

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Letitia H. Verdin, Circuit Court Judge

CASE No.: 2013-001562

RECEIVED
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SC Court of Appeals

State of South Carolina, ...Respondent,

v.

Antonio Emerson Tate, ...Appellant.

**RECORD ON APPEAL
VOLUME I**

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(SW) Wendy Christine Lollis

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(SW) Gary Jason Griffin

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(SW) Rachel Elizabeth Eades

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(SW) Henry Dale Campbell

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(SW) John Albrecht

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(SW) Tony Robinson

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(SW) Brett Barwick

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(SW) Tabitha Fricks

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(SW) Charles Javin Adams

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(SW) Albrie Nate' Bashaw

Direct: 544-579 – Cross: 579-605 – Redirect: 605-614 - Recross: 614

(SW) Charles Norman Trebuchon

Direct: 619-636 – Cross: 363

(SW) Warren Brent Chastain

Direct: 649-659 – Cross: 659

(SW) Larry Anthony Gambrell

Direct: 665-683– Cross: 683

(SW) Norman Victor Bergholm, IV

Direct: 690-706– Cross: 706

(SW) Chad Dewayne Moore

Direct: 718-735– Cross: 735

(SW) Bronson Ashley Asbill

Direct: 745-755– Cross: 755-758 – Redirect: 758 – Recross: 758

Closing Argument for State: 768-789

Closing Argument for Defense: 789-806

Verdict: 821

Sentence: 825

Certificate of Counsel.....832

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

CASE NO. **2011GS 47 07**

VS.

ORIGINAL FILED

NOV 08 2011

**INDICTMENT FOR
UNLAWFUL DRUGS**

ANTONIO EMERSON TATE,
WENDY CHRISTINE LOLLIS,
CHARLES JAVIN ADAMS,
ALBRIE NATE' BASHAW,
CHAD DEWAYNE MOORE,
NORMAN VICTOR BERGHOLM, IV,
GARY JASON GRIFFIN,
CHRISTOPHER MICHAEL SIMMONS,
RACHEL ELIZABETH EADES,

DEFENDANTS.

JAMES R. PARKS

CLERK, STATE GRAND JURY

Trafficking Methamphetamine
(Conspiracy)
S.C. Code Ann. § 44-53-375(C)(5)
(1 Count)

Trafficking Methamphetamine
10 - 28 grams
S.C. Code Ann. § 44-53-375(C)(1)
(4 Counts)

Trafficking Methamphetamine
28 - 100 grams
S.C. Code Ann. § 44-53-375(C)(2)
(3 Counts)

Distribution of Methamphetamine
S.C. Code Ann. § 44-53-375(B)
(13 Counts)

Possession of a Stolen Pistol
S.C. Code Ann. § 16-23-30(C)
(1 Count)

Possession of a Firearm During the
Commission or Attempt to Commit a
Violent Crime
S.C. Code Ann. § 16-23-490
(1 Count)

Unlawful Carrying of a Pistol
S.C. Code Ann. § 16-23-20
(1 Count)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on November 8, 2011 the State Grand Jurors present upon their oath:

COUNT I
TRAFFICKING METHAMPHETAMINE
(CONSPIRACY)
S.C. Code Ann. § 44-53-375(C)(5)

That ANTONIO EMERSON TATE, WENDY CHRISTINE LOLLIS, CHARLES JAVIN ADAMS, ALBRIE NATE' BASHAW, CHAD DEWAYNE MOORE, NORMAN VICTOR BERGHOLM, IV, GARY JASON GRIFFIN, CHRISTOPHER MICHAEL SIMMONS, RACHEL ELIZABETH EADES, and other persons whose names are both known and unknown to the State Grand Jury, did in Greenville County and Pickens County of South Carolina, during the period of time extending from on or about November 1, 2009 until November 8, 2011, conspire to sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT II
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, et. seq., Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or

having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT III
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about September 13, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT V
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

Anderson 2010 11-8-11

That CHARLES JAVIN ADAMS did in Pickens County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VI
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That ALBRIE NATE' BASHAW did in Pickens County, on or about August 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT VII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

Anderson 2010 11-8-11

That ALBRIE NATE' BASHAW did in Pickens County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as

amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about March 17, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about April 19, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT X
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Pickens County, on or about March 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XI
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Pickens County, on or about May 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Pickens County, on or about January 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a

controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

(Grand Jury's charge 11/8/10)

That GARY JASON GRIFFIN did in Pickens County, on or about February 3, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XVI
POSSESSION OF A STOLEN PISTOL
S.C. Code Ann. § 16-23-30(C)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess, a stolen pistol, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-0030(C), Code of Laws of South Carolina (1976), as amended.

COUNT XVII
POSSESSION OF A FIREARM DURING COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, possess or visibly display a firearm during the commission of or attempt to commit a violent crime, to wit: TRAFFICKING METHAMPHETAMINE in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended.

COUNT XVIII
UNLAWFUL CARRYING OF A PISTOL
S.C. Code Ann. § 16-23-20

That GARY JASON GRIFFIN did in Pickens County on or about March 10, 2010, wilfully and unlawfully have in his possession, a deadly weapon, described as follows: a semi-automatic pistol, he not being authorized by law to so possess the said pistol, in violation of §16-23-0020, Code of Laws of South Carolina (1976), as amended.

COUNT XIX
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Pickens County, on or about December 27, 2009, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection

with a crime having significance in more than one county of this State.

COUNT XXI
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XXII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That RACHEL ELIZABETH EADES did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

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

A Trace Bill

Michael E. Forehand
FOREMAN

Alan Wilson
ALAN WILSON
ATTORNEY GENERAL

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

CASE NO. 2011-GS-47-07

VS.

ORIGINAL FILED

DEC 13 2011

ANTONIO EMERSON TATE,

WENDY CHRISTINE LOLLIS,

CHARLES LAVIN ADAMS,

ALBRIE NATE BASILAW,

CHAD DEWAYNE MOORE,

NORMAN VICTOR BERGHOLM IV,

GARY JASON GRIFFIN,

CHRISTOPHER MICHAEL SIMMONS,

RACHEL ELIZABETH EADES,

DEFENDANTS.

JAMES R. PARKS
CLERK, STATE GRAND JURY

**SUPERSEDING
INDICTMENT FOR
UNLAWFUL DRUGS**

Trafficking Methamphetamine
(Conspiracy)

S.C. Code Ann. § 44-53-375(C)(5)
(1 Count)

Trafficking Methamphetamine
10 - 28 grams

S.C. Code Ann. § 44-53-375(C)(1)
(4 Counts)

Trafficking Methamphetamine
28 - 100 grams

S.C. Code Ann. § 44-53-375(C)(2)
(3 Counts)

Distribution of Methamphetamine
S.C. Code Ann. § 44-53-375(B)
(13 Counts)

Possession of a Stolen Pistol
S.C. Code Ann. § 16-23-30(C)
(1 Count)

Possession of a Firearm During the
Commission of or Attempt to Commit
a Violent Crime
S.C. Code Ann. § 16-23-490
(1 Count)

Unlawful Carrying of a Pistol
S.C. Code Ann. § 16-23-20
(1 Count)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on December 13, 2011 the State Grand Jurors present upon their oath:

COUNT I
TRAFFICKING METHAMPHETAMINE
(CONSPIRACY)
S.C. Code Ann. § 44-53-375(C)(5)

That ANTONIO EMERSON TATE, WENDY CHRISTINE LOLLIS, CHARLES JAVIN ADAMS, ALBRIE NATE BASHAW, CHAD DEWAYNE MOORE, NORMAN VICTOR BERGHOLM, IV, GARY JASON GRIFFIN, CHRISTOPHER MICHAEL SIMMONS, RACHEL ELIZABETH EADES, and other persons whose names are both known and unknown to the State Grand Jury, did in Greenville County and Pickens County of South Carolina, during the period of time extending from on or about November 1, 2009 until November 8, 2011, conspire to sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT II
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, et. seq., Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT III
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about September 13, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT V
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHARLES JAVIN ADAMS did in Anderson County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VI
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That ALBRIE NATE BASHAW did in Pickens County, on or about August 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT VII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That ALBRIE NATE BASHAW did in Anderson County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about March 17, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about April 19, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT X
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Greenville County, on or about March 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XI
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Pickens County, on or about May 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Greenville County, on or about January 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Greenville County, on or about February 3, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XVI
POSSESSION OF A STOLEN PISTOL
S.C. Code Ann. § 16-23-30(C)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess, a stolen pistol, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-0030(C), Code of Laws of South Carolina (1976), as amended.

COUNT XVII
POSSESSION OF A FIREARM DURING COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, possess or visibly display a firearm during the commission of or attempt to commit a violent crime, to wit: **TRAFFICKING METHAMPHETAMINE** in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended.

COUNT XVIII
UNLAWFUL CARRYING OF A PISTOL
S.C. Code Ann. § 16-23-20

That GARY JASON GRIFFIN did in Pickens County on or about March 10, 2010, wilfully and unlawfully have in his possession, a deadly weapon, described as follows: a semi-automatic pistol, he not being authorized by law to so possess the said pistol, in violation of §16-23-0020, Code of Laws of South Carolina (1976), as amended.

COUNT XIX
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Pickens County, on or about December 27, 2009, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXI
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XXII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That RACHEL ELIZABETH EADES did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

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

A True Bill

Michael J. ...
FOREMAN

Alan Wilson
ALAN WILSON
ATTORNEY GENERAL

FILED

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

ANTONIO EMERSON TATE,

Defendant.

) IN THE COURT OF GENERAL SESSION **JUN 14 2013**

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Case Number: 2011-GS-47-07

JAMES R. PARKS
CLERK, STATE GRAND JURY

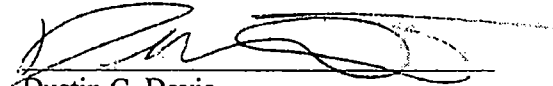
MOTION FOR NEW TRIAL

The defendant, Antonio Emerson Tate, pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure, moves the Court to grant the defendant a new trial. In support of the motion, the defendant would show the following:

1. The Court erred in failing to grant defendant's motion for directed verdict and enter judgment for the defendant at the close of the State's case, and at the close of all the evidence because the State failed to present *any* competent evidence tending to prove the charge as indicted.
2. The jury verdict not supported by the evidence because the State presented absolutely no evidence with regards to an agreement or common plan by defendant to traffic methamphetamines as indicted. Rather, the State presented *some* evidence that defendant was aware of co-defendant methamphetamine trafficking, which is insufficient to show the requisite guilty knowledge and participation in a criminal conspiracy. The State presented no evidence supporting a mutual understanding, agreement, or common intention and plan with regards to defendant's alleged role in the methamphetamine trafficking conspiracy.

WHEREFORE, the defendant respectfully requests the court to enter an order granting defendant a new trial.

Respectfully Submitted:



Dustin C. Davis
South Carolina Bar Number: 100594
LAW OFFICE OF R. MILLS ARIAL, JR.
Attorney at Law
11 North Irvine Street, Suite 11
Greenville, SC 29601
864-232-9390
Dustin@rmalawoffice.com

This 14th day of June, 2013
Greenville, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
The State of South Carolina,)
)
v.)
)
Antonio Tate,)
)
Defendant)
_____)
)
)
)
)
)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

2011-GS-47-07

**ORDER DENYING DEFENDANT'S
MOTION FOR A NEW TRIAL**

FILED

JUL -8 2013

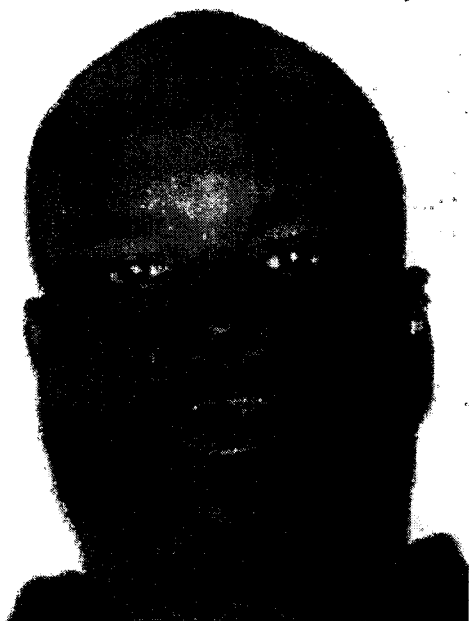
JAMES R. PARKS
CLERK, STATE GRAND JURY

THIS MATTER is before the Court on Defendant's motion for a new trial. Defendant's motion is made pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure. Defendant argues that this Court erred in failing to grant Defendant's Motion for a Directed Verdict and that the jury verdict is not supported by the evidence presented at trial. This Court denies Defendant's motion, finding that the State presented sufficient evidence at trial upon which the jury could find the Defendant guilty of Conspiracy.

June 27, 2013



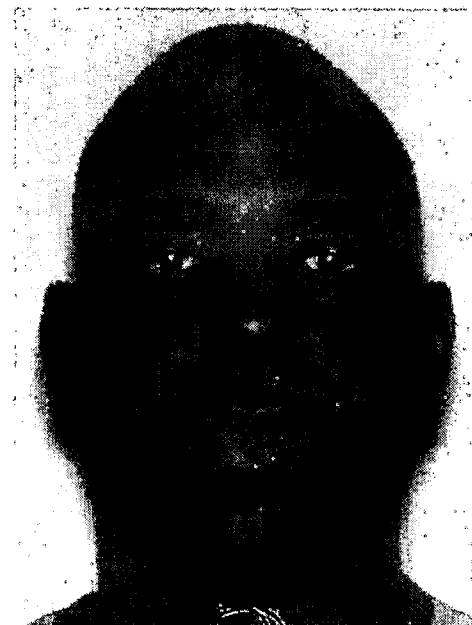
Letitia H. Verdin
Circuit Judge



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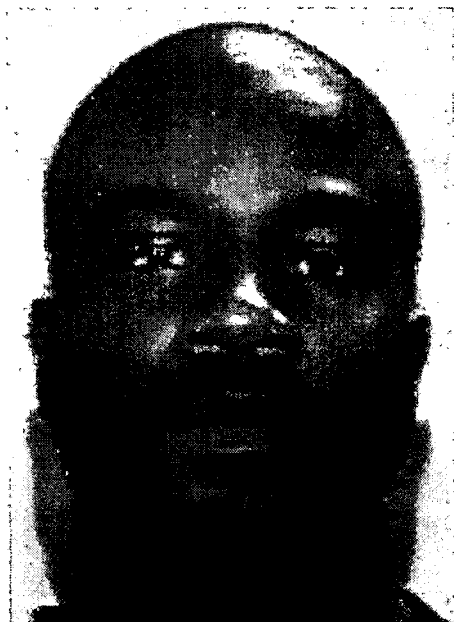


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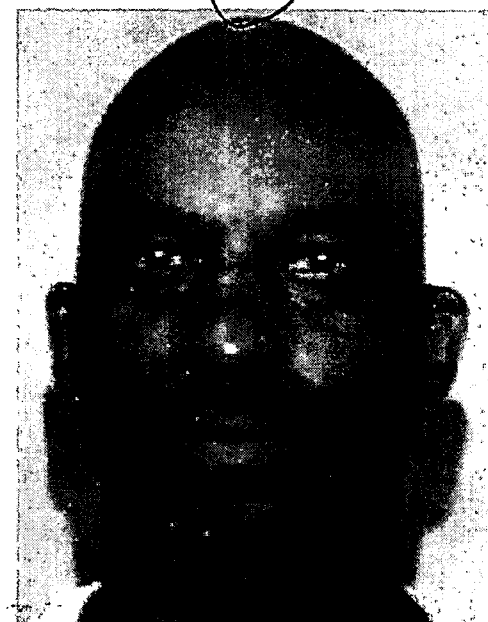
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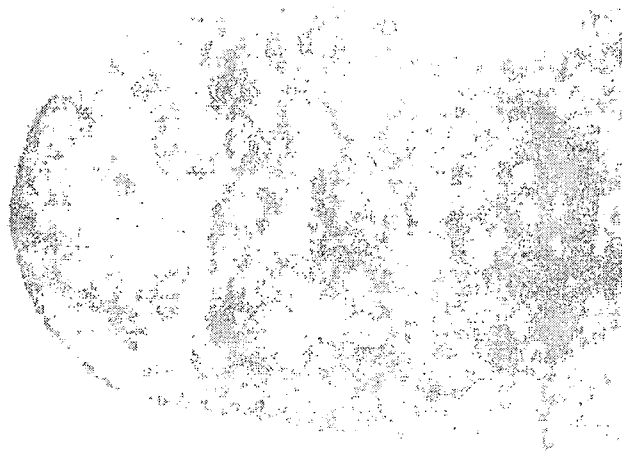
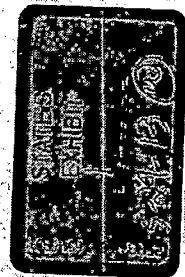
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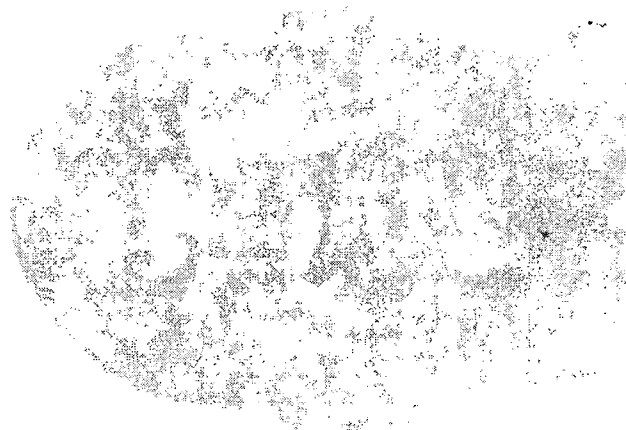
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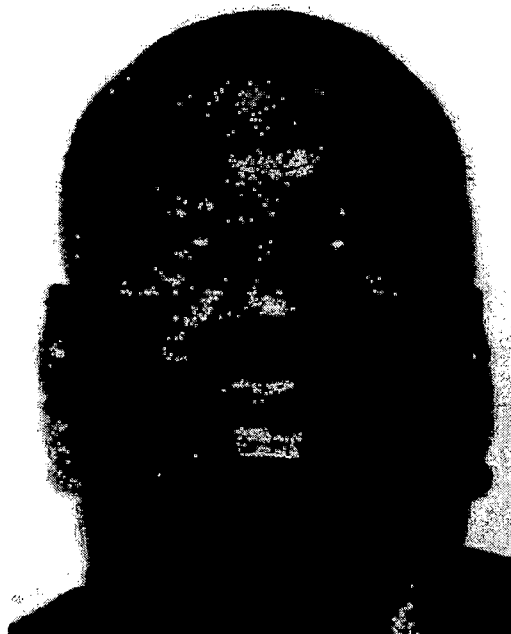
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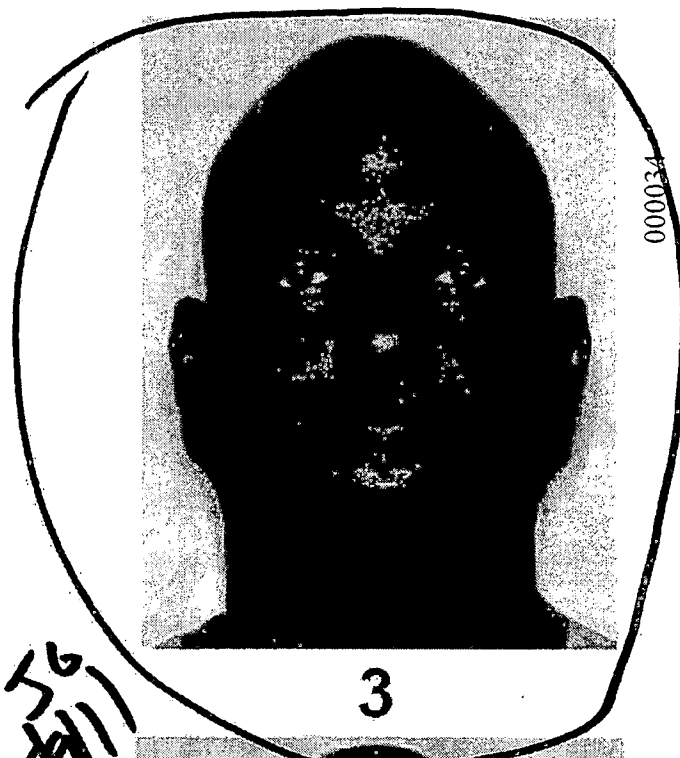
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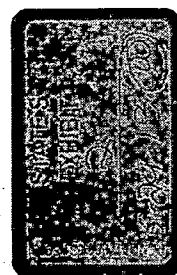
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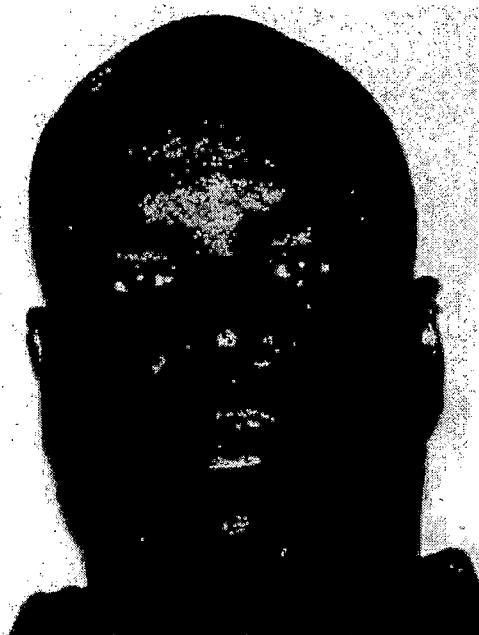
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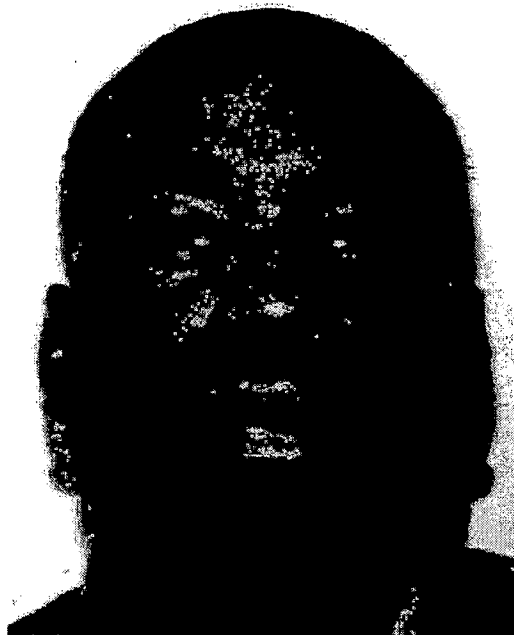
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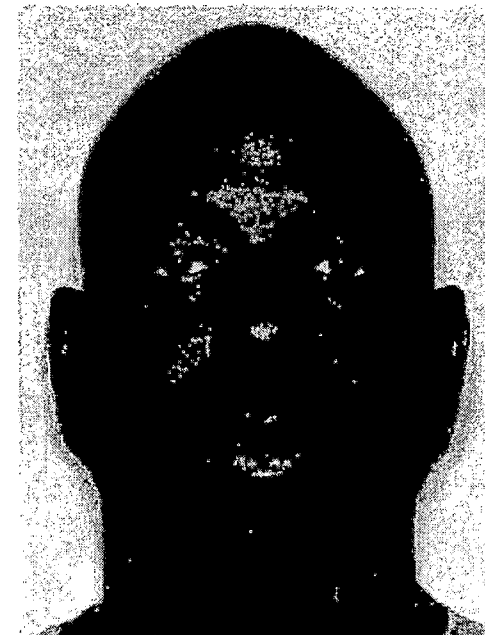
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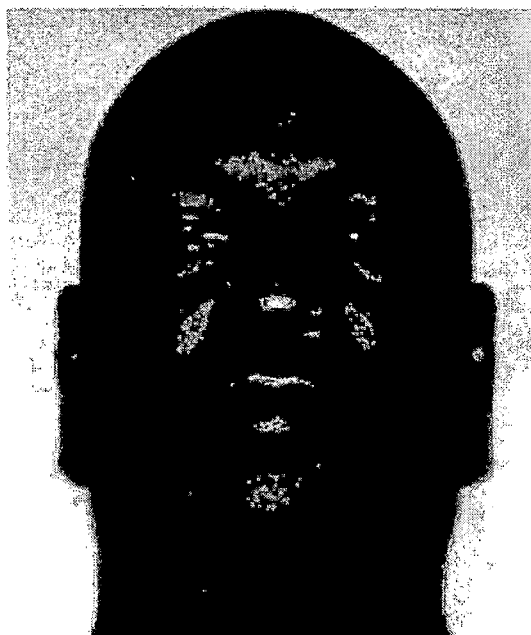


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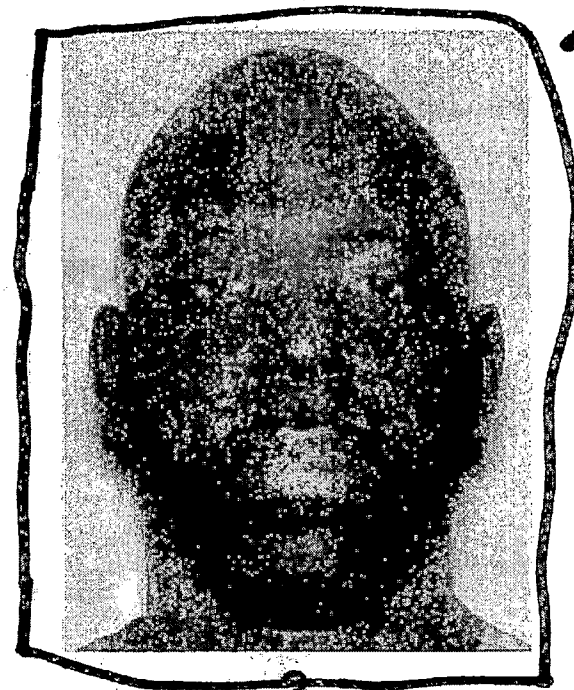
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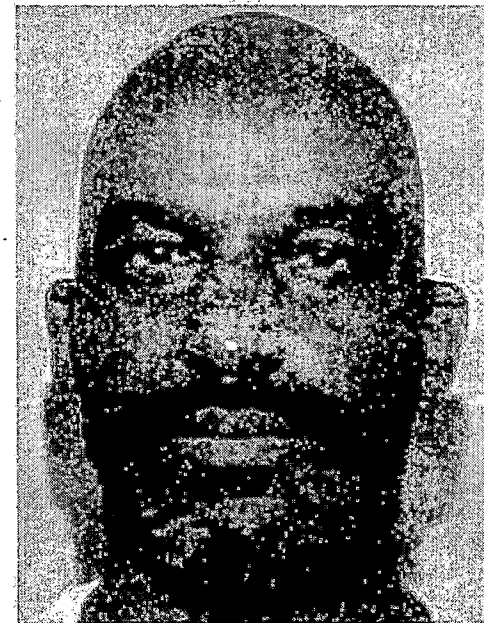
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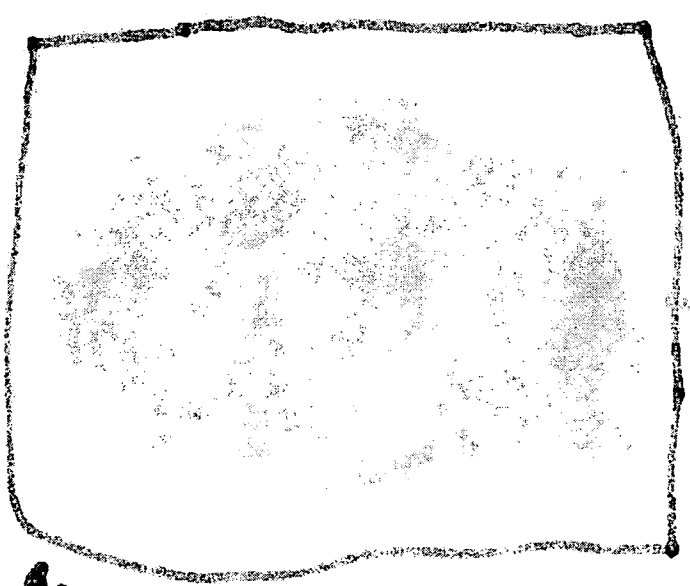
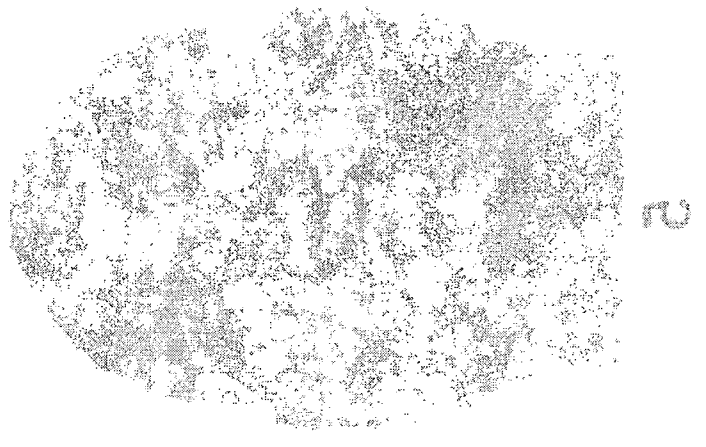
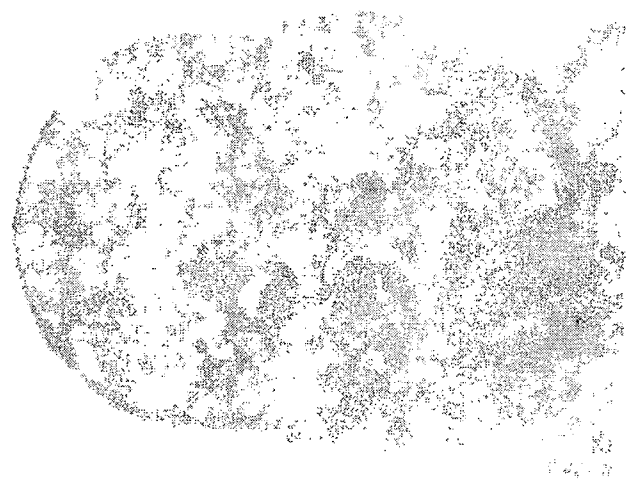
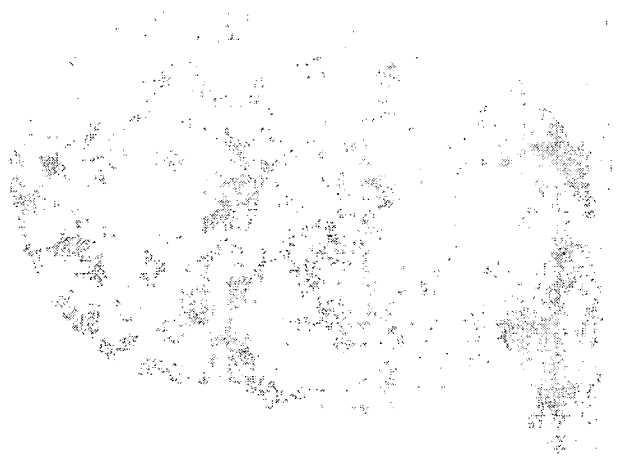
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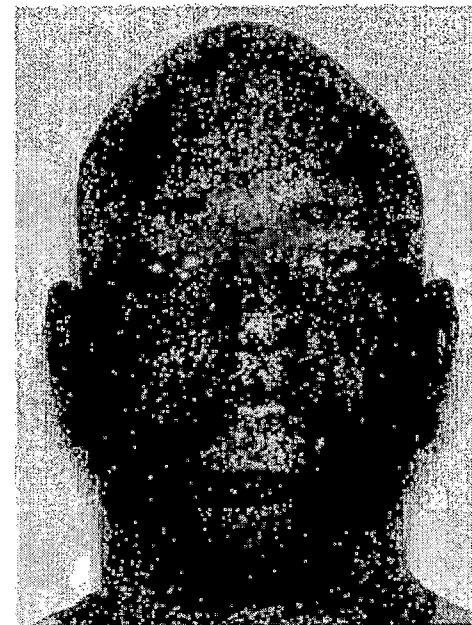
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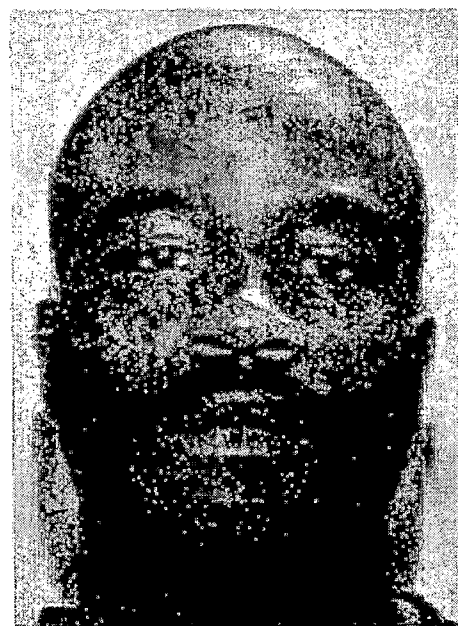


