

21841

ANDERS

STATE OF SOUTH CAROLINA

ORIGINAL

In The Court of Appeals

No Respondent's Brief Filed

APPEAL FROM OCONEE COUNTY

NO DEF. BRIEF

Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

STEVEN RANSLOW ALLISON,

APPELLANT

APPELLATE CASE NO. 2014-002237

RECORD ON APPEAL

WANDA H. CARTER
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

Attorneys for Respondent

RECEIVED

JAN 22 2015

SC Court of Appeals

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED OCTOBER 13-14, 2014	1
MOTION TO RELIEVE TRIAL COUNSEL	6
MOTION REGARDING COUNSEL'S CONFLICT OF INTEREST.....	9
COURT'S RULING ON CONFLICT AND CHOICE OF COUNSEL.....	10
ARRAIGNMENT	13
JURY VOIR DIRE.....	15
JURY SELECTION	20
OPENING STATEMENT BY THE COURT.....	38
OPENING STATEMENTS BY SOLICITOR	51
OPENING STATEMENT BY DEFENSE COUNSEL	56
TESTIMONY	
SCOTT MCCREARY	58
ANNA J. ORR.....	68
SHERRY GIBSON	85
MEREDITH LANFORD	92
STATE RESTS.....	99
DIRECTED VERDICT MOTION.....	100
COURT'S RULING ON DIRECTED VERDICT MOTION.....	101
DEFENSE RESTS	105
CLOSING ARGUMENT BY SOLICITOR.....	108

CLOSING ARGUMENT BY DEFENSE COUNSEL	113
JURY CHARGE BY THE COURT	115
JURY QUESTION	133
COURT'S RESPONSE TO JURY QUESTION	134
VERDICT	137
SENTENCING	146
INDICTMENT	148
CERTIFICATE OF COUNSEL.....	150

State of South Carolina

County of Oconee

In the Court of General Sessions

State of South Carolina,

Plaintiff,

-VS-

Steven Ranslow Allison,

Defendant

2014-GS-37-625

October 13-14, 2014

Transcript of Record

BEFORE

The Honorable Roger L Couch, Judge

APPEARANCES

Lindsey Simmons, Esquire
Assistant Solicitor for 10th Judicial Circuit
Attorney for the State

Aaron Angell, Esquire
Attorney for the Defendant

Renee H Tollison
Circuit Court Reporter

INDEX

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
Scott McCreary				
Simmons	58			
Angell		66		
Anna J. Orr				
Simmons	68		82	
Angell		77		83
Sherry Gibson				
Simmons	85		91	
Angell		88		
Meredith Landford				
Simmons	92		98	
Angell		97		98

<< -- >>

	PAGE
Batson	4
Pretrial Motions	5
Voir Dire	15
Preliminary Charge	38
Opening Statements	
Simmons	51
Angell	56
Closing Arguments	
Simmons	108
Angell	112
Charge	115
Verdicts and Sentencing	137
Certificate of Reporter	147

EXHIBITS

No	DESCRIPTION	ID	EV
S-1	Pocketbook Cam CD	35	73
S-2	Key Fob Cam CD	35	73
S-3	Drugs and SLED Analysis Report	35	96
S-4	Stipulation	35	65
S-5	Photograph	35	63
S-6	Photograph	35	63
C-1	Jury Question	134	

1 **OCTOBER 13, 2014**

2 (WHEREUPON, court convened with all parties present,
3 and the following proceedings were had commencing at
4 approximately 11:19 a.m.)

5 THE COURT: All right. I want to confirm there
6 are no members of the jury panel in the courtroom.
7 That's true. Madam Solicitor, You may call the case.

8 MS. SIMMONS: Thank you, Your Honor. This is
9 2014-GS-37-625 which was a direct presentment to the
10 Grand Jury in the State versus Steven Allison for
11 distribution of methamphetamine third or subsequent. Mr.
12 Angell has a motion for the Court.

13 THE COURT: All right. Mr. Angell, I'll be
14 happy to hear from you. And I'll point out Mr. Allison
15 is present.

16 MR. ANGELL: Yes, Your Honor. My client has
17 indicated to me -- thank you, Your Honor, first of all.
18 My client has indicated to me that he would like to fire
19 me based on various reasons. I don't know if you might
20 hear him at this time.

21 THE COURT: All right. Well, let's find out.
22 Please swear the Defendant for me.

23 (WHEREUPON, the Defendant was duly sworn.)

24 THE COURT: All right. Mr. Allison, before you
25 speak to me about this, let me caution you that anything

1 that you might say during this process can and will be
2 used against you in a court of law. So if there is some
3 matter that you think that you need to communicate to me
4 that somehow might prejudice your case or somehow might
5 affect your case, please let me know and I'll try to
6 arrange it in such a fashion that it would not prejudice
7 your case. Do you understand that, sir?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And do you understand that what
10 you're saying is taken down on the record and could be
11 used against you later on? Do you understand that as
12 well?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Again, you have the right to remain
15 silent at every stage of a criminal proceeding. Are you
16 aware of that also?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Your attorney has told
19 me that you have a desire to relieve your attorney or
20 fire your attorney. Is that correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Can you tell me why?

23 THE DEFENDANT: Well, a couple of reasons. One
24 of them being he came and saw me Thursday or Friday of
25 last week, talked to me for a total of maybe thirty,

1 forty-five minutes. And I'm supposed to be on trial
2 starting this week, Monday or Tuesday. I mean, you know,
3 today or tomorrow. It just don't seem like that's
4 sufficient time to, you know, spend with me on the case.
5 I don't think he knows all the facts of the case. I've
6 asked him a couple of questions in the holding cell here.
7 He doesn't know nearly enough facts to be taking me to
8 trial. And it's thirty years of my life, you know, on
9 the line. I don't feel like ---

10 THE COURT: I need to know specifically what
11 you're talking about.

12 THE DEFENDANT: Well, as far as the facts?

13 THE COURT: The length of time someone spends
14 with you can be enough. It may not be enough. I don't
15 know. But my inquiry will be specifically what your
16 lawyer has or has not done to represent you and if there
17 is something else that needs to be done to make
18 arrangements that he can do that. So I'm going to need
19 to know some specifics.

20 THE DEFENDANT: Okay. I just -- just the facts
21 of the case, talking to me about the facts of the case,
22 questions to ask the confidential informant, witnesses
23 that I may want.

24 THE COURT: Well, do you have names of
25 witnesses that need to be subpoenaed? I can make

1 arrangements to see that that occurs. I need the names.

2 THE DEFENDANT: Well, see, I had one. But he
3 said that he thought that it wasn't a good idea to call
4 him.

5 THE COURT: Well, trial strategy can vary. But
6 if you think there's someone that needs to be present, we
7 can make arrangements for a subpoena to be issued today.

8 THE DEFENDANT: I understand.

9 THE COURT: I need a name.

10 THE DEFENDANT: I mean, the only witness I
11 would have would be Josh Fullbright. He was with us on
12 the day in question.

13 THE COURT: All right. Counsel, are you aware
14 of that witness?

15 MR. ANGELL: I am, Your Honor.

16 THE COURT: Is there any difficulty in getting
17 him here if necessary?

18 MR. ANGELL: I don't believe so, Your Honor. I
19 think he's ---

20 MS. SIMMONS: Your Honor, he's at the Oconee
21 County Detention Center.

22 THE COURT: Oh, he's available.

23 MS. SIMMONS: For murder.

24 THE COURT: He's available. Anyone else that
25 would need to be subpoenaed?

1 THE DEFENDANT: Not that I can think of, no,
2 sir.

3 THE COURT: All right. I'm not hearing many
4 specifics.

5 THE DEFENDANT: That's really all I have.
6 Also, he was -- he represented my co-defendant on one of
7 the charges that I have. I thought that was an automatic
8 conflict, but I could be wrong.

9 THE COURT: Nothing is an automatic conflict.
10 Ma'am, can you help me with that?

11 MS. SIMMONS: Yes, Your Honor. He does have
12 pending burglary charges, and there is a co-defendant.
13 But the case on the trial docket is specific to the drug
14 charges.

15 THE COURT: Okay. So we're not trying the
16 burglary charge today?

17 MS. SIMMONS: No, Your Honor.

18 THE COURT: In this term of court?

19 MS. SIMMONS: No, Your Honor.

20 THE COURT: Okay, sir. That will not be coming
21 up.

22 THE DEFENDANT: That's really all I have.

23 THE COURT: All right. Counsel, do you feel
24 that you're in a position to go forward if necessary?

25 MR. ANGELL: I do, Your Honor.

1 THE COURT: And have you discussed the matter
2 with your client?

3 MR. ANGELL: At great length, Your Honor.

4 THE COURT: Are you satisfied that he's
5 understood the advice that you've given to him?

6 MR. ANGELL: I do, Your Honor.

7 THE COURT: All right. Is there anything that
8 you know specifically of that he has told you to do that
9 you have not yet done?

10 MR. ANGELL: No, sir, Your Honor. And we
11 talked about this additional witness. This is the first
12 time I'm hearing from him that he wants me to call him.
13 I'll be glad to do that.

14 THE COURT: All right. Well, it sounds like
15 that gentleman is available.

16 Mr. Allison, it's my finding at this time your
17 attorney is in a position to go forward, that you have
18 not told me anything that can't be done as far as the
19 preparation of your case. Your attorney's available.
20 We'll let you go back and talk with him. You'll get more
21 time to talk to him if you think that's necessary. But
22 at this point in time, if you do wish to relieve your
23 attorney, I will tell you the Court finds that you have
24 an attorney that's available, he's qualified to go
25 forward. The Court will not be appointing another lawyer

1 for you. The case will stay on the docket. So if you
2 wish to relieve your attorney, you have every right to do
3 that, and you have every right to represent yourself if
4 you'd like to do that. Your decision at this point in
5 time.

6 THE DEFENDANT: I guess I'll stay with him. I
7 can't represent myself.

8 THE COURT: All right. That concludes the
9 hearing. Thank you very much, Counsel. If you would,
10 consult with your client and talk with him about the
11 facts that he says needs to be discussed.

12 MR. ANGELL: Thank you, Your Honor.

13 (WHEREUPON, the Defendant exited the courtroom.)

14 MS. SIMMONS: Judge, just one more quick issue.
15 We are fixing to have the jury come in, and Mr. Allison
16 has refused to wear street clothes.

17 THE COURT: All right. You want me to bring
18 him in and talk to him about that?

19 MS. SIMMONS: Yes, sir. Can you bring him
20 back?

21 THE COURT: Bring Mr. Allison back in, please.

22 MS. SIMMONS: I thought it might be best to
23 address that now.

24 THE COURT: Is he the first case up now?

25 (WHEREUPON, the Defendant entered the courtroom.)

1 THE COURT: Mr. Allison, as you were leaving,
2 the Solicitor mentioned to me that they have had some
3 difficulty in getting you to dress in street clothes for
4 the hearing today. Is that true?

5 THE DEFENDANT: No, sir. I didn't know that --
6 I thought I was coming to plead. I didn't think I was --
7 they didn't tell me I'd be picking a jury.

8 THE COURT: Well, you certainly have the right
9 to plead, but right now I'm told by the Solicitor that
10 the case is for trial. You've not agreed to a plea. And
11 so the jury is present. We'll be selecting a jury soon.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And so the question is will you --
14 are you willing to dress in street clothes?

15 THE DEFENDANT: Yes, sir. Absolutely.

16 THE COURT: Okay. Sounds like to me that
17 problem's going to get solved.

18 MS. SIMMONS: The deputies will get his street
19 clothes up here. It may take a couple of minutes, Judge.

20 THE COURT: I understand. That'll be fine.
21 All right, sir. Thank you.

22 MS. SIMMONS: Thank you.

23 THE DEFENDANT: Thank you, Your Honor.

24 (WHEREUPON, court stood at recess for a short
25 break.)

1 THE COURT: All right. Order, please. We're
2 on the record in the case of State of South Carolina
3 versus Steven Ranslow Allison. First of all, I would ask
4 of Mr. Allison's counsel, has your client been arraigned
5 on the charge?

6 MR. ANGELL: Do what, Your Honor?

7 THE COURT: Has he been arraigned on this
8 charge?

9 MR. ANGELL: I believe it was a ---

10 MS. SIMMONS: Your Honor, it was a direct
11 presentment to the Grand Jury which has been served, and
12 his attorney has been served, but not -- this wasn't an
13 arraignment.

14 THE COURT: All right. Let's go over it with
15 him and be sure it's a request for trial by jury.

16 Please stand, Mr. Allison.

17 THE DEFENDANT: (Complied)

18 THE COURT: You've been previously placed under
19 oath. Do you understand that, sir?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Allison, I have in front of me
22 an indictment. The indictment is in case number 2014-GS-
23 37-625. That charge is for the crime of manufacture,
24 distribution of methamphetamine third or subsequent
25 offense. I'm going to read the indictment to you. When

1 I've completed reading it, I'll be asking you how you
2 plead and how you wish to be tried. Do you understand
3 what I'm doing, sir?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. The indictment states
6 in part that on or about July 15 of 2013 in Oconee
7 County, South Carolina, the Defendant, Steven Ranslow
8 Allison, did distribute, dispense, deliver, or otherwise
9 aid, abet, attempt or conspire to distribute, dispense or
10 deliver a quantity of methamphetamine, a schedule II
11 controlled substance under the provisions of Section
12 § 44-53-110 et. seq. of the Code of Laws of South
13 Carolina 1976 as amended, such not having been authorized
14 by law, all in violation of Section § 44-503-375 of the
15 Code of Laws of South Carolina 1976 as amended against
16 the peace and dignity of the State and contrary to the
17 statute in such case made and provided. Sir, did you
18 understand the indictment that I just read?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: How are you pleading to that
21 indictment?

22 THE DEFENDANT: Not guilty.

23 THE COURT: Do you wish to be tried by jury?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: God grant you a speedy delivery.

