indictment alleged possession with
8 intent to distribute marijuana, we the jury find the
9 Defendant guilty.

10 As to the Indictment alleging trafficking in cocaine,
11 we the jury find the Defendant guilty.

12 As to the Indictment alleging possession of a firearm
13 during the commission of a violent crime, we the jury
14 unanimously find the Defendant guilty, signed by Foreperson
15 Daniel Kane.

16 Mr. Kane, is this your verdict?

17 MR. FOREMAN: Yes, ma'am, it is.

18 MADAME CLERK: If all of you will please raise your
19 right hand.

20 THE COURT: Let the record reflect that all jurors
21 raised their right hand.

22 (ALL JURORS AFFIRMED BY RAISING RIGHT HAND.)

23 THE COURT: Ladies and gentlemen of the jury, thank
24 you so much for your service this will conclude your jury
25 service for the week. If you would retire to your jury

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1 room I will be there in two seconds to briefly chat with
2 you.

3 MR. CHAPLIN: Your Honor, we definitely want to poll
4 the jury if you - I was gonna mention it.

5 THE COURT: You want to individually poll them?

6 MR. CHAPLIN: Yes.

7 THE COURT: Certainly we can do that.

8 MADAME CLERK: As I call your name would you please
9 stand please.

10 Daniel Kane, was this your verdict?

11 MR. KANE: Guilty.

12 MADAME CLERK: Is this still your verdict?

13 MR. KANE: Yes, ma'am.

14 MADAME CLERK: Thank you.

15 Mark Thomas.

16 Was this your verdict?

17 MR. THOMAS: Yes, ma'am.

18 MADAME CLERK: Is it still your verdict?

19 MR. THOMAS: Yes, ma'am.

20 MADAME CLERK: John Christensen.

21 Was this your verdict?

22 MR. CHRISTENSEN: Yes.

23 MADAME CLERK: Is it still your verdict?

24 MR. CHRISTENSEN: Yes.

25 MADAME CLERK: Michael Lavelle.

VERDICT:

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1 Was this your verdict?
2 MR. LAVELLE: Yes, ma'am.
3 MADAME CLERK: Is it still your verdict?
4 MR. LAVELLE: Yes, ma'am.
5 MADAME CLERK: Thank you, sir.
6 David Hahn.
7 Was this your verdict?
8 MR. HAHN: Yes, ma'am.
9 MADAME CLERK: Is it still your verdict?
10 MR. HAHN: Yes, ma'am.
11 MADAME CLERK: Nicholas Dzendzel.
12 Was this your verdict?
13 MR. DZENDZEL: Yes, ma'am.
14 MADAME CLERK: Is it still your verdict?
15 MR. DZENDZEL: Yes, ma'am.
16 MADAME CLERK: Dominic Dasher.
17 Was this your verdict?
18 MR. DASHER: Yes.
19 MADAME CLERK: Is it still your verdict?
20 MR. DASHER: Yes.
21 MADAME CLERK: Landon Terhune.
22 Was this your verdict?
23 MR. TERHUNE: Yes.
24 MADAME CLERK: Is it still your verdict?
25 MR. TERHUNE: Yes.

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1 MADAME CLERK: Daniel Woodfill.
2 Was this your verdict?
3 MR. WOODFILL: Yes, ma'am.
4 MADAME CLERK: Is it still your verdict?
5 MR. WOODFILL: Yes, ma'am.
6 MADAME CLERK: Meredith Crocker.
7 Was this your verdict?
8 MS. CROCKER: Yes.
9 MADAME CLERK: Is it still your verdict?
10 MS. CROCKER: Yes.
11 MADAME CLERK: William Brady.
12 Was this your verdict?
13 MR. BRADY: Yes.
14 MADAME CLERK: Is it still your verdict?
15 MR. BRADY: Yes.
16 MADAME CLERK: And Jolene Buchanan.
17 Was this your verdict?
18 MS. BUCHANAN: Yes, ma'am.
19 MADAME CLERK: Is it still your verdict.
20 MS. BUCHANAN: Yes, ma'am.
21 MADAME CLERK: Thank you.
22 THE COURT: Once again, ladies and gentlemen, thank
23 you. This does conclude your jury service. Return to your
24 jury room and I'll be there to chat with you in just one
25 minute. Thank you so much.

SENTENCING:

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1 (JURY EXCUSED AT 06:26 P.M..)

2 THE BAILIFF: The jury is clear, Your Honor.

3 THE COURT: Thank you.

4 Anything further from the State or the Defense before
5 we proceed to sentencing?

6 SOLICITOR SHELTON: Your Honor, the State is printing
7 off sentencing sheets right now down stairs. Ms. Concannon
8 is going to go get them.