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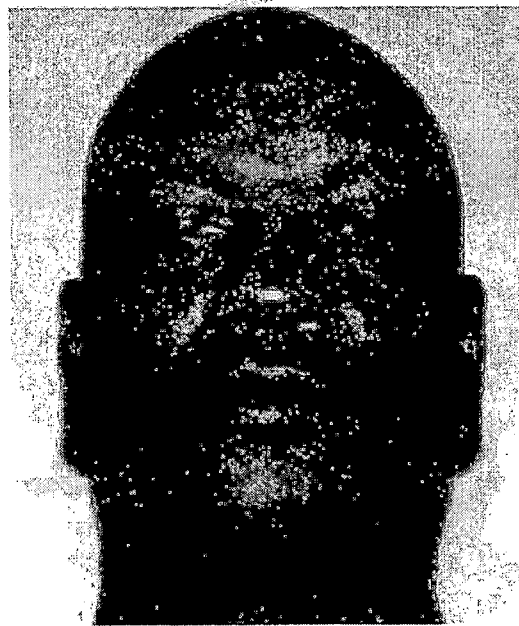


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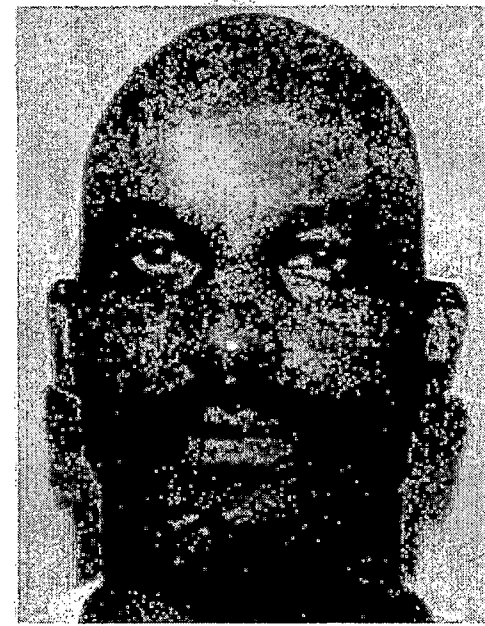
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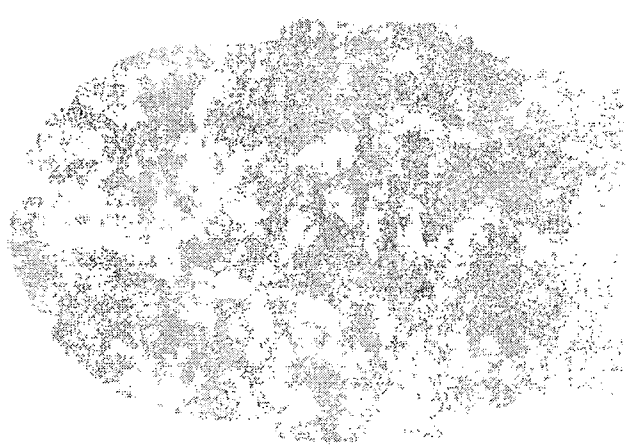
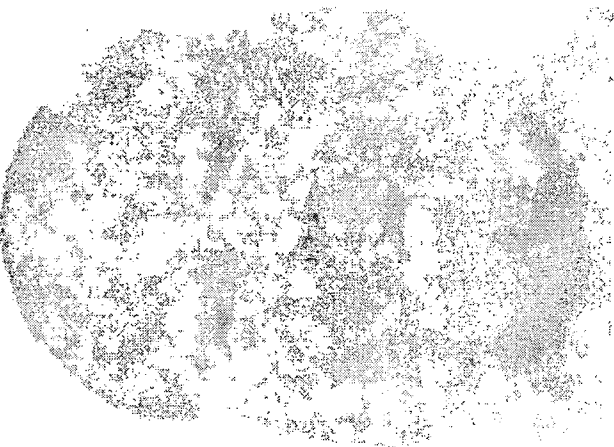
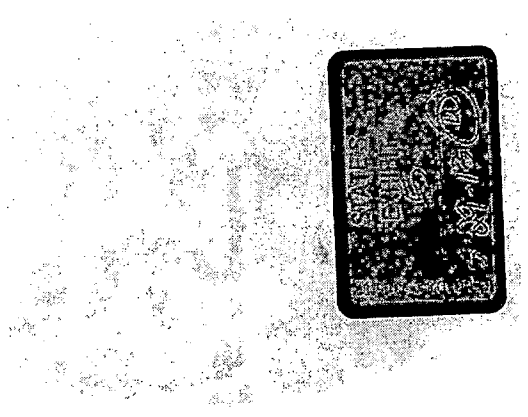
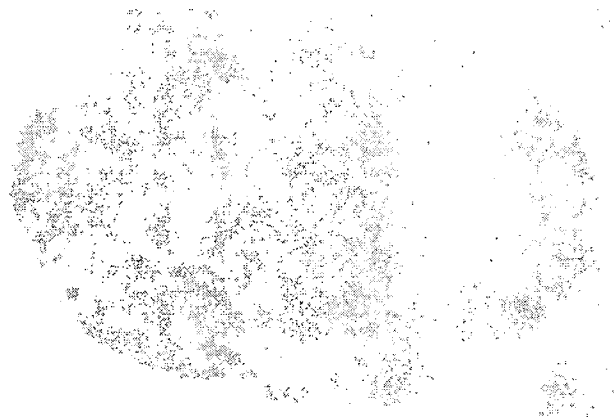
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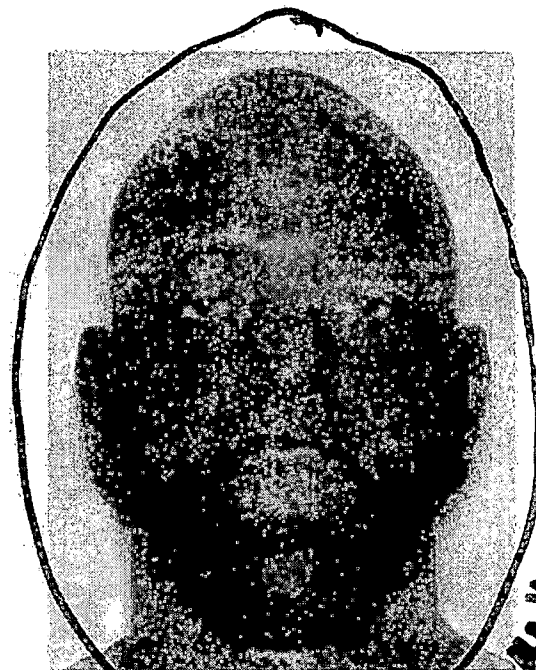




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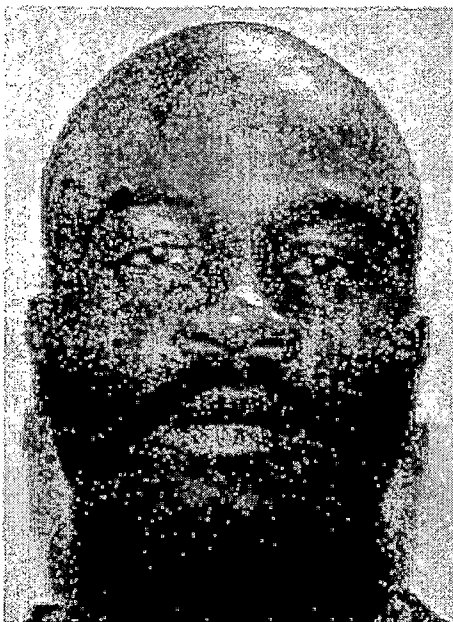
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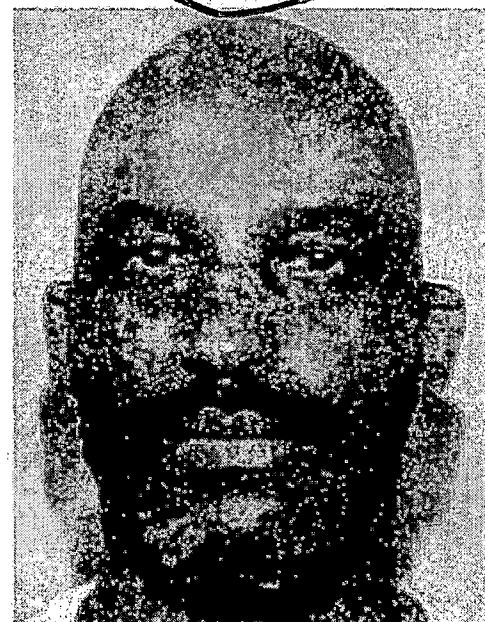
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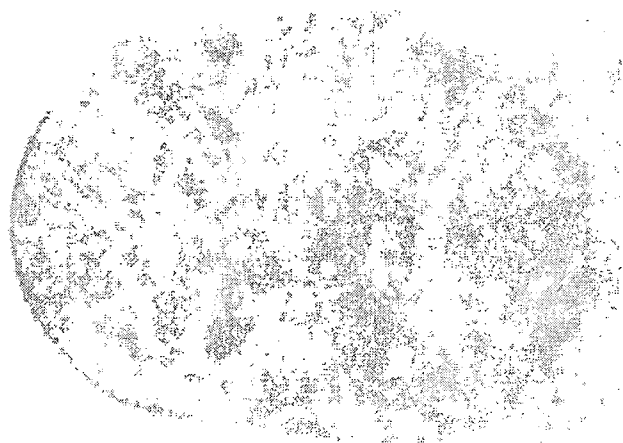
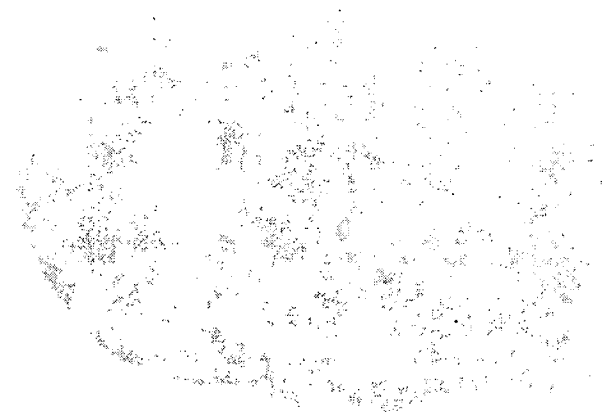
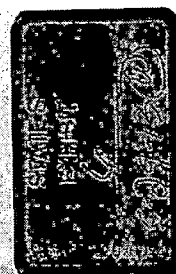
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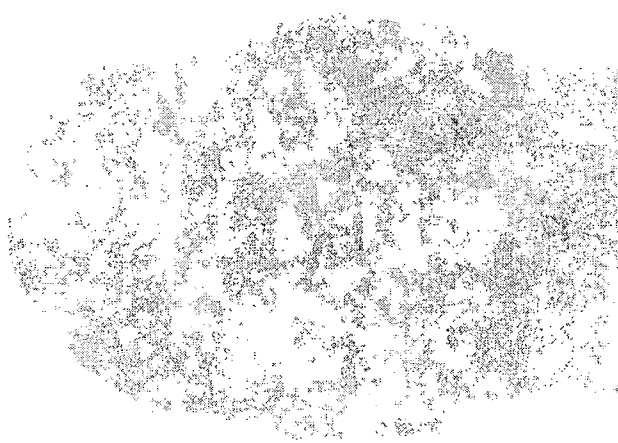
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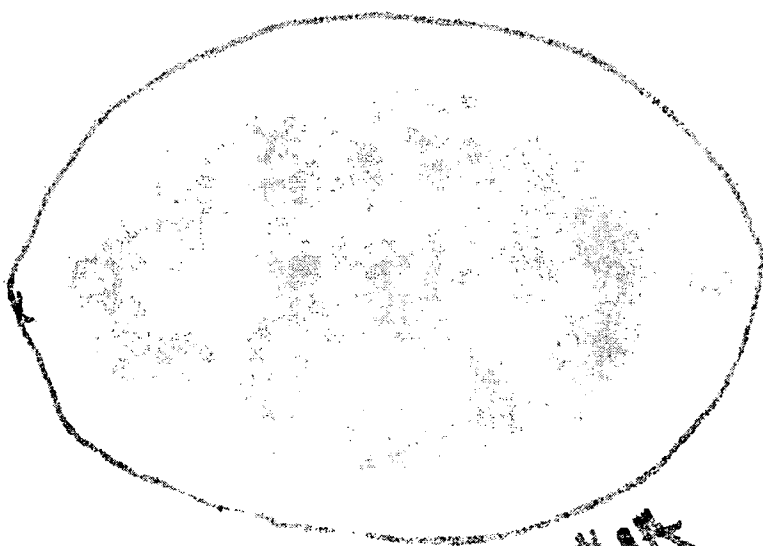
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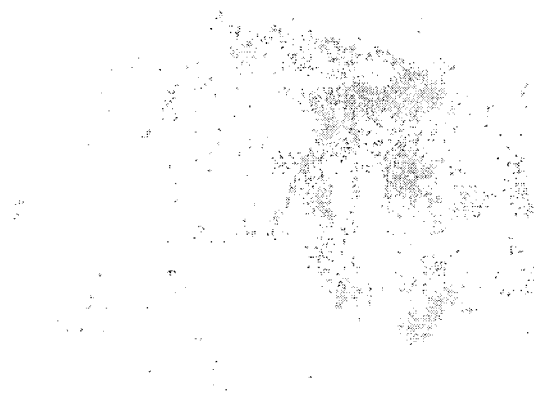
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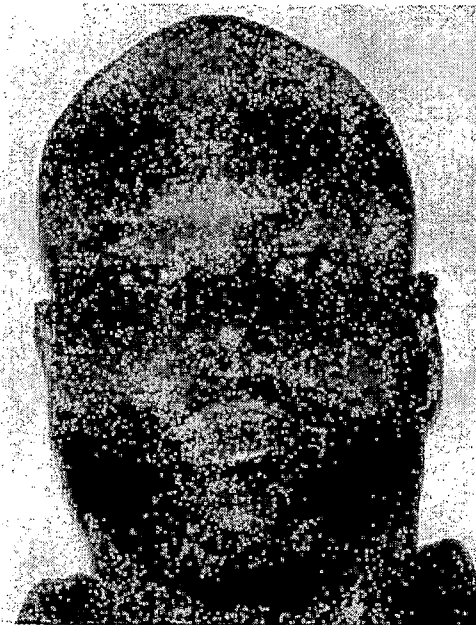
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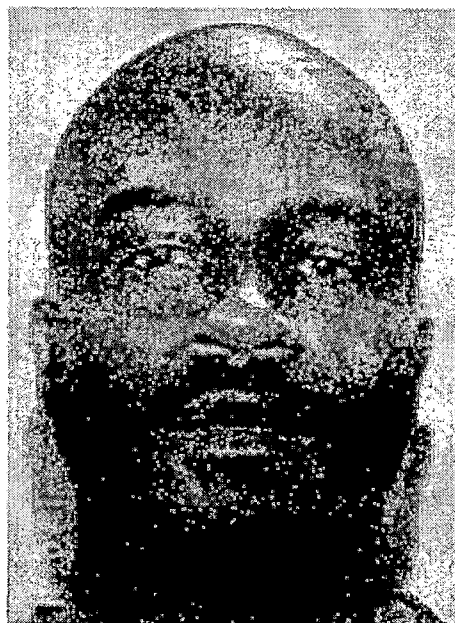
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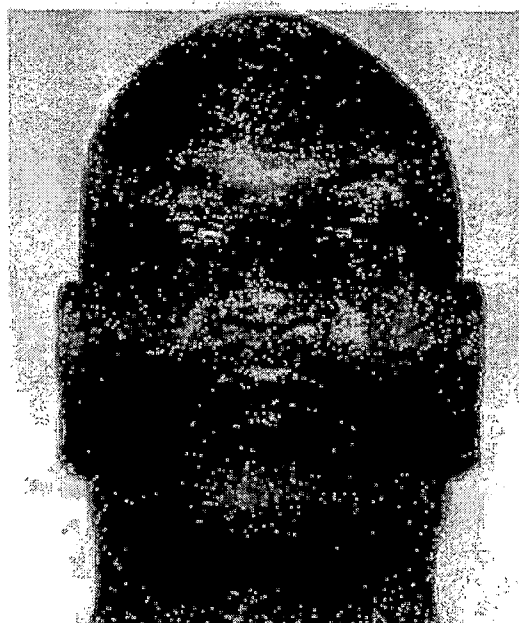
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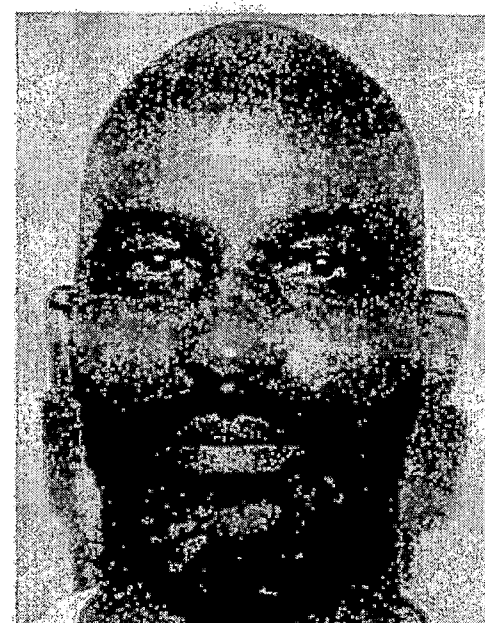
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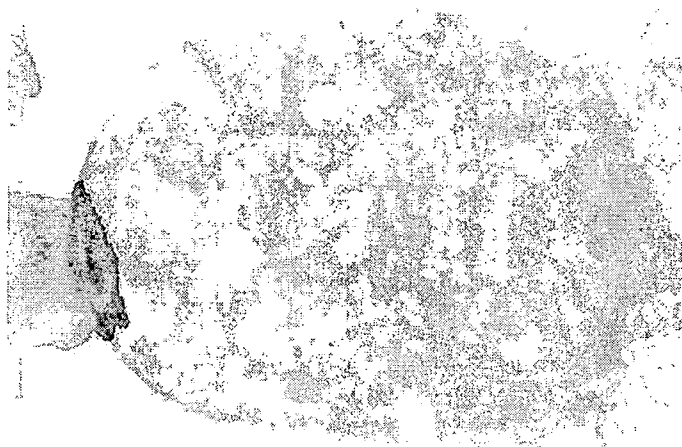
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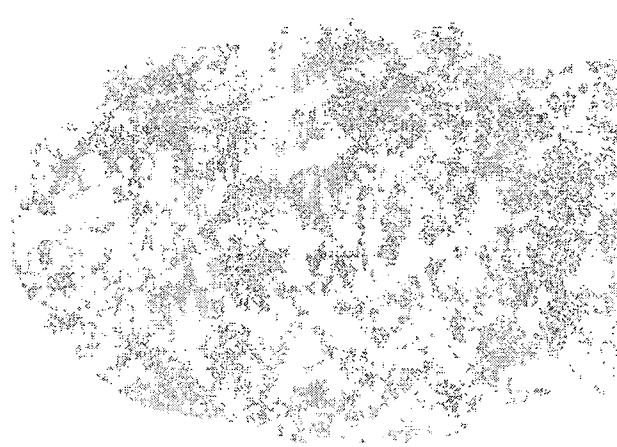
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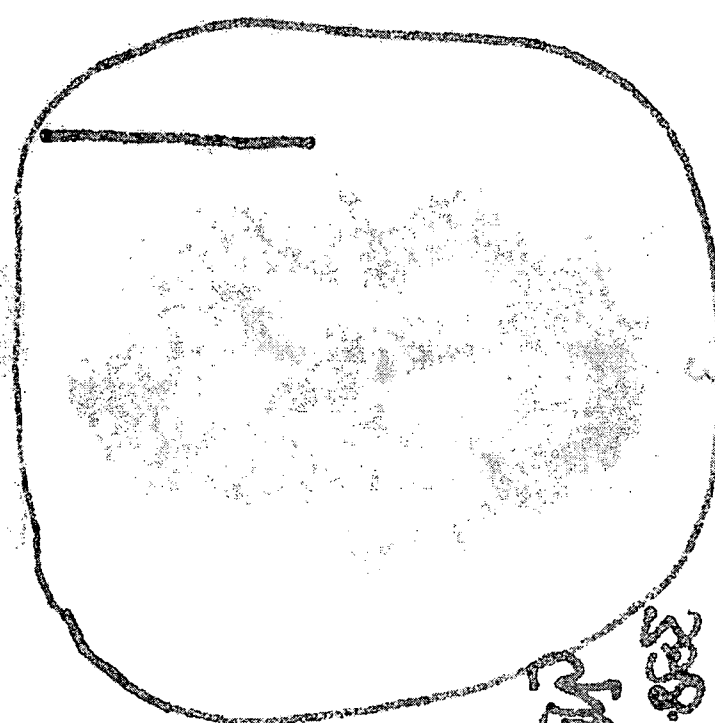
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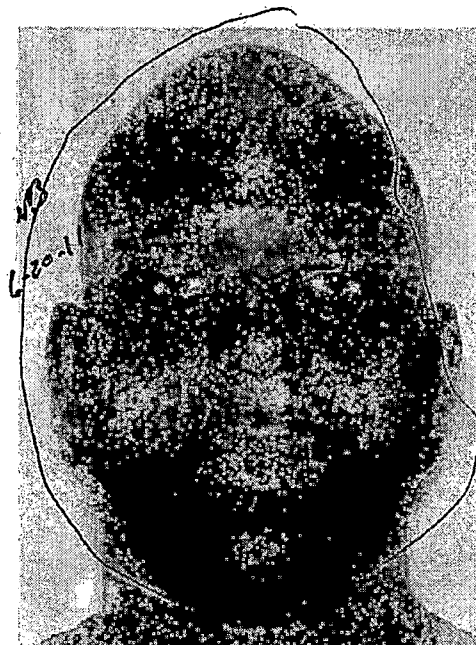
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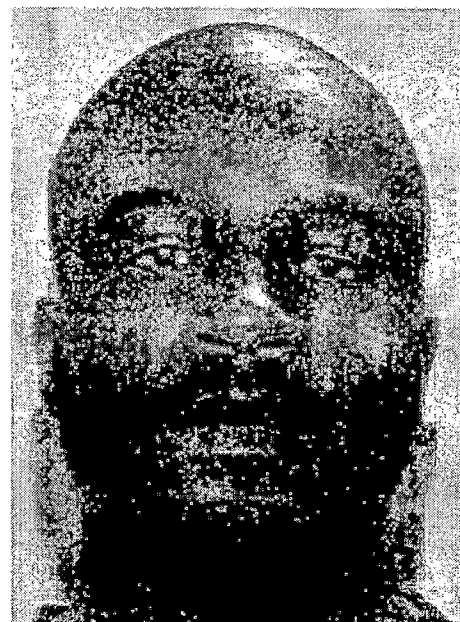
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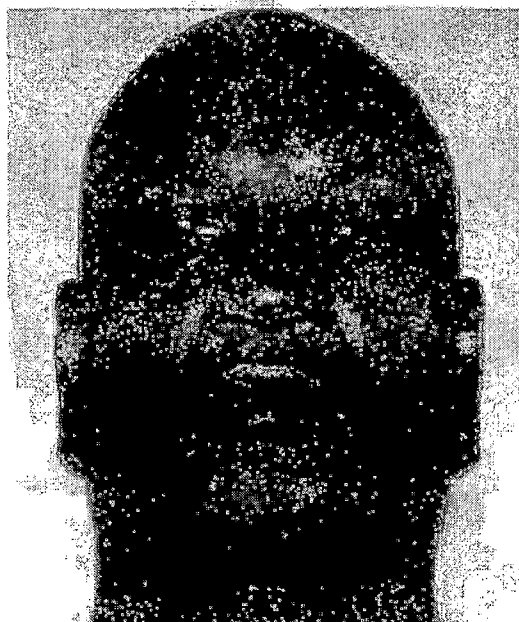
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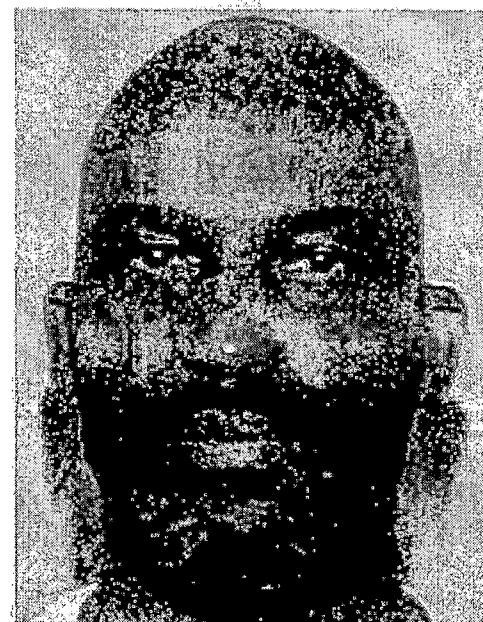
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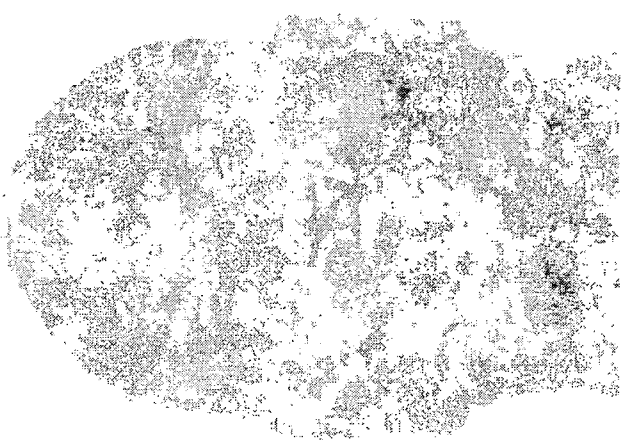
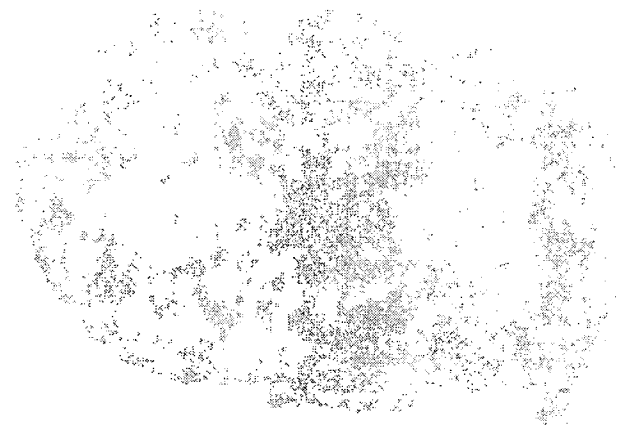


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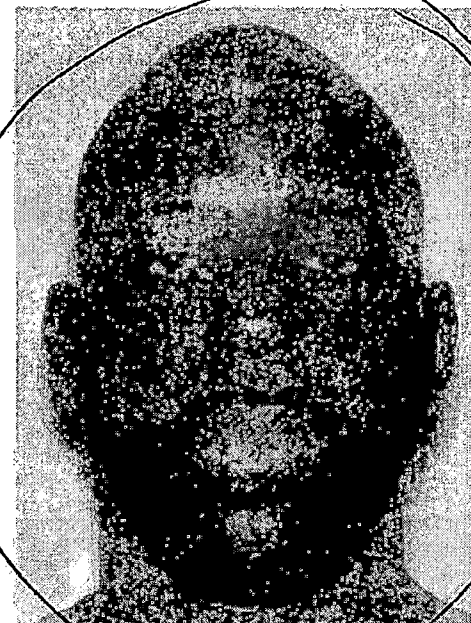




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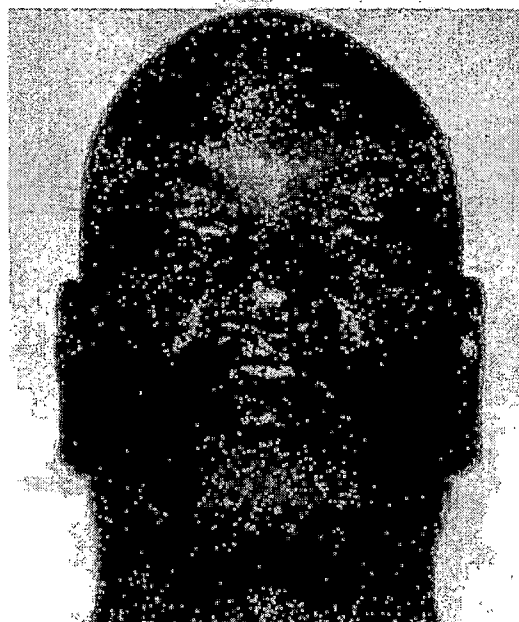
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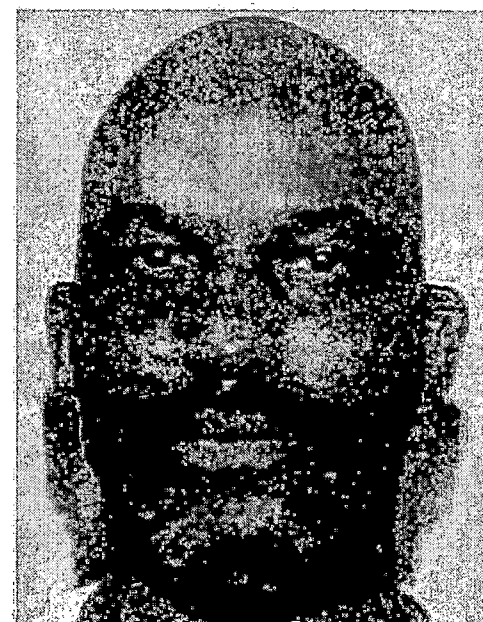
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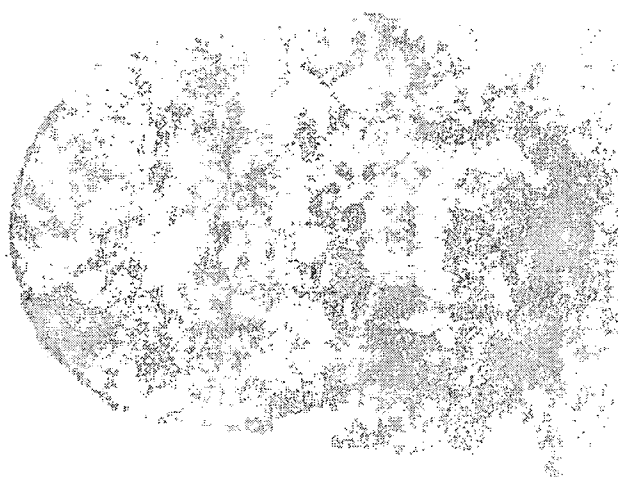
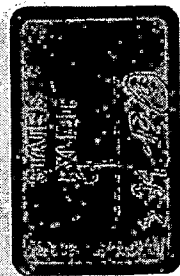
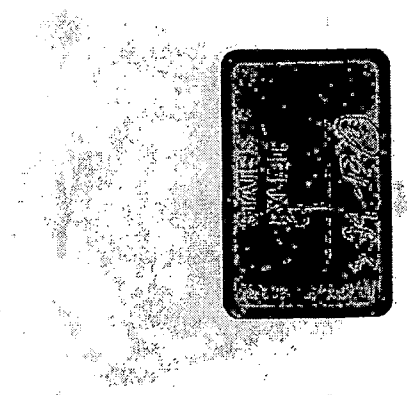
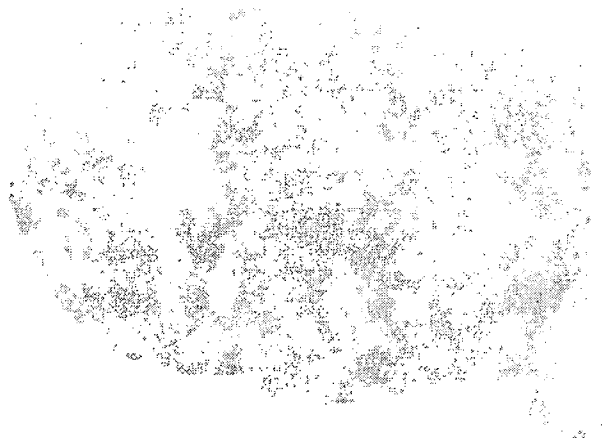
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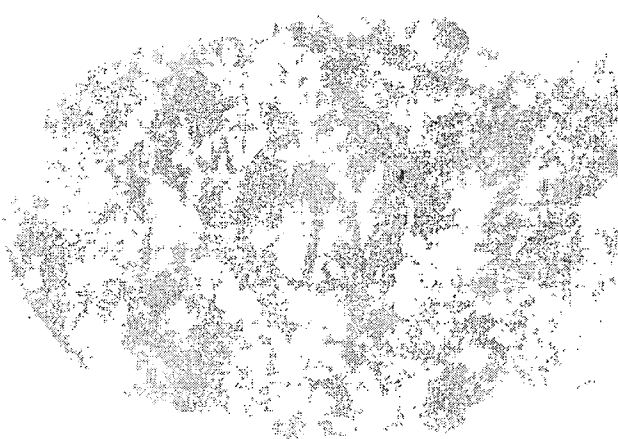
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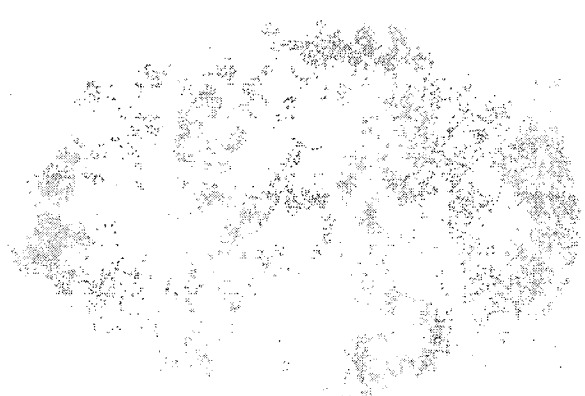
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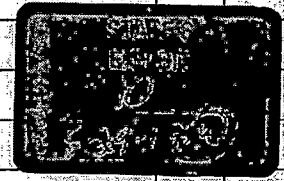
PICKENS COUNTY SHERIFF'S OFFICE PROPERTY REPORT

✓ P.C.S.O.