1 Thank you very much, sir. You can be seated.

2 Are there any matters that I need to take up from
3 the State's perspective before we select the jury in the
4 case?

5 MS. SIMMONS: No, Your Honor, there are no pre-
6 trial motions. But just for the Court's information, Mr.
7 Angell and I have entered into a stipulation of the
8 evidentiary chain to speed things along tomorrow. And
9 I'll have that marked and put into evidence.

10 THE COURT: We'll talk about that once we get
11 the jury selected.

12 Yes, sir, Mr. Angell. Are there any matters we need
13 to take up before we select a jury?

14 MR. ANGELL: Not at this time, Your Honor.

15 THE COURT: All right. You can bring the jury
16 panel in at this time.

17 (WHEREUPON, the jury panel entered the open court at
18 approximately 12:00 p.m.)

19 THE COURT: All right. Ladies and gentlemen of
20 the jury, we are about to begin the trial of the State of
21 South Carolina versus Steven Ranslow Allison. I'm going
22 to go over some things with you right now because later
23 on I'm going to be asking some questions that apply
24 specifically to this case. And I want to put you in a
25 position to perhaps better answer the questions that I'm

1 going to ask you at this time.

2 The first thing that I'm going to do is I'm going to
3 go over with you the indictment in this case. Now, the
4 indictment is the document that brings the case before
5 this Court and informs this Court of the charge that's to
6 be tried. It informs the Defendant of the charge that's
7 been lodged against him.

8 I do want to caution you, however, an indictment can
9 never serve as evidence in a case. It can never be used
10 by a jury as any evidence of guilt nor does it create any
11 presumption of guilt. Again, it's the notice document
12 that informs us of the charge to be tried. It informs
13 the Defendant of the charge lodged against him.

14 The indictment in this case is case number 14-GS-37-
15 625. The indictment is for the offense of manufacture
16 and distribution of methamphetamine. The indictment
17 states that on or about July 15 of 2013 in Oconee, South
18 Carolina -- Oconee County, South Carolina, the Defendant,
19 Steven Ranslow Allison, did distribute, dispense,
20 deliver, or otherwise aid, abet, attempt or conspire to
21 distribute, dispense, deliver a quantity of
22 methamphetamine, a schedule II controlled substance as
23 defined under -- we've got a couple of code sections
24 cited. I won't go over those with you specifically --
25 against the peace and dignity of the state and contrary

1 to the statute in such case made and provided. Again,
2 that's the document that informs us of the charge to be
3 tried. I'm going over it with you because I'm going to
4 ask you some questions about this case. I want you to
5 understand the allegations that have been made.

6 Before I begin to question you as well, I'm going to
7 ask that the attorneys involved in this case introduce
8 themselves to you and that I -- in the case of the
9 Defense, I'll ask them to introduce the Defendant to you.

10 First of all, for the State?

11 MS. SIMMONS: Hi. My name is Lindsey Simmons.
12 I work for your elected Solicitor Chrissy Adams from --
13 the Tenth Circuit Solicitor. And I'm glad to be working
14 with you this week.

15 THE COURT: All right. And for the Defense?

16 MR. ANGELL: Good afternoon. My name is Aaron
17 Angell. I'm a solo practitioner out of Clemson. And
18 this is my client, Steven Allison.

19 THE COURT: Sir, if you'll stand and face the
20 jury panel so that they can put a face with that name.

21 THE DEFENDANT: (Complied)

22 THE COURT: Thank you, sir. You can be seated.

23 THE DEFENDANT: (Complied)

24 THE COURT: Now, before we begin my
25 questioning, it's very important that we assure ourselves

1 that the information that you give in response to my
2 questioning is truthful, accurate and complete
3 information. For that reason, I'm going to ask that the
4 Clerk please swear the potential jury panel in this
5 matter.

6 Madam Clerk, please swear the jury panel for me.

7 THE CLERK: Ladies and gentlemen, please stand
8 to be sworn.

9 (WHEREUPON, the jury panel was duly sworn.)

10 THE CLERK: Thank you. Let the record reflect
11 that all members of the jury panel have accepted the
12 oath.

13 THE COURT: Thank you, ma'am.

14 All right. Now, ladies and gentlemen, we'll go
15 through a process very similar to what we did during jury
16 qualification. I will be asking questions that apply to
17 this case. If you have a response, I'll be asking that
18 you stand. Again, when I call on you, I'll need your
19 name and number on the record before we discuss any
20 response you might have to the questions that I'm about
21 to ask.

22 The first question I have, is there any member of
23 the jury panel who has ever been related by marriage or
24 are you related by blood to the Defendant, Steven Ranslow
25 Allison? If that's true, please stand.

1 (No response)

2 THE COURT: Is there any member of the jury
3 panel who has ever had a close social or a personal
4 relationship with the Defendant, Steven Ranslow Allison?
5 If that's true, please stand.

6 (No response)

7 THE COURT: Now, as to the attorneys that are
8 involved in this case, has any member of the jury panel
9 ever been represented by either of the attorneys involved
10 in the matter or have they ever appeared on the other
11 side of any legal matter from you? If that's true,
12 please stand.

13 (No response)

14 THE COURT: Has any member of the jury panel
15 ever been related by marriage or are you related by blood
16 or have you ever had a close social or a personal
17 relationship with either of the attorneys involved in
18 this case? If that's true, please stand.

19 (No response)

20 THE COURT: Now, at this time, I'm going to go
21 over a list of people who've been identified to me as
22 possible witnesses in this case. The list is about, I
23 guess, six or seven names long. Listen carefully to the
24 names that I'm calling. I'll be asking you about these
25 individuals when I have finished. First of all, Mr. Josh

1 Fullbright. Next, Sergeant Brandon Long. He is with the
2 Sheriff's Department. Investigator Scott McCreary, he is
3 with the Sheriff's Department. Agent Anna J. Orr, and
4 she is with the South Carolina Law Enforcement Division.
5 Thank you. Sergeant Patrick Merck with the Oconee County
6 Sheriff's Department, Sergeant David Philpott with the
7 Oconee County Sheriff's Department, Agent Meredith
8 Lanford with the Anderson/Oconee Forensic Lab, and Ms.
9 Sherry Gibson.

10 Now, as to the people that I've identified as
11 possible witnesses, has any member of this jury panel
12 ever been related by marriage or are you related by blood
13 or have you ever had a close social or a personal
14 relationship with any of the individuals that I just
15 named as possible witnesses in the case? If that is
16 true, please stand.

17 Yes, sir. I need your name and number, sir.

18 THE JUROR: Brett Smagala, 147.

19 THE COURT: Your situation?

20 THE JUROR: I'm good friends with Mr. Long back
21 here.

22 THE COURT: All right. When you say good
23 friends, now, if he were to serve as a witness in the
24 case and you were on the jury, would that affect your
25 ability to be fair and impartial to both the State and

1 the Defense in the case?

2 THE JUROR: I don't think so.

3 THE COURT: So you could judge the case fairly
4 even if he appeared as a witness?

5 THE JUROR: Probably.

6 THE COURT: All right. Well, I need to know
7 for sure.

8 THE JUROR: Sure. Sure.

9 THE COURT: Okay. Thank you very much. You
10 can be seated.

11 Sir, your name and number?

12 THE JUROR: Timothy Marcus, 96.

13 THE COURT: Your situation, sir?

14 THE JUROR: The name that was called, Josh
15 Fullbright?

16 THE COURT: Yes, sir.

17 THE JUROR: That's my first cousin's son.

18 THE COURT: All right. Now, if he were to
19 serve as a witness in this case, would that affect your
20 ability to be fair and impartial in this trial?

21 THE JUROR: I'm afraid it might.

22 THE COURT: All right. Then I'm going to
23 excuse you from the trial of the case. You can be
24 seated. You no longer have to answer my questions.

25 Ma'am, your name and number?

1 THE JUROR: Janice Marcengill, 94.

2 THE COURT: Yes, ma'am?

3 THE JUROR: I'm fourth cousins or fifth cousins
4 with Josh Fullbright.

5 THE COURT: All right. Now, ma'am, would that
6 fact -- if he were to serve as a witness in this case,
7 would that affect your ability to be fair and impartial
8 in the trial?

9 THE JUROR: No.

10 THE COURT: All right. Thank you, ma'am. You
11 can be seated.

12 Anyone else?

13 (No response)

14 THE COURT: All right. Has any member of this
15 jury panel received any information from any source such
16 that it would cause you to either form or express an
17 opinion about the issues that might be involved in this
18 trial? If that's true, please stand.

19 (No response)

20 THE COURT: Is there any member of the jury
21 panel who is aware of any bias or prejudice that you
22 might have, either for or against either the State or the
23 Defense in this case? If that's true, please stand.

24 (No response)

25 THE COURT: Now, the indictment in this case

1 was issued by a Grand Jury in June of this year. I don't
2 believe any of you would have been on that Grand Jury.
3 But if you were, please stand.

4 (No response)

5 THE COURT: Is there any member of the jury
6 panel who is a member of or a contributor to a group
7 which has as its primary concern the promotion of law
8 enforcement and/or victims' rights? Those groups would
9 include but not be limited to such groups as Mother's
10 Against Drunk Driving, Student's Against Drunk Driving,
11 Citizen's Against Violent Crime, the South Carolina
12 Trooper's Association, the South Carolina Sheriff's
13 Association, or other similarly oriented organizations.
14 If that's true, please stand.

15 (No response)

16 THE COURT: Does any member of this jury panel
17 know of any reason whatsoever why he or she should not
18 serve as a juror in this case with particular emphasis
19 being placed on your ability to be both fair and
20 impartial to both the State and the Defense? If you know
21 of such a reason, please stand.

22 (No response)

23 THE COURT: Does the State have additional
24 questions of the jurors?

25 MS. SIMMONS: None, Your Honor.

1 THE COURT: Does the Defense have any
2 additional questions of the jurors?

3 MR. ANGELL: None, Your Honor.

4 THE COURT: All right. Then I'll declare that
5 the remaining members of the jury panel are qualified to
6 serve in this case. I'll direct the Clerk to prepare a
7 list of potential jurors.

8 Let me explain to you what we're doing right now.
9 We have a computer program in this state now that makes
10 random selections from your numbers. It's going to print
11 a list of potential jurors in this case. We'll be
12 calling your names in the order in which they appear on
13 that list.

14 I like to tell juries that back in the day, back
15 when I started, we did this using someone who was blind
16 and names in capsules in a barrel. And I noticed the
17 little metal barrel is still in this courtroom here. So
18 if the computer were to go down, we could still pull a
19 jury using the old method. But I guess we believe
20 computers are blind, so we let them do the drawing now.
21 And that's what we're doing. So as soon as that list is
22 prepared, we'll begin to call names from the list.

23 All right. Ladies and gentlemen, we are going to at
24 this time begin to select the jury panel. What we're
25 going to do, the Clerk is going to call the names in the

1 order that they appear on the list. If your name is
2 called, I want you to come forward, come right down to
3 the bar here in front of me and then stand and face the
4 back of the courtroom.

5 At that point in time, the attorneys will be in a
6 position to exercise their strikes in the case. It is my
7 understanding the strikes are going to be five for the
8 State, five for the Defense. We'll pick one alternate
9 with the State having one strike and the Defense having
10 two strikes as to that alternate. Now, if you have any
11 personal belongings with you, pocketbook or anything you
12 brought into the courtroom, bring that with you if your
13 name is called, because if you're selected you're going
14 to have a seat immediately over here in the jury box to
15 my left.

16 Madam Clerk, you may begin the selection process.

17 THE CLERK: Number 95, Pamela Marcengill.

18 THE COURT: Ma'am, step right down to the bar
19 here and face the back of the courtroom for me. Thank
20 you, ma'am.

21 THE CLERK: What says the State?

22 MS. SIMMONS: Please present the juror.

23 THE COURT: What says the Defense?

24 MR. ANGELL: Please seat the juror.

25 THE CLERK: Ma'am, if you would, please take a

1 seat in the jury box.