9 THE COURT: Thank you.

10 SOLICITOR SHELTON: Thank you.

11 MR. JOHNSON: Your Honor, just for the record, we'd
12 like to renew our objections and ask for a directed verdict
13 not withstanding the judgment.

14 THE COURT: Thank you, Mr. Johnson. I respectfully
15 deny your motion.

16 MR. JOHNSON: Thank you, Your Honor.

17 THE COURT: We will be at recess until we receive the
18 sentencing sheets and we'll be right back.

19 SOLICITOR SHELTON: Thank you, Your Honor.

20 (COURT AT EASE AT 06:27 P.M..)

21 (COURT BACK IN SESSION AT 06:35 P.M..)

22 THE COURT: Everybody ready to proceed?

23 SOLICITOR SHELTON: Yes.

24 MR. JOHNSON: You want him to come around in front?

25 THE COURT: Sure.

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1 (ATTORNEYS AND DEFENDANT APPROACH THE BAR.)

2 THE COURT: Happy to hear from counsel.

3 MR. CHAPLIN: Thank you, Your Honor.

4 Your Honor, my client and Mr. Johnson's client is
5 thirty-one years old. Sitting in the courtroom from the
6 family his mom, his dad, his grandma, aunt, the mother of
7 three of his kids, girlfriend, numerous individuals are in
8 the courtroom. Most of them have been with us for most of
9 the whole period of time. Your Honor, the kids age are
10 five, ten, and twelve. He is a life long resident of
11 Hilton Head. Graduated from Hilton Head High. Not just
12 attended but actually graduated. And he works at Land's
13 End Tavern on Hilton Head as a cook. He's been cooking -
14 He's thirty-one now, he's been preparing food for almost
15 fifteen years.

16 Your Honor, I say all this to say that unfortunately
17 there are guidelines and there are statutes that the
18 legislature happened to imposed and unfortunately I can't
19 stand here and beg you for a sentence that I think would be
20 appropriate for his actions based on the fact that
21 obviously the statute itself puts me at a number which is
22 the mandatory minimum so, Your Honor, that negates a whole
23 lot of conversation.

24 I would like to say, Your Honor, based on his limited
25 prior record, based on him having three kids, based on him

SENTENCING:

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1 living here as a life long resident, also working,
2 attending - graduating from Hilton Head High as well, Your
3 Honor, I'm asking the court to impose the mandatory minimum
4 and to run the other two charges concurrent to that
5 mandatory minimum.

6 I can stand here a lot longer again and say a whole
7 lot more meaning that he obviously this day he knew he
8 would get his day in court at one point in time and it
9 came. Where we are now is just like I'm standing here now
10 he always been a man about everything he's ever done from
11 day one when I met him he hasn't changed on lick since the
12 till now. Meaning that he said hey you know I know that I
13 made wrong I know obviously things occurred and I must
14 stand where I need to stand at and that's where we are now.

15 Obviously he wanted the best representation he could
16 get and his family helped him be able to reach that goal.
17 But again, Your Honor, I'm asking that you impose the
18 mandatory minimum across and run the other charges
19 concurrent.

20 THE COURT: Thank you, Mr. Chaplin.

21 MR. CHAPLIN: Thank you.

22 THE COURT: Anything further from the Defense?

23 MR. CHAPLIN: Not at this time, Your Honor.

24 THE COURT: Any of them wish to address the Court?

25 MR. CHAPLIN: No thank you.

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1 THE COURT: Solicitor, does he have a prior record?

2 SOLICITOR SHELDON: He does. He has a possession of
3 marijuana, simple possession from 2002. He has a
4 possession of marijuana and open container from 2004. He
5 was - He pleaded guilty to possession with intent to
6 distribute cocaine in 2006, that was pled down from a
7 trafficking charge, he received probation for that charge.
8 And then in 2009 after failing a drug test he had probation
9 revocation when they did - when probation came into the
10 home to visit and found possession with intent to
11 distribute levels of marijuana at his home along with a
12 large sum of money. And that charge, possession with
13 intent to distribute marijuana is still pending in our
14 office. That occurred while he was on probation.

15 Your Honor, candidly his record is not the worst we've
16 ever seen, however, what his record shows is there is
17 absolutely no affect on his prior record on his actions.
18 Also, Your Honor, the State would like to state to the
19 Court that this has never been a case where he has shown
20 any inclination to ever plead guilty.

21 The jury has reached their verdict and it was a
22 unanimous verdict obviously on all three counts and the
23 evidence and the State's position was extremely clear in
24 this case. We attempted plea negotiations before and he
25 has never accepted responsibility which that is not his

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1 responsibility to do and we're not trying to give any
2 inference to that whatsoever or have the Court subject
3 itself to any inference of that or that we believe there is
4 an inference of that cause we take our duty to prove cases
5 beyond a reasonable doubt and the presumption of innocence
6 very seriously.