11-10-11

☐ Other _____		Property Status ☒ Evidence ☐ Recovered ☐ Found ☐ Other _____		Case No. 10-5236	
Incident Date: 03/10/10		Incident Type: TRAFFICKING METH. / PWID COCAINE		Poss. Controlled Sub. III/IV	
Investigator: CAMPBELL		Where property was collected (exact location): 904 OLD VINLAND SCHOOL RD			
Found, Recovered or Collected From: ☐ Victim ☒ Suspect ☐ Complainant ☐ Location		Name: GARY JASON GRIFFIN - RACHEL ELIZABETH EADES - CHRISTOPHER MICHAEL SIMMONS ☐ Other _____			
Victim: _____		Victim Address: _____		Victim Phone #: _____	
Owner: _____		Owner Address: _____		Owner Phone #: _____	
Collecting Officer (Print): HENRY CAMPBELL		Collecting Officer (Signature): <i>[Signature]</i>		Date/Time Collected: 03/10/10 - 21:01	

Item #	Quantity	Description	Location Stored (I.D. Use)	NCIC Hit	
				Yes	No
1	1	PLASTIC BAGGIE TWIST-TIED CONTAINING WHITE CRYSTAL SUBSTANCE	Guilke		
2	1	PLASTIC BAGGIE TWIST-TIED CONTAINING WHITE CRYSTAL SUBSTANCE			
3	1	SMALL PURPLE BAGGIE AND SMALL GREEN BAGGIE CONTAINING WHITE CRYSTAL RESIDUE SUBSTANCE			
4	1	PLASTIC BAGGIE CONTAINING WHITE POWDER SUBSTANCE AND PIECE OF PAPER			
5	1	GREEN PLASTIC BAGGIE CONTAINING THREE (?) WHITE RECTANGULAR TABLETS LABELED 'G 3722'			
6	1	BROKEN WHITE RECTANGULAR TABLET LABELED 22 (HALF OF TABLET)	Guilke		



I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

Receiving I.D. Officer (Print): Albrecht		Signature: <i>[Signature]</i>	
Date Received: 3-11-10	Time: _____	Manner Received: ☒ In Person ☐ Evidence Drop / ☐ Other _____	Signature: _____

Item #	Received By (Print)	Signature	Reason	Date/Time
1-6	T. Robins	<i>[Signature]</i>	to Greenville	3-23-10 0900
1-6	ISRAEL S. FOWLER	<i>[Signature]</i>	PREPARED (JENSEN)	3-23-10 1440
1-6	James Armstrong	<i>[Signature]</i>	Lab	5-3-10 0930
1-6	ISRAEL S. FOWLER	<i>[Signature]</i>	PREPARED (JENSEN)	5-10-10 1134
1-6	T. Robins	<i>[Signature]</i>	Return PCSO	5-28-10 0930
1-6	H. Campbell	<i>[Signature]</i>	Returned for Court	09-05-12 0750
1-6	T. Robins	<i>[Signature]</i>	Returned for Evidence	9-5-12 1045

AUTHORIZATION FOR DISPOSITION

Type of Disposition: _____		Authorized by: _____	
☐ Cleared for Disposal: Items _____		Name (Print): _____	
☐ Released Items _____ to _____		Signature: _____	
Name: _____		Date: _____	
Address: _____		000050	

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

[illegible]

NOTES

[illegible]

000051

PICKENS COUNTY SHERIFF'S OFFICE PROPERTY REPORT

11-10-119

☒ P.C.S.O.

☐ Other

Property Status

☒ Evidence ☐ Recovered ☐ Found ☐ Other

Case No.

10-5236

Incident Date

03/10/10

Incident Type

TRAFFICKING METH / PWED COCAINE / POSS. CONTROLLED SUB. SM. II - IV

Investigator

CAMPBELL

Found, Recovered or Collected From ☐ Victim ☒ Suspect ☐ Complainant ☐ Location

Where property was collected (exact location)

GARY JASON GRIFFIN - RACHEL ELIZABETH EADES-

904 OLD VINLAND SCHOOL RD.

Name CHRISTOPHER MICHAEL SIMMONS ☐ Other

EASLEY SC

Victim

Victim Address

Victim Phone #

Owner

Owner Address

Owner Phone #

Collecting Officer (Print)

HENRY CAMPBELL

Collecting Officer (Signature)

[Signature]

Date / Time Collected

03/10/10 - 21:01

| Item # | Quantity | Description | Location Stored (I.D. Use) | NCIC Hit |
|--------|----------|---|----------------------------|----------|
| #7 | 1 | PLASTIC BAGGIE WITH MARIJUANA LEAF IMPRINT ON OUTSIDE CONTAINING WHITE CRYSTAL SUBSTANCE | Guille | |
| #8 | 1 | GRAY VATRA ZIPPERED EYE GLASS CASE CONTAINING CLEAR PLASTIC BAGGIE TWIST-TIED CONTAINING WHITE CRYSTAL SUBSTANCE, SMALL PLASTIC BAGGIE WITH HEAVY D IMPRINT CONTAINING WHITE CRYSTAL SUBSTANCE, SMALL PURPLE BAGGIE CONTAINING WHITE ROCK SUBSTANCE, SMALL PURPLE BAGGIE CONTAINING TWO(2) WHITE RECTANGULAR TABLETS LABELED AND ONE WHITE ROUND TABLET LABELED M 4 AND TWO(2) LIGHT BLUE ROUND TABLETS LABELED [M] 30. | Guille | |

I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

Receiving I.D. Officer (Print)

Abner

Signature

[Signature]

Date Received

3-11-10

Time

Manner Received ☒ In Person

☐ Evidence Drop / ☐ Other

Signature

| Item # | Received By (Print) | Signature | Reason | Date / Time |
|--------|---------------------|--------------------|----------------------|---------------|
| 7.8 | T. Robins | <i>[Signature]</i> | to Greenville | 3-23-10 0900 |
| 7.8 | ISMAEL S. FLORES | <i>[Signature]</i> | PRE STURGE (JENGA) | 3-23-10 1900 |
| 7.8 | James Armstrong | <i>[Signature]</i> | Lab | 5-3-10 0930 |
| 7.8 | ISMAEL S. FLORES | <i>[Signature]</i> | PRE STURGE (JENGA) | 5-06-10 1130 |
| 7.8 | T. Robins | <i>[Signature]</i> | Return PCSO | 5-28-10 0930 |
| 7.8 | H. CAMPBELL | <i>[Signature]</i> | Released for Court | 09-05-12 0700 |
| 7.8 | T. Robins | <i>[Signature]</i> | Returned to Evidence | 9-5-12 1045 |

AUTHORIZATION FOR DISPOSITION

Type of Disposition

☐ Cleared for Disposal: Items

☐ Released Items

Name

Address

Authorized by

Name (Print)

Signature

Date

000052

[illegible]

NOTES

[illegible]

PICKENS COUNTY SHERIFF'S OFFICE PROPERTY REPORT

☒ P.C.S.O.

☐ Other

Property Status

☒ Evidence ☐ Recovered ☐ Found ☐ Other

Case No.

10-5236

Incident Date

03/10/10

Incident Type

TRAFFICKING METH / PWID COCAINE / POSS. CONTROLLED SUB SCH. II-IV

Investigator

CAMPBELL

Found, Recovered or Collected From ☐ Victim ☒ Suspect ☐ Complainant ☐ Location

Where property was collected (exact location)

GARY JASON GRIFFIN - RACHEL ELIZABETH EADES -

904 OLDS VINLAND SCHOOL RD

Name CHRISTOPHER MICHAEL SUMMONS ☐ Other

EASLEY SC

Victim

Victim Address

Victim Phone #

Owner

Owner Address

Owner Phone #

Collecting Officer (Print)

HENRY CAMPBELL

Collecting Officer (Signature)

[Signature]

Date / Time Collected

03/10/10 - 21:01

| Item # | Quantity | Description | Location Stored (I.D. Use) | NCIC Hit
Yes No |
|--------|----------|--|----------------------------|--------------------|
| 9 | 1 | BLUE NOTE BOOK WITH NOTES, TWO HAND WRITTEN NOTES LISTING DRUG WEIGHTS AND MONEY VALUE, HANDWRITTEN NOTES, LETTER BEARING NAME KYMBERLY TAYLOR FROM BB:T | ER-1 | |
| 10 | 1 | ROUND MIRROR WITH RESIDUE | | |
| 11 | 1 | SMALL SPIRAL NOTEBOOK | | |
| 12 | 1 | ONE ROUND BLUE TABLET LABELED L490 | | |
| 13 | 1 | SET OF MY WEIGH 120-2 DIGITAL SCALES AND BROWN MEDICINE BOTTLE BEARING NAME BRANDI RANDLE CONTAINING TWO AND ONE-HALF WHITE TABLETS LABELED IP272 AND ONE EMPTY TWO-TONED BLUE CAPSULE | | |
| 14 | 1 | 40-WATT LIGHT BULB WITH ATTACHED BLUE CAP AND STRAW INSERTED | | |
| 15 | 1 | DASANI WATER BOTTLE ALTERED INTO SMOKING PIPE | ER-1 | |

I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

Receiving I.D. Officer (Print)

ALBERT R

Signature

[Signature]

Date Received

3-11-10

Time

Manner Received - ☒ In Person

☐ Evidence Drop ☐ Other

Signature

| Item #'s | Received By (Print) | Signature | Reason | Date / Time |
|----------|---------------------|--------------------|----------------|-----------------|
| 9-15 | JTA | JTA | Moved to ER-2A | 01-20-12 / 1400 |
| 16-18 | JTA | JTA | Moved to ER-2A | 01-20-12 / 1400 |
| 1-9 | Henry Campbell | <i>[Signature]</i> | out-for Court | 5-28-13 / 11:00 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

AUTHORIZATION FOR DISPOSITION

Type of Disposition _____

☐ Cleared for Disposal: Items _____

☐ Released Items _____ to _____

Name _____

Address _____

Authorized by

Name (Print) _____

Signature _____

Date _____ / _____ / _____

000054

| Number of hauls | <i>P. setiferus</i> (%) | <i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%) | <i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%) |
|-----------------|-------------------------|---|---|
| 1 | 10 | 5 | 2 |
| 2 | 25 | 10 | 3 |
| 3 | 45 | 15 | 4 |
| 4 | 65 | 20 | 5 |
| 5 | 80 | 25 | 6 |
| 6 | 90 | 30 | 7 |
| 7 | 95 | 35 | 8 |
| 8 | 98 | 40 | 9 |
| 9 | 99 | 45 | 10 |
| 10 | 100 | 50 | 11 |

[illegible]

NOTES

[illegible]

000055

PICKENS COUNTY SHERIFF'S OFFICE PROPERTY REPORT

☒ P.C.S.O.

☐ Other _____

Property Status

☒ Evidence ☐ Recovered ☐ Found ☐ Other

Case No.

10-5236

Incident Date

03/10/10

Incident Type

TRAFFICKING METH / PHED COCAINE / POSS. CONT. SUB

Investigator

CAMPBELL

Found, Recovered or Collected From ☐ Victim ☒ Suspect ☐ Complainant ☐ Location

Where property was collected (exact location)

904 OLD VINLAND SCHOOL RD.

Name JASON GRIFFIN - RACHEL EADES -

CHRISTOPHER SIMMONS ☐ Other

EASLEY SC

Victim

Victim Address

Victim Phone #

Owner

Owner Address

Owner Phone #

Collecting Officer (Print)

HENRY CAMPBELL

Collecting Officer (Signature)

[Signature]

Date/Time Collected

03/10/10 - 21:01

| Item # | Quantity | Description | Location Stored (I.D. Use) | NCIC Hit |
|--------|----------|---|----------------------------|----------|
| 16 | 1 | BURGAND'S SILVER SAMSUNG ALLTEL FLIP CELL PHONE | ER-1 | |
| 17 | 1 | BLACK VERIZON LG FLIP CELL PHONE AND SILVER CP2-300 DIGITAL SCALES THAT LOOKS LIKE A CELL PHONE | | |
| 18 | 1 | EMPTY PLASTIC BAGGIES | | |
| 19 | 1 | BERETTA 40 CALIBER SEMI-AUTO PISTOL S/N 008910 AND MAGAZINE AND TEN ROUNDS OF AMMUNITION | ER-1 RTO | |
| 20 | 1 | ONE THOUSAND NINE HUNDRED NINETY (\$1990.00) DOLLARS IN US CURRENCY | SAFE | |
| 21 | 1 | FIVE HUNDRED SEVENTY-SEVEN (\$577.00) DOLLARS IN US CURRENCY | SAFE | |

I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

Receiving I.D. Officer (Print)

PHILLIPS

Signature

[Signature]

Signature

Date Received

3-11-10

Time

Manner Received ☒ In Person

☐ Evidence Drop / ☐ Other

| Item #s | Received By (Print) | Signature | Reason | Date/Time |
|-------------|---------------------|-------------|----------------------|--------------|
| 20 & 21 | | [Signature] | Deposited | 5-13-10 |
| 16, 17 & 18 | Henry Campbell | [Signature] | INVESTIGATION | 3-24-10/1555 |
| 22 | Henry Campbell | [Signature] | INVESTIGATION | 3-24-10/1555 |
| 16, 17 & 22 | | [Signature] | Returned to Evidence | 5-20-10 |
| 17, 22 & 21 | Rachel Eades | [Signature] | RTO | 6-21-10/1630 |
| 19 | James Lowe | [Signature] | SCDL 007704935 RTO | 4-19-13 1040 |

AUTHORIZATION FOR DISPOSITION

Type of Disposition #19 RELEASE TO OWNER - AL C

☐ Cleared for Disposal: Items

03-13-13

☐ Released Items

to

Name

Address

Authorized by

Name (Print)

Signature

Date

000056

100

[illegible]

NOTES

[illegible]

000057

☒ P.C.S.O.

☐ Other

Signature

Item #'s

Type of Disposition

☐ Cleared for Disposal: Items

☐ Released Items _____ to _____

Name _____

Address

Authorized by

Name (Print) _____

Signature

Date _____

~~000058~~

1990

[illegible]

NOTES

[illegible]

000059

11-10-000332

☐ Other☒ Evidence ☐ Recovered ☐ Found ☐ Other

Case No.

10-19548

| |
|---------------|
| Incident Date |
|---------------|

8/27/10

| Incident Type | Count |
|--------------------------|-------|
| Security Breach | 15 |
| System Downtime | 22 |
| Data Breach | 8 |
| Malware Infection | 12 |
| Phishing Attack | 10 |
| Insider Threat | 5 |
| Denial of Service | 7 |
| Account Hijacking | 9 |
| Service Outage | 18 |
| Network Congestion | 6 |
| Hardware Failure | 11 |
| Software Bug | 14 |
| Configuration Error | 4 |
| Unauthorized Access | 13 |
| Service Interruption | 16 |
| System Crash | 10 |
| Network Latency | 8 |
| Service Degradation | 12 |
| System Maintenance | 5 |
| Network Upgrade | 7 |
| Service Migration | 9 |
| System Patching | 11 |
| Network Monitoring | 13 |
| Service Optimization | 15 |
| System Configuration | 17 |
| Network Security | 19 |
| Service Reliability | 21 |
| System Performance | 23 |
| Network Capacity | 25 |
| Service Availability | 27 |
| System Uptime | 29 |
| Network Throughput | 31 |
| Service Latency | 33 |
| System Scalability | 35 |
| Network Flexibility | 37 |
| Service Customization | 39 |
| System Integration | 41 |
| Network Interoperability | 43 |
| Service Compatibility | 45 |
| System Compatibility | 47 |
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| Service Compatibility | 303 |
| System Compatibility | 305 |
| Network Compatibility | 307 |
| Service Compatibility | 309 |

Trablockine Methamphetamine

Investigator

Barwick

Found, Recovered or Collected From ☐ Victim ☒ Suspect ☐ Complainant ☐ Location

Where property was collected (exact location)

South B St & Parkman Dr
Easley, SC

Name: Aubri Natar Bashaw ☐ Other

Victim State of South Carolina

Victim Address

Victim Phone #

Owner

Owner Address

Owner Phone #

Collecting Officer (Print)

Z. Brett Barwick

Collecting Officer (Signature)

Z. 234-235 ✓

Date/Time Collected

8-27-10 / 6:51 pm

[illegible]

I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

Receiving I.D. Officer (Print)

| |
|-----------|
| Signature |
|-----------|

Date Received 8-30-10 Time 0830

Manner Received - ☐ In Person
☒ Evidence Drop / ☐ Other _____

Signature

| Item #'s | Received By (Print) | Signature | Reason | Date/Time |
|----------|---------------------|-------------|----------------------|---------------|
| 1 | Tony Robins | [Signature] | to Greenville | 9-23-10 0900 |
| 1 | TRICKS | [Signature] | PE Storage | 9-23-10 0900 |
| 1 | James Armstrong | [Signature] | Lab | 11-5-10 0940 |
| 1 | TRICKS | [Signature] | PE Storage | 11-16-10 1400 |
| 1 | T. Robins | [Signature] | Return PC's | 12-30-10 0830 |
| 1 | H. CAMPBELL | [Signature] | Released for Court | 09-05-12 0730 |
| 1 | T. Robins | [Signature] | Returned to Evidence | 9-5-12 1045 |

AUTHORIZATION FOR DISPOSITION

Type of Disposition

Authorized by _____

☐ Cleared for Disposal: Items

Name (Print)

☐ Released Items

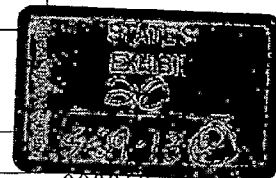
Signature

Name

Date _____

Address

000060



ADDITIONAL CHAIN OF CUSTODY

[illegible]

NOTES

[illegible]

000061

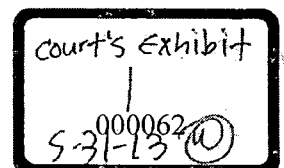
State v. Antonio Tate-JURY CHARGE

MADAME FOREPERSON, LADIES AND GENTLEMEN OF THE JURY, YOU HAVE SEEN AND HEARD THE EVIDENCE PRESENTED AS WELL AS THE ARGUMENTS OF COUNSEL. IT, NOW THEREFORE, BECOMES MY DUTY AND OBLIGATION TO INSTRUCT YOU ON THE LAW THAT IS APPLICABLE IN THIS CASE. IT WILL THEN BE YOUR DUTY AND OBLIGATION TO BEGIN YOUR DELIBERATIONS, THROUGH WHICH PROCESS YOU WILL DECIDE THE FACTS, APPLY THE LAW AS INSTRUCTED BY THE COURT AND RENDER FAIR AND IMPARTIAL DECISIONS.

IT IS YOUR EXCLUSIVE DUTY TO DETERMINE WHAT THE FACTS ARE. YOU DO THAT BASED UPON YOUR OWN COMMON SENSE EXAMINATION AND EVALUATION OF THE TESTIMONY AND OTHER EVIDENCE RECEIVED DURING THE TRIAL OF THE CASE.

YOU TWELVE JURORS ALONE WILL DECIDE WHAT WEIGHT, VALUE, AND EFFECT THAT IS TO BE GIVEN TO ANY PARTICULAR TESTIMONY OR OTHER EVIDENCE RECEIVED. YOUR ULTIMATE GOAL IS TO SIMPLY REACH THE TRUTH IN THIS MATTER AND BY DOING SO YOU WILL HAVE FULFILLED YOUR OBLIGATIONS AS

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State v. Antonio Tate-JURY CHARGE

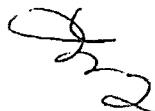
JURORS AND THAT IS TO GIVE BOTH THE STATE AND THE DEFENDANT A FAIR AND IMPARTIAL TRIAL BASED UPON THE EVIDENCED PRESENTED AND THE LAW APPLICABLE TO THIS CASE.

IN THIS CASE THE STATE OF SOUTH CAROLINA, THROUGH THE ATTORNEY GENERAL, HAS CHARGED THE DEFENDANT WITH THE CRIMINAL OFFENSE KNOWN AS:

**CONSPIRACY TO TRAFFICK IN METHAMPHETAMINE FOR
MORE THAN 400 GRAMS**

THE ALLEGATIONS CHARGING THE DEFENDANT WITH THESE CRIMES ARE SET FORTH IN THE INDICTMENT THAT HAS BEEN PREVIOUSLY EXPLAINED TO YOU. AS I HAVE PREVIOUSLY EXPLAINED, THE INDICTMENT IS NOT EVIDENCE IN THIS CASE AND MAY NOT BE CONSIDERED BY YOU AS EVIDENCE AGAINST THE DEFENDANT.

AS TO THE CHARGE SET FORTH IN THE INDICTMENT THE DEFENDANT HAS ENTERED A PLEA OF NOT GUILTY. THAT PLEA

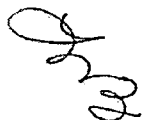


State v. Antonio Tate-JURY CHARGE

OF NOT GUILTY HAS THEREFORE PLACED UPON THE STATE THE BURDEN OF PROVING THE ALLEGATIONS THAT ARE SET FORTH IN THE INDICTMENT; THE BURDEN OF PROVING EACH OF THE ESSENTIAL ELEMENTS OF ANY CRIME CHARGED; AND THEREFORE THE BURDEN OF PROVING THE GUILT OF THE DEFENDANT TO THE SATISFACTION OF YOU TWELVE JURORS BEYOND A REASONABLE DOUBT BEFORE A VERDICT OF GUILTY COULD BE RETURNED AS TO THE INDICTMENT.

THE BURDEN IS NEVER UPON A DEFENDANT TO PROVE THAT HE IS NOT GUILTY OR TO PROVE THE HE IS INNOCENT BECAUSE IN SOME CASES THAT MIGHT NOT BE POSSIBLE. THE BURDEN IS ALWAYS UPON THE STATE, BECAUSE THEY HAVE MADE THE ALLEGATIONS, TO PROVE THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT.

YOU ARE FURTHER INSTRUCTED THAT IT IS A VITAL, IMPORTANT, AND CARDINAL RULE OF LAW THAT EVERY DEFENDANT IN A CRIMINAL TRIAL, NO MATTER HOW SERIOUS THE OFFENSE MIGHT BE FOR WHICH HE STANDS CHARGED, THE DEFENDANT SHALL ALWAYS BE PRESUMED INNOCENT OF

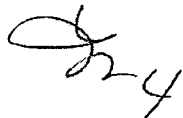
A handwritten signature, possibly reading "J. E.", is written in dark ink below the main text.

State v. Antonio Tate-JURY CHARGE

THOSE CHARGES, AND THAT PRESUMPTION OF INNOCENCE SHALL BE WITH THE DEFENDANT FROM THE MOMENT OF HIS ARREST, AND THROUGHOUT THE COURSE OF THE CRIMINAL PROCESS, AND EVEN THROUGHOUT THE COURSE OF THE ACTUAL TRIAL. THE PRESUMPTION OF INNOCENCE SHALL BE WITH THE DEFENDANT EVEN AS YOU GO INTO THE JURY ROOM TO BEGIN YOUR DELIBERATIONS, AND THAT PRESUMPTION OF INNOCENCE SHALL BE WITH HIM THERE AND BE WITH HIM FOREVER, UNLESS YOU TWELVE JURORS DETERMINE THAT HE IS NO LONGER ENTITLED TO THAT PRESUMPTION OF INNOCENCE. IT IS ONLY IF, UNLESS, AND UNTIL YOU ARE SATISFIED OF THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT, THAT HE WOULD NO LONGER BE ENTITLED TO THE PRESUMPTION OF INNOCENCE.

DUTIES OF JURY AND TRIAL JUDGE

I REMIND YOU THAT, DURING THIS TRIAL, YOU AND I HAVE CERTAIN DUTIES TO PERFORM. AS THE TRIAL JUDGE, IT IS MY RESPONSIBILITY TO PRESIDE OVER THE TRIAL OF THIS CASE,

A handwritten signature, likely of the trial judge, consisting of a stylized 'J' followed by the number '24'.

State v. Antonio Tate-JURY CHARGE

AND I ALSO HAVE THE DUTY TO RULE ON THE ADMISSIBILITY OF THE EVIDENCE OFFERED DURING THIS TRIAL. YOU ARE TO CONSIDER ONLY THE COMPETENT EVIDENCE BEFORE YOU. IF THERE WAS ANY TESTIMONY ORDERED STRICKEN FROM THE RECORD IN THIS CASE DURING THIS TRIAL, YOU MUST DISREGARD THAT TESTIMONY. YOU ARE TO CONSIDER ONLY THE TESTIMONY WHICH HAS BEEN PRESENTED FROM THIS WITNESS STAND, ANY EXHIBITS WHICH HAVE BEEN MADE A PART OF THE RECORD IN THIS CASE, AND ANY STIPULATIONS OF COUNSEL.

I HAVE THE ADDITIONAL DUTY TO CHARGE YOU THE LAW APPLICABLE TO THIS CASE. AS THE PRESIDING JUDGE, I AM THE SOLE JUDGE OF THE LAW OF THIS CASE, AND IT IS YOUR DUTY AS JURORS TO ACCEPT AND APPLY THE LAW AS I NOW STATE IT TO YOU. IF YOU ALREADY HAVE ANY IDEA AS TO WHAT THE LAW IS OR WHAT THE LAW OUGHT TO BE AND IT DOES NOT AGREE WITH WHAT I NOW TELL YOU THE LAW IS, YOU MUST ABANDON THIS IDEA BECAUSE YOU ARE SWORN TO ACCEPT THE LAW AND APPLY THE LAW EXACTLY AS I STATE IT TO YOU.

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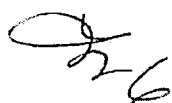
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State v. Antonio Tate-JURY CHARGE

IN EVERY CASE TRIED IN THIS COURT BEFORE A JURY, THE JURY BECOMES THE SOLE AND EXCLUSIVE JUDGE OF THE FACTS IN A CASE. A TRIAL JUDGE CANNOT INTIMATE, STATE, COMMENT ON, OR MAKE ANY STATEMENT TO A TRIAL JURY ABOUT THE FACTS IN A CASE. SINCE YOU, THE JURY, ARE THE SOLE JUDGE OF THE FACTS IN THIS CASE, YOU ARE NOT TO INFER FROM WHAT I HAVE SAID DURING THE PROGRESS OF THIS TRIAL IN RULING UPON THE ADMISSIBILITY OF EVIDENCE, OR OTHERWISE, OR ANYTHING THAT I SAY NOW DURING THE COURSE OF THIS INSTRUCTION TO YOU, THAT I HAVE ANY OPINION ABOUT THE FACTS IN THIS CASE. I DO NOT. THE LAW DOES NOT ALLOW ME TO HAVE AN OPINION ABOUT THE FACTS IN THIS CASE. THIS IS A MATTER SOLELY FOR YOU, THE JURY, TO DETERMINE. AS JURORS, IT IS YOUR DUTY TO DETERMINE THE EFFECT, VALUE, WEIGHT, AND TRUTH OF THE EVIDENCE PRESENTED DURING THIS TRIAL.

REASONABLE DOUBT

THE STATE HAS THE BURDEN OF PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT. SOME OF YOU MAY



State v. Antonio Tate-JURY CHARGE

HAVE SERVED AS JURORS IN CIVIL CASES, WHERE YOU WERE TOLD THAT IT IS ONLY NECESSARY TO PROVE THAT A FACT IS MORE LIKELY TRUE THAN NOT TRUE, SUCH AS BY THE GREATER WEIGHT OR PREPONDERANCE OF THE EVIDENCE. IN CRIMINAL CASES, THE STATE'S PROOF MUST BE MORE POWERFUL THAN THAT. IT MUST BE BEYOND A REASONABLE DOUBT.

REASONABLE DOUBT IS THE KIND OF DOUBT THAT WOULD MAKE A REASONABLE PERSON HESITATE TO ACT.

PROOF BEYOND A REASONABLE DOUBT IS PROOF THAT LEAVES YOU FIRMLY CONVINCED OF THE DEFENDANT'S GUILT. THERE ARE VERY FEW THINGS IN THIS WORLD THAT WE KNOW WITH ABSOLUTE CERTAINTY, AND IN CRIMINAL CASES THE LAW DOES NOT REQUIRE PROOF THAT OVERCOMES EVERY POSSIBLE DOUBT. IF, BASED ON YOUR CONSIDERATION OF THE EVIDENCE, YOU ARE FIRMLY CONVINCED THAT THE DEFENDANT IS GUILTY OF THE CRIME CHARGED, YOU MUST FIND THE DEFENDANT GUILTY. IF ON THE OTHER HAND, YOU THINK THERE IS A REAL POSSIBILITY THAT THE DEFENDANT IS NOT GUILTY, YOU MUST GIVE THE DEFENDANT THE BENEFIT OF

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State v. Antonio Tate-JURY CHARGE

THE DOUBT AND FIND HIM NOT GUILTY. FACTS AND CIRCUMSTANCES THAT MERELY PLACE UPON THE DEFENDANT A GRAVE SUSPICION OF THE CRIME CHARGED OR THAT MERELY RAISE A SPECULATION OR CONJECTURE OF THE DEFENDANT'S GUILT ARE NOT SUFFICIENT TO AUTHORIZE A CONVICTION OF THE ACCUSED.

DIRECT AND CIRCUMSTANTIAL EVIDENCE

THERE ARE TWO TYPES OF EVIDENCE WHICH ARE GENERALLY PRESENTED DURING A TRIAL - DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE.

DIRECT EVIDENCE IS THE TESTIMONY OF A PERSON WHO CLAIMS TO HAVE ACTUAL KNOWLEDGE OF A FACT, SUCH AS AN EYEWITNESS. IT IS EVIDENCE WHICH IMMEDIATELY ESTABLISHES THE MAIN FACT TO BE PROVED.