2 Number 24, Kathleen Carroll.

3 What says the State?

4 MS. SIMMONS: Please present the juror.

5 THE CLERK: What says the Defense?

6 MR. ANGELL: Please seat the juror.

7 THE CLERK: Ma'am, if you would, please take a
8 seat in the jury box.

9 Number 34, Joy Conley.

10 What says the State?

11 MS. SIMMONS: Please present the juror.

12 THE CLERK: What say the Defense?

13 MR. ANGELL: Please excuse this juror.

14 THE CLERK: Ma'am, you've been excused from
15 this case. You may be seated.

16 Number 156, Donald Tyner.

17 What say the State?

18 MS. SIMMONS: Please excuse the juror from the
19 trial of this case.

20 THE CLERK: Sir, you have been excused from
21 this case. You may be seated.

22 Number 174, Charles Wright.

23 What says the State?

24 MS. SIMMONS: Please present the juror.

25 THE CLERK: What says the Defense?

1 MR. ANGELL: Please seat the juror.

2 THE CLERK: Sir, if you would, please take a
3 seat in the jury box.

4 Number 141, William Saunders.

5 What says the State?

6 MS. SIMMONS: Please present the juror.

7 THE CLERK: What says the Defense?

8 MR. ANGELL: Please seat the juror.

9 THE CLERK: Sir, if you would, please take a
10 seat in the jury box.

11 Number 1, Jonathan Adams.

12 What says the State?

13 MS. SIMMONS: Please present the juror.

14 THE CLERK: What says the Defense?

15 MR. ANGELL: Please seat the juror

16 THE CLERK: Sir, if you would, please take a
17 seat in the jury box.

18 Number 78, Brittany Johnson.

19 What says the State?

20 MS. SIMMONS: Please excuse the juror from the
21 trial of this case.

22 THE CLERK: Ma'am, you have been excused from
23 this case. You may be seated.

24 Number 94, Janice Marcengill.

25 What says the State?

1 MS. SIMMONS: Please present the juror.

2 THE CLERK: What says the Defense?

3 MR. ANGELL: Please seat the juror.

4 THE CLERK: Ma'am, if you would, please take a
5 seat in the jury box.

6 Number 169, Sean Williams.

7 What says the State?

8 MS. SIMMONS: Please present the juror.

9 THE CLERK: What says the Defense?

10 MR. ANGELL: Please seat the juror.

11 THE CLERK: Sir, if you would, please take a
12 seat in the jury box.

13 Number 66, Morgan Hiler.

14 What says the State?

15 MS. SIMMONS: Please present the juror.

16 THE CLERK: What says the Defense?

17 MR. ANGELL: Please seat the juror.

18 THE CLERK: Ma'am, if you would, please take a
19 seat in the jury box.

20 Number 154, Shekera Stone.

21 What says the State?

22 MS. SIMMONS: Please excuse the juror from the
23 trial of this case.

24 THE CLERK: Ma'am, you have been excused from
25 this case. You may be seated.

1 Number 45, Vicki Edgar.

2 What says the State?

3 MS. SIMMONS: Please present the juror.

4 THE CLERK: What says the Defense?

5 MR. ANGELL: Please seat the juror.

6 THE CLERK: Ma'am, if you would, please take a
7 seat in the jury box.

8 Number 158, Aaron Waltz.

9 What says the State?

10 MS. SIMMONS: Please present the juror.

11 THE CLERK: What says the Defense?

12 MR. ANGELL: Please excuse this juror.

13 THE CLERK: Sir, you have been excused from
14 this case. You may be seated.

15 Number 62, Van Hanvey.

16 What says the State?

17 MS. SIMMONS: Please present the juror.

18 THE CLERK: What says the Defense?

19 MR. ANGELL: Please excuse this juror.

20 THE CLERK: Sir, you have been excused from
21 this case. You may be seated.

22 Number 108, Grace Mitchell.

23 What says the State?

24 MS. SIMMONS: Please present the juror.

25 THE CLERK: What says the Defense?

1 MR. ANGELL: Please seat the juror.

2 THE CLERK: Ma'am, if you would, please take a
3 seat in the jury box.

4 Number 130, Lesette Putnam.

5 What says the State?

6 MS. SIMMONS: Please present the juror.

7 THE CLERK: What says the Defense?

8 MR. ANGELL: Please seat the juror.

9 THE CLERK: Ma'am, if you would, please take a
10 seat in the jury box.

11 Number 113, Jimmy Murphy.

12 What says the State?

13 MS. SIMMONS: Please present the juror.

14 THE CLERK: What says the Defense?

15 MR. ANGELL: Please seat the juror.

16 THE CLERK: Sir, if you would, please take a
17 seat in the jury box.

18 THE COURT: We are now picking the alternate.

19 THE CLERK: Number 128, Telia Pruitt.

20 What says the State?

21 MS. SIMMONS: Please present the juror.

22 THE CLERK: What says the Defense?

23 MR. ANGELL: Please seat the juror.

24 THE CLERK: Ma'am, if you would, please take a
25 seat in the jury box.

1 THE COURT: Thank you, Madam Clerk.

2 Is there any objection to the jury selection process
3 from the State?

4 MS. SIMMONS: No, Your Honor.

5 THE COURT: Any from the Defense?

6 MR. ANGELL: No, Your Honor.

7 THE COURT: All right. Ladies and gentlemen,
8 those of you who were not selected on the jury, I want to
9 thank you very much for your cooperation this morning.
10 I'm going to release you for the remainder of the day. I
11 will ask you to call in after six p.m. this evening, the
12 number that you have with you, to receive further
13 instructions concerning your jury service. So again,
14 thank you very much. And at this time, you're free to
15 go.

16 (WHEREUPON, the jury panel exited the open court.)

17 THE COURT: All right. Ladies and gentlemen,
18 you have been selected as members of the jury in this
19 case. It's gotten past -- it's about twelve thirty, so
20 we're not going to start the trial right now. We'll
21 start that after lunch. So we're going to let you take
22 your lunch break at this point in time. In leaving the
23 courthouse though, there are some instructions I need to
24 give you concerning your behavior in this matter.

25 When you return to the courtroom, you'll be asked to

1 take an oath concerning your service as jurors. I know
2 you've been sworn a couple of times this morning, but
3 this oath will have to do with your duties and
4 responsibilities in this case. Now, at that time, you'll
5 take an oath to decide this case based upon the law and
6 the evidence presented during the trial. Let me point
7 out to you that the only place you're going to hear any
8 evidence about this case will be in this courtroom during
9 the trial. The only evidence in the case is testimony of
10 witnesses who are sworn to tell the truth and will be
11 testifying from the witness stand and any other evidence
12 that comes into the record through that testimony. For
13 that reason, it would be a violation of your oath -- it
14 would be highly improper for you to try and gather any
15 information about this case or the people that are
16 involved in this case or any of the issues that might be
17 involved in this matter because you would be gathering
18 information that does not constitute evidence in this
19 case.

20 Now, I'm not so naive as to not realize you can pick
21 up a smart phone or a tablet or a computer and punch in a
22 few keystrokes and find out a little something about
23 everything in the world, I believe. But I hate to tell
24 you sometimes that information is either not correct or
25 that information would be information that would not be

1 allowed into evidence during the trial of a case. So it
2 would be improper for you to try to gather any
3 information on your own about this matter. So please
4 don't try to do that.

5 Also, I don't expect this case to be reported in the
6 media; however, I don't control the media. So if you
7 happen to be listening to a radio station or a television
8 station or something of that nature and you happen to
9 hear something about this case, please turn it off.
10 Don't listen to it. Don't pay any attention to it
11 because, again, that would be information that's not
12 allowed -- you're not allowed to consider in reaching a
13 verdict in this case.

14 Also, let me caution you, we've gone to a lot of
15 trouble this morning to pick a jury that has an open mind
16 about this matter. If you begin to discuss this case,
17 even among yourselves, about what the case is about or
18 people that are involved in it, you might begin to make
19 decisions about this case and you haven't heard the first
20 word of evidence or testimony in this matter. So don't
21 discuss anything about this case with anyone until I ask
22 you to do that at the close of the trial in your
23 deliberations.

24 If a family member wants to know what's going on,
25 it's okay to tell them you've been picked on a jury. And

1 that's as far as the conversation should go. Talk about
2 something else. Tell them you'll talk about it if you
3 care to at the close of the trial, but don't discuss it
4 at this point in time.

5 Also, I've cautioned you already about jury
6 tampering. Should someone try to contact you about your
7 service on the jury panel, please report that upon your
8 return. I can assure you I'll take the appropriate
9 action. Should that occur, I take that matter extremely
10 serious. So let me know if you have any problems with
11 someone trying to contact you about the case.

12 So in a nutshell, don't try to gather any
13 information on your own, don't listen to, watch or read
14 media reports. Don't discuss the case with anyone.
15 Don't allow anyone to discuss it with you. And should
16 someone attempt to do that, let us know when you return,
17 and I'll take the appropriate action.

18 Now, there may be some matters that I'll need to
19 discuss with the attorneys before we begin the trial of
20 the case. I'm going to break a little longer for lunch.

21 How long -- do you think we have something we need
22 to take up?

23 MS. SIMMONS: Your Honor, may we approach as to
24 scheduling?

25 THE COURT: Oh, yeah.

1 (WHEREUPON, a bench conference was held off the
2 record.)

3 THE COURT: I've got a little ringing in this
4 mic. I'm sorry. We'll try to fix that later on.

5 I'm informed -- see, I don't come here very often,
6 but I have been here a couple of times. But I'm informed
7 there's some hearings that have been set this afternoon.
8 So we're going to actually start your trial in the
9 morning. So I'll ask you to be back in the jury room in
10 the morning at nine o'clock. They'll show you where to
11 report. You'll need to report to that room.

12 And, again, overnight, follow the instructions that
13 I've given you concerning your behavior while you're away
14 from the courthouse. So at this time, I'll release you
15 for the remainder of the day. Be back in that jury room
16 at nine o'clock in the morning. Thank you very much.
17 You're free to go.

18 (WHEREUPON, the jury exited the open court at
19 approximately 12:30 p.m.)

20 THE COURT: All right. Do you anticipate any
21 motions in this case from the State?

22 MS. SIMMONS: No, Your Honor.

23 THE COURT: Any from the Defense?

24 MR. ANGELL: No, Your Honor.

25 THE COURT: All right. We'll we start at nine

1 o'clock in the morning. We're in recess in this case.

2 (WHEREUPON, State's Exhibit Numbers 1, 2, 3, 4, 5,
3 and 6 were marked for identification only after
4 which court stood at recess for the day at
5 approximately 12:30 p.m.)

6 **October 14, 2014**

7 (WHEREUPON, court convened with all parties present
8 and the following proceedings were had commencing at
9 approximately 9:20 a.m.)

10 THE COURT: All right. Good morning. How's
11 everyone? I'm sorry I'm running late, but I ran into a
12 storm and wrecks. But anyway ...

13 Is there anything the State wishes to take up before
14 we swear the jury?

15 MS. SIMMONS: No, Your Honor.

16 THE COURT: Anything from the Defense?

17 MR. ANGELL: Nothing, Your Honor.

18 THE COURT: I do want to inquire of the
19 Defendant. Sir, have you had an opportunity to talk to
20 your lawyer fully?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Is there anything else you need to
23 discuss with him before we begin the trial of the case?

24 THE DEFENDANT: No, sir.

25 THE COURT: So you're satisfied with his

1 assistance since yesterday; is that correct?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Thank you very much. You
4 can be seated.

5 My computer is running slow today too. Just one
6 second. Let me get it up and we'll be ready to run.

7 (Off record discussions)

8 THE COURT: All right. Let's bring the jury
9 in.

10 (WHEREUPON, the jury entered the open court at
11 approximately 9:25 a.m.)

12 THE COURT: The record will reflect the jury
13 has returned to the courtroom. I want to thank you for
14 your patience this morning. I ran into two accidents and
15 a storm on the way over here. So I was running just a
16 little bit late getting in, but we did make it and I'm
17 glad to see everyone else did.

18 When you left yesterday afternoon, I gave you some
19 instructions as to your behavior. If any of you were
20 unable to comply with my instructions, please stand.

21 (No response)

22 THE COURT: It appears that all jurors have
23 been able to comply with my instructions thus far.

24 Now, I told you that upon your return you would be
25 taking an oath concerning your responsibilities as jurors

1 in this case. And at this time, I'm going to ask that
2 the Clerk swear the jury panel for this trial.

3 (WHEREUPON, the jury was duly sworn.)

4 THE COURT: Now, if any of you failed or
5 refused to take the oath that was just administered by
6 the clerk, please stand.

7 (No response)

8 THE COURT: The record will reflect then that
9 all jurors have been sworn concerning their
10 responsibilities in this trial.

11 PRELIMINARY CHARGE

12 BY THE COURT:

13 Now, before we begin the trial, there's just a
14 couple of things that I would like to go over with you.
15 I'm going to do this with the idea that for most of you
16 this is your first experience in actually serving on a
17 jury in the trial of a case. Most people don't do that
18 more often than once or twice in a lifetime. And so I
19 will go over these matters as if you have never been in
20 this position before. And with those of you who have
21 never been in this position before, I would suspect that
22 most of what you might know about what goes on on juries
23 or what goes on in trials, you might have learned from
24 television shows you've watched or movies that you've
25 seen, maybe books that you've read, things of that

1 nature. They don't teach much about the jury process in
2 schools is my experience. But, of course, there are
3 other sources of information.

4 Now, things such as television shows and movies and
5 things like that, I hope you realize that those sources
6 of information are intended for your entertainment. In
7 the case of television, they can have an event occur and
8 try the case and have it all wrapped up in the space of
9 an hour and they still stop about five times for
10 commercials. And the reason they do that is because
11 those things are intended for your entertainment. The
12 people that write the scripts for those shows or stories
13 do so with an idea of keeping the plot moving and the
14 storyline moving. And so what they show that goes on in
15 a courtroom is not always very accurate when you compare
16 it to what goes on in real life. Because what you're
17 engaged in today is intended for anything but your
18 entertainment. I hope you realize that what you're
19 engaged in is a fundamental part of our governmental
20 system.

21 Our system is one where we guarantee every citizen
22 the right to a trial by a jury of one's peers. If you
23 were to look around the world today at most of the
24 justice systems in the world in other countries, you
25 would find that most countries don't allow direct

1 participation by citizens in the decision-making process
2 of the courts in those countries. So we're in the
3 minority in the world in that we require that someone
4 have a trial by jury if they so desire. And that's
5 guaranteed by the Constitution, both of this state and of
6 the United States.

7 What you're engaged in is, again, not for your
8 entertainment. You're engaged in a search for the truth.
9 This is an effort to see that justice is done between the
10 parties that are before this Court. And in this case --
11 those parties are the State of South Carolina -- that
12 entity has brought charges against one of its citizens,
13 the Defendant in this case. So those are the parties
14 that are before this Court.

15 Now, if I stopped you in the hall this morning as
16 you walked into the courthouse and said, what would you
17 expect a search for the truth to be like, I suspect you
18 would have told me, well, you know, if I'm trying to
19 determine the truth of a matter, I probably ought to go
20 pretty slow. I guess I ought to be deliberate in what I
21 do, be sure I try to cover everything. Sometimes I might
22 even want to be repetitive and go over it a couple of
23 times to be sure I've got it right so that I'm sure that
24 I get truth.

25 So what you can expect in this trial, that it will

1 sometimes be slow. Sometimes it might be repetitive, and
2 sometimes it will be deliberate as you might expect a
3 search for the truth to be. Because I hope you realize
4 this courtroom is a place of honor. It's dedicated to
5 the preservation of citizens' rights as guaranteed both
6 in the Constitution of this State and of the United
7 States. And I want to thank you very much for your
8 willingness to come forward and accept the responsibility
9 that you've accepted by serving on our jury this week.

10 Now, the attorneys that are involved in this case
11 are here to represent their client's interests. I'm sure
12 they'll do an excellent job in presenting their client's
13 cases to you during this trial. But first and foremost,
14 I want to point out one thing to you. Those attorneys
15 are also officers of this Court. That means at some
16 point in time they appeared before some court in this
17 state, and they took an oath prescribed by law. Part of
18 their oath is that during this trial they'll assist you
19 in your search for the truth in an ethical and
20 professional and a reasonable manner as they do that.
21 And you can expect that they'll act in that fashion.