7 However we also take into consideration defendants
8 when evidence is there and when the jury speaks their
9 willingness to come forward and take responsibility and
10 that's why we offered plea negotiations and plea deals and
11 all the like. This never happened in this case and there's
12 absolutely no punishment for that. He has every right to a
13 jury trial. However based on his prior record, based on
14 everything in this case and specially because of the
15 firearm involved, Your Honor, the State is not gonna ask
16 for a consecutive sentence of thirty-five years but the
17 State does think that the firearm topped with the firearm
18 charge of thirty years is appropriate but obviously defer
19 to the strong wisdom of the Court.

20 MR. CHAPLIN: Your Honor, lastly I would like to chime
21 back in on one issue. I don't know, the prosecutor went
22 into the fact of them not accepting a plea and I guess that
23 might a been with the other attorney and here we go. He
24 can't speak on it and I can't speak on it either. I know
25 what has transpired in the few months that I've been

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1 involved with the case and I'm just speaking on my dealings
2 with him for the few months I've been representing him.

3 Again he is entitled to his day in court and everyone
4 is. And I think that's why you all - obviously Your Honor
5 has so much to do. In turn I'm just saying, Your Honor,
6 that based on his limited record, based on the amount of
7 time that we're talking about I think twenty-five years far
8 exceed the number where the other two charges can be ran
9 concurrent. And I'm just asking for that based on the fact
10 of what he had with his kids as well as his family and
11 others involved.

12 THE COURT: Thank you, Mr. Chaplin.

13 MR. CHAPLIN: Thank you, Your Honor.

14 THE COURT: Mr. Wright, I understand that you're
15 previous criminal record isn't extremely extensive, however
16 you have been afforded opportunities in the past to turn
17 your life around, to not be involved in the drug trade, and
18 that concerns me because you haven't taken the advantage of
19 those opportunities.

20 The fact of the matter is that you are a father,
21 you're educated, and you have a job. There is no reason
22 for you to be involved in this business. And this drug
23 trade business is huge cancer on our society. It takes a
24 tole on businesses and lives and quite frankly your
25 children. I'm concerned that your children were at that

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1 house where you have all these drugs. At least outside in
2 the car. And that's a huge disservice to your children and
3 to your family.

4 The sentence of this court will be on Indictment No.-
5 for the trafficking cocaine obviously the sentence of the
6 Court will be twenty-five years and a fine of One Hundred
7 Thousand Dollars.

8 On the charge for possession of a weapon during the
9 commission of a violent crime that charge the sentence of
10 the Court is five years.

11 Possession with intent to distribute marijuana you're
12 sentenced for a period of ten years.

13 Possession with intent to distribute marijuana that
14 charge will run concurrent to the trafficking charge.

15 The possession of a weapon during the commission of a
16 violent crime will run consecutive to the trafficking
17 charge. Thank you.

18 MR. JOHNSON: Thank you, Your Honor.

19 SOLICITOR SHELDON: Thank you, Your Honor.

20 THE COURT: Thank you.

21 (COURT AT EASE AT 06:46 P.M..)

22 (COURT BACK IN SESSION AT 06:51 P.M..)

23 THE COURT: All right, court is back in session.

24 Mr. Wright, on the indictment for possession with
25 intent to distribute marijuana the sentencing range is

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1 different from what the court had thought, so your actual
2 sentence on Indictment 2011-GS-07-1851 for that charge will
3 be for a term of five years rather than ten years.

4 MR. CHAPLIN: Thank you, Your Honor.

5 MR. JOHNSON: To run concurrent, Your Honor.

6 THE COURT: That runs concurrent to the trafficking
7 one which is Indictment 2011-GS-07-1852 but 2011-GS-07-1853
8 the weapons possession charge that is consecutive.

9 MR. JOHNSON: Thank you, Your Honor.

10 MR. CHAPLIN: Thank you.

11 (COURT ADJOURNED AT 06:52 P.M..)

12 (END OF TRANSCRIPT OF RECORD.)

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WITNESSES

Heroux/BCSO

ARREST WARRANT NUMBER

J349644

ACTION OF GRAND JURY

Burt Wolf
Foreperson of Grand Jury
Date: NOV 17 2011

VERDICT

Guilty

Foreperson of Petit Jury
Date: *9/18/13*
INDICT

Donal F. Kern

DOCKET NO. 2011GS0701851

The State of South Carolina
County of Beaufort

COURT OF GENERAL SESSIONS

November Term 2011

THE STATE

vs.