CIRCUMSTANTIAL EVIDENCE IS PROOF OF A CHAIN OF FACTS AND CIRCUMSTANCES INDICATING THE EXISTENCE OF A FACT. IT IS EVIDENCE WHICH IMMEDIATELY ESTABLISHES COLLATERAL FACTS FROM WHICH THE MAIN FACT MAY BE INFERRED. CIRCUMSTANTIAL EVIDENCE IS BASED ON

JS

State v. Antonio Tate-JURY CHARGE

INFERENCE AND NOT ON PERSONAL KNOWLEDGE OR
OBSERVATION.

THE LAW MAKES ABSOLUTELY NO DISTINCTION BETWEEN
THE WEIGHT OR VALUE TO BE GIVEN TO EITHER DIRECT OR
CIRCUMSTANTIAL EVIDENCE. NOR IS A GREATER DEGREE OF
CERTAINTY REQUIRED OF CIRCUMSTANTIAL EVIDENCE THAN
OF DIRECT EVIDENCE. YOU SHOULD WEIGH ALL OF THE
EVIDENCE IN THE CASE. AFTER WEIGHING ALL THE EVIDENCE,
IF YOU ARE NOT CONVINCED OF THE GUILT OF THE DEFENDANT
BEYOND A REASONABLE DOUBT, YOU MUST FIND THE
DEFENDANT NOT GUILTY.

CREDIBILITY OF WITNESSES

NECESSARILY, YOU MUST DETERMINE THE CREDIBILITY OF
WITNESSES WHO HAVE TESTIFIED IN THIS CASE. CREDIBILITY
SIMPLY MEANS BELIEVABILITY. IT BECOMES YOUR DUTY AS
JURORS TO ANALYZE AND TO EVALUATE THE EVIDENCE AND
DETERMINE WHICH EVIDENCE CONVINCES YOU OF ITS TRUTH.

IN DETERMINING THE BELIEVABILITY OF WITNESSES WHO
HAVE TESTIFIED IN THIS CASE, YOU MAY BELIEVE ONE WITNESS

A handwritten signature, possibly reading "J. 9", is written in dark ink below the text.

State v. Antonio Tate-JURY CHARGE

OVER SEVERAL WITNESSES OR SEVERAL WITNESSES OVER ONE WITNESS. YOU MAY BELIEVE A PART OF THE TESTIMONY OF A WITNESS AND REJECT THE REMAINING PART OF THE TESTIMONY OF THAT SAME WITNESS. YOU MAY BELIEVE THE TESTIMONY OF A WITNESS IN ITS ENTIRETY OR REJECT THE TESTIMONY OF A WITNESS IN ITS ENTIRETY. YOU MAY CONSIDER WHETHER ANY WITNESS HAS EXHIBITED TO YOU ANY INTEREST, BIAS, PREJUDICE, OR OTHER MOTIVE IN THIS CASE. YOU MAY ALSO CONSIDER THE APPEARANCE AND MANNER OF A WITNESS WHILE ON THE WITNESS STAND. IN OTHER WORDS, YOU ARE TO JUDGE A WITNESS' CREDIBILITY IN THE SAME WAY YOU WOULD JUDGE A PERSON'S CREDIBILITY IN YOUR DAILY LIFE.

DEFENDANT'S RIGHT TO REMAIN SILENT

I INSTRUCT YOU AND EMPHASIZE THAT THE FACT THE DEFENDANT DID NOT TESTIFY IS NOT A FACTOR TO BE CONSIDERED BY YOU IN ANY WAY IN YOUR DELIBERATION AND IN YOUR CONSIDERATION ON THE QUESTION OF THE GUILT OR THE INNOCENCE OF THE DEFENDANT. IT MUST NOT BE

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State v. Antonio Tate-JURY CHARGE

CONSIDERED BY YOU IN ANY MANNER WHATSOEVER. A DEFENDANT HAS THE CONSTITUTIONAL RIGHT TO REMAIN SILENT, AND THE ASSERTION OF THIS RIGHT MUST NOT BE CONSIDERED BY YOU IN YOUR DELIBERATIONS. I REPEAT, UNDER YOUR OATH, YOU ARE TO DRAW NO CONCLUSION WHATSOEVER FROM THE FACT THAT THE DEFENDANT IN THIS CASE DID NOT TESTIFY. THE FACT THAT THIS DEFENDANT DID NOT TESTIFY SHOULD NOT EVEN BE DISCUSSED IN THE JURY ROOM. THE BURDEN OF PROOF, AS I HAVE STATED TO YOU, IS ON THE STATE. THE DEFENDANT IS NOT REQUIRED TO PROVE HIS INNOCENCE. THE BURDEN OF PROOF REMAINS ON THE STATE TO PROVE GUILT BEYOND A REASONABLE DOUBT.

CRIMINAL INTENT

IN ORDER TO ESTABLISH CRIMINAL LIABILITY, CRIMINAL INTENT IS REQUIRED. FOR EXAMPLE, THE MENTAL STATE REQUIRED TO BE PROVEN BY THE STATE FOR A PARTICULAR CRIME MIGHT BE PURPOSE, INTENT, KNOWLEDGE, RECKLESSNESS, OR CRIMINAL NEGLIGENCE. CRIMINAL INTENT MUST BE PROVEN BY THE STATE BEYOND A REASONABLE DOUBT. CRIMINAL INTENT IS ALWAYS A MATTER THAT MUST



State v. Antonio Tate-JURY CHARGE

BE DETERMINED BY THE JURY FROM THE CIRCUMSTANCES SURROUNDING THE SITUATION. THERE IS NO WAY TO PROVE CRIMINAL INTENT TO A MATHEMATICAL CERTAINTY. SO THE LAW SAYS THAT CRIMINAL INTENT MAY BE INFERRED FROM THE CIRCUMSTANCES SHOWN TO HAVE EXISTED. THIS IS HOW YOU MAKE A DETERMINATION OF WHETHER OR NOT THE ELEMENT REQUIRING INTENT WAS PRESENT. IT IS NOT NECESSARY TO ESTABLISH INTENT BY DIRECT EVIDENCE, BUT INTENT MAY BE ESTABLISHED BY INFERENCE IN THE SAME WAY AS ANY OTHER FACT; BY TAKING INTO CONSIDERATION THE ACTS OF THE PARTIES AND ALL THE FACTS AND CIRCUMSTANCES OF THE CASE.

CRIMINAL INTENT IS A MENTAL STATE OF CONSCIOUS WRONGDOING. IT IS UP TO YOU TO DETERMINE WHAT THE DEFENDANT INTENDED TO DO BASED ON THE CIRCUMSTANCES SHOWN TO HAVE EXISTED.

CRIMINAL INTENT CAN ARISE FROM ACTION OR A FAILURE TO ACT. IT MAY ARISE FROM NEGLIGENCE, RECKLESSNESS, OR AN INDIFFERENCE TO DUTY OR TO CONSEQUENCES THAT IS CONSIDERED BY THE LAW TO BE THE EQUIVALENT OF

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State v. Antonio Tate-JURY CHARGE

CRIMINAL INTENT.

CONSPIRACY TO TRAFFICK METHAMPHETAMINE FOR
MORE THAN 400 GRAMS

THE DEFENDANT IS CHARGED WITH CONSPIRACY TO TRAFFICK METHAMPHETAMINE FOR MORE THAN 400 GRAMS. THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT COMBINED WITH ONE OR MORE PERSONS FOR THE PURPOSE OF COMMITTING AN UNLAWFUL ACT OR OF COMMITTING A LAWFUL ACT BY UNLAWFUL MEANS. THE STATE ALLEGES THAT THE DEFENDANT CONSPIRED TO COMMIT THE UNLAWFUL ACT OF: *TRAFFICKING IN METHAMPHETAMINE FOR MORE THAN 400 GRAMS.*

THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT CONSPIRED TO TRAFFICK METHAMPHETAMINE FOR MORE THAN 400 GRAMS. TRAFFICKING MEANS TO KNOWINGLY SELL, MANUFACTURE, CULTIVATE, DELIVER, PURCHASE, BRING INTO THIS STATE,

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State v. Antonio Tate-JURY CHARGE

PROVIDE FINANCIAL ASSISTANCE OR OTHERWISE AID, ABETT, ATTEMPT, OR CONSPIRE TO SELL, MANUFACTURE, CULTIVATE, DELIVER, PURCHASE, OR BRING INTO THIS STATE, WAS KNOWINGLY IN ACTUAL OR CONSTRUCTIVE POSSESSION, KNOWINGLY ATTEMPTED TO BECOME IN ACTUAL OR CONSTRUCTIVE POSSESSION OF MORE THAN 400 GRAMS OF METHAMPHETAMINE. IN ORDER TO PROVE THAT THE DEFENDANT CONSPIRED TO TRAFFICK METHAMPHETAMINE FOR MORE THAN 400 GRAMS, IT IS NOT NECESSARY TO PROVE THAT HE DID TRAFFICK METHAMPHETAMINE. ALL THAT IS NECESSARY IS TO PROVE THAT HE CONSPIRED TO TRAFFICK MORE THAN 400 GRAMS OF METHAMPHETAMINE.

IN ORDER TO PROVE CONSPIRACY, THE STATE MUST ALSO PROVE THAT THERE EXISTED A MUTUAL UNDERSTANDING, AGREEMENT, OR COMMON INTENTION AND PLAN TO CARRY OUT THE UNLAWFUL ACT. MERE PASSIVE KNOWLEDGE OF OR CONSENT TO THE CRIMINAL CONDUCT OF ANOTHER IS NOT ENOUGH TO MAKE A PERSON A CONSPIRATOR. THERE MUST BE GUILTY KNOWLEDGE AND PARTICIPATION.

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State v. Antonio Tate-JURY CHARGE

SIMILARLY, THE MERE FACT THAT THE DEFENDANT MAY HAVE ASSOCIATED WITH ANOTHER PERSON OR MET WITH ANOTHER PERSON AND DISCUSSED COMMON AIMS AND INTERESTS DOES NOT NECESSARILY ESTABLISH PROOF OF THE EXISTENCE OF A CONSPIRACY OR THAT THE DEFENDANT WAS INVOLVED IN A CONSPIRACY.

ON THE OTHER HAND, IT IS NOT NECESSARY THAT THE AGREEMENT BE A FORMAL ONE, THAT IT BE IN WRITING, THAT THE PERSONS HOLD A MEETING AND EXPRESSLY STATE THE TERMS OF THE COMMON PLAN, OR THAT THE AGREEMENT BE STATED IN WORDS BETWEEN THEM. THE AGREEMENT OF A CRIMINAL CONSPIRACY MAY COME INTO BEING THROUGH AN IMPLIED, MUTUAL UNDERSTANDING. THE WILLFUL, INTENTIONAL, AND KNOWING ADOPTION BY TWO OR MORE PERSONS OF A COMMON PLAN IS SUFFICIENT.

NO OVERT ACTS NEED TO BE SHOWN TO ESTABLISH A CONSPIRACY. A CONSPIRACY MAY BE SHOWN BY CIRCUMSTANTIAL EVIDENCE AND THE CONDUCT OF THE PARTIES.

J 2/15

State v. Antonio Tate-JURY CHARGE

IN ORDER TO CONVICT THE DEFENDANT OF CONSPIRACY, THE STATE MUST PROVE BEYOND A REASONABLE DOUBT NOT ONLY THAT DEFENDANT KNEW OF THE UNLAWFUL CONDUCT, BUT THAT THE DEFENDANT AGREED TO COMBINE WITH THE OTHER PERSON(S) FOR THE PURPOSE OF ACCOMPLISHING THE UNLAWFUL CONDUCT.

COPY OF CHARGE IN THE JURY ROOM

I WILL GIVE EACH OF YOU A COPY OF THESE INSTRUCTIONS IN WRITTEN FORM. DURING YOUR DELIBERATIONS, YOU MAY REFER TO THE INSTRUCTIONS TO GUIDE YOUR DECISION-MAKING. YOU MUST CONSIDER THE INSTRUCTIONS AS A WHOLE AND NOT FOLLOW SOME AND IGNORE OTHERS. PLEASE RETURN EACH COPY OF THE INSTRUCTIONS TO THE COURT AT THE TIME YOUR VERDICT IS RENDERED.

JURY VERDICT

LADIES AND GENTLEMEN, YOUR VERDICT MUST BE A UNANIMOUS ONE. MADAME FOREPERSON, WHEN THE JURY AGREES ON THE VERDICT, YOU WILL WRITE THE VERDICT ON THE VERDICT FORM AND SIGN YOUR NAME AS FOREPERSON.

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THEN KNOCK ON THE JURY ROOM DOOR AND INFORM THE
BAILIFF THAT YOU HAVE REACHED A VERDICT. AT THAT TIME,
WE WILL RECEIVE YOU BACK INTO THE COURTROOM.

I ASK THAT YOU NOW RETURN TO YOUR JURY ROOM BUT DO
NOT BEGIN DELIBERATIONS UNTIL YOU ARE TOLD BY THE
BAILIFF TO DO SO. THERE ARE SOME MATTERS WHICH MUST BE
DISCUSSED WITH THE ATTORNEYS BEFORE YOU BEGIN YOUR
DELIBERATIONS.

JHC
5/31/13

5/17

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

CASE NO. **2011GS 47 07**

VS.

ORIGINAL FILED

NOV 08 2011

**INDICTMENT FOR
UNLAWFUL DRUGS**

ANTONIO EMERSON TATE,
WENDY CHRISTINE LOLLIS,
CHARLES JAVIN ADAMS,
ALBRIE NATE' BASHAW,
CHAD DEWAYNE MOORE,
NORMAN VICTOR BERGHOLM, IV,
GARY JASON GRIFFIN,
CHRISTOPHER MICHAEL SIMMONS,
RACHEL ELIZABETH EADES,

DEFENDANTS.

JAMES R. PARKS
CLERK, STATE GRAND JURY

Trafficking Methamphetamine
(Conspiracy)
S.C. Code Ann. § 44-53-375(C)(5)
(1 Count)

Trafficking Methamphetamine
10 - 28 grams
S.C. Code Ann. § 44-53-375(C)(1)
(4 Counts)

Trafficking Methamphetamine
28 - 100 grams
S.C. Code Ann. § 44-53-375(C)(2)
(3 Counts)

Distribution of Methamphetamine
S.C. Code Ann. § 44-53-375(B)
(13 Counts)

Possession of a Stolen Pistol
S.C. Code Ann. § 16-23-30(C)
(1 Count)

Possession of a Firearm During the
Commission or Attempt to Commit a
Violent Crime
S.C. Code Ann. § 16-23-490
(1 Count)

Unlawful Carrying of a Pistol
S.C. Code Ann. § 16-23-20
(1 Count)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on November 8, 2011 the State Grand Jurors present upon their oath:

COUNT I
TRAFFICKING METHAMPHETAMINE
(CONSPIRACY)
S.C. Code Ann. § 44-53-375(C)(5)

That ANTONIO EMERSON TATE, WENDY CHRISTINE LOLLIS, CHARLES JAVIN ADAMS, ALBRIE NATE' BASHAW, CHAD DEWAYNE MOORE, NORMAN VICTOR BERGHOLM, IV, GARY JASON GRIFFIN, CHRISTOPHER MICHAEL SIMMONS, RACHEL ELIZABETH EADES, and other persons whose names are both known and unknown to the State Grand Jury, did in Greenville County and Pickens County of South Carolina, during the period of time extending from on or about November 1, 2009 until November 8, 2011, conspire to sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT II
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or

having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT III
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about September 13, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT V
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

Anderson 2028 11-5-11

That CHARLES JAVIN ADAMS did in Pickens County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VI
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That ALBRIE NATE' BASHAW did in Pickens County, on or about August 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT VII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

Anderson 2028 11-5-11

That ALBRIE NATE' BASHAW did in Pickens County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as

amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about March 17, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about April 19, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT X
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

is not a crime under § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Pickens County, on or about March 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XI
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Pickens County, on or about May 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

is not a crime under § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Pickens County, on or about January 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a

controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

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That GARY JASON GRIFFIN did in Pickens County, on or about February 3, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XVI
POSSESSION OF A STOLEN PISTOL
S.C. Code Ann. § 16-23-30(C)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess, a stolen pistol, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-0030(C), Code of Laws of South Carolina (1976), as amended.

COUNT XVII
POSSESSION OF A FIREARM DURING COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, possess or visibly display a firearm during the commission of or attempt to commit a violent crime, to wit: TRAFFICKING METHAMPHETAMINE in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended.

COUNT XVIII
UNLAWFUL CARRYING OF A PISTOL
S.C. Code Ann. § 16-23-20

That GARY JASON GRIFFIN did in Pickens County on or about March 10, 2010, wilfully and unlawfully have in his possession, a deadly weapon, described as follows: a semi-automatic pistol, he not being authorized by law to so possess the said pistol, in violation of §16-23-0020, Code of Laws of South Carolina (1976), as amended.

COUNT XIX
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Pickens County, on or about December 27, 2009, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110. *et seq.*, Code of Laws South Carolina (1976), as amended. such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection

with a crime having significance in more than one county of this State.

COUNT XXI
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XXII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That RACHEL ELIZABETH EADES did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

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

A True Bill

Michael E. Forehand
FOREMAN

Alan Wilson
ALAN WILSON
ATTORNEY GENERAL

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

CASE NO. 2011GS 47 07

VS.

ORIGINAL FILED

NOV 08 2011

INDICTMENT FOR
UNLAWFUL DRUGS

ANTONIO EMERSON TATE,
WENDY CHRISTINE LOLLIS,
CHARLES JAVIN ADAMS,
ALBRIE NATE BASHAW,
CHAD DEWAYNE MOORE,

JAMES R. PARKS
CLERK, STATE GRAND JURY

NORMAN VICTOR BERGHOLM, IV,
GARY JASON GRIFFIN,
CHRISTOPHER MICHAEL SIMMONS,
RACHEL ELIZABETH EADES,

DEFENDANTS.

Trafficking Methamphetamine
(Conspiracy)
S.C. Code Ann. § 44-53-375(C)(5)
(1 Count)

Trafficking Methamphetamine
10 - 28 grams
S.C. Code Ann. § 44-53-375(C)(1)
(4 Counts)

Trafficking Methamphetamine
28 - 100 grams
S.C. Code Ann. § 44-53-375(C)(2)
(3 Counts)

Distribution of Methamphetamine
S.C. Code Ann. § 44-53-375(B)
(13 Counts)

Possession of a Stolen Pistol
S.C. Code Ann. § 16-23-30(C)
(1 Count)

Possession of a Firearm During the
Commission or Attempt to Commit a
Violent Crime
S.C. Code Ann. § 16-23-490
(1 Count)

Unlawful Carrying of a Pistol
S.C. Code Ann. § 16-23-20
(1 Count)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on November 8, 2011 the State Grand Jurors present upon their oath:

COUNT I
TRAFFICKING METHAMPHETAMINE
(CONSPIRACY)
S.C. Code Ann. § 44-53-375(C)(5)

That ANTONIO EMERSON TATE, WENDY CHRISTINE LOLLIS, CHARLES JAVIN ADAMS, ALBRIE NATE' BASHAW, CHAD DEWAYNE MOORE, NORMAN VICTOR BERGHOLM, IV, GARY JASON GRIFFIN, CHRISTOPHER MICHAEL SIMMONS, RACHEL ELIZABETH EADES, and other persons whose names are both known and unknown to the State Grand Jury, did in Greenville County and Pickens County of South Carolina, during the period of time extending from on or about November 1, 2009 until November 8, 2011, conspire to sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT II
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, et. seq., Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or

having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT III
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about September 13, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT V
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

Anderson 2010 11 5

That CHARLES JAVIN ADAMS did in Pickens County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VI
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That ALBRIE NATE' BASHAW did in Pickens County, on or about August 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT VII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

Anderson 2010 11 5

That ALBRIE NATE' BASHAW did in Pickens County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as

amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about March 17, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about April 19, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT X
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Pickens County, on or about March 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XI
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Pickens County, on or about May 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Pickens County, on or about January 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a

controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

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That GARY JASON GRIFFIN did in Pickens County, on or about February 3, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

**COUNT XV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)**

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

**COUNT XVI
POSSESSION OF A STOLEN PISTOL
S.C. Code Ann. § 16-23-30(C)**

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess, a stolen pistol, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-0030(C), Code of Laws of South Carolina (1976), as amended.

**COUNT XVII
POSSESSION OF A FIREARM DURING COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490**

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, possess or visibly display a firearm during the commission of or attempt to commit a violent crime, to wit: TRAFFICKING METHAMPHETAMINE in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended.

COUNT XVIII
UNLAWFUL CARRYING OF A PISTOL
S.C. Code Ann. § 16-23-20

That GARY JASON GRIFFIN did in Pickens County on or about March 10, 2010, wilfully and unlawfully have in his possession, a deadly weapon, described as follows: a semi-automatic pistol, he not being authorized by law to so possess the said pistol, in violation of §16-23-0020, Code of Laws of South Carolina (1976), as amended.

COUNT XIX
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Pickens County, on or about December 27, 2009, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection

with a crime having significance in more than one county of this State.

COUNT XXI
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XXII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That RACHEL ELIZABETH EADES did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

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

A True Bill

Michael E. Farhead
FOREMAN

Alan Wilson
ALAN WILSON
ATTORNEY GENERAL

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

CASE NO. 2011-GS-47-07

VS.

ORIGINAL FILED

DEC 13 2011

ANTONIO EMERSON TATE,
WENDY CHRISTINE LOLLIS, JAMES R. PARKS
CHARLES LAVIN ADAMS, CLERK, STATE GRAND JURY
ALBRIE NATE BASHAW,
CHAD DEWAYNE MOORE,
NORMAN VICTOR BERGHOLM, IV,
GARY JASON GRIFFIN,
CHRISTOPHER MICHAEL SIMMONS,
RACHEL ELIZABETH EADES,

DEFENDANTS,

**SUPERSEDING
INDICTMENT FOR
UNLAWFUL DRUGS**

Trafficking Methamphetamine
(Conspiracy)

S.C. Code Ann. § 44-53-375(C)(5)
(1 Count)

Trafficking Methamphetamine
10 - 28 grams

S.C. Code Ann. § 44-53-375(C)(1)
(4 Counts)

Trafficking Methamphetamine
28 - 100 grams

S.C. Code Ann. § 44-53-375(C)(2)
(3 Counts)

Distribution of Methamphetamine
S.C. Code Ann. § 44-53-375(B)
(13 Counts)

Possession of a Stolen Pistol
S.C. Code Ann. § 16-23-30(C)
(1 Count)

Possession of a Firearm During the
Commission of or Attempt to Commit
a Violent Crime
S.C. Code Ann. § 16-23-490
(1 Count)

Unlawful Carrying of a Pistol
S.C. Code Ann. § 16-23-20
(1 Count)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on December 13, 2011 the State Grand Jurors present upon their oath:

**COUNT I
TRAFFICKING METHAMPHETAMINE
(CONSPIRACY)**

S.C. Code Ann. § 44-53-375(C)(5)

That ANTONIO EMERSON TATE, WENDY CHRISTINE LOLLIS, CHARLES JAVIN ADAMS, ALBRIE NATE BASHAW, CHAD DEWAYNE MOORE, NORMAN VICTOR BERGHOLM, IV, GARY JASON GRIFFIN, CHRISTOPHER MICHAEL SIMMONS, RACHEL ELIZABETH EADES, and other persons whose names are both known and unknown to the State Grand Jury, did in Greenville County and Pickens County of South Carolina, during the period of time extending from on or about November 1, 2009 until November 8, 2011, conspire to sell, manufacture, deliver, purchase, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

**COUNT II
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)**

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, et. seq., Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT III
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about July 31, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That WENDY CHRISTINE LOLLIS did in Pickens County, on or about September 13, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT V
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHARLES JAVIN ADAMS did in Anderson County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VI
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That ALBRIE NATE BASHAW did in Pickens County, on or about August 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT VII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That ALBRIE NATE BASHAW did in Anderson County, on or about March 29, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT VIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about March 17, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT IX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHAD DEWAYNE MOORE did in Pickens County, on or about April 19, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT X
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Greenville County, on or about March 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XI
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That NORMAN VICTOR BERGHOLM, IV did in Pickens County, on or about May 31, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Greenville County, on or about January 27, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIII
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Greenville County, on or about February 3, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XV
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XVI
POSSESSION OF A STOLEN PISTOL
S.C. Code Ann. § 16-23-30(C)

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, knowingly possess, a stolen pistol, knowing that the pistol was stolen or converted under circumstances constituting a crime in violation of § 16-23-0030(C), Code of Laws of South Carolina (1976), as amended,

COUNT XVII
POSSESSION OF A FIREARM DURING COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That GARY JASON GRIFFIN did in Pickens County, on or about March 10, 2010, possess or visibly display a firearm during the commission of or attempt to commit a violent crime, to wit: **TRAFFICKING METHAMPHETAMINE**, in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended,

COUNT XVIII
UNLAWFUL CARRYING OF A PISTOL
S.C. Code Ann. § 16-23-20

That GARY JASON GRIFFIN did in Pickens County on or about March 10, 2010, wilfully and unlawfully have in his possession, a deadly weapon, described as follows: a semi-automatic pistol, he not being authorized by law to so possess the said pistol, in violation of §16-23-0020, Code of Laws of South Carolina (1976), as amended.

COUNT XIX
TRAFFICKING METHAMPHETAMINE 10 - 28 GRAMS
S.C. Code Ann. § 44-53-375(C)(1)

That GARY JASON GRIFFIN did in Pickens County, on or about December 27, 2009, knowingly possess (actually or constructively), deliver, sell, or bring into this State, ten (10) grams or more but less than twenty-eight (28) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXI
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

COUNT XXII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIII
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That CHRISTOPHER MICHAEL SIMMONS did in Pickens County, on or about February 8, 2011, knowingly distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT XXIV
TRAFFICKING METHAMPHETAMINE 28 - 100 GRAMS
S.C. Code Ann. § 44-53-375(C)(2)

That RACHEL ELIZABETH EADES did in Pickens County, on or about March 10, 2010, knowingly possess (actually or constructively), deliver, sell, or bring into this State, twenty-eight (28) grams or more but less than one hundred (100) grams of methamphetamine ("ice" or "crank"), a controlled substance under the provisions of § 44-53-110, *et seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

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

A True Bill

Michael S. Foreman
FOREMAN

Alan Wilson
ALAN WILSON
ATTORNEY GENERAL

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF GREENVILLE) IN THE COURT OF GENERAL SESSIONS
3
4 The State,)
5 -vs-) TRANSCRIPT OF RECORD
6 Antonio Emerson Tate,) 2011-GS-47-07
7 Defendant.) May 28, 29, 30 and 31, 2013
8 Greenville, South Carolina
9
10
11 B E F O R E:
12 HONORABLE LETITIA H. VERDIN, JUDGE; and a jury
13
14
15 A P P E A R A N C E S:
16 GURTIS A. PAULING, ESQUIRE
17 JOSHUA R. UNDERWOOD, ESQUIRE
18 Attorneys for the State
19
20 R. MILLS ARIAIL, JR., ESQUIRE
21 DAVID J. FARNHAM, ESQUIRE
22 Attorneys for the Defendant
23
24
25 VOLUME ONE

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1 it done without her but, uh, but that's just somethin' you
2 might wanna run by your client too.

3 MR. ARIAIL: That's not a problem with us ---
4 (Cross-talk.)

5 MR. FARNHAM: We'll let her stay if I can stay.

6 THE COURT: Okay.

7 (Laughter.)

8 THE COURT: You can stay. I'm happy for you to stay, I
9 just (laughing) ---

10 MR. ARIAIL: We'll find out.

11 (Whereupon, a discussion was held off the record.)

12 THE COURT: Alright, we'll be in recess.

13 (Whereupon, a recess was taken.)

14 (Whereupon, a discussion was held off the record.)

15 THE COURT: Short statement of the facts. What ---
16 since ---

17 MR. UNDERWOOD: Elev ---

18 THE COURT: --- your indictments are a little different
19 than our ---

20 MR. UNDERWOOD: On ---

21 THE COURT: --- our state court indictments, what -- tell
22 me ---

23 MR. UNDERWOOD: Of of the the trial, Your Honor?

24 THE COURT: Yes.

25 MR. UNDERWOOD: It's, uh, essentially it's a drug

1 conspiracy, Your Honor. Uh, Mr., we're accusing Mr. Tate of,
2 uh, funneling methamphetamine from the Atlanta area of Georgia
3 into the Upstate of South Carolina through a number of
4 individuals.

5 THE COURT: What dates?

6 MR. UNDERWOOD: Uh, uh, between, uh, November 1st of 2009
7 until November 8th 2011.

8 THE COURT: To November 8th, 2011?

9 MR. UNDERWOOD: Yes, Your Honor, ---

10 THE COURT: Okay.

11 MR. UNDERWOOD: --- from November '09 to November '11.

12 THE COURT: November '11. I'm just getti -- Mr. Farnham,
13 just to let you know I am getting, uh, just getting a short
14 sorta bare bone synopsis of the facts so that I can just tell
15 the jury what's alleged in this case very very briefly.
16 Normally I read the indictment to them but this indictment is
17 lengthy, uh, the state grand jury indictments are different
18 from our state ---

19 MR. FARNHAM: I understand.

20 THE COURT: --- court indictments that you've seen so I'm
21 just tryin' to get a very, a very brief and it's, and the
22 charge itself is conspirac -- is that just it, it's
23 conspiracy?

24 MR. UNDERWOOD: It's it's it's it's trafficking by
25 conspiracy, Your Honor, ---

1 THE COURT: Okay.

2 MR. UNDERWOOD: --- for, uh, more than 400 grams.

3 MR. FARNHAM: He's named in Count One of the indictment.

4 THE COURT: Okay, and that's, and that's trafficking
5 methamphetamine?

6 MR. UNDERWOOD: Yes, Your Honor.

7 (Pause.)

8 THE COURT: You all don't have any objection as long as
9 we don't lose too many people outta the jury pool, Juror
10 No. 148, Kimberly Silvers, just happens to be a good friend a
11 mine, I had no idea she was gonna be on a jury pool this week,
12 she happens to be a good friend a mine. Don't have any
13 conflict with her bein' on there, it might just be better if
14 she were in a trial in Judge Welmaker's, uh, courtroom. If
15 you all don't have any objection, I -- if we have to have her,
16 we have to have her but, uh, but if we don't, I'd I'd just
17 like I would take her out.

18 MR. UNDERWOOD: No objection here, Your Honor.

19 MR. ARIAIL: No objection, Your Honor.

20 (Whereupon, a discussion was held off the record.)

21 (The following takes place in the presence of the jury
22 panel.)

23 THE COURT: Ladies and gentlemen, thank you so much for
24 your patience with us this mornin', this was as I've told ya
25 the one time that unfortunately we were gonna have to ask you

1 Mr. David Farnham out of Farnham Law For -- Law Firm out of,
2 uh, Roswell, Georgia and we are representin' Mr. Antonio Tate
3 who's seated here with us.

4 THE COURT: Alright, thank you. Is any member of the
5 jury panel related by blood or marriage or otherwise
6 acquainted with in any way either of these two attorneys Mills
7 Ariail or David Farnham and if so please stand?

8 (No response.)

9 THE COURT: I'll ask a more specific question about that:
10 Does any member of the jury panel ever believe they've been
11 involved in any type of case whatsoever involvin' Mr. Ariail
12 or Mr. Farnham and if so please stand?

13 (No response.)

14 THE COURT: And none are standing. Is any member of the
15 jury panel related by blood or marriage or otherwise
16 acquainted with in any way Mr. Antonio Tate who you met just a
17 moment ago and if so please stand?

18 (No response.)

19 THE COURT: And none are standing. Ladies and gentlemen,
20 in this case I'm gonna tell you a little bit about the alleged
21 facts in this case. If you serve on this jury, you'll hear
22 lots more about how the State has the burden of proving each
23 of the elements of the offense they charged Mr. Tate with
24 beyond a reasonable doubt, we'll talk about that lots, but for
25 purposes of right now I'm going to give you a brief synopsis

1 of the facts that the State is alleging against Mr. Tate. My
2 sole purpose in doing so is to find out if you know anything
3 about this particular case.