22 I'm going to point out to you too that you've now
23 come in front of this Court. You've taken an oath. And
24 your oath is to decide based upon the law and the
25 evidence in this case. You, too, are now expected to act

1 in a reasonable, a professional and an ethical manner in
2 the discharge of your duties as jurors in this case.

3 Now, what I'm telling you now is not intended to be
4 a charge about the law. Later on, once you've heard all
5 the arguments by the lawyers and you've heard all the
6 evidence that's been presented during the trial, once
7 that's all been completed, I will give you a charge
8 concerning the law that you'll apply in this case. This
9 now is simply an explanation of the procedure that we'll
10 follow. It's also an explanation of what our
11 responsibilities are and the lines that separate the
12 duties of the people that are involved in the trial so
13 you'll better understand what's going on during the
14 trial.

15 Now, when we started the trial, I went over with you
16 the indictment. That's the document that brings the case
17 into this court. And I explained to you that the
18 indictment is the document that informs us of the charge
19 to be tried. It informs the Defendant of the charge that
20 has been lodged against him so that we all are aware of
21 what business we're about here. And I will tell you that
22 this particular charge is for the manufacture or
23 distribution of methamphetamine. That's what the charge
24 is about.

25 I'm not going to read the indictment to you again.

1 We'll discuss that in more detail at the close of the
2 trial. But I will inform you the Defendant has pled not
3 guilty to that indictment. And under the law and the
4 Constitution of this state, that plea places the burden
5 of proof during this trial solely upon the State. The
6 State has the burden of proving the allegations that are
7 contained in the indictments by proof beyond a reasonable
8 doubt.

9 Now, at the close of the trial, it's going to be
10 your job to determine whether or not the State has met
11 its burden of proof during this trial. So it's your
12 purpose then as jurors to find and determine the facts in
13 this case. And I will tell you that under the law of
14 this State in every case tried by a jury, the jury is
15 always the sole and exclusive judge of the facts in this
16 case. That's how the cases refer to you, as judges of
17 the facts.

18 Now, I am the judge of the law in the case. That
19 means at the close of the trial when I give you the law,
20 that's the only law that you can use in determining the
21 law to be applied to the facts as you determine them to
22 be. I will tell you that the law does not allow me to
23 disagree with you concerning your determination of the
24 facts. You're the sole judges of the facts.

25 Just the same -- the same law though doesn't allow

1 you to disagree with me concerning the law to be applied
2 in this case. So I will tell you, please don't take from
3 anything that I say or do during this trial to somehow
4 indicate to you that I have an opinion as to how you
5 should determine the facts in this case. I will tell
6 you, I have no opinion on that subject. So don't take
7 from anything that I say or do to indicate otherwise.
8 And I will tell you that you're not allowed to disagree
9 with me concerning the law to be applied. So when I give
10 you the law, you must take that law exactly as I give it
11 to you and apply it to the facts as you determine the
12 facts to be.

13 So if you came into the courtroom this morning and
14 you had an idea as to what the law is or you have some
15 opinion as to what the law ought to be, you should leave
16 those opinions or those ideas outside of the jury room
17 before you begin your deliberations. Again, you'll have
18 to take the law as I give it to you and apply it to the
19 facts as you determine those facts to be. That should
20 put you in a position to discharge your duty as jurors.
21 Your oath is to decide this case based upon the law and
22 evidence presented during the trial.

23 Now, I emphasized to you yesterday -- I'm not going
24 to talk a lot about this today -- the importance of your
25 not discussing this case at any stage of the proceedings

1 until I tell you to begin your deliberations. Again, I
2 want you to keep an open mind, as you have, concerning
3 the issues in this matter until you've heard all the
4 arguments by the lawyers, all the evidence has been
5 presented and I've charged you on the law. Then you will
6 have the tools necessary to begin the discussion about
7 this case.

8 So until that time, don't discuss even among
9 yourselves during any of our breaks or any time that you
10 have off. Just pay attention to what goes on and be in
11 a position to discuss it when I ask you to do that, and
12 that will be at the close of the trial in this matter.

13 Now, in just a few minutes I'm going to allow the
14 attorneys to begin this trial with what's called an
15 opening statement or opening comments to you. Attorneys
16 are allowed to directly talk to the jury twice during the
17 trial. Once at the beginning, they do an opening
18 statement or an opening argument. And at the close of
19 the trial once all of the evidence has been presented,
20 they'll sum up or describe that evidence to you from
21 their client's perspective. And they'll urge you to draw
22 certain inferences from that evidence.

23 Now, I will caution you, however, statements made by
24 lawyers during a trial do not constitute evidence. They
25 can't be used directly by a jury in determining the guilt

1 or the innocence of a defendant. The only evidence that
2 you'll see or hear during this trial will be the
3 testimony of witnesses who have been sworn to tell the
4 truth who'll testify from the witness stand and whatever
5 evidence comes into the record through that testimony.
6 So, again, statements made by lawyers, while they serve
7 to explain the evidence you've heard to you or ask you to
8 draw inferences from that evidence, those statements in
9 and of themselves are not evidence and can't be used
10 directly by you in determining the guilt or the innocence
11 of the Defendant.

12 Now, I will also tell you that from time to time my
13 job as judge may require that I rule on certain questions
14 about the appropriateness of questions that are asked,
15 perhaps the admissibility of evidence. I will tell you
16 that if it's my belief that my discussion with the
17 lawyers about those issues might lead into a discussion
18 about some piece of evidence or some matter that's not
19 admissible into evidence under the rules that govern the
20 admission of evidence into court -- and there's a whole
21 set of rules on the admission of evidence in a courtroom
22 -- if I think the discussion's going to lead into
23 something that's not admissible, I'm going to ask you to
24 leave the courtroom while I have that discussion.

25 Don't think because I've asked you to leave the

1 courtroom during the trial that I'm trying to indicate to
2 you that I have an opinion about the facts. I hope you
3 realize that it's me doing my job. And my job is to see
4 that you only consider evidence that's been entered into
5 the record of the case in compliance with the rules of
6 evidence that govern those things. And so, again, if I
7 need to have that discussion with the lawyers out of your
8 presence, I'll ask you to leave, I'll bring you back as
9 soon as we complete that discussion, I'll make a ruling,
10 and we'll move on with the case. But don't take from the
11 fact that I've done that to indicate that I'm trying to
12 influence your decision concerning the facts in the
13 matter.

14 Now, in determining the facts of the case, I'm going
15 to point out to you that means you become the judge of
16 the credibility or the believability of the witnesses you
17 hear. It's the case in every case that the jury must
18 judge credibility or believability of the testimony you
19 hear. I'm going to ask you to use your good common sense
20 in doing that. Each of you have come here from a
21 different walk of life. You bring different life
22 experiences. You have your own good common sense that
23 you make your own decisions with every day. In every
24 single day of your life, you make commonsensical
25 decisions as to what you choose to believe and what you

1 choose not to believe. And today is no different than
2 any other day. I'm going to ask you to apply your good
3 common sense to what you hear, make a determination of
4 the credibility or believability of the testimony you
5 hear.

6 As the sole judges of the facts, you have the right
7 to believe all of, part of or none of what any witness
8 might say. You have the right to believe one witness
9 against all the others or all the others against one.
10 You're the sole judges of the facts. That makes you the
11 sole judges of the credibility of what you hear. You
12 decide what weight, what value and what effect you choose
13 to assign to the testimony you hear. So listen carefully
14 to what the witnesses say. Try not to let your thoughts
15 wander. Be in a position to discuss what the witnesses
16 have said and the credibility or the believability of
17 what they say as they testify.

18 I will tell you that using your common sense you
19 have the right to consider such factors as whether or not
20 a witness might have a stake in the outcome of the trial,
21 whether or not a witness might exhibit a bias or
22 prejudice one way or the other, whether or not a witness
23 actually had the ability to know the facts about which
24 the witness is testifying. And perhaps most importantly
25 of all, witness stands are always right by or in the full

1 view of the jury box so that you can observe the
2 witnesses as they testify, the way they speak.

3 So use your common sense. Take any of the factors I
4 mentioned and apply it to the testimony that you hear,
5 but be in a position to judge the credibility and the
6 believability of the testimony you hear during the case
7 because you'll need to be able to discuss that with your
8 fellow jurors at the close of the trial when you begin
9 your deliberations.

10 Now, I've said a good bit today. Let me point out
11 one other thing. I don't appoint a foreperson of the
12 jury until I charge you on the law at the close of the
13 trial. I do that primarily for one reason. That is I
14 will tell you at the close of the trial before you can
15 reach a verdict, it's got to be unanimous. All of you
16 have to agree on it. So no one juror is more important
17 than any other juror. It is my belief quite often if I
18 appoint a foreperson, some people on the jury might say,
19 well, that must be the smartest person on the jury. So
20 I'm going to let them pay attention, and I'll just go
21 along with whatever they say. I want you to think that
22 you might be the foreperson. And the foreperson's job is
23 to lead the discussion of the jury during deliberations.
24 So you need to be -- all of you need to be in a position
25 to do that because at the close of the trial, I'm going

1 to pick one of you and appoint you as foreperson. And
2 that person will be responsible to lead those
3 discussions. So don't think I've forgotten the
4 appointment. I know on television they appoint them at
5 the beginning of the trial. I don't do that. I appoint
6 the person at the close of the trial because really the
7 foreperson has no function until we begin deliberations.

8 Now, if you have a problem or issue that you think
9 the Court needs to be aware of, let the bailiff know
10 yourself and they'll pass the word along to me if there's
11 some issue that I need to deal with.

12 All right. I want to be sure I haven't violated
13 anyone's rights in what I've told you thus far.

14 Does the State have an objection to my opening
15 comments?

16 MS. SIMMONS: No, Your Honor.

17 THE COURT: Does the Defense have any
18 objection?

19 MR. ANGELL: None, Your Honor.

20 THE COURT: All right. Now, I indicated to you
21 earlier that under our law, the State has the burden of
22 proving the allegations in the indictment. And because
23 the State has the burden of that proof, we allow them to
24 go first in making their opening comments followed by the
25 Defense. Same is true on the presentation of evidence.

1 The State gets to go first with the presentation of its
2 evidence followed by any evidence the Defense chooses to
3 put up.

4 Then at the close of that, we will have -- once all
5 the evidence is in, we will have the attorneys make their
6 final or closing arguments. After that, I'll charge you
7 on the law to be applied. And once that's completed,
8 we'll turn the case over to you for you to render a
9 verdict. So we'll go opening arguments, evidence,
10 closing arguments, charge on the law, and then
11 deliberations by the jury. So that's the procedure we're
12 going to follow in conducting the trial.

13 So at this time, the State can begin with it's
14 opening comments.

15 Yes, ma'am?

16 MS. SIMMONS: Thank you, Your Honor. May it
17 please the Court?

18 THE COURT: Yes, ma'am, you may proceed.

19 MS. SIMMONS: Mr. Angell.

20 OPENING STATEMENT

21 BY MS. SIMMONS:

22 Good morning, ladies and gentlemen. I'm sure
23 there's a hundred places you would rather be other than
24 jury duty. And we add in the rain, and that has made it
25 that much worse. But I do appreciate your service and I

1 appreciate you being here today.

2 Again, my name is Lindsey Simmons. I work for your
3 elected Solicitor, Chrissy Adams. I actually was born in
4 Walhalla. And when Solicitor Adams was elected in 2005,
5 I got the opportunity to come back to my home town and
6 practice law.

7 Today, the burden is upon the State, me, to prove to
8 you that the Defendant committed the crime of
9 distribution of methamphetamine. You may be wondering
10 what is distribution. It can be a number of things.
11 Actually passing methamphetamine to a person, assisting
12 someone in doing that, aiding them, abetting them or
13 receiving financial gain from it. So the term
14 distribution under the law -- and the Judge will charge
15 you at the end of it -- is a very broad type crime. It
16 can be a number of things. So I have to prove to you the
17 Defendant did one of those things with methamphetamine.

18 You're going to hear from a number of witnesses
19 today. And I do have to prove that to you beyond a
20 reasonable doubt. And I will tell you that reasonable
21 doubt is not beyond all doubt, but it's applied
22 reasonable person standard. Would a reasonable person
23 hesitate to find him guilty? It is not beyond all proof.

24 The most important tool you brought with you today
25 is your common sense. And if you use your common sense

1 in determining the reasonable doubt standard, that is all
2 you will need.

3 You're going to hear -- this trial should wrap up
4 today. And you're going to hear from about four
5 witnesses. You're going to hear from Sherry Gibson, one
6 of the witnesses. Just being honest with you, she has a
7 criminal record. She's in prison now. She was the
8 confidential informant in this case. She's a reluctant
9 witness. She's not thrilled to be here because she's in
10 jail. But she's going to -- along with Agent Orr's
11 testimony, you're going to learn that Sherry Gibson
12 introduced Agent Anna Orr to the Defendant. They met
13 about July 9th, a different day. On July 9th, Agent Orr
14 left her meeting with the Defendant under the impression
15 she would be able to buy methamphetamine from him in the
16 future.

17 They met again on July 15th. Sherry Gibson brought
18 the Defendant to Agent Orr. Agent Orr was wired with
19 cameras. She had a camera on her key fob. Like the
20 little remote control you have for your car, we can put a
21 camera in that. She also had a camera in her purse. So
22 she had two different cameras in her car.

23 She's going to tell you that Sherry Gibson and the
24 Defendant got in the car with her. And you're also going
25 to see videotape evidence about this. She's going to

1 tell you that methamphetamine appeared on her armrest,
2 and she's going to tell you that she paid for it directly
3 to the Defendant a hundred dollars. You're going to hear
4 some language that would indicate that the Defendant was
5 a willing participant in the distribution of the
6 methamphetamine, and you're going to see his image on
7 still photo and video during the course of the trial.

8 So I am not going to ask you to base this case
9 solely on the credibility of the confidential informant.
10 You have a sworn law enforcement officer that was present
11 that was part of this deal, and you're going to hear from
12 her too.