Stanley Wright

Indictment for

PWID Marijuana

SC Code: 44-53-0370(b)(2)
CDR Code: 0186

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

WITNESSES

Heroux/BFT

ARREST WARRANT NUMBER

J349645

ACTION OF GRAND JURY

Bruce Wolff
Foreperson of Grand Jury
Date: NOV 17 2011

VERDICT

GUILTY

Foreperson of Petit Jury
Date: 9/19/13
INDICT

David F. Kern

DOCKET NO. 2011GS0701852

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

November Term 2011

THE STATE

vs.

Stanley Wright

Indictment for

Drugs / Trafficking in cocaine, 200 g or more,
but less than 400g

SC Code: 44-53-0370(e)(2)(d)
CDR Code: 0288

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant:

Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2011GS0701852

At a Court of General Sessions, convened on November 17, 2011, the Grand Jurors of Beaufort County present upon their oath:

Drugs / Trafficking in cocaine, 200 g or more, but less than 400g

That in Beaufort County, South Carolina, on or about August 31, 2011, the Defendant, Stanley Wright, unlawfully and knowingly did sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did possess or attempt to possess a controlled substance or a controlled substance analogue, to wit: cocaine, in excess of 200 grams; in violation of 44-53-370 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Gene M. [Signature]

WITNESSES

Heroux/BCSO

ARREST WARRANT NUMBER

J349646

ACTION OF GRAND JURY

Stanley Wright
Foreperson of Grand Jury
Date: NOV 17 2011

VERDICT

Guilty

Foreperson of Petit Jury
Date: 9/18/13
INDICT

Daniel F. Ke...

DOCKET NO. 2011GS0701853

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

November Term 2011

THE STATE

vs.

Stanley Wright

Indictment for

Weapons / Poss. weapon during violent crime,
if not also sentenced

SC Code: 16-23-0490
CDR Code: 0549

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2011GS0701853

At a Court of General Sessions, convened on November 17, 2011, the Grand Jurors of Beaufort County present upon their oath:

Weapons / Poss. weapon during violent crime, if not also sentenced

That in Beaufort County, South Carolina, on or about 2011-08-31, the Defendant, Stanley Wright, did possess a handgun or visibly display what appeared to be a handgun during the commission, or attempted commission, of Trafficking in Cocaine, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Lyne M. Stovall

WITNESSES

Heroux/BCSO

ARREST WARRANT NUMBER

J349647

ACTION OF GRAND JURY

Burt W. ...
Foreperson of Grand Jury
Date: **NOV 17 2011**

VERDICT

Foreperson of Petit Jury
Date:
INDICT

DOCKET NO. 2011GS0701854

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

November Term 2011

THE STATE

vs.

Stanley Wright

*Nolle pros w/ leave
9/19/2013
[Signature]*

Indictment for

PWID Marijuana within proximity of school

SC Code: 44-53-0445(B)(1)
CDR Code:0107

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2011GS0701854

At a Court of General Sessions, convened on November 17, 2011, the Grand Jurors of Beaufort County present upon their oath:

PWID Marijuana within proximity of school

That in Beaufort County, South Carolina, on or about August 31, 2011, the Defendant, Stanley Wright, unlawfully did distribute, sell, purchase, manufacture, or possess with intent to distribute Marijuana, a controlled substance, within a one-half mile radius of the grounds of Barker Field; all in violation of Section 44-53-445, 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.

Lawrence M. Stewart

WITNESSES

Heroux/BCSO

ARREST WARRANT NUMBER

J349648

ACTION OF GRAND JURY

Beard Wolf
Foreperson of Grand Jury
Date:

NOV 17 2011

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2011GS0701855

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

November Term 2011

THE STATE

vs.

Stanley Wright

Nolle prosequi / leave

9/19/2013

[Signature]

Indictment for

Trafficking Cocaine w/in 1/2 mile of school or park

SC Code: 44-53-0445(B)(1)
CDR Code:0107

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2011GS0701855

At a Court of General Sessions, convened on November 17, 2011, the Grand Jurors of Beaufort County present upon their oath:

Trafficking Cocaine w/in ½ mile of school or park

That in Beaufort County, South Carolina, on or about August 31, 2011, the Defendant, Stanley Wright, unlawfully did distribute, sell, purchase, manufacture, or traffic in Cocaine, a controlled substance, within a one-half mile radius of the grounds of Barker Field; all in violation of Section 44-53-445, Code of Laws of South Carolina (1976, as amended).

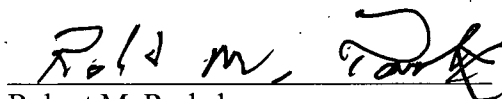
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Gene M. Sherman

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

April 17, 2014



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Appellate Defender

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