4 Alright, uh, ladies and gentlemen, the S -- the State is
5 alleging that this is a drug conspiracy case. The State has
6 accused Mr. Tate of trafficking methamphetamine from At -- the
7 Atlanta area to the Upstate through a number of individuals
8 during the dates of November 2009 and November 2011. He is
9 charged with trafficking methamphetamine by conspiracy for
10 more than 400 grams. Does any member of the jury panel
11 believe that he or she knows anything about the alleged facts
12 in this case whatsoever and if so please stand?

13 (No response.)

14 THE COURT: And none are standing. I'm gonna go through
15 a list of witnesses now and, uh, I do not want anyone to, uh,
16 to fall outta their chairs in shock when you hear the number.
17 Let me tell you I do not believe that all of these witnesses
18 will testify by any means, uh, in this case but as I said
19 these attorneys are excellent attorneys on both sides and they
20 know they need to list every possible witness. Any member of
21 the jury panel related by blood or marriage or otherwise
22 acquainted with any of the following folks: Ashley Asbill of
23 the State Law Enforcement Division, Investigator Chad Ayers of
24 the Greenville County Sheriff's Office, Lieutenant Henry
25 Campbell of the Pickens County Sheriff's Office, Agent Brett

1 instructions. Thank you so much.

2 (Whereupon, the remainder of the jury panel left the
3 courtroom.)

4 THE COURT: Alright, our first order a business is to
5 swear our jury.

6 THE CLERK: Okay.

7 (Whereupon, the jury was sworn.)

8 THE CLERK: Thank you.

9 THE COURT: Thank you, ladies and gentlemen, and thank
10 you Ms. Self. I'll I'll tell you Ms. Self is, uh, is with us
11 today and is is pinch-hitting for someone who, uh, is out of
12 town and he sorta left her holdin' bag here today on this
13 holiday week but she's she's doin' a great job for us.

14 Ladies and gentlemen, what I'm gonna say to you now is
15 not intended as a charge on the law in this case, it's merely
16 an explanation of the procedures we will follow in the trial
17 of this case, uh, I'm gonna give you a full charge on the law
18 at the end of the trial. Throughout the trial you may see me
19 talkin' to my law clerk here, Kelly Teague, uh, be assured we
20 are talkin' about the charge that I'm gonna give on the law to
21 you at the end of this trial. We do not believe this is gonna
22 be a terribly lengthy trial, we'll -- we do believe it will go
23 into tomorrow due to some scheduling, uh, some scheduling
24 difficulties that we have, uh, and it may even go into early
25 Thursday, uh, in trial of this case but that is, that is what

1 we be -- that is how long we believe the trial will take.
2 These are excellent attorneys, they are very good at judging
3 the length of their trial and just to let you know when we
4 break today, uh, for our lunch break, I will not ask you to
5 come back this afternoon, we're going to start, uh, tomorrow
6 morning, you will have this afternoon off, uh, and that is due
7 to the fact that, uh, we have to get a number of different
8 witnesses here and that's sort of a keepin' plates spinnin'
9 type, uh, situation.

10 Alright, uh, as I told you, uh, earlier, the defendant is
11 charged by an indictment filed in this court, uh, with the
12 crime of conspiracy to traffic methamphetamine, the elements
13 of which will be explained to you at a later time. The
14 indictment is simply the document by which someone is charged
15 with a crime and is not in any sense evidence of anyone's
16 guilt in any way, it's simply the document that the State uses
17 to bring someone into court. The defendant has pled not
18 guilty to this indictment and the State therefore has the
19 burden of proving each element of the indictment to your
20 satisfaction beyond a reasonable doubt, it is going to be your
21 duty, ladies and gentlemen, to determine whether or not the
22 State has met that burden. Your purpose as jurors is to find
23 and determine the facts, you are the sole judges of the facts
24 and if any time I make any comment on the facts of this case,
25 you are to disregard it, the law does not allow me to have an

1 opinion on the facts of this case and I do not have an opinion
2 on the facts of this case. You are to determine the facts
3 from the testimony you hear and other evidence introduced in
4 court, it is up to you to determine the inferences which you
5 feel may be properly drawn from the evidence, it's especially
6 important that you perform your duty of, uh, determining the
7 facts diligently because ordinarily there is no way to correct
8 an erroneous determination of the facts by the jury; on the
9 other hand and with equal emphasis, the same law that makes
10 you the judges of the facts in this case makes me the judge of
11 the law in this case. The law as given by the Court is the
12 only law that you may consider. You must accept the law and
13 follow the law even though you may disagree with it. You
14 might have a a different opinion about what the law is or what
15 the law should be but you must disregard it and follow the law
16 exactly as I give it to you, you'll apply the facts as you
17 find them to the law as I give it to you and from that you
18 will determine your verdict. Until I advise you to begin your
19 deliberations you must not discuss this case with anyone
20 including your fellow jurors, friends and family members,
21 anyone and certainly anyone involved in this case. Uh, these
22 attorneys are outstanding and I have absolutely no reason to
23 believe that if anyone involved in this case will try to talk
24 to you about this case but if something like that did happen,
25 you'll report it to, uh, these fine folks in the red jackets,

1 our bailiffs, they let me know about it and believe me I will
2 take care of it right away. Uh, you cannot discuss this case
3 even with one another, your fellow jurors, can't discuss it
4 with, as I said your family or friends or anyone like that,
5 you'll have this case at least we know over night tonight, you
6 can't discuss it with them, here's the reason why: We want you
7 to determine the facts based on the testimony and evidence you
8 hear, not influenced by anyone outside of this courtroom in
9 any way, uh; furthermore, don't want you to discuss it with
10 one another because you won't have a complete picture, until
11 you hear the entire story you won't have a complete picture,
12 uh, with which to, uh, make a determination of the facts, it's
13 only until I advise you to begin your deliberations that you
14 can discuss it and you can only discuss it in the jury room
15 with your fellow jurors before your verdict is rendered.

16 Durin' the trial, I I do not know if there would be any
17 news reports 'bout this case, but durin' the trial you may
18 not, uh, read any newspaper articles or, uh, watch anything on
19 TV about this case and as I said I do not believe that there
20 is anything about that, uh, in the media; however, if there
21 were you're to avoid that, uh, when you're outside of this
22 courtroom. Uh, in this day and age I have to tell you you
23 can't blog about the case while it's ongoin', you can't put
24 anything on your Facebook page about the case while it's
25 ongoin' and you cannot Tweet about it while it's ongoin', I'm

1 not entirely comfortable with what a Tweet is but I'm told I
2 have to say that by Columbia.

3 Alright, it's important that you keep an open mind, don't
4 decide any issues in this case until all the evidence has been
5 presented, the parties have made their closing arguments and
6 I've instructed you on the law in this case. Uh, as I said it
7 is your solemn responsibility to determine the guilt or
8 innocence of the defendant and your verdict must be based
9 solely on the evidence as presented to you in the trial, uh,
10 and the law as I instruct you on it at the end.

11 In just a moment the Attorney General's Office will make
12 what is called an "opening statement" in which the prosecutor
13 will explain to you what he believes the issues in this case
14 are, the attorney for the defendant may also make an opening
15 statement although he is not required to do so. What the
16 attorneys tell you during their opening statement is not
17 evidence in this case, it is only their contention as to what
18 the issues are. The evidence in this case as I've mentioned
19 will be presented to you by testimony of sworn witnesses from
20 this (indicating) witness stand and from any exhibits that may
21 be introduced into evidence. From time to time durin' the
22 trial, you may hear one of the lawyers say somethin' like they
23 need to approach on a matter of law or may even ask that you
24 all be excused to your jury deliberation room for a moment
25 while we take up a matter of law, I don't want you to think

1 that we are hiding the ball from you in any way so I'm gonna
2 tell you what's goin' on. Sometimes in ruling on a matter of
3 law I have to make a comment about the facts in this case, I
4 don't wanna influence you in any way. As I told you earlier,
5 the law does not permit me to have an opinion of the facts in
6 this case, uh, so I'm, if it's somethin' that we can take up
7 quickly, I'll ask you to approach the bench, if it's somethin'
8 more lengthy, I might excuse you to your jury deliberation
9 room, in any event we're gonna trespass on your time as little
10 as possible.

11 In determinin' what the true facts in this case are, you
12 must dec -- decide whether or not the testimony from witnesses
13 is believable. You must determine, in other words, the
14 credibility of witnesses, you do that just like you do in your
15 daily lives. You look at how someone acts on the witness
16 stand, you think about how they say, what they say matches up
17 with what else you've heard and with the evidence that's been
18 presented, uh, you think about if they have any bias or
19 interest in the outcome of this case, you take those things
20 into consideration; you can believe one witness over many
21 witnesses or many witnesses over one witness, you can believe
22 part of a witness's testimony and reject the remaining part of
23 that witness's testimony; you can believe all of the witness's
24 testimony, you can believe none it, that is up to you and you
25 have the right to use anything in the record to determine

1 whether or not you believe a witness is telling you the truth.

2 Alright, Ms. Dagostino, am I sayin' that correct?

3 JUROR NUMBER 37: Um-hum.

4 THE COURT: I'm gonna appoint you foreperson of this
5 jury. Uh, you do not need to move your seat right now but
6 when we come back, uh, probably tomorrow morning I want you to
7 sit right here (indicating) in this first seat right here,
8 that'll be your seat throughout the balance of the trial.
9 You'll hear more about this later: Your verdict must be a
10 unanimous one so that means no one's i -- opinion is any more
11 important than anyone else's opinion, I simply have to appoint
12 someone to lead the discussions in the jury deliberation room
13 and ultimately to sign the verdict form in this case once, uh,
14 you all have reached your unanimous verdict and,
15 Ms. Dagostino, if you'll serve in that capacity, I will
16 truly appreciate it.

17 Uh, Mr. Gardner and Ms. Barton, you are our alternates
18 and you are sittin' in the perfect seats. You will stay with
19 us through the balance of this trial, uh, listen to the
20 testimony and and see the evidence just as if you're one of
21 the twelve jurors. If I had to remove a juror for some
22 reason, uh, or if an emergency came up and and a juror had to
23 be excused for some reason by the Court, you would step in to,
24 uh, that juror's seat just as if you had been one of our
25 twelve jurors all along. If we get all the way through the

1 testimony and evidence and closing arguments and your services
2 are not needed, I'll excuse you prior to deliberations in this
3 case and I thank you so much for your service.
4 Uh, is there any objection to my initial charge on the
5 law from the State?
6 MR. UNDERWOOD: Nothing from the State, Your Honor.
7 THE COURT: Anything from the defense?
8 MR. ARIAIL: No, Your Honor.
9 THE COURT: Alright then.
10 (Whereupon, a discussion was held off the record.)
11 THE COURT: Why don't the attorneys approach just for one
12 moment, excuse us for one second.
13 (Whereupon, a bench conference was held off the record.)
14 THE COURT: Alright. Alright, ladies and gentlemen, uh,
15 we've just spoken about schedulin', just to let you know we're
16 gonna do openin' statements in this case and then we're gonna
17 break for the balance of the day, uh, I'll give you some
18 instructions what to do after that, uh, but neither of the
19 attorneys believe they'll have lengthy opening statements.
20 Mr. Underwood, you ready begin?
21 MR. UNDERWOOD: Yes, Your Honor.
22 THE COURT: Alright, thank you.
23 MR. UNDERWOOD: May it please the Court, ---
24 THE COURT: Yes, sir.
25 MR. UNDERWOOD: --- counsel. Good afternoon, we're here

1 in this trial because of a conspiracy to traffic
2 methamphetamine, crystal meth, ice, whatever you wanna call
3 it. We're here, the State is here to prove to you beyond a
4 reasonable doubt that this defendant Antonio Emerson Tate is
5 guilty of working with a number of other individuals to funnel
6 methamphetamine in the form of ice or crystal meth from the
7 Atlanta, Georgia area throughout the Upstate a South Carolina.
8 Now this case is a trafficking by conspiracy case, that means
9 that we're not talking about one particular time that Mr. Tate
10 came into South Carolina with 400 grams or more of
11 methamphetamine on him, we're talking about over a period of
12 time through a number of individuals gradually bringing a
13 large amount a methamphetamine in South Carolina. This is a
14 conspiracy, it's basically a group of people working together
15 for some common final objective. Now not every person in this
16 group needs to know every other person or what every other
17 person does. You can think of it kind of like building a car.
18 Car goes to a plant, you've got a guy that puts on the
19 windshield wipers, another guy that puts on the wheels, third
20 guy that puts on the bumpers, another guy that puts in the
21 seats, each one a those people only has one job, they get
22 their paycheck for doing their job, but in the end all of
23 their jobs come together and you've got a final car. Now it's
24 not illegal to work together build a car but under our laws it
25 is illegal to work together to traffic methamphetamine. When

1 you think about a drug conspiracy, you can have multiple
2 people each for their own interest of the common goal selling
3 this meth to conspire together and that's the situation we
4 have here.

5 Now in this case you're gonna hear from a number of
6 witnesses who are gonna testify that they worked with Antonio
7 Tate to traffic this methamphetamine, wanna worn you now that
8 these individuals are self-admitted drug dealers, they've pled
9 guilty to charges already and made plea bargains with the
10 State. I'd like to put doctors and teachers and preachers in
11 fronta you to testify about a conspiracy but those aren't the
12 kinds of people that are involved with a conspiracy to know
13 about it, it's other drug dealers. Now a lotta these people
14 in addition to being drug dealers were also drug users so you
15 may notice some of 'em have some of the physical effects of
16 what happens after extended use of methamphetamine and other
17 drugs.

18 What you need to consider in this case is that it's
19 predominantly what's called a "historical case". Again, we're
20 not talking about one particular time that Mr. Tate came into
21 South Carolina with a lotta drugs, there's gonna be a lot of
22 testimony about people who over a period of time have gone
23 back and forth through Mr. Tate South Carolina talkin' about
24 selling drugs, it's the history of that conduct that makes the
25 conspiracy that we're gonna prove to you in this trial. As

1 members of the jury, it's up to you to make the final
2 determination of the facts. I submit to you that when you've
3 heard all the evidence, heard from all a these different drug
4 dealers who all identify Mr. Tate as their source for
5 methamphetamine, once you've heard all the evidence that you
6 will find Mr. Tate guilty of trafficking 400 grams or more of
7 methamphetamine by conspiracy. Thank you.

8 THE COURT: Yes, sir.

9 MR. ARIAIL: Thank Your Honor, may it please the Court.

10 THE COURT: Yes, sir.

11 MR. ARIAIL: Ladies and gentlemen, thank ya'll very much
12 for your time and attention this matter. Mr. Tate is seated
13 over here (indicating), right now he's innocent, he's simply
14 been charged with a crime: conspiracy to traffic
15 methamphetamines as you heard and as most of you know there's
16 always two sides of each story and in this case it is our
17 hope, and this is a very important day for Mr. Tate, he wants
18 you to hear the evidence, he wants you to hear the facts about
19 this and I think once you hear the evidence and facts in that
20 you'll see that there is no evidence against him. What we are
21 gonna show, we don't have to prove anything, it's their burden
22 in regard to this matter, is that law enforcement did not do a
23 full and complete investigation, that that is one of the
24 things they must do, they must do a full and complete
25 investigation, everybody charged with that has a right to have

1 that done. In this case they're going to put up co-defendants
2 who as you've already heard have pled guilty awaiting to be
3 sentenced, they're waiting to find out what their sentence is
4 gonna be after they testify. Now what you're goin' to see is
5 that is testimony as to what they're trying to use to convict
6 Mr. Tate, testimony from known drug dealers, known drug users
7 and people that have a bias and what we're goin' put forth and
8 what you're gonna see is there is numerous things that could
9 have been done that were not done by law enforcement and and
10 by other individuals. This case you will not see cell phone
11 records, you will not receive videos showing any controlled
12 buys or any transactions with Mr. Tate; in fact, you'll see
13 they tried to do that and it failed because there was no drug
14 deal, there was no drug deal like they say. We're gonna show
15 you all the information that is is not there and and what
16 they're gonna base their whole case on and what they're gonna
17 try put in front of you is the statements from these individuals
18 so it's our hope that lookin' at all this you'll keep an open
19 mind throughout this entire process to be able to to listen to
20 the evidence 'cause we're not gonna be able to speak to you
21 again 'til the end. We want you to listen to what is there
22 and who is testifying and what you don't see and what you
23 don't hear and at the end of the day we believe the burden, and
24 the judge will explain it to ya, beyond a reasonable doubt,
25 that is a substantial burden, the judge will inform you it's a

1 hesitate to act kind of, uh, standard and when you will see
2 with a lack of evidence, it's our view there's no question
3 that when this is finished you will conclude that Mr. Tate is
4 not guilty. I wanna thank you very much for your time, uh, in
5 this matter, look forward to this week. Thank you.

6 THE COURT: Thank you, Mr. Ariail. Alright, ladies and
7 gentlemen, that, uh, brings us to a breaking point for the
8 day, you'll be excused as I said for the balance of the
9 afternoon. I'm gonna sound like a broken record, you're gonna
10 get sick of hearin' me say it, please don't discuss this case
11 with anyone whatsoever or do any independent research on this
12 case in any way, I know you don't know much about it so far
13 but please do not. Uh, if you will, I I'm gonna ask you
14 before you leave to go with the bailiff to see your jury
15 deliberation room, if you will be back in there at nine
16 o'clock tomorrow mornin', we're gonna begin promptly at 9 a.m.
17 tomorrow mornin', as I said, we'll take some breaks, we'll
18 take a good break for lunch tomorrow but we do wanna begin as
19 soon as possible. Thank you so much for your service in this
20 case and I look forward to seein' ya in the mornin'.

21 (The following takes place outside the presence of the
22 jury.)

23 THE COURT: Alright.

24 (Whereupon, a discussion was held off the record.)

25 THE COURT: Anything we need to take up from the State

1 'fore ---

2 MR. UNDERWOOD: Very ---

3 THE COURT: --- we break ---

4 MR. UNDERWOOD: --- briefly, Your Honor, I just wanted to
5 go ahead and put on the record that the State did extend a
6 plea offer in this case, uh, ---

7 THE COURT: Alright.

8 MR. UNDERWOOD: --- to plead to a reduced weight, uh, the
9 recommendation or we're negotiation of, uh, 17 to 20 years
10 which was rejected, I just wanted to put that on the record,
11 have the defendant, uh, acknowledge that ---

12 THE COURT: Alright.

13 MR. UNDERWOOD: --- that offer was made, rejected.

14 THE COURT: Mr. Tate, will you raise your right hand for
15 me.

16 ANTONIO EMERSON TATE, having
17 been first duly sworn, testified as follows:

18 THE COURT: Alright, you can put your hand down. You
19 heard the prosecutor say that there was an offer in this case,
20 uh, for you to re -- plead to a reduced weight charge with a
21 recommendation of did you say 17 to 20?

22 MR. UNDERWOOD: Yes, Your Honor.

23 THE COURT: Seventeen to twenty years, somewhere in that
24 range, uh, and he says that that was rejected, was that plea
25 offer, uh, was it conveyed to you?

1 THE DEFENDANT: Yes, it was conveyed ---
2 THE COURT: Your attorneys talked to you about it
3 fully?
4 THE DEFENDANT: Yes, ma'am.
5 THE COURT: And it was your decision and your decision
6 alone after discussin' with the attorneys to to reject that
7 plea offer?
8 THE DEFENDANT: Yes, ma'am.
9 THE COURT: Alright then. Okay, very well. Anything
10 else ya'll wanna put on the record ---
11 MR. FARNHAM: No, Judge, thank ---
12 THE COURT: --- right now?
13 MR. ARIAIL: No, Your Honor, thank you.
14 THE COURT: Alright, so we're gonna break until, uh,
15 9 a.m. tomorrow mornin'.
16 MR. FARNHAM: Thank you, Judge.
17 THE COURT: Okay, we'll begin again tomorrow mornin'.
18 MR. UNDERWOOD: Your Honor, ---
19 THE COURT: Yes, sir.
20 MR. UNDERWOOD: --- actually there's, uh, uh, one other
21 issue I just thought to to bring it up now, uh, and far be it
22 from me I don't wanna infringe in any way on the defense's
23 right to cross-examine witnesses, ---
24 THE COURT: Sure.
25 MR. UNDERWOOD: --- uh, but I do have a a small request

1 to ask that when the, uh, cooperating, uh, co-defendants are
2 testifying, uh, that when the issue of the mandatory minimum
3 sentence that they were facing comes up, if there's any way
4 that, uh, defense could craft that question so that the bias
5 can be shown while at the same time not revealing that the
6 defendant would be facing a mandatory minimum sentence, if
7 just if there's a way the defense can craft the question so
8 that that goal can be met without, uh, revealing that
9 information.

10 THE COURT: Let's think on that, talk about it in the
11 mornin'. I'm gonna need a little time to to think if there's
12 a, there -- if there is a way around it and, uh, I, I'm glad
13 you pointed it out because it's somethin' that I'd again given
14 some consideration to but I, I'm gonna need to give some
15 thought to that one. Alright, uh, alright then. Anything
16 anything from the defense we need to take up ---

17 MR. ARIAIL: Nothing, Your Honor, ---

18 THE COURT: --- before tomorrow mornin'?

19 MR. ARIAIL: --- thank you.

20 THE COURT: Alright, we'll be in recess until 9 a.m.
21 tomorrow mornin'.

22 (Proceedings May 29, 2013)

23 (Photo lineups marked State's Exhibit Nos. 1, 2, 3, 4, 5,
24 6, 7, 8 and 9 for identification.)

25 THE COURT: Thank ya'll, ya'll can be seated, please.

1 THE COURT: It is.

2 JURY FOREPERSON: --- who is married to Michelle who
3 works at Greenville Hospital Systems, I know her through my
4 husband through working in the same department years ago and
5 she is a first connection on my LinkedIn account.

6 THE COURT: Okay, okay, okay. Alright, let me ask you
7 this: Do you, the fact that you might know Officer Albrecht's
8 wife, if he were to testify in the trial of this case, I don't
9 know if he will or not, but if he were to testify, do you
10 believe you could be a fair and impartial juror even if he
11 were a witness in this case?

12 JURY FOREPERSON: I do believe I can separate the facts,
13 um-hum..

14 THE COURT: Okay, alright. Any other questions ya'll
15 wanna ask of ---

16 MR. ARIAIL: No, Your Honor.

17 THE COURT: Thank you so much for your candor with us, I
18 appreciate it. Thank you.

19 (The following takes place outside the presence of the
20 jury foreperson.)

21 THE COURT: I think most of the folks have have pled to a
22 lesser charge or if they have not they've pled to the charge
23 with some sort of recommendation, uh, in regards to bias, I'm
24 gonna allow you to ask about the maximum possible sentence on
25 the lesser charge they pled to, I'll also allow you to ask

1 them weren't they charged with this and they pled to this and
2 here's the maximum sentence. I'm not gonna allow you to ask
3 the maximum sentence on the greater charge that they were
4 initially charged with and the reason is this: I don't know,
5 maybe ya'll allow him to plea to lesser charge factually
6 based, I have no idea, but I'll I'll allow you to ask, I'll
7 allow you to ask that to explore bias, that's the extent of
8 what I'm gonna allow you to ask about it, alright.

9 MR. ARIAIL: And that, Your Honor, just for
10 clarification, I mean, I know the maximum sentence in some a
11 these is 25 to 30, you're not allowing ---

12 THE COURT: I don't think ---

13 MR. ARIAIL: --- me to ask ---

14 THE COURT: --- anybody pled to this, to this oh --
15 nobody has pled to this charge, am I correct?

16 MR. UNDERWOOD: That's correct, Your Honor.

17 THE COURT: And now and that's what I'm wanting to avoid.
18 I'm also gonna give an instruction with everyone's permission
19 to the jury that they cannot consider sentence so that's that
20 if, that if there needs to be sentencing at some point in
21 time, that's my department and they are not to consider that
22 in any way with regards to this defendant, I I'm gonna, I'll
23 give 'em that charge, uh, yes, sir.

24 MR. UNDERWOOD: And and, Your Honor, just to clarify the
25 the the grounds and reasoning for the motion that I made, uh,

1 particularly in light of State v. Gracely, uh, I'm not so much
2 concerned the defense cannot ask that they avoided a mandatory
3 minimum at their plea agreement but just in the way that that
4 question is asked to not indicate that, uh, Mr. Tate would
5 have faced a mandatory minimum. For example, ---
6 THE COURT: Oh, I I ---
7 MR. UNDERWOOD: --- phra ---
8 THE COURT: --- see.
9 MR. UNDERWOOD: --- phrasing the question along the lines
10 of, uh, based on your charges and your criminal history 'cause
11 almost all these people have prior drug offenses, based on
12 that particular witness's position they might have avoided
13 something as opposed to the charge as a mandatory minimum.
14 Does that ---
15 THE COURT: Right, and I was not and and I -- and and and
16 that's why I was sayin' a maximum sentence, I was not talkin'
17 about getting into any mandatory minimum or anything along
18 those lines.
19 MR. ARIAIL: Right, so mandatory minimum is still fair
20 game, corre -- under the the lar -- under what they were
21 charged with; for instance, these are trafficking 400 grams or
22 more which is a mandatory minimum 25, ---
23 THE COURT: Alright, ---
24 MR. ARIAIL: --- they are now ---
25 THE COURT: --- well we're not talkin' about that this

1 defendant faces a mandatory minimum, we're not gonna get into
2 that he faces any sort of ---
3 MR. ARIAIL: No.
4 THE COURT: --- mandatory minimum or what the possible
5 sentence for his charge ---
6 MR. ARIAIL: Correct.
7 THE COURT: --- could be, alright.
8 MR. UNDERWOOD: And that that was my concern, Your Honor,
9 just ---
10 THE COURT: Fair enough?
11 MR. UNDERWOOD: --- to make sure that the way they're
12 'cause, you know, some a these defendants were charged with
13 the same charge.
14 THE COURT: That's what I was worried about was that the
15 greater charge might be what this man was charged with.
16 MR. UNDERWOOD: Right, and I just wanted to avoid the the
17 implication of putting out that knowledge that this ---
18 THE COURT: I got ---
19 MR. UNDERWOOD: --- defendant had faced that, that's my
20 concerns, Your Honor.
21 MR. ARIAIL: And and I'm tryin' to make sure I do this
22 the right way because clearly, I mean, I don't know if they
23 can infer that when I ask if there's a trafficking 400 grams
24 or more of twen -- which is a mandatory minimum of 25 years
25 then ---

1 THE COURT: There -- nobody is -- nobody has pled ---
2 MR. ARIAIL: Correct.
3 THE COURT: --- to that charge, ---
4 MR. ARIAIL: Okay.
5 THE COURT: --- okay, so there would be no reason for you
6 to talk about the mandatory ---
7 MR. ARIAIL: Okay.
8 THE COURT: --- minimum for that charge whatsoever.
9 MR. ARIAIL: I, can I say that they have been charged
10 with a greater offense that had a mandatory minimum or or ---
11 THE COURT: No, ---
12 MR. ARIAIL: --- what what they're doin' now is ---
13 THE COURT: --- you can say they were charged with a
14 greater offense, they pled to this lesser offense and they
15 faced whatever.
16 MR. ARIAIL: For the offense that they have now. The
17 range ---
18 THE COURT: For ---
19 MR. ARIAIL: --- of that offense ---
20 THE COURT: --- for the range of the offense that they
21 actually pled to and yes, I mean, I think the jurors are not,
22 I think they'll put two and two together that that the person
23 could have gotten more for this greater offense ---
24 MR. ARIAIL: Right.
25 THE COURT: --- but what I'm saying is that greater

1 offense they might have, it might not have been just part of
2 the deal, it might have been factually based ---
3 MR. ARIAIL: Right.
4 THE COURT: --- that they pled to this lesser charge ---
5 MR. ARIAIL: Right.
6 THE COURT: --- for all I know ---
7 MR. ARIAIL: I mean, ---
8 THE COURT: --- so all I'm gonna allow you to ask them
9 about will be that they have pled to a lesser charge from what
10 they were initially charged with ---
11 MR. ARIAIL: Okay.
12 THE COURT: --- and what, uh, the the lesser charge
13 carried, ---
14 MR. ARIAIL: Correct.
15 THE COURT: --- could carry ---
16 MR. ARIAIL: Okay.
17 THE COURT: --- and I assume you will want to go into
18 what the maximum is that it carries.
19 MR. ARIAIL: Right, and, I mean, I might say what I was
20 get gettin' into potentially is that they were charged
21 originally as everybody was with trafficking 400 grams or
22 more, not go into the specifics of what the mandatory minimum,
23 mandatory maximum were then say they are now down to 10 to 28
24 grams which carries a mandatory minimum 3 to and and go into
25 that and say your sentence range is this and this is what your

1 recommendation is, that's the way I envision, I'm not going to
2 so they infer back that he's lookin' at 25 mandatory minimum.
3 MR. UNDERWOOD: I'm fi -- I'm fine with that.
4 THE COURT: Alright, ---
5 MR. ARIAIL: Great.
6 THE COURT: --- fine. Okay, that sounds good, that
7 sounds good. Alright, uh, well is there anything else we need
8 to take up before we get goin'?

9 MR. UNDERWOOD: Nothing from the State, Your Honor.
10 THE COURT: Alright, anything from the -- anything else
11 from the defense?

12 MR. ARIAIL: No, Your Honor.
13 THE COURT: Alright. Do both sides want me to give any
14 type of curative instruction at this point to say that they
15 are not to consider any possible sentence?

16 MR. ARIAIL: I I don't think it's necessary, Your Honor.
17 MR. UNDERWOOD: Not not at this ---
18 THE COURT: Okay.
19 MR. UNDERWOOD: --- time, Your Honor.
20 THE COURT: Alright, alright, alright. If if at any time
21 anyone wants me to give that instruction, I will.
22 MR. UNDERWOOD: Thank Your Honor.
23 (Pause.)
24 (The following takes place in the presence of the jury.)
25 THE COURT: Good mornin', ladies and gentlemen, we're

1 ready to begin, uh, the trial of this case. Yes, sir,
2 call ---
3 MR. UNDERWOOD: Thank you, Your Honor.
4 THE COURT: --- your first witness.
5 MR. UNDERWOOD: Uh, State calls Wendy Lollis.
6 THE COURT: Okay. Ma'am, if you'll come forward and be
7 sworn, please.
8 (Whereupon, the witness came forward.)
9 WENDY CHRISTINE LOLLIS, having
10 been first duly sworn, testified as follows:
11 THE CLERK: Thank you.
12 DIRECT EXAMINATION BY MR. UNDERWOOD:
13 Q. Good mornin', Ms. Lo -- Ms. Lollis, could you please
14 state your full name for the record.
15 A. Wendy Christine Lollis.
16 Q. And how old are you, Ms. Lollis?
17 A. Twenty-eight.
18 Q. How far'd you go in school?
19 A. Eleventh.
20 Q. And where are you originally from?
21 A. Liberty.
22 Q. Have you lived in, uh, Pickens, Greenville County area
23 your whole life?
24 A. Yes.
25 Q. How did you first get involved with methamphetamine?

1 A. Um, my baby's daddy.
2 Q. And who was that?
3 A. Jamie Stewart.
4 Q. When you first got involved with methamphetamine, were
5 you a dealer or a user?
6 A. Was a user.
7 Q. How would you -- what was your method of using
8 methamphetamine?
9 A. Smoke it.
10 Q. You smoke it?
11 A. Yeah.
12 Q. And what kind of methamphetamine in particular did you
13 use?
14 A. Um, ice.
15 Q. As a user how much would you generally use at a time?
16 A. Um, not much at first, um, ...
17 Q. Define "not much".
18 A. Thirty dollars worth.
19 Q. And how much actual drugs would that be?
20 A. Uh, I don't know. I don't know, uh, 'bout .3.
21 Q. .3 grains?
22 A. No point .3 -- just .3, 0.3.
23 Q. 0.3 grams?
24 A. Yeah.
25 Q. And roughly what time frame was this when you first

1 started using meth?

2 A. Um, I was about 18 and 19.

3 Q. And how long were you just a user?

4 A. Uh, for like six years probly.

5 Q. Now you mentioned that you started off using about .3

6 grams at a time, did your -- had it ever escalate to using

7 more than that?

8 A. Yeah.

9 Q. Uh, when you got to the peak of your drug use, how much

10 meth would you use at a time?

11 A. Uh, just depends. I don't know, not really sure.

12 Q. I mean, ---

13 A. Like gram.

14 Q. About a gram at a time? How did you get involved with

15 selling meth?