13 You're also going to hear from Agent Scott McCreary.
14 He's also assigned to the narcotics division at the
15 Sheriff's Office. He's going to explain to you -- most
16 of you probably don't understand how undercover drug
17 deals work. He's going to tell you how they work, how
18 you get informants, how the wiring process goes and just
19 kind of how they do things day-to-day. And Agent
20 McCreary is actually the case agent on this case. He's
21 going to tell you the methamphetamine was turned in to
22 him. He's going to give you a little bit of idea of the
23 chain of custody on that, who took the methamphetamine
24 where and that there was no tampering involved in the
25 process of handling the methamphetamine.

1 Lastly, you're going to hear from Agent Meredith
2 Lanford. She's from the Anderson/Oconee County Forensics
3 Lab located in Anderson. She is a forensic chemist.
4 She's going to tell you what tests she performed on the
5 methamphetamine that will be in evidence. And she's
6 going to tell you that she found point six zero grams of
7 methamphetamine from her analysis of the drug in
8 question.

9 And like I said, you're going to hear Agent Orr.
10 You're going to see videotape evidence. It's clearly the
11 Defendant on the video. I just ask you to pay attention.
12 Pay very careful attention to the video. Like I said to
13 you, it's a key fob and a purse. There is going to be a
14 lot of motion in the video. We joke around saying you
15 probably need to take Dramamine before you watch it. So
16 it's going to be lengthy. There's a lot of bouncing
17 around. But when you get to the point of the deal, just
18 be very careful in listening and watching what happened.
19 And I appreciate your patience with the camera. We can't
20 make it perfect. But the videotape evidence, I think
21 you'll find it compelling.

22 At the end of this case, I'm going to have the
23 opportunity to talk to you all again and have the
24 opportunity to tell you why I believe I've proved the
25 case beyond a reasonable doubt. And at the conclusion of

1 this trial, I am going to ask you to find the Defendant
2 guilty of distribution of methamphetamine. Thank you.

3 THE COURT: The Defense may proceed, Mr.
4 Angell.

5 MR. ANGELL: Thank you, Your Honor. May it
6 please the Court.

7 THE COURT: Yes, sir.

8 OPENING STATEMENT

9 BY MR. ANGELL:

10 Ladies and gentlemen, my name is Aaron Angell. As I
11 introduced to y'all yesterday, I'm an attorney out of
12 Clemson. And y'all are going to feel a little bit like
13 cattle in this process in that you're going to come in
14 and out, in and out, and up and down. But what I want to
15 get across to y'all is y'all are the most important
16 people in this entire room. It doesn't matter what Ms.
17 Simmons thinks, what I think, or even what the Honorable
18 Judge thinks. You twelve have the authority and the
19 power to decide the outcome of this case.

20 And ultimately, as the Judge told you -- I'm going
21 to sound like I'm repeating him -- y'all have the task of
22 deciding the verdict, which is Latin for truth. That's
23 what we're trying to get across. That's what we're
24 trying to get out of this whole process.

25 I'm going to ask you to remember three things. That

1 the burden is solely on the State now, throughout and
2 even at the end of this trial. There is no burden on the
3 Defendant to prove his innocence. The burden is on the
4 State to prove beyond a reasonable doubt that my client
5 committed distribution of methamphetamine.

6 Second, I'm going to ask you -- and we welcome the
7 video. We're excited that there's a video for this case
8 because we think that video doesn't contain near enough
9 evidence. We ask that you watch it closely. We ask that
10 you examine the credibility of the witnesses. That's the
11 third thing we're going to ask you. The witness, as Ms.
12 Simmons stated, is incarcerated.

13 And we're confident at the end of this trial that
14 once you've sat back and listened and heard all the
15 evidence that you will find my client not guilty of
16 distribution of methamphetamine. Thank you.

17 THE COURT: The State may call it's first
18 witness.

19 MS. SIMMONS: Thank you, Your Honor. We call
20 Agent Scott McCreary.

21 THE COURT: Sir, if you'll come forward and be
22 sworn, please.

23 (WHEREUPON, the witness was duly sworn.)

24 THE COURT: Have a seat on the witness stand,
25 please, sir. And once you're seated, state your name,

1 please.

2 THE WITNESS: Scott Anthony McCreary.

3 THE COURT: Ms. Simmons, Your Witness.

4 MS. SIMMONS: Thank you, Your Honor.

5 **SCOTT MCCREARY,**

6 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

7 DIRECT EXAMINATION

8 BY MS. SIMMONS:

9 Q. Agent McCreary, where are you employed?

10 A. Oconee County Sheriff's Office.

11 Q. And how long have you been there?

12 A. Approximately fourteen and a half years.

13 Q. In what capacity are you currently employed?

14 A. A narcotics agent.

15 Q. And what training and education is required for
16 narcotics at the Sheriff's Office?

17 A. Well, you have to be, you know, a certified law
18 enforcement at the Sheriff's Office or somewhere. Just
19 certified. But I had to go through, you know, basic
20 narcotics school out in Mississippi.

21 Q. And during the course of your day-to-day operations
22 in narcotics, do you have occasion to work undercover
23 cases?

24 A. Yes, ma'am.

25 Q. Is that why your appearance is a little non-

1 traditional than what the average police officer would
2 look like?

3 A. Yes, ma'am. I had to clean up a little bit too to
4 come.

5 Q. Tell me generally how undercover drug transactions
6 work and what kind of people you use in those
7 transactions.

8 A. Well, I mean, we can use UCs -- we call them
9 undercover officers -- like Agent Orr or CIs,
10 confidential informants, to buy drugs.

11 Q. How do you get informants for drug cases?

12 A. All kinds of ways. Mostly it's either they ask to
13 be undercover or CI or we'll, you know, be out with them
14 and talk to them and ask them if they want to.

15 Q. Do some work for pending charges and some work for
16 money?

17 A. Yes, ma'am.

18 Q. The CI in this case, what was she working for?

19 A. For money.

20 Q. Is this case unusual in that you were able to use an
21 officer and a confidential informant?

22 A. Actually, we've been trying -- we try to do that.

23 What it does is cut the CI out of the deal. If we can
24 get it where, you know, Agent Orr or the agent is

25 connected to the CI can actually buy dope from someone,

- 1 then we can cut the CI out and never even have to show
2 who the CI was.
- 3 Q. Were you working on July 15th of 2013?
- 4 A. Yes, ma'am.
- 5 Q. Were you in Oconee County?
- 6 A. Yes.
- 7 Q. Did you supervise an undercover drug transaction
8 involving this Defendant that day?
- 9 A. Yes.
- 10 Q. Who was the informant that day?
- 11 A. Sherry Gibson.
- 12 Q. And who was the undercover officer?
- 13 A. Anna Orr, Agent Orr.
- 14 Q. Has the narcotics division used this confidential
15 informant on multiple occasions?
- 16 A. Yes.
- 17 Q. Do you have an estimate of how many times?
- 18 A. I don't know. You know, she's not just worked for
19 me. She's worked for other agents. So it's -- she's
20 been used quite a few times.
- 21 Q. Has the narcotics unit found her to be reliable?
- 22 A. Yes, ma'am.
- 23 Q. Did you make her any promises in exchange for her
24 cooperation?
- 25 A. No.

1 Q. And approximately how much money do you provide
2 undercover -- confidential informants when they
3 cooperate?

4 A. Most of the time, it's sixty dollars.

5 Q. This undercover drug transaction, how did it work?

6 A. Well, it was a setup. She had called our sergeant
7 and said that she -- they had priorly (phonic) met or
8 talked to Steven Allison and they were trying to get it
9 where Anna could buy dope from him straight. But she had
10 to come with him as kind of the contact or the -- you
11 know, to the source.

12 Q. So he would have had some hesitation?

13 A. Apparently, yes.

14 Q. Were cameras placed on Agent Orr and in the car?

15 A. Well, one was in a pocketbook, and one was on a key
16 fob.

17 Q. Does the audio and video work in conjunction with
18 each other?

19 A. Yes.

20 Q. Do you monitor the transaction once Agent Orr leaves
21 your sight?

22 A. Yes. Yes, by audio.

23 Q. Were you able to maintain visual surveillance of
24 her?

25 A. No. Couldn't get close of enough because of where

1 it happened at.

2 Q. How much money was Agent Orr provided?

3 A. A hundred dollars.

4 Q. And did you document those funds?

5 A. Yes, ma'am.

6 Q. And who was the target of this investigation?

7 A. Steven Allison.

8 Q. And do you see Steven Allison present in Court

9 today?

10 A. Yes, ma'am.

11 Q. Could you tell me where he is?

12 A. Sitting at the table over there.

13 MS. SIMMONS: Your Honor, please let the record
14 reflect the witness is referring to the Defendant.

15 THE COURT: It will so reflect. You may
16 proceed.

17 Q. Agent Orr went to the location by car?

18 A. Yes, ma'am.

19 Q. And did the transaction occur in Oconee County?

20 A. Yes, ma'am.

21 Q. Have you reviewed the videos of the transaction?

22 A. Yes.

23 Q. Based on your investigation and your training and
24 experience, what took place?

25 A. Well, what took place from the video in debrief,

1 Agent Orr went to the location where they were going to
2 meet. She sat there in a PT Cruiser that we had got for
3 her to use. A car pulled up beside them. Two people got
4 out, a male and a female. One was the CI, and one was
5 the Defendant. Got in the back seat of her car.
6 Methamphetamine showed up. Then when they were getting
7 out of the car, he said, "Did you give it to her?" And
8 she said, "Yes." And then Orr handed him the money.

9 Q. And how much money was it?

10 A. A hundred dollars.

11 Q. Did you capture still photos from the video in this
12 case?

13 A. Yes.

14 Q. I'm going to show you what's been marked as State's
15 Exhibit 5 and 6.

16 MS. SIMMONS: Your Honor, may I approach the
17 witness?

18 THE COURT: You may.

19 Q. Are these the still photos you captured from the
20 videotape?

21 A. Yes, ma'am.

22 Q. Are they a fair and accurate representation of what
23 you saw on the videotape?

24 A. Yes.

25 Q. And were these generated by you?

1 A. Yes.

2 MS. SIMMONS: Your Honor, I would move into
3 evidence State's Exhibit 5 and 6 at this time.

4 THE COURT: Any objection?

5 MR. ANGELL: None, Your Honor.

6 THE COURT: Without objections, they'll be
7 admitted as they've been marked. You may proceed and
8 publish to the jury.

9 MS. SIMMONS: Thank you, Your Honor.

10 (WHEREUPON, State's Exhibit Numbers 5 and 6 were
11 admitted into evidence and published to the jury.)

12 Q. Who is this in State's Number 5?

13 A. Steven Allison.

14 Q. The Defendant?

15 A. Yes, ma'am.

16 Q. Okay. And was this also a photograph you captured
17 from that videotape, State's Number 6?

18 A. Yes.

19 Q. Where did Agent Orr go after the transaction?

20 A. She met back with us.

21 Q. And did she turn the narcotics in to you?

22 A. Yes.

23 Q. What did you subsequently do with the
24 methamphetamine?

25 A. I put it in my safe in my office at the Sheriff's

1 Office.

2 Q. Is that secure?

3 A. Yes.

4 Q. Did you later turn it in to evidence?

5 A. Yes.

6 Q. And when did you turn it into evidence?

7 A. I don't remember the exact date. It was two or
8 three days later.

9 Q. I'm going to show you what has been pre-marked as
10 State's Exhibit 4.

11 MS. SIMMONS: Your Honor, may I approach?

12 THE COURT: You may.

13 Q. Is this Stipulation of Evidentiary Chain by the
14 State and the Defense a fair and accurate account of the
15 chain of custody of State's Exhibit Number 3?

16 A. Yeah. Up to the point that I put it in evidence,
17 yes, that I know of.

18 MS. SIMMONS: And, Your Honor, the State and
19 the Defense have entered into a stipulation of the chain
20 of custody on this evidence. And we would move it into
21 evidence at this time.

22 THE COURT: Any objection?

23 MR. ANGELL: No objection, Your Honor.

24 THE COURT: It will be admitted as marked. You
25 may proceed.

1 MS. SIMMONS: Thank you, Your Honor.

2 THE COURT: Yes, ma'am.

3 MS. SIMMONS: Your Honor, and that is State's
4 Exhibit 4.

5 THE COURT: All right. Thank you.

6 MS. SIMMONS: Thank you.

7 (WHEREUPON, State's Exhibit Number 4 was admitted
8 into evidence.)

9 Q. And what was the Defendant subsequently arrested
10 for?

11 A. Distribution of methamphetamine.

12 Q. Please answer any questions the Defense may have.

13 THE COURT: Mr. Angell, your witness.

14 MR. ANGELL: Thank you.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. ANGELL:

18 Q. Agent McCreary, you mentioned the confidential
19 informant was getting paid; correct?

20 A. Yes, sir.

21 Q. That was about sixty dollars an hour?

22 A. Just sixty dollars per deal.

23 Q. Per deal. And this deal lasted about how long?

24 A. Maybe about an hour approximately.

25 Q. Did y'all ever recover the money of the documented

1 funds?

2 A. No, sir.

3 Q. Did you ever get that cash back?

4 A. No, sir.

5 Q. And it was your testimony that you didn't have
6 visual surveillance on Agent Orr; correct?

7 A. Yes, that's correct. I couldn't see her.

8 Q. And so essentially you simply received the drugs
9 from Agent Orr after the alleged buy; correct?

10 A. Yes, sir.

11 Q. And you weren't present at the scene, were you?

12 A. No, sir.

13 MR. ANGELL: No further questions, Your Honor.

14 Thank you.

15 THE COURT: Redirect?

16 MS. SIMMONS: Nothing further, Your Honor.

17 THE COURT: All right. You may step down, sir.

18 Thank you very much.

19 The State may call its next witness.

20 MS. SIMMONS: Thank you, Your Honor. We call
21 Agent Anna Orr.

22 THE COURT: Come forward, please, ma'am, and be
23 sworn.

24 (WHEREUPON, the witness was duly sworn.)

25 THE COURT: Come around please, ma'am, and have

1 a seat. Once you're seated state your name, please.

2 THE WITNESS: Anna Joy Orr.

3 THE COURT: Ms. Simmons, your witness.

4 MS. SIMMONS: Thank you, Your Honor.

5 THE COURT: Yes, ma'am.

6 **ANNA J. ORR,**

7 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MS. SIMMONS:

10 Q. Agent Orr, where are you currently employed?

11 A. At SLED, South Carolina Law Enforcement Division.

12 Q. And how long have you been in law enforcement?

13 A. Approximately four and a half years.

14 Q. Tell me about your educational background and your
15 law enforcement background?

16 A. Yes, ma'am. I have a Bachelor of Science of
17 Physical Education and Exercise Science from Palm Beach
18 Atlantic University in South Florida. I also attended
19 and graduated the United States Air Force Medical
20 Technical Training School where I still am currently a
21 reservist for the U.S. Air Force. I also attended the
22 South Carolina Criminal Justice Academy for Class I Basic
23 Law and Class II Basic Jail. I also have attended basic
24 narcotics school as well as advanced female undercover
25 technique school as well clandestine lab school, which is

1 a meth lab school.

2 Q. And back in July of -- July 15th, 2013, were you
3 working at the Oconee County Sheriff's Office?

4 A. Yes, ma'am, in narcotics.

5 Q. And what do you currently do for SLED?

6 A. I am a narcotics agent for SLED.

7 Q. How do you do your -- in your experience, how do
8 drug transactions work?

9 A. You can do them two ways. You can use a
10 confidential informant who is either paid or may have
11 charges that they would request leniency for, or you can
12 use an undercover agent. In this case, having an
13 undercover agent -- more times than not, you are going to
14 have to use a confidential informant to make an
15 introduction to the target. You cannot just walk up to
16 someone on the street and you have no contact or
17 reference point for. You will need a confidential
18 informant to make that introduction for you because that
19 individual is not going to trust you.

20 Q. How did the focus of this particular investigation
21 come to be Steve Allison?

22 A. We have received -- well, we had, at that point,
23 received complaints on Steven Allison from several
24 different sometimes unknown sources that he was
25 distributing methamphetamine. So that's how he came to

1 our attention.

2 Q. And when did you first meet the Defendant?

3 A. I met Steven Allison on July 9th of 2013.

4 Q. And is Steven Allison the Defendant seated at the
5 Defense table?

6 A. Yes, ma'am.

7 Q. After you met him -- when did you -- who introduced
8 you on July 9th?

9 A. A confidential informant, Sherry Gibson. She made
10 an introduction of him to myself.

11 Q. And as a result of that first meeting with him, were
12 you under the impression you could buy narcotics from him
13 in the future?

14 A. Yes, ma'am, I was.

15 Q. How did you set up the transaction on July 15th,
16 2013?

17 A. On July 15th, I was contacted via my sergeant,
18 Brandon Long at that time. He informed me that he had
19 been contacted that day by the informant, Sherry Gibson,
20 who advised him that she had arranged for myself to meet
21 the Defendant, Steven Allison, for him to sell to me a
22 quantity of methamphetamine that day.

23 Q. How did you get to the incident location?

24 A. We had a cold car which is a vehicle that we use
25 that is unknown. I drove to the location after I was

1 wired.

2 Q. And was the location in Oconee County?

3 A. Yes, ma'am, it was.

4 Q. Where did you have the cameras that day?

5 A. I had a camera on a key fob which was on a key
6 chain. It looks like what you would use to unlock your
7 car doors. I also had a camera that was inside of a
8 purse that was inside the vehicle with myself.

9 Q. What happened when Sherry Gibson and the Defendant
10 arrived?

11 A. When Sherry Gibson and the Defendant, Steve Allison,
12 arrived, Sherry Gibson got out of the front passenger
13 seat of the vehicle. Steve Allison got out of the back
14 passenger seat which is directly behind Sherry. They
15 were on the opposite side of the vehicle. They walked
16 around. Sherry Gibson approached the front driver's side
17 of my vehicle. I advised her to get into the back seat.
18 Steve Allison then followed her into the back seat of the
19 vehicle as well.

20 Q. Why did you ask them to get in the back seat?

21 A. Originally how the deal was supposed to go, Steve
22 Allison was supposed to be the only individual that was
23 going to get into the vehicle with me. The cameras were
24 positioned and rigged for the front seat. So if Sherry
25 had got into the front seat, I could not have made the

1 video. So I advised her to get into the back seat,
2 leaving the front seat open for Steve Allison to get in.
3 However, he chose to get into the back seat as well. So
4 I had to adjust the cameras as they were getting in to be
5 able to get a video of him in the vehicle.

6 Q. And were there other people in the other -- in the
7 vehicle they came from?

8 A. Yes, ma'am. There was a driver, and there was a
9 passenger in the back seat who was scrunched down. I
10 could not identify who that individual was at that time.
11 So I had to have eyes on the vehicle as well as have eyes
12 on the individuals that were in my back seat.

13 Q. Is that an officer safety issue?

14 A. Yes, ma'am, it is.

15 Q. When they got in the back seat when you were
16 chatting initially with them, could you see anything
17 going on back there?

18 A. Yes, ma'am. Initially, when they first got in,
19 Steven Allison, he seemed nervous and uncomfortable. He
20 was kind of fidgeting in his pockets. Initially, he was
21 slouched down. And then he sat up, and he was looking at
22 the confidential informant that was in the back seat as
23 well. Then he began chatting with me.

24 Q. When did the drugs appear?

25 A. When I noticed the drugs appeared, it was about the

1 time that I was receiving Steven Allison's new phone
2 number. I was getting that phone number from him. And I
3 looked down on the passenger's seat, the armrest, and I
4 noticed that the drugs had appeared on the passenger's
5 seat.

6 Q. Based on further investigation, how did they get to
7 that point?

8 A. The confidential informant had placed them on the
9 armrest.

10 Q. And was she working at anyone's direction at that
11 point?

12 A. Excuse me?

13 Q. Was she working at anyone's -- was she doing that at
14 anyone else's direction?

15 A. I believe so, yes, ma'am.

16 Q. Who did you give payment to that day?

17 A. I gave payment to Steven Allison.

18 Q. And is that from your hand to his hand?

19 A. Yes, ma'am. I handed him a hundred dollars in
20 documented funds.

21 Q. Have you reviewed State's Exhibits 1 and 2 prior to
22 today?

23 A. Yes, ma'am.

24 Q. Are they a fair and accurate description of what
25 happened on July 15th of 2013?

1 A. Yes, ma'am.

2 Q. Have they been altered or tampered with in any way?

3 A. No, ma'am.

4 MS. SIMMONS: Your Honor, at this time the
5 State would move in State's Exhibits 1 and 2, which is
6 the video evidence, and ask to publish it to the jury.

7 THE COURT: Any objection?

8 MR. ANGELL: No objection, Your Honor.

9 THE COURT: Without objection, it will be
10 admitted, and you may publish it.

11 MS. SIMMONS: Thank you, Your Honor.

12 THE COURT: Yes, ma'am.

13 (WHEREUPON, State's Exhibit Numbers 1 and 2 were
14 admitted into evidence.)

15 Q. Agent Orr, while I'm getting this ready, can you
16 explain the video a little bit, what we're going to see?

17 A. Yes, ma'am. You're going to see other agents and
18 myself getting the camera that is inside of the purse
19 positioned where we want it positioned to see if it's
20 going to be able to get the passenger seat in the
21 vehicle. You're going to see a lot of movement from the
22 key fob as it is in the ignition and I am driving to the
23 location.

24 Once I get to that location, I sit and wait for
25 approximately probably fifteen minutes. You're going to

1 see the cameras move as I'm trying to make sure that I
2 have a correct position for when the Defendant, Steve
3 Allison, does arrive.

4 When he does arrive, you're going to see me move the
5 cameras from the front passenger seat to the back seat.
6 You're going to see the purse change positions to try to
7 get the confidential informant and the Defendant in the
8 video.

9 MS. SIMMONS: Your Honor, this is State's
10 Exhibit 2 which is the key fob video.

11 THE COURT: All right.

12 (WHEREUPON, State's Exhibit Number 2 was published
13 for the jury.)

14 Q. Agent Orr, can you explain to us why you videotaped
15 from the time you left the location until the deal was
16 complete?

17 A. Because as a agent, you don't have to debrief for an
18 agent. Also, the key fob, after thirty minutes of
19 running, it automatically shuts off. So it shut off at
20 twenty-nine minutes and fifty-seven seconds, fifty-eight
21 seconds.

22 Q. And you film everything to that point just to
23 document that you didn't make any other stops?

24 A. Yes, ma'am, correct. And the camera -- the camera
25 that was inside of the purse runs from the start of our

1 meeting location to the end of the second meeting

2 location at the church that's on Toccoa Highway.

3 Q. And I'm going to show you what has been pre-marked
4 as State's Exhibit 1 which is the purse cam.

5 A. Yes, ma'am.

6 Q. We are going to start with arrival on this one.

7 (WHEREUPON, State's Exhibit Number 1 was published
8 for the jury.)

9 Q. Whose image is captured in the side mirror we see in
10 there?

11 A. That would be the Defendant, Steve Allison.

12 Q. When you were responding, "yes," towards the end
13 there -- that was a little hard to hear -- what was the
14 question that was asked?

15 A. He had asked the informant, Sherry Gibson, if she
16 had given it to me. She stated, "Yes," and I said,
17 "Yes," indicating the quantity of methamphetamine that
18 had been previously arranged.

19 Q. And after that, what happened?

20 A. After that, he -- during that time, he took the
21 hundred dollars in documented funds. Sherry got into the
22 vehicle and he did as well, and they drove away.

23 Q. And where did you go after the transaction?

24 A. To a church that is on Toccoa Highway. I met with
25 the other agents that were involved in this transaction,

1 the cover team, and I turned over the quantity of
2 methamphetamine that was given to me during that
3 transaction to Agent Scott McCreary.

4 Q. Ms. Orr, please answer any questions Mr. Angell may
5 have.

6 A. Yes, ma'am.

7 THE COURT: Mr. Angell, your witness.

8 CROSS-EXAMINATION

9 BY MR. ANGELL:

10 Q. Good morning, Agent Orr. How are you?

11 A. I'm doing well. How are you?

12 Q. Doing well. You testified you're currently working
13 as an agent for SLED; is that right?

14 A. Yes, sir.

15 Q. But at the time, at this time at July 15th, 2013,
16 you were an agent for ---

17 A. Oconee County Sheriff's Office, yes, sir.

18 Q. Oconee County Sheriff's Office, that's correct?

19 Thank you.

20 A. Uh-huh (affirmative). Yes, sir.

21 Q. And in the scope of your employment in large part,
22 your job is to gather evidence at the crime scene or the
23 alleged scene from potential drug dealers; correct?

24 A. Yes, sir.

25 Q. And in this entire video, you have mentioned that

1 there was -- the car had pulled up right next to your
2 car; right?

3 A. Yes, sir.

4 Q. And it had two other unnamed individuals in it;
5 isn't that true?

6 A. Yes, sir.

7 Q. Did you have any idea of their identity?

8 A. I knew that one, the driver, was the informant's, if
9 you want to call it, her boyfriend, someone that had
10 driven her previously in the past. I could not see the
11 individual in the back seat because he was slouched down.
12 He did not want to be seen by me, so he was slouching
13 down and lifting his head up. So I had no idea who that
14 individual was.

15 Q. Okay. And in regards to that video, you would agree
16 that it's about thirty minutes long?

17 A. Yes, sir.

18 Q. But the actual time frame is give or take -- that
19 you were with my client and the confidential informant
20 was give or take two minutes; correct?

21 A. Approximately, yes, sir.

22 Q. And you mentioned that you never saw that baggie
23 being placed down on that armrest, did you?

24 A. No, sir, not at that time, I did not.

25 Q. And do you know who placed it there at all?

1 A. Yes, sir. Once going back and reviewing the video
2 and actually reading a statement that Agent McCreary had
3 taken from the confidential informant, she had stated
4 that she was advised to place the quantity of
5 methamphetamine, so she did. But at that time, I was
6 looking at him and trying to keep a visual on who was in
7 the vehicle. And I did not see who placed it at the
8 current time of the transaction.

9 Q. And I believe you've stated earlier that was officer
10 safety? You were checking ---

11 A. Yes, sir, it was.

12 Q. Okay. So you're checking out the other car and the
13 back seat of the car, all ---

14 A. Yes, sir. It's not an area that I would like to
15 have them is behind me.

16 Q. And it's a remote area, I'm assuming?

17 A. Yes, sir.

18 Q. In regards to my client's statements to you, did he
19 mention drugs of any kind at any point in that videotape?

20 A. No, sir, he did not.

21 Q. Did he ever mention that you needed to pay him for
22 any drugs in any way?

23 A. No, sir.

24 Q. In fact, I would say the only thing that you got
25 from him was his phone number. Isn't that correct?

- 1 A. Yes, sir.
- 2 Q. That you could see?
- 3 A. Uh-huh (affirmative). Yes, sir.
- 4 Q. And I was looking at your previous statement that
- 5 you -- I'm assuming you wrote this. Was it a day or two
- 6 after your followup?
- 7 A. Uh-huh (affirmative).
- 8 Q. Would you agree that this -- I'm not sure of the
- 9 exact date.
- 10 MR. ANGELL: Judge, may I approach?
- 11 THE COURT: You may approach.
- 12 Q. And in this statement which is, I guess, protocol
- 13 for your followup after any incident occurs; correct?
- 14 A. Yes, sir, it is.
- 15 Q. For your recollection purposes?
- 16 A. Yes, sir.
- 17 Q. You mention that you passed a hundred dollars in
- 18 document funds through the backseat window to Steve;
- 19 correct?
- 20 A. Yes, sir.
- 21 Q. But we don't see it on the videotape?
- 22 A. You actually can see it in the purse cam video. You
- 23 can see his hand going into the back seat of the window.
- 24 You can also see my hand with the documented funds,
- 25 before it goes through the window.