16 A. Uh, David Moore really.

17 Q. And who's David Moore?

18 A. Um, he was my boyfriend at the time.

19 Q. Is he related to Chad Moore?

20 A. Yes, brother.

21 Q. Alright, so when when were you dating, uh, Mr. Moore?

22 A. Um, it was about five years ago, six year ago.

23 Q. And how did -- through him did you get involved with

24 selling?

25 A. He sold it and he taught me a lot ---

1 Q. What did he teach ya?
2 A. I mean, he just would get me to run stuff for him and
3 pick it up.
4 Q. Is it fair to say that during this time that would you
5 consider yourself an addict to meth at that time?
6 A. Yes.
7 Q. Now now, Ms. Lollis, have you been involved with, uh, any
8 other crimes in your past?
9 A. No, not really, no.
10 Q. Have you ever been convicted of any crimes?
11 A. Yeah, um, failing to stop for a blue light and, um,
12 possession of a stolen vehicle, uh, residue in bag,
13 paraphernalia ---
14 Q. Okay, so was was one of the ---
15 A. --- speeding ticket.
16 Q. When you said "residue", is that, is that a possession of
17 methamphetamine charge?
18 A. That's what they charge you with, yeah.
19 Q. Now, Ms. Lollis, you're charged in this case, aren't
20 you?
21 A. Yes, sir.
22 Q. And you already pled guilty?
23 A. Yes, sir.
24 Q. But you didn't plead guilty to the original charges, did
25 ya?

1 A. Uh-uh, no, sir.

2 Q. You entered into a plea agreement with the State?

3 A. Yes.

4 Q. Is it your understanding that, uh, you pled guilty to a

5 lesser offense of trafficking of only 28 to 100 grams ---

6 A. Yes.

7 Q. --- and that you pled guilty to three counts of

8 distribution of methamphetamine?

9 A. Yes.

10 Q. Now if you were convicted as your original charges, is it

11 fair to say that you'd be facing a considerably higher amount

12 a jail time than what you are now?

13 A. Yes.

14 Q. And is it your understanding that the State is

15 recommending, uh, your sentence to be 12 to 15 years?

16 A. Yes.

17 Q. Now do you understand that it's not up to the State what

18 your final sentence it is?

19 A. Yes.

20 Q. Who who's the final determination for your sentence?

21 A. The judge.

22 Q. Okay. Now, Ms. Lollis, when you first got involved with

23 selling methamphetamine, where was that methamphetamine coming

24 from?

25 A. Uh, Georgia.

1 Q. Where in Georgia?
2 A. Indian Trail.
3 Q. And were you going and getting that methamphetamine
4 yourself?
5 A. He was goin' to get it.
6 Q. Who is he?
7 A. David Moore.
8 Q. How was he -- what were his arrangements for picking up
9 meth?
10 A. Not really sure, that time I wasn't really sure. Um, he
11 would just go get it and come back.
12 Q. Do you know how much he was getting?
13 A. A lot.
14 Q. What's a lot?
15 A. Ounce or more.
16 Q. An ounce or more per time that he would go?
17 A. Um-hum.
18 Q. How often would he go?
19 A. He only went a couple times then he went to prison.
20 Q. Now you say a "couple times", is that two times or is it
21 more times?
22 A. Three or four times I guess.
23 Q. Three or four times? And he got an ounce or more each a
24 those three or four times?
25 A. Yes.

1 Q. Do you know who he was getting that meth from?
2 A. I know that, uh, one or two times that it was, um, Amp.
3 Q. Who is Amp?
4 A. Uh, person he got it from, him over there (indicating).
5 Q. A a -- and again, the defendant Antonio Tate?
6 A. Um-hum.
7 MR. UNDERWOOD: Alright, Your Honor, I just ask for the
8 record reflect that she pointed to the defendant.
9 THE COURT: Okay, it'll be so, it'll so reflect.
10 BY MR. UNDERWOOD:
11 Q. Did you ever meet Amp?
12 A. Yes.
13 Q. How did you meet him?
14 A. Uh, David called from prison want me to take his friend
15 down there.
16 Q. Who is his friend?
17 A. Michael Collins.
18 Q. Okay, and why did you take him down there?
19 A. So he could get with him and get some stuff so that he
20 could get some money to help bond him out.
21 Q. Alright, now I'm gonna slow you down for a second. You
22 said, He could go and get with him, who are you talking about?
23 A. Michael could go get with Amp, Antonio to get, uh, some
24 stuff, some dope so he could make money to bond him out.
25 Q. Okay, and by dope you mean methamphetamine?

1 A. Yes.

2 Q. Okay, and and is this still ice methamphetamine we're
3 talking about?

4 A. Yes.

5 Q. And why is this particular kind of methamphetamine called
6 ice?

7 A. 'cause it looks like it I guess.

8 Q. Can can you describe what it looks like?

9 A. Um, looks like crystals.

10 Q. Does it have any color to it?

11 A. White.

12 Q. When was it that you took Michael Collins down to meet
13 Ant?

14 A. It was after David went to prison so, I mean, no, he
15 wasn't in prison yet, he was in the county so it was probly
16 'bout five years ago.

17 Q. And did you in fact take him down to meet Ant?

18 A. Yes.

19 Q. Was he able to get drugs from Ant?

20 A. Yes.

21 Q. Do you know how much he got?

22 A. An ounce.

23 Q. What did he do with that ounce after he got it?

24 A. Uh, I brought him -- when I got back I left him but I'm
25 sure he sold it.

1 Q. Where did he sell it?
2 A. In Pickens County.
3 Q. In South Carolina?
4 A. Yes.
5 Q. Is that the only time that you ever went with Michael
6 Collins to Georgia to get dope?
7 A. I'm not su -- can't remember. I think I mighta went
8 another time, ---
9 Q. Okay, and ---
10 A. --- not sure.
11 Q. --- the other time were you successful in getting dope?
12 A. Yes.
13 Q. Was that also from Antonio Tate?
14 A. Yes.
15 Q. How much did ya get that time?
16 A. Same amount.
17 Q. An ounce?
18 A. Um-hum.
19 Q. Other than Michael Collins did you ever go down to meet
20 Ant with anyone else?
21 A. Yes.
22 Q. Who?
23 A. Um, this girl took me down there, Amy Cagle and, um,
24 let's see, Jason Griffin, took him down there but I didn't go
25 with him be -- he introduced him.

1 Q. So you made introductions for Jason Griffin?
2 A. Yeah.
3 Q. Now and before we get to that were there any times that
4 you went down by yourself to meet Ant?
5 A. No.
6 Q. After taking Michael Collins who was the next person that
7 you took?
8 A. Uh, I don't even remember.
9 Q. But you've taken multiple people down to meet Ant?
10 A. Yes.
11 Q. And what was the purpose a those introductions?
12 A. So they could get somethin', so they could get some
13 meth.
14 Q. Okay, so you were introducing people to Amp to buy
15 meth?
16 A. Yes.
17 Q. And were those people buying meth to use all of it or
18 were they selling some of it?
19 A. I'm sure they were sellin' it and doin' it.
20 Q. And where were they doing the selling?
21 A. In South Carolina.
22 Q. Did Ant or Antonio Tate know that you were from South
23 Carolina?
24 MR. ARIAIL: Objection, Your Honor, leading.
25 A. Yes.

1 THE COURT: Overruled, I'll allow it.

2 Q. Did did Antonio Tate know that you lived in South

3 Carolina?

4 A. Yes.

5 Q. Did he know that these other individuals were coming from

6 South Carolina with you?

7 A. Yes.

8 Q. Tell the jury how made the introduction between Amp and

9 Jason Griffin.

10 A. Um, I just took him down there and said their names and

11 we left and Jason went back and purchased meth.

12 Q. Okay, well how -- tell the jury how do you know Jason

13 Griffin.

14 A. Um, he's a good friend a mine, he's like a brother to me

15 and I've known him for years and Rachel, his old lady, I've

16 known them both for a while.

17 Q. And how much do ya know 'bout their involvement with

18 methamphetamine?

19 A. I know that Jason made a lotta money.

20 Q. Made a lotta money doing what?

21 A. Sellin' meth.

22 Q. Do you know where he was getting that meth from?

23 A. Different places but, um, Georgia.

24 Q. Okay, from from Antonio Tate?

25 A. Yes.

1 MR. FARNHAM: Objection, leading, Your Honor.
2 THE COURT: Alright, but in South Carolina only one
3 attorney can object. Alright, uh, sustained.
4 BY MR. UNDERWOOD:
5 Q. And, uh, Ms. Lollis, did Antonio Tate ever contact you
6 about dope?
7 A. Yes.
8 Q. Explain that please.
9 A. He called and asked if I knew somebody had some money
10 and, um, to bring 'em down and, um, that's when I brought
11 Jason down.
12 Q. So the reason that you brought Jason down was because
13 Antonio Tate asked you to bring someone, ---
14 MR. ARIAIL: Objection, Your Honor, ---
15 Q. --- I'm just tryin' to understand ---
16 MR. ARIAIL: --- he's leading again.
17 THE COURT: I'll ask you to rephrase.
18 BY MR. UNDERWOOD:
19 Q. So can can you explain in a little more detail, I just
20 wanna ---
21 A. Yeah, ---
22 Q. --- make sure I understand ---
23 A. --- yes.
24 Q. --- the arrangement that you're talking about.
25 A. Um, he wanted somebody with some money so Jason had some

1 money and wanted to meet him so I took him down there.
2 Q. And again, what was the purpose of taking him down
3 there?
4 A. To buy meth.
5 Q. And was that the purpose that Antonio Tate made the phone
6 call?
7 A. Yes.
8 Q. Do you remember roughly when that was?
9 A. Like on 2009 beginnin'.
10 Q. So early 2009?
11 A. (Nodded in the affirmative.)
12 Q. How did the introduction process go again with Jason
13 Griffin and Antonio Tate?
14 A. I just took him down there and I said this -- said their
15 names, shook hand, whatever, exchanged numbers, he left.
16 Q. Okay, so you actually traveled with him to make a in
17 person introduction?
18 MR. ARIAIL: Objection, Your Honor.
19 A. Yes.
20 THE COURT: Leading. If you'll be careful about leading,
21 I think you're lapsin' into that pretty good.
22 BY MR. UNDERWOOD:
23 Q. Alright, so, Ms. Lollis, the -- after you made the
24 introduction with Jason Griffin and Antonio Tate, was there
25 any methamphetamine exchanged between the two of 'em?

1 A. Not then.

2 Q. Was there at a later time?

3 A. Yeah, I mean, that's what Jason told me, yeah.

4 Q. Now what I wanna ask you about is did you have any

5 further involvement with Jason Griffin and Antonio Tate?

6 A. I mean, I went down there one other time with him but I

7 di -- wasn't in there when they did the deal.

8 Q. Was that trip also for a deal then?

9 A. Yeah.

10 Q. What was your understanding of what the deal was?

11 MR. ARIAIL: Objection, Your Honor.

12 THE COURT: The last one was leading but this one I think

13 was fine.

14 MR. ARIAIL: Right, I'm just saying I don't think she has

15 any personal knowledge a this, that's my ---

16 THE COURT: Okay.

17 MR. ARIAIL: --- motion in regards to it.

18 THE COURT: Um, to the extent that she knows, I'll allow

19 her to answer the question.

20 MR. UNDERWOOD: And that's all I'm trying to ask her,

21 Your ---

22 THE COURT: Alright, do you know?

23 THE WITNESS: I'm not sure.

24 BY MR. UNDERWOOD:

25 Q. Okay. Alright, on that trip where did you go?

1 A. Um, to a store.
2 Q. Where where was this store?
3 A. Off a Indian Trail, Exit, uh, 109 I think, ---
4 Q. In Georgia?
5 A. --- I mean, 101 or sumtin'.
6 Q. In Georgia?
7 A. Yes.
8 Q. Okay. What kind of a store was it?
9 A. It's a convenience store.
10 Q. Do you remember anything 'bout the people who were
11 there?
12 A. Just, um, them. They went in and then Jason come back
13 out then we left.
14 Q. Do you remember if there were any other people in the
15 store?
16 A. The person that runs the store.
17 Q. Who is that person?
18 A. I dunno.
19 Q. Can you describe 'em?
20 A. Gue -- I guess he's Arabic or whoever owns the store I
21 guess.
22 Q. Now at some point on that trip were you ever left
23 alone?
24 A. Just when they went in ---
25 Q. Who is "they"?

1 A. When Jason, him, Antonio, and they went into the store.
2 Q. Do you know where they went specifically?
3 A. Not sure.
4 Q. Okay, so at some point they ---
5 A. They just went into the store.
6 Q. Okay, so they went into the store and you stayed outside.
7 A. Yes.
8 Q. Okay. Was anyone else with you on that trip?
9 A. Rachel Eades.
10 Q. What vehicle did you guys use?
11 A. Rachel's.
12 Q. Did Jason Griffin ever give you any money or drugs in
13 exchange for the introduction?
14 MR. ARIAIL: Objection, Your Honor, uh, he still is
15 leading, I mean, ---
16 THE COURT: I think that's --- I I'll allow that
17 question. Go ahead.
18 THE WITNESS: Um, he gave me a a hundred fifty dollars.
19 BY MR. UNDERWOOD:
20 Q. And what was the the purpose for that hundred and fifty
21 dollars?
22 A. He just did it 'cause he said because I did that for him
23 but he not -- that wasn't the sole purpose behind it.
24 Q. Okay. Did Jason Griffin ever give you drugs?
25 A. Yeah.

1 Q. He ever sell you drugs?
2 A. Yes.
3 Q. Did he ever give drugs for free?
4 A. Yeah.
5 Q. Uh, durin' trips down to A -- the Atlanta area, did ya
6 ever have any car trouble?
7 A. Yes.
8 Q. Can ya tell the jury 'bout that particular incident.
9 A. We went down there to get somethin' and the car broke
10 down, uh, ---
11 Q. Who who is the "we" that you're describing?
12 A. Me, Jason Griffin and Rachel.
13 Q. And what was the reason ya'll were goin' down there?
14 A. They was gonna try to get somethin' Antonio.
15 Q. By "somethin'" you mean drugs?
16 A. Yes, but we didn't get it and the car tore up and they
17 brought us -- we had to get somebody else come get us and then
18 they got the next day went and got the car.
19 Q. Do you know how often after you made the introduction
20 Jason Griffin went to Georgia for drugs?
21 A. Every other, every other day I think, not sure.
22 Q. And how do you know that?
23 A. He would tell me.
24 Q. And you mentioned earlier that sometimes he would give
25 you drugs, was there any correlation between how often he gave

1 you drugs and how often he left?

2 A. Uh-uh.

3 Q. Okay. How 'bout Amy Cagle, you mentioned, I think you

4 mentioned her name, what was her relationship to you?

5 A. Just just I hung out with.

6 Q. Ya hung with out with her, did it have anything to do

7 with drugs?

8 A. Um, yeah, but I knew her before then too but yeah.

9 Q. As far as your relationship with her and drugs is

10 concerned, can you explain that.

11 A. Um, she took me down to Atlanta and we got some meth then

12 too.

13 Q. And who did you get that meth from?

14 A. Antonio.

15 Q. How much did you get?

16 A. Ounce.

17 Q. How many times did you go with her?

18 A. Once.

19 Q. And you bought an ounce? Who's Larry Anthony Gambrell?

20 A. Um, he grew up with my little girl's daddy.

21 Q. And again, who is, who is your child's father?

22 A. Paul Simon.

23 Q. And that's how you know Larry Anthony Gambrell through

24 Paul?

25 A. Um, hum, yes, sir.

1 Q. Did Mr. Gambrell have any connection to drugs?
2 A. Yes.
3 Q. What was that?
4 A. He'd buy an ounce or so.
5 Q. From who?
6 A. Um, Antonio, well through Paul or whoever.
7 Q. When you say "through Paul", what do you mean by that?
8 A. Paul would ride with him, he would buy it though.
9 Q. What do ya mean by he, Paul would go with him, he would
10 buy it, what do ya mean?
11 A. Paul wouldn't go with him, I work -- 'cause I was
12 workin'.
13 Q. What was the arrangement with Paul and Mr. Gambrell? Can
14 can you explain that in a little bit more detail.
15 A. Like he wanted some stuff and so Paul Antonio didn't know
16 Ant really so Paul rode with him to get it.
17 Q. I mean, when you just said Ant, are you referrin' to
18 Anthony Gambrell?
19 A. Yes, -- no, I'm, um, Amp that when they went down there
20 to get it -- him, um, Paul would ride with Anthony, yeah.
21 Q. Okay, so so Paul and Anthony went together to Atlanta ---
22 A. Um-hum.
23 Q. --- to get meth from Mr. Tate.
24 A. Antonio, yes.
25 Q. How many times did they go down there?

1 A. Uh, not sure, couple.
2 Q. At least two?
3 A. Yeah.
4 Q. And how much did they buy each time?
5 A. An ounce.
6 Q. Did they ever buy more than an ounce?
7 A. No.
8 Q. Earlier we mentioned a Chad Moore, what's your
9 relationship to him?
10 A. Um, that's David's brother, just acquaintance.
11 Q. And to your knowledge was Chad Moore involved with
12 methamphetamine?
13 A. Yes.
14 Q. How?
15 A. Um, sellin' it and dealin' it.
16 Q. Do you know where he was getting it from?
17 A. Anywhere he could.
18 Q. Now ---
19 A. He would go down there and get it from Antonio too.
20 Q. --- did he ever get any from you?
21 A. No.
22 Q. Do you know if he had any, uh, drug dealin's with Jason
23 Griffin?
24 A. I don't think so.
25 Q. If he did you don't know about it?

1 A. Right.

2 Q. Okay. You mentioned Chad Moore and Antonio, what do you

3 know about their business relationship?

4 A. I'm not, I don't know a lot. I mean, Chad's real private

5 but he'll go down there and get what he got and then come

6 back.

7 Q. How did Chad know how to get in touch with Antonio Tate?

8 A. He asked me for the number.

9 Q. For Antonio Tate's phone number?

10 A. Yes.

11 Q. Did you give it to him?

12 A. Yes.

13 Q. Did you ever talk to Antonio Tate about Chad Moore?

14 A. No.

15 Q. Did you ever make any phone calls on behalf of Chad

16 Moore?

17 A. No -- or I called, I give him the number, he called, I

18 was standin' there.

19 Q. You know Charles Javin Adams?

20 A. Yes.

21 Q. How do you know him?

22 A. Grew up, yeah, he grew up with Paul too.

23 Q. Do you know if he's involved with methamphetamine?

24 A. Yes.

25 Q. How?

1 A. He was sellin' it.
2 Q. How much was he selling?
3 A. I don't really know 'cause, uh, I didn't talk to him much
4 and a good bit though.
5 Q. I'm sorry?
6 A. I'm sure a good bit.
7 Q. Define a "good bit".
8 A. I just heard, I don't really know for sure.
9 Q. But he, but he was dealing a good bit.
10 A. Um-hum.
11 Q. Have you ever sold meth to him?
12 A. No.
13 Q. Have you ever bought from him?
14 A. No.
15 Q. Do you know a Albrie Nate' Bashaw?
16 A. Yes, I just ---
17 Q. How do you know her?
18 A. --- I just met her through Javin.
19 Q. So you met her through Javin?
20 A. Um-hum.
21 Q. Alright, did you ever have any meth transactions with
22 her?
23 A. No.
24 Q. Do you know if Javin and Nate' ever had any relationship
25 with Antonio Tate?

1 A. Yes.

2 Q. What was their relationship?

3 A. Um, they would go down there and purchase meth from

4 him.

5 Q. Do you know how often they would go and purchase meth

6 from him?

7 A. Have no idea.

8 Q. Do you know how much they would buy?

9 A. He didn't usually sell less, uh, less than an ounce

10 anyway.

11 Q. How do you know that?

12 A. 'cause that's what he said.

13 Q. That's what Antonio Tate said to you?

14 A. Yes.

15 Q. Do you know if Javin Adams or Nate' Bashaw ever sent

16 other people to Antonio Tate on their behalf?

17 A. I'm not sure but I know Javin was on house arrest so

18 probly.

19 Q. Was was he still dealing meth while he was on house

20 arrest?

21 A. Yes.

22 Q. Do you know where Antonio got the methamphetamine that he

23 provided to you?

24 A. Have no idea.

25 Q. Was it always the same kind of meth?

1 A. Sometimes it was different.
2 Q. What was different about it?
3 A. Color and quality.
4 Q. Can you kinda describe for the jury what the different
5 types a colors and qualities were.
6 A. Could be yellow, could be white, could be shards, maybe
7 powder, I mean, like crystals or powder.
8 Q. And what was it that you typically got for Antonio Tate?
9 A. Crystals.
10 Q. And was it usually good dope or bad dope?
11 A. Yes, it was good.
12 Q. Okay, and how can you tell the difference between good
13 and bad?
14 A. Um, if it burns it's good and if it doesn't then it's no
15 good.
16 Q. And by "burns" you mean like you put it in a pipe to
17 smoke it?
18 A. Um-hum.
19 Q. Now, Ms. Lollis, did you at some point in time, uh, agree
20 to be interviewed by law enforcement?
21 A. Yes.
22 Q. And was that in, uh, September 2011?
23 A. Yes.
24 Q. And by taking part in that interview were you beginning
25 to cooperate?

1 A. Yes.

2 Q. During that interview did law enforcement show you a
3 photo lineup?

4 A. Yes.

5 Q. How did that photo lineup take place?

6 A. Um, we were at my probation office and they just said,
7 You recognize any a these people.

8 Q. And did you recognize anyone in that lineup?

9 A. Yes.

10 Q. Who did you recognize?

11 A. Antonio.

12 Q. Did you mark that lineup to indicate who you
13 recognized?

14 A. Yes.

15 Q. Did anyone from law enforcement suggest to you in any way
16 who you should identify?

17 A. No.

18 Q. Ms. Lollis, I'm handing you what's been pre-marked as
19 State's Exhibit No. 1, do you recognize that (indicating)?

20 A. Yes.

21 Q. What is it?

22 A. It's the lineup that they showed me.

23 Q. Is that the actual piece a paper that they showed you?

24 A. Yeah.

25 Q. Uh, ---

1 A. No, it was about the lineup.
2 Q. Sorry. Now I ask is -- are there initials on that piece
3 a paper?
4 A. Yes.
5 Q. Whose initials are those?
6 A. Mine.
7 Q. Did you write those?
8 A. Yes.
9 Q. And is there a number circled on that?
10 A. Yes.
11 Q. Which number is it?
12 A. Number 3.
13 Q. And whose picture is No. 3?
14 A. Antonio Tate.
15 Q. And did you make that circle?
16 A. Yes.
17 Q. And did you make those initials?
18 A. Yes.
19 MR. UNDERWOOD: Your Honor, at this time I move to admit
20 State's Exhibit No. 1.
21 THE COURT: Any objection?
22 MR. ARIAIL: No objection, Your Honor.
23 THE COURT: Alright, it'll be admitted without objection.
24 (State's Exhibit No. 1, photo lineup, admitted into
25 evidence.)

1 BY MR. UNDERWOOD:
2 Q. So the individual Number 3 is who you identified as the
3 person in Atlanta you were getting methamphetamine from?
4 A. Yes.
5 (Whereupon, State's Exhibit No. 1 was published to the
6 jury.)
7 Q. Alright, thank you, Ms. Lollis, please answer any
8 questions the defense has for you.
9 THE COURT: Mr. Ariail.
10 MR. ARIAIL: Thank Your Honor.
11 CROSS-EXAMINATION BY MR. ARIAIL:
12 Q. Ms. Lollis, uh, i -- startin' out I just wanna find a
13 little bit about your background, how lo -- you said you've
14 been doing meth, uh, since what day -- what age?
15 A. Uh, eighteen, nineteen.
16 Q. Eighteen, nineteen, so you are how old today?
17 A. Twenty-eight, I just turned 28.
18 Q. Twenty-eight? So you've been doin' it for eleven ---
19 A. Well ---
20 Q. --- years?
21 A. --- nine years really.
22 Q. Nine years?
23 A. Um-hum.
24 Q. What effect has that had on you?
25 A. It makes your health bad.

1 Q. Does it affect ya mentally too?
2 A. It can.
3 Q. Has it affected you?
4 A. No.
5 Q. Okay. Has it had any other adverse impacts on you, your
6 health, anything like that?
7 A. No.
8 Q. So you've been doin' it for nine years.
9 A. I've been clean for a long time.
10 Q. How long you been clean?
11 A. Well, uh, my daughter's 2 so like 2 1/2 years.
12 Q. Two and a half years. So you haven't participated or
13 done any drug sales in the last two years.
14 A. Um, I did one time whenever she was born Um, Antoni -- I
15 mean, uh, Anthony Gambrell came to me and begged and begged
16 and begged until I tried to get him somethin'.
17 Q. So you've done dru -- you just said you hadn't done in
18 'em in two years, now you ---
19 A. I said, ---
20 Q. --- said you have.
21 A. --- I said I haven't sold. I mean, I ---
22 Q. Hadn't sold.
23 A. --- I hadn't done 'em, I got 'em for him ---
24 Q. So okay, y ---
25 A. --- at one time.

1 Q. --- so you've sold drugs but ---
2 A. That was ---
3 Q. --- you haven't done ---
4 A. --- ten years ago.
5 Q. --- drugs, right?
6 A. No, I did anything in two years.
7 Q. In two years you haven't done anything, had any problems
8 with that, is that right?
9 A. Right.
10 Q. Okay. Now goin' back to your testimony and you've
11 provided I guess a statement to the police, is that correct?
12 A. Yes.
13 Q. And this was done sometime I think September 20, 2011, is
14 that right?
15 A. Um-hum.
16 Q. Okay, and before that you hadn't done anything, hadn't
17 cooperated, anything like that, correct?
18 A. They didn't come to me until then.
19 Q. Did you have any idea that they were tryin' to get
20 information from ya?
21 A. No.
22 Q. Okay. So you sat down, you gave a statement in regards
23 to what you say everything you knew 'bout this, right?
24 A. Yes.
25 Q. Okay, you know, pretty much a chronology of all the drug

1 deals and drug sales that you've done.

2 A. Yes.

3 Q. Okay. And this was done and you initia -- and I guess

4 initially say that David Moore is the one that got you

5 involved in it, is that right?

6 A. Yes.

7 Q. Okay, so David Moore's the one that I I guess would be

8 who introduced you how to sell and how to I guess, uh, sell

9 drugs, that right?

10 A. Yes.

11 Q. Did he tell ya, uh, introduce ya in how to use meth

12 or ---

13 A. No.

14 Q. --- who who did that?

15 A. My little girl's daddy. My older, I have two kids, my

16 11-year-old's daddy.

17 Q. Who's that?

18 A. Jamie Stewart.

19 Q. Has he been in jail before?

20 A. Yes.

21 Q. When'd he serve time?

22 A. Uh, he was on house arrest though years ago and he went

23 to jail, I don't know how long ago.

24 Q. It -- you don't know exactly a specific time he was in

25 jail?

1 A. Yeah, about ten years ago probly.
2 Q. Ten years ago. So did you tell any a the officers in
3 this case that he served time with Ant or an Ant or an ---
4 A. No.
5 Q. --- Amp?
6 A. No.
7 Q. Didn't tell anybody that ---
8 A. He didn't serve ---
9 Q. --- you had a ---
10 A. --- time with Amp, he don't even know Amp.
11 Q. He didn't serve ti -- so he served time, right?
12 A. He served county time.
13 Q. County time.
14 A. He ---
15 Q. He served in South Carolina?
16 A. Yes.
17 Q. Okay, so you've never made any statements to anybody you
18 know, a husband, boyfriend, anybody that served any time with
19 an Ant or an Antonio or an Amp?
20 A. No.
21 Q. Okay. Now David Moore was the I I guess the individual
22 that got you sellin', showed ya how to do it, right?
23 A. Yes.
24 Q. And and there's a Trevor Kay, correct?
25 A. Yes.

1 Q. These are two guys that apparently, uh, got you involved
2 and I guess introduced you to Ant, right?
3 A. Yes.
4 Q. Okay. So before that you had no knowledge of Ant,
5 right?
6 A. Right.
7 Q. So they're your connection to Ant, ---
8 A. Uh, Trevor was ---
9 Q. --- Antonio.
10 A. --- David's connection too too.
11 Q. Who?
12 A. Trevor.
13 Q. Trevor, okay, so Trevor Kay, where's Trevor Kay?
14 A. Prison I think.
15 Q. Prison. David Moore prison?
16 A. Um-hum.
17 Q. Okay, so all these guys are in prison now, ---
18 A. Um-hum.
19 Q. --- okay, these are all known drug dealers, known meth
20 users, known meth sellers, right?
21 A. Yes.
22 Q. Okay. Now your introduction to I I think you call him
23 Amp, right?
24 A. Yes.
25 Q. But then you just called him Ant.

1 A. Well I call him and they call him Amp.
2 Q. I mean, what is it?
3 A. Either one.
4 Q. I mean, you've never talked to him, right?
5 A. Yes, I have.
6 Q. Oh, you have? I thought you said you hadn't met him.
7 A. I didn't say I didn't meet him.
8 Q. You said you were sittin' in a car and you didn't have
9 any knowledge ---
10 A. I said ---
11 Q. --- or any talkin' to him.
12 A. --- at the time.
13 Q. That time, okay, so you've met him before.
14 A. Yes.
15 Q. You had conversation with him.
16 A. Yes.
17 Q. You got a cell phone, right?
18 A. Do I have a cell phone?
19 Q. Yeah.
20 A. Yeah.
21 Q. You call him, right?
22 A. Yeah.
23 Q. You got that number right now.
24 A. No.
25 Q. You don't have it on ya?

1 A. Uh ---
2 Q. Why you not have it on you?
3 A. Because I haven't talked to him in years.
4 Q. You hadn't talked to him in years but you have his cell
5 phone, right? You got ---
6 A. I ---
7 Q. --- a number?
8 A. --- have a cell phone, I don't got his number.
9 Q. Tell my the cell phone number.
10 A. Mine?
11 Q. No, tell me his cell phone number.
12 A. Oh, I didn't say I got his number. I said ---
13 Q. You said ---
14 A. --- I don't got my ---
15 Q. --- you -- I could call him.
16 A. Yeah.
17 Q. You'd call him.
18 A. Yeah.
19 Q. You called him, right?
20 A. Yeah, then.
21 Q. So where's his number?
22 A. Can get it from cell phone bills.
23 Q. So, okay, well -- oh, hey, where are your cell phone
24 bills?
25 A. I don't got 'em, that was years ago.

1 Q. You coulda got 'em, right?
2 A. I could've.
3 Q. Coulda brought 'em here today, right?
4 A. I guess.
5 Q. What's the area code for him, just ---
6 A. Uh, ---
7 Q. --- give me that.
8 A. --- I don't remember.
9 Q. You don't know what the area code is for Atlanta,
10 Georgia, Nor ---
11 A. I can't remember.
12 Q. Can't remember. So you're sittin' here today, you're
13 gonna say that you've made a phone call, made numerous phone
14 calls to him to set a drug transaction for Jason Griffin with
15 Trevor Kay, ---
16 A. I didn't say Trevor ---
17 Q. --- David ---
18 A. --- Kay.
19 Q. Oh, wait, well you mean been introduced.
20 A. It's whenever I introduced David ---
21 Q. Okay, ---
22 A. --- to him.
23 Q. --- let's just say you've set 'em up, you've given Jason
24 Griffin, you've put him in contact with Ant or Amp or
25 Antonio ---

1 A. Um-hum.
2 Q. --- but you can't give me a cell phone number.
3 A. That was, uh, 2008, this is ---
4 Q. He's sittin' on ---
5 A. --- 2013.
6 Q. --- trial over here and you can't provide any information
7 'bout a cell phone number, right?
8 A. They didn't ask me to provide any information.
9 Q. What's that? Who didn't ask you?
10 A. Anybody.
11 Q. The law enforcement didn't ask you to?
12 A. No.
13 Q. How many phone numbers did he give ya?
14 A. Two or ---
15 Q. Two.
16 A. I'm not sure, ---
17 Q. Two phone number.
18 A. --- 'bout two or three.
19 Q. Okay. Now and you called him how many times you think
20 you called him over these times?
21 A. A bunch.
22 Q. A bunch.
23 A. Twenty or thirty ---
24 Q. No, ---
25 A. --- times.