1 Q. And then on the next sentence you place -- you said,
2 "Once the money was placed in his hands, the CI and Steve
3 got into the vehicle and drove away," correct?

4 A. Yes, sir.

5 Q. You also testified that you gave a hundred dollars
6 in marked bills in exchange for that substance. Did you
7 ever recover that money?

8 A. No, sir, we did not.

9 Q. And do you have any idea how much quantity that
10 should buy, a hundred dollars? How much you would try to
11 get?

12 A. It should be one gram of methamphetamine is usually
13 street value for a hundred dollars, and that's what we
14 were going for.

15 Q. And that was the going rate at that time, a hundred
16 per gram?

17 A. Yes, sir, it is.

18 Q. Did you ever fingerprint that baggie that you
19 located?

20 A. No, sir, we did not.

21 MR. ANGELL: One moment, Your Honor, if you
22 don't mind.

23 THE COURT: Yes, sir.

24 MR. ANGELL: No further questions.

25 THE COURT: You may redirect.

1 MS. SIMMONS: Thank you, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. SIMMONS:

4 Q. Agent Orr, who did you specifically give the funds
5 for the methamphetamine to?

6 A. I gave it to the Defendant, Steve Allison.

7 Q. And in fact, after he asked the informant if she had
8 given it to you?

9 A. It was during the exact same time. I called him. I
10 said, "Hey," and I picked up the money. He came forward,
11 and he was asking her at that same time, "Did you give it
12 to her," as I was handing him the documented funds, yes,
13 ma'am.

14 Q. And as to fingerprinting an item, methamphetamine,
15 are we talking about a normal sized baggie that's handed
16 to you, like a big zip lock that we put our child's
17 sandwich in?

18 A. No, ma'am. It's usually like a sandwich bag that
19 has been ripped off. They twist it. They tie it up
20 really tight. It's usually -- a gram would be about this
21 big.

22 Q. And Agent Orr, I'm just going to show you what has
23 been pre-marked as State's Exhibit 3. Is this what you
24 received?

25 A. Yes, ma'am.

1 Q. Based on your training and experience, would it be
2 difficult to fingerprint something that tiny?

3 A. Yes, ma'am. It's usually bunched up. It's not
4 always tied. So, yes, ma'am, it would be.

5 MS. SIMMONS: That's all. Thank you.

6 THE COURT: Recross.

7 MR. ANGELL: Just one final question, Your
8 Honor.

9 THE COURT: Yes, sir.

10 RE CROSS-EXAMINATION

11 BY MR. ANGELL:

12 Q. Agent Orr, my client at no point on July 9th when
13 you had first met him or July 15th or anytime during your
14 relationship ever mentioned that he would sell you drugs,
15 did he?

16 A. No, sir, not directly. Not directly to me.

17 Q. Thank you.

18 MR. ANGELL: No further questions.

19 THE COURT: You may step down. Thank you.

20 The State may call its next witness.

21 MS. SIMMONS: Your Honor, we had a couple of
22 witnesses that just arrived. May we have our morning
23 break?

24 THE COURT: Sure. We'll take about a five-
25 minute break.

1 Ladies and gentlemen of the jury, we're going to
2 take a short break. I'm going to ask you as you leave
3 the courtroom, as always, don't discuss anything about
4 this case even among yourselves until I've asked you to
5 do so. You may retire to the jury room. Thank you.

6 (WHEREUPON, the jury exited the open courtroom at
7 approximately 10:53 a.m.)

8 THE COURT: All right. Court's in recess for
9 about five minutes.

10 MS. SIMMONS: Thank you, Judge.

11 (WHEREUPON, court stood at recess for a short
12 break.)

13 THE COURT: All right. Is the State ready to
14 proceed?

15 MS. SIMMONS: Yes, Your Honor.

16 THE COURT: Is the Defense ready to proceed?

17 MR. ANGELL: We are, Your Honor.

18 THE COURT: All right. Let's bring the jury
19 in.

20 Is this the next witness?

21 MS. SIMMONS: Yes, Your Honor.

22 THE COURT: I'll have her sworn once the jury's
23 in the courtroom.

24 MS. SIMMONS: And thank you for allowing me to
25 put her up.

1 THE COURT: That's fine.

2 (WHEREUPON, the jury entered the open court at
3 approximately 11:06 a.m.)

4 THE COURT: All right. The record will reflect
5 the jury has returned to the courtroom. At this time,
6 the State has called its next witness. Her name is?

7 MS. SIMMONS: Sherry Gibson.

8 THE COURT: All right. Please swear the
9 witness for me, Madam Clerk.

10 (WHEREUPON, the witness was duly sworn.)

11 THE COURT: Thank you, ma'am. Counselor, your
12 witness.

13 MS. SIMMONS: Thank you, Judge.

14 THE COURT: Yes, ma'am.

15 **SHERRY GIBSON,**

16 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 BY MS. SIMMONS:

19 Q. Good morning, Sherry.

20 A. Good morning.

21 Q. How old are you?

22 A. Forty-four.

23 Q. And have you been convicted in the last ten years of
24 crimes like forgery, breach of trust, grand larceny,
25 fraudulent checks?

- 1 A. I have.
- 2 Q. And what are you presently incarcerated for?
- 3 A. Grand larceny and credit card transactions.
- 4 Q. And what was your sentence on that?
- 5 A. Five years.
- 6 Q. And was that a trial or a guilty plea?
- 7 A. It was a guilty plea.
- 8 Q. Did you work as a confidential informant for the
- 9 Oconee County Sheriff's Office back in 2013?
- 10 A. I did.
- 11 Q. Did you participate in an undercover drug
- 12 transaction with Steven Allison on July 15th of 2013?
- 13 A. I did.
- 14 Q. And do you see Steven Allison here in Court today?
- 15 A. I do.
- 16 Q. Could you point him out?
- 17 A. In the blue shirt, light blue shirt.
- 18 Q. Thank you. And the photograph that is on the
- 19 projector that is marked as State's Exhibit 5, can you
- 20 identify who that is?
- 21 A. Yes.
- 22 Q. Who is that?
- 23 A. Steven Allison.
- 24 Q. Did you come to meet Agent Orr with Steven Allison
- 25 on July 15th?

- 1 A. Yes.
- 2 Q. Did you observe a drug transaction in the car?
- 3 A. I did.
- 4 Q. Who passed Agent Orr the drugs?
- 5 A. I passed them.
- 6 Q. Was it at the direction of someone else, or was it
- 7 your own idea?
- 8 A. Steve passed them to me, and I passed them -- I laid
- 9 them down right there on the console.
- 10 Q. Do you know why he wanted to do it that way?
- 11 A. I would assume so it wouldn't be passed through his
- 12 hands.
- 13 Q. And were these your drugs or his drugs?
- 14 A. His.
- 15 Q. Did you profit from his sale of these drugs in any
- 16 way?
- 17 A. No.
- 18 Q. Were you paid as a confidential informant for this?
- 19 A. I was.
- 20 Q. And when Agent Orr paid the Defendant for these
- 21 drugs, who did she give payment to?
- 22 A. It passed through the hands -- it passed through my
- 23 hand through the back glass, the back window, to her
- 24 hand.
- 25 Q. So the hand-to-hand of the money from Agent Orr,

1 whose hands did that ultimately end up in?

2 A. In Agent Orr's?

3 Q. Agent Orr to?

4 A. To Steve.

5 Q. Okay. And so you did not receive the hundred
6 dollars?

7 A. Oh, no.

8 Q. No?

9 A. No.

10 Q. Okay. And did this transaction occur in Oconee
11 County?

12 A. It did.

13 MS. SIMMONS: I beg the Court's indulgence for
14 one moment.

15 THE COURT: Yes, ma'am.

16 Q. I believe Mr. Angell has just a few questions for
17 you.

18 THE COURT: Mr. Angell, your witness.

19 MR. ANGELL: Thank you, Your Honor.

20 MR. ANGELL: Your Honor, may I approach?

21 THE COURT: You may.

22 CROSS-EXAMINATION

23 BY MR. ANGELL:

24 Q. Ms. Gibson, I'm putting in front of you a statement
25 you gave the same day. Do you recognize that?

- 1 A. I do.
- 2 Q. Okay. And that's a sworn statement made on the 15th
- 3 of July, 2013. Wouldn't you agree?
- 4 A. It is.
- 5 Q. And in this statement, you mention that my client
- 6 gave you the drugs when you got out of the car; is that
- 7 correct?
- 8 A. When I got out of the car?
- 9 Q. That's what it says right here. That's your
- 10 statement, "Steven handed me when we got out of my car"?
- 11 A. When we got out of my car, yeah, he handed me the
- 12 drugs so that I could give them to Anna.
- 13 Q. Okay. Well, you just said that he handed you the
- 14 drugs inside the back seat of the confidential -- of the
- 15 undercover ---
- 16 A. I was in the back seat of the car, and I laid them
- 17 on the console.
- 18 Q. And it's your testimony that at the time you were
- 19 employed as a confidential informant; correct?
- 20 A. Yes.
- 21 Q. So you were getting paid to turn over alleged drug
- 22 dealers; correct?
- 23 A. I did.
- 24 Q. And when you rode over to Westminster to the
- 25 location, how many people were in the car with you?

1 A. Three. Four counting Steve.

2 Q. Okay. And you've known my client for up around ten
3 years give or take; is that right?

4 A. Give or take.

5 Q. Okay. And just to be clear, you said you'd pled
6 guilty to a grand larceny and financial transaction
7 theft; is that correct?

8 A. Yes, I did.

9 Q. And you're serving a five-year sentence on that;
10 correct?

11 A. I am.

12 Q. Now, going to what you said about through your hands
13 with the money, you said that Agent Orr handed you the
14 money through your hands and then you handed it to Steve;
15 is that correct?

16 A. Not really. Through my -- not in my hands. But I
17 was sitting in the back seat, and the window was rolled
18 down some. Steven had got out of the car and was on the
19 outside of the car. And Agent Orr, she handed them
20 through my hands. My hand was up at the window, and it
21 just passed like that to his hands.

22 MR. ANGELL: No further questions, Your Honor.
23 Thank you.

24 THE COURT: Redirect?

25 MS. SIMMONS: Just one question.

1 THE COURT: Yes, ma'am.

2 REDIRECT EXAMINATION

3 BY MS. SIMMONS:

4 Q. Ms. Gibson, did you ever have possession of the
5 hundred dollars in your hands?

6 A. No.

7 Q. Thank you.

8 THE COURT: Any further questions?

9 MR. ANGELL: No questions.

10 THE COURT: All right. Ma'am, you may step
11 down. Thank you very much.

12 MS. SIMMONS: Your Honor, may Ms. Gibson be
13 excused?

14 THE COURT: Any objection to the witness being
15 excused from the hearing?

16 MR. ANGELL: Not at all, Your Honor.

17 THE COURT: All right, ma'am. You can go.

18 MS. SIMMONS: Thank you, Judge.

19 THE COURT: You may call your next witness.

20 MR. ANGELL: The State calls Agent Meredith
21 Lanford.

22 THE COURT: Come forward, please, to be sworn.

23 (WHEREUPON, the witness was duly sworn.)

24 THE COURT: Once you're seated, ma'am, please
25 state your name.

1 THE WITNESS: Meredith Lanford.

2 THE COURT: Thank you.

3 Counselor, your witness.

4 MS. SIMMONS: Thank you, Your Honor.

5 THE COURT: Yes, ma'am.

6 **MEREDITH LANFORD,**

7 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MS. SIMMONS:

10 Q. Agent Lanford, where are you employed?

11 A. I'm employed with the Anderson/Oconee Regional
12 Forensics Laboratory.

13 Q. And Agent Lanford, your microphone's not working.
14 And I know you are soft spoken, so you may have to
15 project a little bit more.

16 A. Okay.

17 Q. How long have you been employed at the lab?

18 A. I have been employed there for about nine years.

19 Q. What do you do at the forensics lab?

20 A. I am a forensic chemist.

21 Q. And what kind of duties does that entail?

22 A. My primary job duties are to analyze evidence that's
23 brought to our laboratory for suspected controlled
24 substances.

25 Q. How often do you analyze controlled substances?

1 A. About every day.

2 Q. Any idea as to how many times you've analyzed them
3 over the course of your career?

4 A. At least over five thousand.

5 Q. And how many times do you estimate that you have
6 testified in court as an expert in this area?

7 A. Seventeen times.

8 Q. And what is your educational background?

9 A. I graduated from Clemson University with a Bachelor
10 of Science Degree in Chemistry. I then went on to
11 complete the Forensic Science Certificate Program at
12 Greenville Technical College. I was trained in the area
13 of forensic drug chemistry by the DEA. I'm a member of
14 the American Chemical Society as well as the Clandestine
15 Laboratory Investigating Chemists. And each year I have
16 to perform a yearly proficiency test in the area of drug
17 chemistry as well as I attend several training seminars
18 each year.

19 MS. SIMMONS: Your Honor, at this time, we'd
20 move to declare the witness an expert in forensic drug
21 chemistry.

22 THE COURT: Any objection?

23 MR. ANGELL: None, Your Honor.

24 THE COURT: All right. Ladies and gentlemen of
25 the jury, let me explain to you what we're doing at this

1 point in time just briefly. Generally, under the rules
2 of evidence, lay witnesses are not allowed to express
3 opinions from the stand. They have to testify about
4 facts within their knowledge. They're not allowed to
5 give opinions about those facts.

6 Now, there's an exception to that rule made for
7 witnesses who are declared to be an expert within some
8 science or profession or field or calling. For witnesses
9 declared to be an expert within a field, they are allowed
10 to state their opinions within that field. They're
11 allowed also to state the reasons why they have those
12 opinions.

13 Now, later on when I charge you on the law, I'll
14 give you some additional information about expert
15 witnesses. But at this point in time, I'm going to
16 qualify the witness within the -- as an expert within her
17 field. That will allow her to offer opinions within that
18 field and state the reasons why she holds those opinions.