1 Q. --- twenty or thirty times you've been ---
2 A. Um, ---
3 Q. --- makin' phone calls to him buyin' drugs, settin' up
4 drug transactions, right, and sittin' here today you got ---
5 A. 'bout three or ---
6 Q. --- nothin' ---
7 A. --- four years ago too.
8 Q. Three or four years ago,
9 A. Yeah.
10 Q. You're here testifyin' today, right?
11 A. Right.
12 Q. I mean, this is a big, you're in front of twelve people
13 over here (indicating) gonna make a decision in this case and
14 you're sayin' that you made phone calls to this gentleman over
15 here (indicating) who've you just ---
16 A. Um, ---
17 Q. --- pointed out and said was sellin' drugs but you can't
18 give a phone number that ya called to, is that right?
19 A. I can probly get it, yeah.
20 Q. You can probly get it, okay, that's good, and that's
21 gonna be -- how is that gonna help us after you get off the
22 witness stand?
23 A. I don't know.
24 Q. Okay. Now you went down there, correct?
25 A. Yes.

1 Q. How many times you went down there?
2 A. Ten times, ---
3 Q. Ten times ---
4 A. --- fifteen times, I don't know.
5 Q. --- and that we we start off with your testimony I think
6 it's Exit 109 and then you Oh, I'm not sure, might be 101, is
7 that right?
8 A. Yeah.
9 Q. So what exit is it?
10 A. I think it's 101.
11 Q. Where'd you go?
12 A. Indian Trail.
13 Q. Indian Trail.
14 A. Uh, ---
15 Q. Okay, Indian Trail's a big exit,
16 A. Um-hum, ---
17 Q. So you go ---
18 A. --- got off the exit ramp, ---
19 Q. --- to this exit ---
20 A. --- I took a left ---
21 (Indiscernible cross talk.)
22 Q. You went to this exit ten times? Ten times.
23 A. Yeah.
24 Q. Okay, ten times, so ---
25 THE COURT: Mr. Ariail, could I ask you just to allow her

1 to finish ---
2 MR. ARIAIL: Sorry, Your Honor.
3 THE COURT: --- answerin' the question. That's alright.
4 MR. ARIAIL: Sorry.
5 THE COURT: I wanna, I just want my court reporter to be
6 able to take down what's bein' ---
7 MR. ARIAIL: Sorry.
8 THE COURT: --- said.
9 BY MR. ARIAIL:
10 Q. So that was ten times at Indian Trail.
11 A. Um-hum.
12 Q. No other exits?
13 A. No others.
14 Q. Okay, and ya get off Indian Trail, tell me specifically
15 what address you went to each time you went down there.
16 A. He didn't give us an address, we went to apartment
17 buildin'. You take a left off the exit ramp and you go on
18 down. We went to two or three different apartment buildin's.
19 Q. Two or three different apartment buildings.
20 A. Um-hum, ---
21 Q. Okay, gi -- just give me ---
22 A. --- he knew.
23 Q. --- an address. Give me an apartment complex.
24 A. I don't know. I'm sayin' that he just told us how to get
25 there and that's how we did it.

1 Q. So we just would go to an apartment complex not ---
2 A. He'll say, Go to this red light, take a left then take a
3 right and then the apartment's on your right.
4 Q. Okay, so just give me one address. You got any
5 addresses?
6 A. No.
7 Q. Okay. Now we went to some I guess, uh, met him with
8 Jason Griffin and Rachel Eades one time at a a gas station, is
9 that right?
10 A. Yes, the Shell.
11 Q. The Shell. Okay, great, and when was that?
12 A. 2009.
13 Q. That's where you're in the car but you don't get out,
14 right?
15 A. Right.
16 Q. Don't know what happened pretty much.
17 A. Right.
18 Q. Okay, so you're sayin' a drug transaction took place
19 there, is that right?
20 A. Suppose to happen, yeah.
21 Q. Okay, supposed to happen. Now where -- it was in the
22 Shell?
23 A. Yeah.
24 Q. In the Shell store itself?
25 A. Um-hum, ---

1 Q. Okay.

2 A. --- in the back.

3 Q. In the back. So that's 2009 and and Shell gas stations

4 have video, correct?

5 A. I don't know. I mean, ---

6 Q. I mean, ---

7 A. --- I guess the guy that owned the place was probly in

8 with it too, okay with it.

9 Q. Okay, so you don't have any video what happened,

10 correct?

11 A. No.

12 Q. You don't have any cell phone records that show me that,

13 right?

14 A. Right.

15 Q. Do ya have any receipts that you bought food or gas or

16 anything in that area?

17 A. I didn't know this was gonna happen, no.

18 Q. Ya didn't know what was gonna happen?

19 A. That we'd be on trial for this.

20 Q. That you'd be on trial for sellin' methamphetamines

21 against the law, ya didn't know that?

22 A. I mean, yeah, but that's why I quit but it was too

23 late.

24 Q. You didn't know that you've been charged with ---

25 A. Yeah, now.

1 Q. --- trafficking 400 grams or more conspiracy?
2 A. Yeah, now.
3 Q. You, right now you just found that out.
4 A. No, I'm sayin' we knew -- now we know but I'm sayin' back
5 then we wasn't thinkin' 'bout that.
6 Q. So there's nothin' you've got that you can show me: a
7 credit card, a receipt or anything that shows me that you have
8 been to Exit 101 Indian Trail at any time.
9 A. No.
10 Q. Okay. Now didn't you purchase a transmission from my
11 client?
12 A. No, that was Nate'.
13 Q. Oh, it was Nate', okay, and and you know Nate', correct?
14 A. I just met, yeah.
15 Q. Okay, and you know Jason Griffin real well, right?
16 A. Yes.
17 Q. He was I think like a best friend to you, is that what
18 you've said before?
19 A. Yes.
20 Q. Okay, and you know Javin Adams.
21 A. Yes.
22 Q. Do you know Warren Chastain?
23 A. No.
24 Q. Don't know Warren?
25 A. Uh-uh.

1 Q. Okay. Do ya know Norman Bergholm?
2 A. I met him 'bout once or twice.
3 Q. So you've met him, okay. Norman Trebuchon?
4 A. No.
5 Q. Don't know him. Uh, do you know, let's see, Michael
6 Pardee?
7 A. Yes.
8 Q. Okay, and all all these individuals are individuals from
9 Pickens and Greenville, South Carolina, right, ---
10 A. Yes.
11 Q. --- Upstate South Carolina.
12 A. Yes.
13 Q. Okay. And ya'll are all sellin' drugs with each other,
14 right?
15 A. No, we -- I didn't mess none a them involvin' drugs so...
16 Q. But the ones you've said today you've been sellin' drugs
17 with Amy Cagle, ya know, uh, ---
18 A. I said she got some drugs. I didn't ---
19 Q. Gambrell ---
20 A. --- sell 'em with her.
21 Q. Okay, Gambrell, is that right?
22 A. Yes.
23 Q. Okay. Now one time i -- you went down you say you got to
24 this apartment or, uh, in Indian Trail, ---
25 A. Um-hum.

1 Q. --- were any other people there?
2 A. People?
3 Q. You and ten times, tell me who's been in part a these,
4 sorry.
5 A. Been what?
6 Q. Who has been with you on the other occasions ---
7 A. Jason, Michael, and, um, Amy and Anthony.
8 Q. Okay, and Ant, Anthony, that's Gambrell, ---
9 A. Yes.
10 Q. --- okay, so Anthony Gambrell -- how many times you go
11 down with him again?
12 A. 'bout once or twice.
13 Q. Amy?
14 A. Once.
15 Q. And she, uh, did she buy stuff when you went down
16 there?
17 A. Yes.
18 Q. You remember testifyin' in fronta the grand jury?
19 A. Yes.
20 Q. Do you remember providin' testimony in regards to her?
21 A. Yes.
22 Q. Wha'd ya say to the grand jury in regards to ---
23 A. She bought a ounce.
24 Q. She bought an ounce?
25 A. Um-hum.

1 Q. Is that -- did she go down just one time to buy an
2 ounce?
3 A. As far as I can remember.
4 Q. What's that?
5 A. As far as I can remember.
6 Q. She just bought one ounce the one time she went down, ---
7 A. Um-hum.
8 Q. --- that right? Now in your statement to police, did
9 you, wha'd you tell them in regards to how much she went down,
10 di -- what she buy?
11 A. Said she went ---
12 Q. Um-hum.
13 A. --- down there. She took me down there and got ounce.
14 Q. You did say that she got an ounce the one time she went
15 down there?
16 A. Yeah, or half ounce or somethin' like that.
17 Q. You remember goin' down with Larry? Did Larry go down
18 with ya'll, Larry Gambrell, is that ---
19 A. Yes.
20 Q. --- same thing as Anthony?
21 A. Yes.
22 Q. How many times did he go down with you in regards to
23 that?
24 A. 'bout once or twice.
25 Q. Did he go with you and Amy?

1 A. No.

2 Q. Okay, so Amy was separate from him.

3 A. Yes.

4 Q. Okay. Did Paul Pau -- did did Larry or any a these other
5 individuals talk with Antonio, Ant, Amp?

6 A. I guess so.

7 Q. So they had, so you gave 'em cell phone records, right,
8 or ---

9 A. No.

10 Q. --- cell phone number?

11 A. No.

12 Q. Who gave the cell phone number?

13 A. Nobody gave 'em except whenever Paul would be with him
14 and Paul would call him.

15 Q. Okay, so you introduced Jason Griffin ---

16 A. Yes, he gave ---

17 Q. --- to him ---

18 A. --- him his number.

19 Q. So you gave the number. So Jason ---

20 A. No, I took Jason down there, he gave his own number to
21 Jason.

22 Q. Okay, so then Jason started dealin' with him without you,
23 is that right?

24 A. Right.

25 Q. Okay. Did you go back with Jason when he broke down at

1 one time?

2 A. Yes.

3 Q. Okay, and what happened durin' that time?

4 A. Nothin' 'cause we broke down and we got a ride back

5 and ---

6 Q. Yeah, ---

7 A. --- then went back and got the car.

8 Q. --- and he helped ya?

9 A. Yeah.

10 Q. Ant helped ya? Is that because ya'll had done previous

11 business together?

12 A. I guess so.

13 Q. I mean, previous business as in dealing, I mean, car

14 work?

15 A. No.

16 Q. So you've never bought a car from him at any time.

17 A. No.

18 Q. Never bought a transmission?

19 A. Nope.

20 Q. Okay. You don't have any photos a you and him together,

21 do ya?

22 A. No.

23 Q. Okay. You've got no, uh, audiotapes, ---

24 A. No.

25 Q. --- no videotapes, ---

1 A. No.

2 Q. --- no cell phone records. You got no physical evidence
3 other than your statement tyin' him to this, correct?

4 A. Right.

5 Q. Okay. No pictures?

6 A. Oh, we didn't hang out like that, it was business deal
7 with him.

8 Q. I mean, you're you're with the ma -- you said you've
9 you've talked to him twenty or thirty times, been down there
10 ten to twelve different times ---

11 A. Um-hum.

12 Q. --- and at no point can you provide me any physical
13 evidence that you were ever at Exit 101 Indian Trail buyin'
14 drugs from my client.

15 A. No, just the people that was with me.

16 Q. Okay, so this jury's supposed to sit here and believe
17 your testimony and not back it up with any corroborating
18 eviden -- that right?

19 A. Yes.

20 Q. Okay. Un, now you were senten -- or you were, you were,
21 uh, initially charged with trafficking 400 grams or more, is
22 that right, conspiracy?

23 A. Yes.

24 Q. Okay, and you've plead to -- what you plead to?

25 A. Twenty-eight to a hundred grams traffickin'.

1 Q. T -- say that again.
2 A. Twenty-eight to a hundred grams traffickin'.
3 Q. Traffickin', that's a second offense too, right?
4 A. Yes.
5 Q. And why is it a second offense?
6 A. 'cause I got caught with residue in a bag.
7 Q. So it was just residue.
8 A. Yeah, they still charged me with meth.
9 Q. Still charged you with possession a meth.
10 A. Yes.
11 Q. Okay, uh, and what are you lookin' at right now, what's
12 your ---
13 A. Twelve to fifteen.
14 Q. Twelve to fifteen years. Uh, you know what your, what
15 you, what you could get, what the mandatory minimum, mandatory
16 maximum are for those?
17 A. Uh, twenty-five.
18 Q. Okay, are you also lookin' at a distribution of meth
19 charge?
20 A. Um-hum, three ---
21 Q. How many a those do ya have?
22 A. Three.
23 Q. Three? You know what what what are you gettin' a
24 recommendation for on that?
25 A. Altogether it's twelve.

1 Q. Twelve to fifteen? So you're gettin' twelve to fifteen
2 altoge -- run altogether, right?

3 A. Um-hum.

4 Q. So that's I guess what we call concurrent, is that
5 right?

6 A. I guess.

7 Q. That what you been told? Is that a substantial reduction
8 from what you were lookin' at?

9 A. Yes.

10 Q. Have you met anybody else with Mr. Tate when you were
11 down there?

12 A. No.

13 Q. You met his brother?

14 A. Oh, yeah, I met his uncle.

15 Q. Uncle? Met any other family members?

16 A. No.

17 Q. Do you know he had an identical twin brother?

18 A. I did.

19 Q. Okay. Have you ever met his brother?

20 A. No.

21 Q. And does that cause ya any concern he's got identical
22 twin brother?

23 A. No.

24 Q. Okay, you know specifically fo -- at any time that you
25 were dealin' with Mr. Tate who's seated here (indicating) or

1 his brother?

2 A. It be him.

3 Q. But how how do ya know? You know ---

4 A. How would his brother know who I am?

5 Q. How how how do you know who he is or which one of 'em

6 it?

7 A. Because his brother wouldn't know me.

8 Q. You know what his brother's name is?

9 A. No.

10 Q. Did he ever tell you -- you talk to his uncle in regards

11 to that 'bout any ---

12 A. No.

13 Q. --- other family members he had, where people lived?

14 A. His uncle was at work at the Waffle House.

15 Q. Now have you done any other I guess, uh, controlled buy,

16 worked as a confidential informant?

17 A. No.

18 Q. Okay. Now you said you went down here I I guess or Jason

19 Griffin was goin' down here once or twice every two days, is

20 that ---

21 A. I'm not sure about -- oh, Jason ---

22 Q. Yeah, Jas ---

23 A. --- like every other day.

24 Q. Right. And how much when you go down you buy an ounce,

25 let's just say you get an ounce, how much is he sellin' an

1 ounce for?

2 A. Um, I'm not sure, ---

3 Q. So an o ---

4 A. --- whatever he wants to I guess.

5 Q. Well wha'd you buy an ounce for? I mean, you're

6 you're ---

7 A. He paid ---

8 Q. --- a drug dealer?

9 A. --- 1150.

10 Q. Huh?

11 A. He paid 1150.

12 Q. Eleven fifty. It's not \$11.50, is it?

13 A. Eleven hundred and fifty dollars.

14 Q. Eleven hundred and fifty dollars, so that's what you're

15 payin' for an ounce of methamphetamine.

16 A. I wasn't, he was.

17 Q. I mean, that's that's what you did when you were doin'

18 it, right?

19 A. Well yeah, yeah, I guess so.

20 Q. Okay, so \$1150 so that's once or twice every two days, I

21 mean, let's let's say that's fi -- four times a week, that's

22 almost \$5,000 a week.

23 A. Um-hum.

24 Q. And ---

25 A. He made like \$20,000 ---

1 Q. Twenty thousand dollars.
2 A. --- in a month.
3 Q. Twenty thousand in a month is what he's makin' off a
4 this. Can you show anything that shows that i -- this
5 transaction, this money goin' back and forth?
6 A. It wasn't me, it was him.
7 Q. Okay, but you don't and you were part a this, you don't
8 have anything to show.
9 A. He was doin' it by hisself.
10 Q. I mean, it -- I would think that drug dealers would keep
11 sales or records of ---
12 A. I was, ---
13 Q. --- what they ---
14 A. --- I was more of a user than a dealer.
15 Q. Okay, well we -- you've dealt before, we agree with that,
16 right?
17 A. Yeah.
18 Q. Okay. When you would deal, ---
19 A. Not that much.
20 Q. Well you would deal, would ya keep records a who you
21 dealt with?
22 A. No.
23 Q. Huh?
24 A. No.
25 Q. Oh, so if somebody shorted you amount of money you, you

1 wouldn't say, Well let me put it down that they owe me \$500
2 here.

3 A. I wa -- I didn't sell that much. I would sell like 20 or
4 30 and if they didn't pay me the 20 or 30 then they didn't pay
5 me.

6 Q. Well, I mean, you would hav -- so -- i -- did Jason
7 Griffin have to your knowledge a drug sale receipt or drug, I
8 mean, sales book that he kept?

9 A. Yeah, I'm sure he did.

10 Q. Okay, so he would keep that and it would basically show
11 Hey, this is who I've sold to ---

12 A. Yeah.

13 Q. --- or who I've gotten from ---

14 A. Yeah, ---

15 Q. --- or how much I'm dealin'.

16 A. ---- I'm sure.

17 Q. Okay. Do others do that? Do any a these other guys that
18 you know keep those books: Larry Anthony Gambrell?

19 A. I don't know.

20 Q. How 'bout Javin Adams?

21 A. I don't know.

22 Q. Okay, but you think or say that Jason had that.

23 A. He probly did.

24 Q. Probly did or you know it?

25 A. I mean, I don't know for sure but I'm sure he did.

1 Q. Okay. Did ever see him with anything in his hand
2 monitorin' how much he was buyin' or anything like that?
3 A. (Nodded in the negative.)
4 Q. Okay. Did you ever tell any a the investigators that,
5 uh, Mr. Tate or the individual you were dealin' who was the
6 individual that moved from South Carolina down to Georgia, did
7 you ever tell ---
8 A. Uh, ---
9 Q. --- him 'em lived here at one time?
10 A. --- no.
11 Q. Okay. And he's never to your knowledge come to South
12 Carolina, right?
13 A. I mean, he -- I know he come to South Carolina but I
14 didn't s -- he ain't never brought me nothin'.
15 Q. To your knowledge have you ever even him in South
16 Carolina?
17 A. Once.
18 Q. When?
19 A. When he was at Jason's house.
20 Q. Jason's house. What was he doing at Jason's house is?
21 A. I don't know.
22 Q. Okay, so you don't have any personal knowledge and Jason
23 be the one that would provide us information.
24 A. Right.
25 Q. Okay. If you'll bear with me one second.

1 (Whereupon, a discussion was held off the record.)
2 Q. You know of anybody that bought a car from Mr. Tate?
3 A. I heard Nate' talk about yesterday, sumtin' about a
4 transmission, ---
5 Q. Okay.
6 A. --- I have no idea.
7 Q. Yeah, you weren't privy to that or had any knowledge a
8 that?
9 A. No.
10 Q. Okay, you know when it happened?
11 A. No.
12 Q. Okay. Now sittin' here right now you're gettin' a
13 substantial reduction in your sentence based on your
14 testimony, correct?
15 A. Not based on my testimony, it was -- those were already
16 made ---
17 Q. Okay.
18 A. --- whether I gave the testimony or not.
19 Q. But you were supposed to cooperate, correct?
20 A. Right.
21 Q. Okay, and how do you interpret cooperation?
22 A. Just do what they say, ---
23 Q. Do what they say and "they" ---
24 A. --- or they ---
25 Q. --- is ---

1 A. --- ask me to.
2 Q. "They" is them over here (indicating), correct, ---
3 A. Yes.
4 Q. --- and that would be the prosecution?
5 A. I can do whatever I wanna do but, you know, ---
6 Q. I mean, ---
7 A. --- if not, be honest.
8 Q. --- you just said "do what they say".
9 A. I mean, I don't -- what? Yeah.
10 Q. Yeah.
11 A. Yeah.
12 Q. Thank you, I have no further questions. Oh wait, are you
13 still talkin' with Nate' or any a the other co-defendants?
14 A. I seen her out here yesterday and for for second.
15 Q. Saw her out here?
16 A. Yes.
17 Q. Okay, so you keep any contact with any a the other
18 ones?
19 A. No, except for Rachel gave me a ride here because she
20 lives down the street from me.
21 Q. So Rachel and you are still talkin'.
22 A. Not not really. She just had a baby and I went and seen
23 it.
24 Q. Jason Griffin talk to him?
25 A. Nope.

1 Q. When's the last time?
2 A. 'fore he went jail.
3 Q. Okay. Talk to any -- Javien [sic]?
4 A. No.
5 Q. Okay. Thank you, no further questions.
6 THE COURT: Any redirect?
7 MR. UNDERWOOD: Very briefly, Your Honor.
8 REDIRECT EXAMINATION BY MR. UNDERWOOD:
9 Q. Ms. Lollis, did you testify that Antonio Tate gave you
10 two or three different phone numbers?
11 A. Yes.
12 Q. When you went down to Georgia, what was the general
13 reason you were going down there?
14 A. To purchase meth.
15 Q. Were you working for law enforcement?
16 A. No.
17 Q. Did you have any reason to collect evidence?
18 A. No.
19 Q. You mentioned that as part a your plea agreement you said
20 that, uh, you were gonna do what you were told to do, is that
21 right, ---
22 A. Yes.
23 Q. --- what you said, has your testimony here been
24 truthful?
25 A. Yes.

1 Q. What was the exact thing that you were told to do by
2 myself and the rest ---
3 A. Be honest.
4 Q. --- of the prosecutors? Thank you.
5 MR. UNDERWOOD: Nothin' further, Your Honor.
6 THE COURT: Mr. Ariail, anything else?
7 MR. ARIAIL: Uh, nothing, Your Honor.
8 THE COURT: Alright, ma'am, you can step down.
9 THE WITNESS: Thank you.
10 (Whereupon, the witness left the stand.)
11 MR. PAULING: Thank Your Honor, this time the State will
12 call Jason Griffin.
13 THE COURT: Alright.
14 (Whereupon, the witness came forward.)
15 THE BAILIFF: Left hand on the Bible, raise your right.
16 THE WITNESS: Yes, sir.
17 GARY JASON GRIFFIN, having been
18 first duly sworn, testified as follows:
19 THE CLERK: Thank you, please be seated.
20 THE WITNESS: Yes, ma'am.
21 THE COURT: Yes, sir.
22 MR. PAULING: Thank Your Honor.
23 DIRECT EXAMINATION BY MR. PAULING:
24 Q. Mr. Griffin, sir, can you please state your your full
25 name for the record.

1 A. Gary Jason Griffin.
2 Q. Mr. Griffin, if you'd please tell the members of the
3 jury, sir, where you're from.
4 A. Uh, Pickens, South Carolina.
5 Q. Okay, and, uh, how long have you lived in Pickens, South
6 Carolina?
7 A. All my life.
8 Q. All your life? How was ---
9 A. Well ---
10 Q. Go ---
11 A. Yes, sir.
12 Q. --- ahead, I'm sorry.
13 A. Yes, sir, I mean, I was born in Greenville but I moved
14 there when I was like four or five, six.
15 Q. And how old are you now?
16 A. Uh, 36, 37.
17 Q. Got a birthday comin' up soon?
18 A. Yes, sir.
19 Q. Okay. Now what's your educational background? Did you
20 finish high school?
21 A. Yes, sir. I went, uh, I got my GED in prison.
22 Q. Okay, and when you say "in prison" what what were you in
23 prison for?
24 A. Uh, distribution of methamphetamine.
25 Q. Okay, and about when was that?

1 A. 2002.

2 Q. Now when did you first become involved with, uh, with

3 drugs at all?

4 A. Uh, when I was like 13.

5 Q. How did that come about?

6 A. In high school I started smokin' marijuana and ---

7 Q. And at s --- go ahead.

8 A. Yes, sir, you ---

9 Q. And at at some point did you begin usin' any other type a

10 drugs?

11 A. Yes, sir, I started usin' cocaine and and meth.

12 Q. And how did you become involved with methamphetamine,

13 usin' it?

14 A. I just started u -- oh, you talk about -- I started, uh,

15 usin' meth to get off a crack.

16 Q. Okay, explain that, what what do you mean?

17 A. It's just like I started smokin' crack and, uh, it was a

18 lot cheaper and I didn't have to do as much, ---

19 Q. So you you were, ---

20 A. --- you save ---

21 Q. --- you ---

22 A. --- money.

23 Q. --- you were an addict that point?

24 A. Yes, sir.

25 Q. And at some point, Mr. Griffin, did you eventually begin

1 to to deal drugs?

2 A. Yes, sir.

3 Q. Okay, and clearly you're in an orange jumpsuit there,

4 sir, uh, where are you being housed right now?

5 A. In Greenville County Detention Center.

6 Q. Okay, and, uh, in fact, you were charged in this this

7 particular investigation, is that correct?

8 A. Yes, yes, sir.

9 Q. And at this particular time you've you've pled guilty, is

10 that correct?

11 A. Yes, sir.

12 Q. Okay, but you're awaiting sentencing?

13 A. Yes, sir.

14 Q. Now do you remember entering a plea agreement, uh, last

15 year?

16 A. Yes, sir.

17 Q. And in fact did you plead guilty to trafficking

18 methamphetamine twenty-eight to a hundred grams by conspiracy

19 two counts of that second offense?

20 A. Yes, sir.

21 Q. Okay, uh, trafficking meth twenty-eight, excuse me, ten

22 to twenty-eight grams second offense three counts?

23 A. Yes, sir.

24 Q. Trafficking meth twenty-eight to a hundred grams second

25 offense?

1 A. Yes, sir.

2 Q. Distribution of meth third offense?

3 A. Yes, sir.

4 Q. Uh, to also include possession of a stolen pistol, uh,
5 unlawful pistol, possession of a weapon during the commission
6 of a violent crime?

7 A. Yes, sir.

8 Q. And do you recall what your plea negotiation is?

9 A. Fifteen to twenty years.

10 Q. A negotiated range of 15 to 20 years?

11 A. Yes, sir.

12 Q. Okay, do you understand what that means?

13 A. I can't go over 20 and can't get under 15.

14 Q. Okay.

15 A. Uh, ---

16 Q. As part of that, uh, plea agreement, um, did you
17 understand that you cont -- had to continue to cooperate ---

18 A. Yes, sir.

19 Q. --- to include testifying truthfully?

20 A. Yes, sir.

21 Q. Now, Mr. Griffin, when did you begin dealin' drugs, 'bout
22 what time, what time frame was it at?

23 A. Bef -- yeah, before I went to prison?

24 Q. Well we we can talk about that and then the the more,
25 uh, ---

1 A. Just I s -- I just started dealin' drugs to like
2 basically support my habit before I went to prison, then I
3 got, had two distributions, went to prison, got outta
4 prison ---
5 Q. When'd ya get outta prison?
6 A. 2008.
7 Q. And at that point you you've been 'cause when you got out
8 in 2008 did you get involved with drugs again?
9 A. Uh, yes, sir, I I I had a job and ---
10 Q. Where were you workin' at that time?
11 A. With my stepfather and, uh, work got slow.
12 Q. What were you doin'? What kind time -- type a work were
13 you doing that time?
14 A. Uh, construction work: remodelin', ho -- home improvement
15 and, uh, the work got slow and I started hangin' out with one
16 a my friends and, uh, started doin' meth again and, uh, ---
17 Q. What friend was that?
18 A. Chris Simmons.
19 Q. Chris Simmons?
20 A. Yes, sir.
21 Q. And, uh, he took me over to Melinda Cuddy's and we
22 started -- I started doin' drugs on my birthday June 10th and
23 I started, I bought some methamphetamine ---
24 Q. Okay, and ---
25 A. --- to ---

1 Q. --- just, and just so I understand you got out of prison
2 in 2008, was it that same June or was it the following June,
3 when ---
4 A. The the next June.
5 Q. Okay.
6 A. So I got out September.
7 Q. 2008.
8 A. Yes, sir. Yes, sir.
9 Q. Okay. You were doing construction work, ---
10 A. Yes, sir.
11 Q. --- work got slow ---
12 A. Yes, sir.
13 Q. --- and you fell back in with Christopher Simmons?
14 A. Yes, sir.
15 Q. Had you dealt with him before or ---
16 A. Yes, sir.
17 Q. --- used, or used meth with him before?
18 A. Yes, sir.
19 Q. Okay, even prior to you goin' to prison back'in ---
20 A. Yes, sir.
21 Q. --- 2002? Okay. How long have you known Christopher
22 Simmons?
23 A. Twenty years.
24 Q. Okay. Did you grow up with him?
25 A. Yes, sir.

1 Q. Okay. And now June 10th the following year 2009 you went
2 to Melinda, is it Melinda Cuddy?
3 A. Yes, sir.
4 Q. Okay, and you did ---
5 A. Yes, sir.
6 Q. --- meth at her particular house?
7 A. Yes, sir.
8 Q. Okay, and how much did you use?
9 A. At that time I I think I I purchased a half 8 on that
10 night and I did the whole, I was, I was shootin'
11 methamphetamine and I did the whole half 8 that night.
12 Q. Okay, I'm gonna slow you down, Mr. ---
13 A. Um, ---
14 Q. --- Griffin. When you say a half 8, what's an 8?
15 A. A 8-ball is 3.5 grams, a half a 8's 1.75.
16 Q. Do you know why it's called an 8-ball?
17 A. 'cause it's a eighth. Isn't it a eighth of a ounce or an
18 eighth, that right?
19 Q. You know how, you know how many grams are an ounce?
20 A. Twenty-eight.
21 Q. Twenty-eight?
22 A. Yes, sir.
23 Q. So an eighth of a ---
24 A. Is that ---
25 Q. --- an ounce would be an 8-ball?

1 A. --- is that right I think, uh, ---
2 Q. Well I'm I'm a -- I I'm just askin' you is that, was that
3 what your understanding was?
4 A. Yes, sir, I think so.
5 Q. Okay, and now you said you bought, you bought a half 8?
6 A. Yes, sir.
7 Q. Okay, which is about how much methamphetamine would that
8 be?
9 A. Uh, you you talkin' about price-wise?
10 Q. Well ---
11 A. 'bout a hundred and fifty dollars worth ---
12 Q. A hundred fifty dollar ---
13 A. --- or it would be about, let's see, it be probly probly
14 be about, I'm tryin' to think in line-wise probly 'bout 10, 15
15 lines snort, lines you'd snort.
16 Q. Okay, and who who provided the the meth at that
17 particular time?
18 A. Ms. Cuddy, Melinda.
19 Q. And did you know who was was providing her? Did you know
20 who her source was at that time?
21 A. Uh, not not really, not at that time.
22 Q. But you go over to Chris Simmons, get a half 8 and then
23 you said you you would shoot it?
24 A. Yes, sir.
25 Q. Okay. Now after that particular time, uh, did you

1 continue to use meth?

2 A. Yes, sir.

3 Q. Okay, and who would you get methamphetamine from?

4 A. Uh, at that time, uh, I was gettin' some from some, uh,

5 Mexicans in Greenville and then, uh, anybody I could get meth

6 from at that time and then I met, uh, Wendy.

7 Q. Okay, and with Wendy are you speakin' 'bout Wendy Lollis?

8 A. Yes, sir.

9 Q. Okay, how do you know Ms. Lollis?

10 A. Uh, can't remember exactly how we were introduced but I

11 met her and we started dealin' together I guess as you could

12 say and, uh, that's when, uh, she offered to take me to

13 Atlanta.

14 Q. Okay, before we get there 'bout what time was that when

15 you you got hooked up with Wendy Lollis? If you started, if

16 you started, uh, using again on your birthday June 10th of

17 2009, uh, about when was it that you got introduced to Wendy

18 Lollis? Was it that same year?

19 A. Yes, sir.

20 Q. Okay but was it, uh, before the end of a year, was

21 Christmastime, was -- or just about ---

22 A. I really can't remember exactly ---

23 Q. Okay.

24 A. --- be honest with ya. I can't, uh, it's within a month

25 or two, ---

1 Q. Okay.

2 A. --- yeah.

3 Q. Now when you would purchase -- were you purchasin' from

4 Wendy Lollis?

5 A. I think maybe if I had sumtin' she'd get it and if she

6 had sumtin' I'd get some from her, you know, ---

7 Q. Okay, ---

8 A. --- a ---

9 Q. --- or just whoever had a supply at ---

10 A. Right, ---

11 Q. --- that time?

12 A. --- yes, sir.

13 Q. Okay, alright. At that particular time when you're first

14 introduced to Wendy, did you know who her source for ---

15 A. No, sir.

16 Q. --- meth was?

17 A. No, sir.

18 Q. And about how long after you were dealing with Wendy

19 Lollis whether that's just, you know, trading meth, uh, how

20 long after that was it that that you went to Atlanta?

21 A. Probly another month or so, not long.

22 Q. So so it be a couple months after ---

23 A. Yes, sir.

24 Q. --- after your birthday that you get hooked up with Wendy

25 Lollis and about a month or so after that that you, that you

1 go to Atlanta?

2 A. Yes, sir.

3 Q. Okay. Explain to the jury how that came up -- came about

4 you going to Atlanta.

5 A. Well, I I had saved up my money from sellin' drugs and I

6 had some money and Wendy's like, Why don't we, uh, I know

7 somebody in Atlanta we can go and, uh, get get some good s --

8 good, uh, drugs and, uh, so I was like okay, so me and Wendy

9 and my ex-wife rode down to Atlanta.

10 Q. Who who's your ex-wife?

11 A. Uh, Rachel Eades.

12 Q. Alright, when you say "ex-wife", was she your e -- is she

13 your ex-wife now?

14 A. Yes, sir.

15 Q. Okay, you -- were you married then?

16 A. No, sir.

17 Q. Okay, so she was even your ex-wife then.

18 A. Yes, sir.

19 Q. Okay, alright. Now before we get there you said you

20 saved up some money, uh, how much meth were you, were you

21 selling? When I say "how much were you selling", in what

22 increments would you sell?

23 A. Like at that time I was sellin' just like whatever 20s,

24 40s, up to a half 8 or a 8-ball.

25 Q. Alright, when you say 20s and 40s, what are you talkin'

1 about?

2 A. Like ---

3 Q. Is that the amount? I guess ---

4 A. Yes, ---

5 Q. --- when I asked you said \$20 worth, ---

6 A. --- yes, sir.

7 Q. --- forty dollars worth?

8 A. Yes, sir.

9 Q. Okay, and a half 8 would be half of a 8-ball?

10 A. Yes, sir.

11 Q. Half a 3.5 grams?

12 A. Yes, sir.

13 Q. And how much would you sell a half 8 for?

14 A. A hundred, like a hundred and fifty ---

15 Q. A hundred and fifty dollars?

16 A. --- to a hundred and seventy-five.

17 Q. Okay. Okay, how would, how would you determine the

18 price, ---

19 A. Just ---

20 Q. --- what you would sell it for if you -- what if you

21 sold ---

22 A. --- like ten ---

23 Q. --- for a hundred fifty or ---

24 A. --- like a ---

25 Q. --- you sold for a hundred seventy-five?

1 A. Ten dollars a tenth so there's like, there's ten tenths
2 in gram, right, ---
3 Q. Uh, yes ---
4 A. --- so ---
5 Q. --- okay.
6 A. --- so that be like a hundred dollars a gram s ---
7 Q. I understand.
8 A. --- so that be a pretty good...
9 Q. At the time that that you and Wendy are discussing going
10 to Atlanta to purchase meth, how much money approximately had
11 you saved up?
12 A. I had like two grand, two thousand dollars.
13 Q. And at that particular point, uh, how much were you
14 intending to purchase when you went to Atlanta?
15 A. An ounce.
16 Q. An ounce?
17 A. Yes, sir.
18 Q. And did you know what the the the price was for the ounce
19 before you went to Atlanta?
20 A. Yes, yes, sir.
21 Q. Okay, how did you know that?
22 A. Uh, Wendy had had called Antonio.
23 Q. Okay, and at that particular time you say "Antonio", did
24 you, did you know his name as Antonio?
25 A. No Ant.

1 Q. Excuse me?
2 A. Ant.
3 Q. Ant?
4 A. Yes, sir.
5 Q. A-N-T?
6 A. Yes, sir.
7 Q. Okay, and now, uh, you knew his name from speaking or
8 knew him as Ant from talking with Wendy?
9 A. Yes, sir.
10 Q. Okay, you explain to the jury the first time you went to
11 Atlanta with Wendy Lollis, just tell the jury 'bout that
12 particular trip.
13 A. Alright. We, uh, we had -- she had called and set it up
14 and we rode to Atlanta Exit 101 and went couple blocks to a
15 house, was a real nice house, and, uh, pulled up in the
16 driveway and she called Antonio and he come out and set in the
17 vehicle, we let him sit in the front seat and, uh, I got my
18 scales out and weighed out 28 grams of methamphetamine, paid
19 him \$1400 and, uh, then left, come back to South Carolina.
20 Q. Alright, whose vehicle did you travel in?
21 A. Rachel Eades'.
22 Q. Okay, was was Rachel with you?
23 A. Yes, sir.
24 Q. Okay, so did Rachel drove?
25 A. Yes, sir.

1 Q. Who who drove? Rachel drove?
2 A. Yes, sir.
3 Q. Okay. What what type a vehicle did she have?
4 A. A Yu -- a Yukon ---
5 Q. Okay.
6 A. --- 2002 that time.
7 Q. Now when you arrived, uh, in Atlanta, you said it was, it
8 was Exit 101, how long after you got off the exit did it take
9 you approximately to get to the house?
10 A. Five minutes.
11 Q. Okay, and now once you got there, uh, you said Wendy
12 made the phone call?
13 A. Yes, sir.
14 Q. Okay, and and how long did it take for him to come outta
15 the house?
16 A. Two minutes maybe.
17 Q. Okay, and why did you let him sit in the front seat?
18 A. Just so he'd feel more comfortable and make more room.
19 Q. Gotcha. Now did, uh, did Wendy introduce you?
20 A. Can't really remember at the time if she introduced us
21 'cause, I mean, ---
22 Q. Well I -- and reason I -- had you, had you met him
23 before?
24 A. No, sir.
25 Q. So this is your your first time meeting ---

1 A. Yes, sir.
2 Q. --- him. Okay, and could you describe him.
3 A. A black male, little bit taller than you, maybe a little
4 bit more build, shaved head.
5 Q. And you said he came to the car, was anybody else with
6 him?
7 A. No.
8 Q. Okay, and \$1400 you just paid him cash?
9 A. Yes, sir.
10 Q. Okay, and you said you pulled out some scales, ---
11 A. Yes.
12 Q. --- what what type a scales did you use?
13 A. Uh, digital scales.
14 Q. Okay, and the -- were these scales that you brought, ---
15 A. Yes, sir.
16 Q. --- um, from South Carolina?
17 A. Yes.
18 Q. Okay. Did you always use scales? I mean, ---
19 A. Yes, sir.
20 Q. Do you remember how the, uh, meth was packaged?
21 A. In a a sandwich bag.
22 Q. Sandwich bag. And now after that particular transaction
23 what did you all do? Did you go straight back to South
24 Carolina, were ---
25 A. Uh, yes, sir.

1 Q. Okay. Now at that particular point do you r -- you
2 recall whether or not, uh, you got his phone number?

3 A. No, sir. Uh, I think, I can't remember exactly but we
4 had went back down there, I don't know, oh, yeah, we had went
5 back down there to get somethin' else and, uh, ---

6 Q. And when you say "somethin' else", what what are you
7 referrin' to?

8 A. I know like another ounce of methamphetamine.

9 Q. Okay.

10 A. And a matter a fact that that he gave us cocaine instead
11 of methamphetamine at that time ---

12 Q. Alright, and and ---

13 A. --- and ---

14 Q. --- and that particular trip just explain ---

15 A. Yeah.

16 Q. --- that one, was it, was it you and Wendy and Rachel
17 again?

18 A. Yes, sir. Yes, sir.

19 Q. Was it still in in Rachel's Yukon?

20 A. Yes, sir.

21 Q. Rachel drive?

22 A. Yes, sir.

23 Q. Okay, and now how did that transaction take place?

24 A. Uh, believe at the Waffle House right there off Exit 101.
25 We pull up to Waffle House and, uh, Antonio Tate had a guy

1 meet him, I think he mighta been in the vehicle that time was
2 when I went and picked him up and, uh, he met dude and the
3 dude gave him cocaine instead a methamphetamine so ---
4 Q. I'm sorry, okay, ---
5 A. --- yeah, ---
6 Q. --- Mr. Griffin, just slow down.
7 A. Sorry.
8 Q. No, you're fine.
9 A. Alright.
10 Q. Before you even got to South -- to to Georgia rather, was
11 there, was there a phone call placed like before? Did you
12 call? Did -- was a call made to to Ant before ya'll even
13 left?
14 A. Yeah, but not by me.
15 Q. Okay, who did that?
16 A. Wendy.
17 Q. Okay, so Wendy called?
18 A. Yes, sir.
19 Q. Okay, and then did ya'll leave after she made the phone
20 call?
21 A. Uh, that's what the vehicle tore up. The fuel pump
22 wasn't ---
23 Q. Okay.
24 A. --- workin' in the vehicle ---
25 Q. Okay.

1 A. --- and we had to leave it right there at the gas
2 station.
3 Q. Gas station where? is this in Georgia?
4 A. Yes, sir.
5 Q. Okay, and then then what happened?
6 A. Uh, then I had to go get the vehicle. I had call the tow
7 truck to pick up the vehicle ---
8 Q. Okay.
9 A. --- and, uh, while I was down there I was, I'd done had
10 more money and I was ready to get some more dope and, uh, I
11 called Wendy and got her to call Antonio or Ant and make sure
12 that it was okay if I could see him while I was already down
13 there pickin' up the vehicle.
14 Q. Okay, let me then make sure understand I understand this.
15 There was that trip, you, Rachel and Wendy were going to
16 Atlanta to get the the car ---
17 A. Yes.
18 Q. --- for, is that correct?
19 A. Yes.
20 Q. Okay, so then did ya'll come back to South Carolina?
21 A. Yes, sir, ---
22 (Cross-talk.)
23 A. --- well her ex only come picked us up.
24 Q. Had somebody pick ya up, ---
25 A. Yes.

1 Q. --- came back to South Carolina, ---
2 A. Yes, sir.
3 Q. --- is that correct?
4 A. Yes, sir.
5 Q. Okay, and then was it the same day you went back or a
6 couple days later, what happened?
7 A. It it it mighta been like a a day lapse.
8 Q. Okay, so you went back to pick up the car.
9 A. Yes, sir.
10 Q. And were ya able to fix the car?
11 A. No, sir.
12 Q. Okay, so what happened with ---
13 A. I I tried to actually fix it. I changed the fuel pump or
14 I changed the filter ---
15 Q. Okay.
16 A. --- and the pump, it was a pump ---
17 Q. Alright.
18 A. --- so we had to get it towed. A buddy a mine helped me
19 tow it and, uh, had it towed, then I, that's why why I was
20 down there ---
21 Q. 'cause, you still had money to ---
22 A. Yes.
23 Q. --- to to to get some some meth.
24 A. Yes, sir.
25 Q. Okay, and at which point you called Wendy, is that ---

1 A. Yes, sir.
2 Q. --- correct?
3 A. Yes, sir, ---
4 Q. Alright.
5 A. --- and I asked her if it would be alright if I go and
6 see him why with her not bein' there ---
7 Q. 'cause 'cause the times before Wendy had been with
8 you, ---
9 A. Right.
10 Q. --- okay, and and she was your connection to Ant.
11 A. Yes, sir.
12 Q. Okay, and so was it okay for you ---
13 A. Uh, ----
14 Q. --- to go without her?
15 A. --- yes, sir, ---
16 Q. Okay.
17 A. --- I mean, there was kinda some, you know, turmoil
18 there ---
19 Q. Okay.
20 A. --- but, uh, ya know, she she allowed me to.
21 Q. Okay, and so what happened, did you go on to to
22 Atlanta?
23 A. Yes, sir.
24 Q. Okay, and and who did you meet once you got there?
25 A. Uh, Antonio.

1 Q. And where did you meet?
2 A. Uh, I think at that time I mighta met him at Shell Gas
3 Station is where I met him at.
4 Q. Okay, but it was just you ---
5 A. I met him so many times it's like, you know, I'm sorry
6 it's its' hard to ---
7 Q. --- but you were by by yourself that time?
8 A. I think Rachel Rachel was with Wendy wasn't with us at
9 that time.
10 Q. And how much, uh, well did you purchase meth?
11 A. Yes, sir.
12 Q. How much?
13 A. An ounce.
14 Q. Okay, for how much?
15 A. For I think at that time he come down to like 1250.
16 Q. Okay.
17 A. It was, it was 14 and then he come down a little bit to
18 1250.
19 Q. Okay. And now after, uh, that particular, uh,
20 transaction without Wendy did you continue, uh, to go to
21 Atlanta to purchase meth from ---
22 A. Yes, ---
23 Q. --- from ---
24 A. --- yes, ---
25 Q. --- Ant?

1 A. --- yes, sir.
2 Q. Okay. Approximately how many times did you go down to
3 purchase, uh, meth from from Ant from ---
4 A. Uh, I would ---
5 Q. --- Ant?
6 A. --- say, uh, 15 to 20.
7 Q. How often would you go?
8 A. Like three times a week ---
9 Q. Okay.
10 A. --- but I I move up gradual more every time. I'd get
11 more money and then I I start gettin' more more meth.
12 Q. And just to explain it, you bought an ounce for \$1400,
13 how long would it take you to flip that ounce? How long would
14 it take you to to sell that ounce and be ready to purchase
15 more methamphetamine?
16 A. Like a a day, maybe a day and a half.
17 Q. And if you, if you bought an ounce for \$1400, uh, what
18 amounts were you you you sellin' it?
19 A. In like at that time like like 8-balls, ---
20 Q. Okay.
21 A. --- half 8s or quarter ounce if somebody wanted quarter
22 ounce then, you know, ---
23 Q. A quarter ounce 7 grams?
24 A. Yes, sir.
25 Q. How much would you sell quarter ounce for?

1 A. Five hundred dollars.

2 Q. Okay. You get an ounce for \$1400, ---

3 A. Yeah.

4 Q. --- would you sell a quarter ounce for 'bout \$500?

5 A. Yes, sir.

6 Q. Is that how you, uh, made profit I guess?

7 A. Yes, sir.

8 Q. Okay. Now these times when you would, uh, if you're

9 goin' guess about three times a week, uh, you're still

10 purchasin' an ounce?

11 A. Yes, sir. Well, uh, at at at that time I saved up enough

12 money and I was tryin' to pur -- purchase a a quarter.

13 pound, ---

14 Q. Okay.

15 A. --- 4 ounces.

16 Q. Four ounces?

17 A. Yes.

18 Q. Okay, and and once you saved up your money, you gotten

19 your money to where you could purchase quarter pound, are you

20 still dealing with Wendy or you dealing directly with with Ant

21 at that point?

22 A. Yes, sir, just with Ant, Amp.

23 Q. Okay, and if you were going to purchase a quarter pound

24 from him, how would you get in touch with him, what would

25 you ---

1 A. Uh, at -- I got his number, I would call him.
2 Q. Okay, how'd you get his number?
3 A. Uh, I think he gave it to me.
4 Q. Okay. Was this on one a the occasions when you met
5 him ---
6 A. Yes, sir.
7 Q. --- without Wendy ---
8 A. Yes, sir.
9 Q. --- in Atlanta?
10 A. Yes, sir, well after she said it was okay, ---
11 Q. Okay.
12 A. --- you know.
13 Q. Well let me ask you this: Were you still providing what
14 what -- did you provide Wendy ---
15 A. Yes, sir.
16 Q. --- Lollis anything for for settin' you up with Ant?
17 A. Yes, sir.
18 Q. What would you give her?
19 A. I would, uh, a couple times like I would give her like a
20 a gram a dope ---
21 Q. Okay.
22 A. --- for just just 'cause she said she didn't wanna ride
23 like with the dope and, you know, she didn't wanna have to go
24 through all that ---
25 Q. Okay.

1 A. --- and ---
2 Q. Okay, so you said sometimes you'd give her a gram a dope,
3 other times ---
4 A. Yes.
5 Q. --- what would happen?
6 A. Sometimes I'd I just cut her a good deal on, ya know,
7 where I might sell to somebody a quarter for 5, I'd sell her a
8 quarter for 4 ---
9 Q. Okay.
10 A. --- just, you know.
11 Q. Okay. Now when you'd gotten to the point where you could
12 purchase a quarter pound from Ant, uh, again, the deal you
13 would call him before you left?
14 A. Yes, sir.
15 Q. 'bout how long would it take you to get to Atlanta?
16 A. 'bout two hours.
17 Q. Okay, and, uh, would you call him again or would there be
18 any contact between the time you left South Carolina the time
19 you got to Atlanta?
20 A. Yes, sir, I, as soon as I seen Exit 101, ---
21 Q. Yes.
22 A. --- I'd I'd call him again right then.
23 Q. Okay, and, um, once you would call him would you, would
24 you always meet at the same place or or how would that work?
25 A. Well that's what one time I met there at a Shell station

1 right there ---

2 Q. Okay.

3 A. --- and then, and then I think he got more comfortable

4 and was lettin' me come to apartment, I don't know if it was

5 his apartment or or, uh, this other guy's, I think they shared

6 the apartment was my understandin' but there wasn't nothin' in

7 it just like a bed and, ya know, didn't look like somebody

8 lived there, wasn't no food or ---

9 Q. Right.

10 A. --- or plates or anything, it was just like set up for

11 that is what my, that's what I got out of it.

12 Q. Now you mentioned that apartment, is this apartment --

13 was the apartment off of the same exit the Shell station was,

14 Shell station was?

15 A. No, sir.

16 Q. Okay, 'cause that that a been a different exit?

17 A. Yes, sir.

18 Q. Do you recall ---

19 A. No, no, it's the same exit, yes, sir.

20 Q. Okay, so if was off the same exit.

21 A. Yes, sir, it was just I guess it be like five, six, seven

22 blocks away ---

23 Q. Okay.

24 A. --- different, yeah.

25 Q. Alright. How much would would he charge you for a a

1 quarter pound?

2 A. It -- 39 to 45.

3 Q. Thirty-nine hundred to forty-five hundred dollars?

4 A. Yes, sir, 'cause at at first it was, I think he charged

5 me like 49, think it was like \$1100 an ounce but then he

6 started, he come down just a little bit when, you know, he

7 seen I was comin', you know, every couple days.

8 Q. Alright. Okay, when you would purchase a quarter pound

9 and and there was a time when you'd purchase an ounce ---

10 A. Yes, sir.

11 Q. --- and then you were, you were goin' every other day ---

12 A. Yes.

13 Q. --- or three times a week ---

14 A. Yes, sir.

15 Q. --- when you purchase an ounce, when you ---

16 A. Well no, an ounce I don't know if I was goin' three times

17 a day.

18 Q. Not a day, I'm sorry, that -- three times a week.

19 A. Yeah, that's when I started purchin' -- purchasin'

20 quarter pounds, ---

21 Q. Okay, ---

22 A. --- yes, sir.

23 Q. --- quarter pounds.

24 A. Yes, sir.

25 Q. Alright. So when you get a quarter pound, how long would

1 it take you to move a quarter pound?
2 A. 'bout three days.
3 Q. About three, about ---
4 A. Yeah.
5 Q. --- three days.
6 A. Yes.
7 Q. Okay, alright, and if you purchased a quarter pound for,
8 uh, you said initially was about 4900, we came down a little
9 bit on the price, ---
10 A. Yes, sir.
11 Q. --- okay, but if you purchased a quarter pound for 4900,
12 uh, how much would you make off a that just approximately ---
13 A. Uh, ---
14 Q. --- once you'd sold the the the entire quarter pound?
15 A. I'd say somewhere around 6, 7,000.
16 Q. Okay, that's how much?
17 A. I'm I'm just guessin' just off the top my head ---
18 Q. That's about how much profit ---
19 A. --- without count ---
20 Q. --- mar ---
21 A. Yes, sir.
22 Q. Okay.
23 A. I know I'm gonna about, I'll probly like double my
24 money.
25 Q. You would double, okay you double your money.

1 A. Yeah, ---
2 Q. Okay.
3 A. --- that's what I was sayin'.
4 Q. Okay. Now, uh, did he ever front you with that?
5 A. No, no, sir.
6 Q. Okay, so you had to pay him cash.
7 A. Yes, sir.
8 Q. Alright. You had -- and you had to pay it right then ---
9 A. Yes, sir.
10 Q. --- when when when you, when you received the meth.
11 A. Yes, sir.
12 Q. Alright, did you front out any meth?
13 A. Yes, sir.
14 Q. Okay, and in in what amounts? I mean, would you front
15 out an ounce a meth to someone?
16 A. No, I wasn't gonna front out. I'd front quarter ounces.
17 Q. Okay, alright. Now how, quarter ounce 7 grams ---
18 A. Yes, sir.
19 Q. --- round 'bout, how would you keep up with or keep track
20 of who owed you money?
21 A. I I'd keep it my head, sometimes I'd write it down.
22 Q. Okay. I mean, did you keep a a notebook?
23 A. Yes, sir.
24 Q. Okay. Now when you would go to the, to the apartment in
25 Atlanta for the deals take place, explain to the jury what

1 would happen once you got to the apartment.

2 A. Once I I get to the apartment, uh, he he might be
3 standing outside, I I get outta the vehicle, me and Rachel,
4 and, uh, we'd step in the apartment and, uh, we'd go over to
5 the kitchen sink, get the scales out, get the meth, start
6 weighin' it and I start countin' money and, uh, I would, uh,
7 get piece a meth out, test it, put some in the syringe, me and
8 Rachel both, and, uh, do a shot make sure it was good and give
9 him the money, take the meth and I would leave.

10 Q. Okay. And when you say you would, you would, you would
11 do a shot, ---

12 A. Yes.

13 Q. --- about about how much would you use to test it?

14 A. About three tens.

15 Q. Okay. And how would you know if it was good or not?

16 A. Uh, the way it make you fe -- make you feel, yes.

17 Q. Off a the high it would give you?

18 A. Yes, sir.

19 Q. Okay. Without shooting it could you tell whether or not
20 the the meth was of particular quality? Could you tell by
21 lookin' at it?

22 A. After -- I mean, yes, sir.

23 Q. Okay, and just explain that.

24 A. Just it be like crystals, shards.

25 Q. Okay. Did he always have the same type a of of of meth?

1 A. Pretty much. Sometimes it, sometimes it had little shake
2 in it.
3 Q. Okay, when you say "shake", what are you talkin' about?
4 A. Like a little dust.
5 Q. Okay, re -- a a residue or sumtin'?
6 A. There just like powder where, you know, uh, yeah, re -- I
7 guess the residue off the shards ---
8 Q. Okay.
9 A. --- make shake.
10 Q. And I believe, Mr. Griffin, you testified earlier there
11 was a time that ya you purchased some meth but it wasn't meth,
12 can you explain that. You said it wasn't meth, you had to
13 take it back.
14 A. Me? I said that?
15 Q. Let me, let me ask ya this: Was there a time that you,
16 that you you you thought you got meth but it was somethin'
17 else?
18 A. I think, uh, maybe one time, uh, I I might a got some
19 meth and it had some cut on it ---
20 Q. Had some cut, ---
21 A. --- or maybe twice.
22 Q. --- had some cut on it?
23 A. Yes, sir.
24 Q. Okay, and when you say "cut", what are you speaking of?
25 A. Like, uh, acetone or, uh, I forgot what they use. What

1 is it? Uh, I forget what they call that --- stuff.

2 Q. Okay, what's the purpose a usin' cut?

3 A. Just to get more money for less dope.

4 Q. Okay, what does it do, what does it do to the product

5 when you cut it with -- explain ---

6 A. It ---

7 Q. --- that.

8 A. --- ruins it.

9 Q. Other ---

10 A. I mean, it just, uh, ---

11 Q. --- other than ruining the product, what what does it

12 do?

13 A. It just makes more of it.

14 Q. And so if you've got, you've got an ounce of of meth and

15 you put some cut on it, what, I mean, what would you be able

16 to do?

17 A. You could probly take a ounce of meth and put a an 8-ball

18 or cut on it and that would be like an extra \$250 ---

19 Q. Okay.

20 A. --- you could make.

21 THE COURT: Mr. Pauling, uh, if if this is a good point

22 for a break, let's let's take a a break. Ladies and

23 gentlemen, I'm gonna ask you to step to your jury deliberation

24 room for a brief break, uh, please don't discuss this case

25 with anyone. Thank you.

1 THE COURT: Excuse me.

2 BY MR. PAULING:

3 Q. Now, Mr. Griffin, uh, you'd said that you'd gotten

4 quarter pound of an ounce from from Ant, uh, was that the

5 greatest amount you've gotten from at any particular time?

6 A. No, sir.

7 Q. Okay. What was the most amount a meth you would have

8 gotten from Ant when you'd go to Atlanta?

9 A. A half a pound.

10 Q. Half pound?

11 A. Yes, sir.

12 Q. Okay, and how much were you chargin' for half pound?

13 A. Uh, I think it was like 8, 8 9 or 9 5.

14 Q. Okay, 8000 or \$9500 ---

15 A. Yes, sir.

16 Q. --- for a, for a half pound?

17 A. Yes, sir.

18 Q. Okay, and if you recall how many occasions would you have

19 gotten a half pound?

20 A. I know, uh, twice, maybe three.

21 Q. Two or three times?

22 A. I know definitely twice.

23 Q. Definitely ---

24 A. Yes, ---

25 Q. --- twice?

1 A. --- yes, sir.

2 Q. Okay, and when you would -- when you got the half pound

3 on those two occasions, do you remember where the the

4 transaction took place?

5 A. Uh, both both times was at the apartment.

6 Q. Okay, at the apartment?

7 A. Yes, sir.

8 Q. Okay, and now overall what's this time frame that you

9 were dealing with with with Ant?

10 A. I would say, uh, three months.

11 Q. Three months?

12 A. Yes, sir.

13 Q. Okay, so all this occurred within a a 3-month time

14 frame?

15 A. Give or take a, you know, week or two.

16 Q. Okay. Now and then, uh, during that particular time that

17 you were dealing with Ant, di -- was there ever a a time that,

18 uh, that he actually came to South Carolina?

19 A. Yes, sir, ---

20 Q. And ---

21 A. --- one time.

22 Q. --- did he ---

23 A. One time.

24 Q. One time? And and and where'd you meet him in South

25 Carolina?

1 A. At, uh, Rachel's house ---
2 Q. Okay, when you say "Rachel", ---
3 A. --- her, I think Wendy brought him over there.
4 Q. Okay.
5 A. I can't remember the -- he, it's just like he just ---
6 THE COURT: Hold on just one moment, please. I'm gonna
7 let these people get seated. We've got a great number a
8 people. Mr. Ariail, none a these are potential witnesses that
9 that you know of?
10 MR. ARIAIL: Yeah, they are or...
11 (Whereupon, a discussion was held off the record.)
12 THE COURT: Yeah, give us just one moment, please.
13 (Whereupon, a discussion was held off the record.)
14 THE COURT: Let's step out. If you're listed as a
15 witness, let's let's step out, we got jurors waitin' on us.
16 Yes, sir, ---
17 BY MR. PAULING:
18 Q. Okay, ---
19 THE COURT: --- go ahead.
20 BY MR. PAULING:
21 A. --- and and you said "Rachel's house", were were you
22 livin' with Rachel at the time?
23 A. Yes, sir.
24 Q. Okay, so was was essentially your house as well?
25 A. Yes.

1 Q. Okay, and you said Wendy brought him over, how much meth
2 did you get at that particular time?

3 MR. ARIAIL: Your Honor, objection, uh, ---

4 THE COURT: What's your objection?

5 MR. ARIAIL: --- leading again.

6 THE COURT: Alright, I'll ask ya to rephrase at this
7 time.

8 BY MR. PAULING:

9 Q. Alright, what happened on that occasion when you came to,
10 uh, to Rachel's house where you were livin'?

11 A. He, uh, come in the house and, uh, brought brought me a
12 quarter ounce of methamphetamine ---

13 Q. Quarter ounce.

14 A. --- and I think, I can't recall or say for a fact, but I
15 think he gave Wendy quarter ounce too but I can't and, you
16 know, ---

17 Q. Okay, did ---

18 A. --- but he ---

19 Q. --- did he definitely give you a quarter ounce?

20 A. Yes.

21 Q. Okay. Alright, do you remember how much he he charged at
22 that particular time?

23 A. Think \$300.

24 Q. Okay, and when he brought you that quarter ounce, was
25 that early on in in in your dealings with him? I mean, since

1 Wendy brought him over was that still early on?
2 A. Uh, I I think it was like in the middle.
3 Q. Okay. Okay, well at that point had you been getting
4 quarter pounds or half pounds from at that time?
5 A. I think so, not half pound but ---
6 Q. But but at least a quarter pound ---
7 A. Yeah, ---
8 Q. --- at that particular ---
9 A. --- yes, sir.
10 Q. --- time? And now you said you would contact him, uh, by
11 cell phone, did you, did you have just one number for him?
12 A. Yes, sir.
13 Q. Okay, so it was a -- there was one particular number that
14 you used the entire time?
15 A. Yes, sir.
16 Q. Okay, well now was that somethin' that you had programmed
17 in your phone, did you memorize it or ---
18 A. Yes, sir, it was programmed my phone.
19 Q. So did you have to dial it out each time or you
20 just ---
21 A. Just hit it.
22 Q. Okay, and wha'd you have his his number saved on? What
23 what was the name that you had his number saved on?
24 A. Ant.
25 Q. Ant, okay. Now at at some particular time did did you

1 stop, uh, dealing methamphetamine?

2 A. Uh, tryin' to, uh, when I I got locked up.

3 Q. Okay, when'd you get locked up?

4 A. Uh, March.

5 Q. March of what?

6 A. Uh, I think it was March 10th, ---

7 Q. Okay.

8 A. --- I can't really remember, uh, ---

9 Q. Okay, and now that particular, if and if you could

10 explain how did that come about that you, that you got

11 arrested, what what what happened that particular ---

12 A. On March 10th?

13 Q. Yes, sir.

14 A. Uh, I had, uh, took a 8-ball my friend Chris Simmons and

15 I dropped it off 'cause he was wantin' me to bring him

16 somethin' and then, uh, I went to Wal-Mart and Applebee's

17 and ---

18 Q. Who'd ya go with?

19 A. Rachel.

20 Q. Okay, Rachel Eades was with you?

21 A. Yes, sir, ---

22 Q. Okay.

23 A. --- and, uh, ---

24 Q. Where was Chris livin' at that time?

25 A. Uh, Vinland School Road ---

1 Q. Okay.
2 A. --- Old Vinland School Road.
3 Q. Okay, is that in Pickens County ---
4 A. Uh, ---
5 Q. --- if you know?
6 A. --- I think it's, I think it be E -- that might be
7 Greenville or Easley, ---
8 Q. Okay, do ---
9 A. --- uh, ---
10 Q. --- ya know ---
11 A. --- it's Dacusville actually but I don't know it's
12 like, ---
13 Q. Okay.
14 A. --- uh, I don't know if it's Greenville exactly, it's
15 right, it's right over the line if, uh, ---
16 Q. But you went to Wal-Mart, Applebee's?
17 A. Yes, sir.
18 Q. Okay, and then what happened?
19 A. Uh, ate, met a couple people, went, uh, went back by
20 Chris Simmons' just to see if he had some my money and pulled
21 in and he come out, handed me some money, went back in.
22 Q. You said he handed you some money, was that for ---
23 A. He handed me \$200.
24 Q. Okay, what was that for?
25 A. For the meth I left him earlier, ---

1 Q. Okay.

2 A. --- uh, and then he wanted to purchase some more so I I

3 said okay and we started wiggin' on the guy he had in the

4 house, we thought dude had a wire on him.

5 Q. Okay, when you said the "guy he had in the house", did

6 Chris Simmons wanna purchase the the meth? Who wanted to ---

7 A. Yeah, ---

8 Q. --- purchase meth?

9 A. --- he, yeah, he wanted to purchase it from me ---

10 Q. Okay.

11 A. --- but he was gonna sell it to that guy.

12 Q. Okay, and did you know who that guy was?

13 A. No, sir.

14 Q. Alright.

15 A. And, uh, dude, well well I -- we said we think dude's got

16 a wire on him so, uh, he went in the house and asked the guy

17 if he had a wire on and ---

18 MR. ARIAIL: Objection, Your Honor, this hearsay. He's

19 testifyin' to what ---

20 THE COURT: Mr. Pauling, ---

21 MR. PAULING: Okay, ---

22 THE COURT: --- alright, ---

23 MR. PAULING: --- I ---

24 THE COURT: --- sustained.

25 MR. PAULING: --- I'll ---