19 You may proceed, Counselor.

20 MS. SIMMONS: Thank you, Your Honor.

21 Q. Agent Lanford, can you tell me about the composition
22 of methamphetamine?

23 A. Methamphetamine is usually what we see as a crystal-
24 like substance, but it can also be in the form of a
25 powder, a rock. And it usually comes in different

1 colors, so it just depends on how it was manufactured as
2 to what it looks like.

3 MS. SIMMONS: Your Honor, may I approach the
4 witness?

5 THE COURT: You may.

6 Q. Agent Lanford, I'm going to show you what has been
7 previously marked as State's Exhibit 3. Can you identify
8 this item?

9 A. Yes, I can.

10 Q. How can you identify the item?

11 A. This is -- it's marked with our lab stickers as well
12 as my initials are on it.

13 Q. When was the item received?

14 A. I received this item on July 26th, 2013.

15 Q. From whom did you receive it?

16 A. From Sergeant David Philpott.

17 Q. Did this item remain in your care, custody, and
18 control during the period in which it was analyzed?

19 A. Yes, it did.

20 Q. Is the item today essentially in the same condition
21 as when you received it?

22 A. Yes, it is.

23 Q. And is some of methamphetamine consumed during the
24 testing process?

25 A. Yes, it is.

1 Q. For what purpose did the exhibit come into your
2 possession?

3 A. It came into my possession in order to test it for
4 any presence of a controlled substance.

5 Q. And did you find a controlled substance?

6 A. I did.

7 Q. What controlled substance?

8 A. Methamphetamine.

9 Q. What is the weight of State's Exhibit Number 3?

10 A. Zero point six zero grams.

11 Q. And when did you conduct the chemical analysis on
12 the item?

13 A. I conducted the analysis on August 29th, 2013.

14 Q. And how does the analysis process work, briefly?

15 A. The first thing I do is remove the substance from
16 any kind of packaging material, and I take a weight of
17 just the substance itself. I then perform two screening
18 tests that will show me what particular controlled
19 substance may be present, and then I perform two
20 confirmatory tests on our instruments in the lab to
21 confirm that there is a controlled substance present.

22 Q. Is it your expert opinion that State's Exhibit 3 is
23 point six zero grams of methamphetamine?

24 A. Yes, it is.

25 MS. SIMMONS: Your Honor, at this time, the

1 State would move into evidence State's Exhibit Number 3
2 and ask that Agent Lanford's report be attached to
3 State's Exhibit 3.

4 THE COURT: Any objections?

5 MR. ANGELL: No objections, Your Honor.

6 THE COURT: Without objections, they'll be
7 admitted into evidence as they've been marked with the
8 attachment.

9 (WHEREUPON, State's Exhibit Number 3 was admitted
10 into evidence.)

11 Q. Agent Lanford, please answer any questions the
12 Defense may have.

13 THE COURT: Mr. Angell, your witness.

14 MR. ANGELL: Thank you, Your Honor.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. ANGELL:

18 Q. Just a couple questions, Agent Lanford. Before you
19 test the substance, you weigh it; correct?

20 A. Yes, I do.

21 Q. So the -- you've got it in a bag. It arrives at
22 your center as point six grams; correct?

23 A. Yes.

24 Q. So how much do you use when you test it generally?

25 A. Most of the time, it probably only takes maybe two

Meredith Lanford - Redirect Examination by Ms. Simmons
Meredith Lanford - Cross-examination by Mr. Angell

98

1 mils maybe of substance to ---

2 Q. But just to be clear, you didn't ---

3 A. Two milligrams.

4 Q. I'm sorry. You didn't receive a gram of
5 methamphetamine; you received point six grams. And it
6 tested at that; correct?

7 A. Correct.

8 Q. Okay.

9 MR. ANGELL: Thank you, Your Honor.

10 THE COURT: Anything further?

11 MS. SIMMONS: Just briefly.

12 REDIRECT EXAMINATION

13 BY MS. SIMMONS:

14 Q. Sometimes, can the methamphetamine dry out and alter
15 the weight?

16 A. Yes, it can.

17 Q. So, for instance, if it was sold as one gram, it
18 could end up being point six grams by the time it gets to
19 the lab?

20 A. That's a possibility, yes.

21 Q. Thank you.

22 THE COURT: Anything further?

23 RE CROSS-EXAMINATION

24 BY MR. ANGELL:

25 Q. Is it your testimony today that that is indeed what

Meredith Lanford - Redirect Examination by Ms. Simmons

99

Meredith Lanford - Cross-examination by Mr. Angell

1 happened in this case, that it dried up from one gram to
2 point six grams?

3 A. I only know that what I weighed was zero point six
4 grams.

5 Q. Thank you.

6 MR. ANGELL: No further questions.

7 THE COURT: All right. You may step down,
8 ma'am.

9 Do you wish to excuse the witness?

10 MS. SIMMONS: Please, Your Honor.

11 THE COURT: Any objection?

12 MR. ANGELL: No objection.

13 THE COURT: You're free to leave if you'd like.
14 You may call your next witness.

15 MS. SIMMONS: I beg the Court's indulgence for
16 one moment.

17 THE COURT: Yes, ma'am.

18 MS. SIMMONS: Judge, at this time, the State
19 rests.

20 THE COURT: All right.

21 Ladies and gentlemen of the jury, at this point in
22 time, the State has rested its case. There's some
23 matters that I need to take up with the attorneys at this
24 point in time. So I'm going to ask you to step back to
25 the jury room while I do that. As always, I'll ask you

1 not to discuss anything about the case until such time as
2 I've asked you to begin your deliberations.

3 You may retire to the jury room.

4 (WHEREUPON, the jury exited the open court at
5 approximately 11:20 a.m.)

6 THE COURT: All right. Any motions?

7 MR. ANGELL: Yes, Your Honor.

8 THE COURT: Yes, sir.

9 MR. ANGELL: At this point, we'd move for a
10 directed verdict. Based on the evidence as seen in the
11 light most favorable to the State, we contend that there
12 is not enough evidence to go to the jury to prove that my
13 client was indeed guilty of distribution of
14 methamphetamine.

15 THE COURT: I'll hear from the State.

16 MS. SIMMONS: Your Honor, there's videotape
17 evidence of the Defendant's image on tape. Agent Orr
18 testified she actually made payment for the
19 methamphetamine directly to the Defendant, and the
20 confidential informant indicated that she transferred the
21 methamphetamine at the Defendant's request and that
22 payment was received by him from Agent Orr. So that's
23 more than enough to go to the jury.

24 THE COURT: Well, after a review of the
25 evidence -- and I do have to view that evidence in the

1 light most favorable to the State -- I do find that there
2 is sufficient evidence to justify the case going forward
3 to the jury. I will deny the motion for directed
4 verdict.

5 I do want to discuss with your client his right to
6 testify in this matter. So at this point in time, I will
7 ask the Clerk to put the Defendant under oath.

8 (WHEREUPON, the defendant was duly sworn.)

9 THE COURT: All right. You can be seated, sir.

10 All right. Mr. Allison, we have reached the stage
11 of this case where you have the right to present your
12 defense in this matter. And in doing so, I need to make
13 you aware of certain of your constitutional rights.
14 First of all, you have a right to testify in this case if
15 you choose to do so. You also have the right to claim
16 the protections that are given to you under the Fifth
17 Amendment to the United States Constitution. That
18 amendment reads in part that, "No person shall be
19 compelled in any criminal case to be a witness against
20 himself." What that means and how that's been
21 interpreted is that you cannot be required to testify in
22 this case.

23 Again, you have the right to do so. However, no one
24 can make you testify. The right to remain silent in a
25 case is a personal right. No one can waive or give up

1 that right except yourself. I will advise you that if
2 you decide to testify in the case, your testimony will be
3 governed by the same rules that govern the testimony of
4 any other witness who might testify.

5 First of all, you'd be examined by your attorney and
6 then cross-examined by the State's attorney. Now, I do
7 not know if the State has any convictions that they
8 believe involves dishonesty or that they would use in an
9 effort to try to impeach.

10 Does the State have any convictions that you would
11 use to try to impeach the Defendant in this matter?

12 MS. SIMMONS: Yes, Your Honor.

13 THE COURT: Will you make us aware of those at
14 this time?

15 MS. SIMMONS: Yes, sir. Your Honor, possession
16 of methamphetamine in 2007, distribution of crack cocaine
17 in 2007. He has several fraudulent checks. Shoplifting,
18 distribution of schedule I, II, or III controlled
19 substances in 2003, possession of methamphetamine in
20 2008, 2008 burglary second degree. Another drug
21 conviction in 2008. Another meth conviction in 2008.
22 And I believe there's nothing on his out-of-state record.

23 THE COURT: All right. Well, sir, it does
24 appear that there are convictions that the State would
25 attempt to use in an effort to try to attack your

1 credibility. Now, I will tell you that should this Court
2 make a determination that those crimes were punishable by
3 imprisonment for more than one year and that they
4 occurred within the requisite time and the Court makes a
5 determination that the probative value of admitting that
6 evidence outweighs its prejudicial effect to you, then
7 the Solicitor would be able to introduce those that the
8 Court approves to attack your credibility.

9 Now, if you decide to testify, the decision on your
10 part must be made freely and voluntarily and
11 intelligently. That means with knowledge of the
12 protections given to you by the Fifth Amendment and the
13 consequences that could result from your decision to
14 testify.

15 I will tell you that if you decide not to testify in
16 the case that I will instruct the jury that the fact that
17 you did not testify should not be given any consideration
18 by them and that there is to be absolutely no prejudice
19 to you or your case because you did not testify.

20 Now, the decision to testify, again, is left
21 entirely up to you. You have the right to consult with
22 family, friends, lawyer, anyone you would like to discuss
23 it with, but the final decision is yours and yours alone.

24 Now, Mr. Allison, do you understand the right that I
25 have explained to you?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you have any questions about
3 that right?

4 THE DEFENDANT: No, sir.

5 THE COURT: Now, have you had an opportunity to
6 discuss the decision with your lawyer?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And have you had an opportunity to
9 discuss it with anyone else you would like to discuss it
10 with?

11 THE DEFENDANT: No, sir.

12 THE COURT: Is there anyone else that you would
13 like to discuss that decision with?

14 THE DEFENDANT: No, sir.

15 THE COURT: Do you need additional time to talk
16 to your lawyer about this decision?

17 THE DEFENDANT: No, sir.

18 THE COURT: Do you intend to testify?

19 THE DEFENDANT: No, sir.

20 THE COURT: All right. Thank you, sir. You
21 can be seated.

22 Now, does the Defense intend to offer any other
23 witnesses?

24 MR. ANGELL: We do not, Your Honor.

25 THE COURT: All right. Now, what I would

1 propose that we do -- let's talk about this just a
2 minute. We're at eleven thirty. We could take an early
3 lunch break, come back and argue and charge, which might
4 be the best way for us to handle this. So I think that's
5 what I'll do unless there's some objection from the
6 State?

7 MS. SIMMONS: No, Your Honor.

8 THE COURT: Any from the Defense?

9 MR. ANGELL: No, sir. Thank you.

10 THE COURT: All right. Let's bring the jury
11 back at this time.

12 (WHEREUPON, the jury entered the open court at
13 approximately 11:28 a.m.)

14 THE COURT: All right. Ladies and gentlemen,
15 we've gotten to the point of the trial where we're going
16 to go into -- well, first of all, does the Defense wish
17 to call any witnesses?

18 MR. ANGELL: No, Your Honor. At this point,
19 the Defense rests.

20 THE COURT: The Defense has informed me that
21 they are resting, that they are not going to call any
22 witnesses. And at this point in time, we're in a
23 position to go into the closing arguments and my charge
24 on the law. I'm going to take the lunch break, however,
25 at this time, so that we can get that out of the way and

1 we'll come back and be in a position to go into that
2 point in the trial and then hand it over to you for your
3 deliberations.

4 So we're going to stop for lunch at this time.
5 You'll be allowed to leave the courthouse. Again, my
6 instructions to you will be not to discuss the case with
7 anyone. Don't attempt to gather information on your own.
8 Don't allow anyone to contact you about this. Don't
9 listen to, watch, or read any media reports. And I'll be
10 checking on those instructions when you return to the
11 courthouse.

12 Now, I'll ask you to be back in your seats in the
13 jury room -- let's see, about twelve forty-five. We'll
14 be in a position to start at that point in time. So at
15 twelve forty-five, be back at the courthouse in the jury
16 room. At this time, you're free to go to lunch. Thank
17 you very much.

18 (WHEREUPON, the jury exited the open court at
19 approximately 11:30 a.m.)

20 THE COURT: Any specific requests for charge
21 from the State?

22 MS. SIMMONS: No, Your Honor.

23 THE COURT: Any from the Defense?

24 MR. ANGELL: No, Your Honor.

25 THE COURT: All right. Then we'll be in recess

1 until twelve forty-five. Thank you very much.

2 (WHEREUPON, court stood at recess for a lunch
3 break.)

4 THE COURT: All right. I'm not aware that the
5 Defense presented any evidence, so I believe the State
6 will be going first followed by the Defense; is that
7 correct?

8 MS. SIMMONS: Yes, Your Honor.

9 THE COURT: All right. Is the State ready?

10 MS. SIMMONS: Yes, Your Honor.

11 THE COURT: Is the Defense ready?

12 MR. ANGELL: We are, Your Honor.

13 THE COURT: Bring the jury in.

14 (WHEREUPON, the jury entered the open court at
15 approximately 12:52 p.m.)

16 THE COURT: All right. The record will reflect
17 the jury's returned to the courtroom. If any of you were
18 unable to comply with my instructions, please stand.

19 (No response)

20 THE COURT: It appears that all jurors have
21 been able to comply with my instructions concerning this
22 case thus far.

23 I told you that when we returned we'd be hearing
24 closing arguments from the attorneys. After that, I'll
25 charge you concerning the law. In this case, the State

1 will be going first followed by the Defense.

2 You may proceed, Ms. Simmons.

3 MS. SIMMONS: Thank you, Your Honor. May it
4 please the Court.

5 THE COURT: Yes, ma'am.

6 MS. SIMMONS: Mr. Angell.

7 CLOSING ARGUMENT

8 BY MS. SIMMONS:

9 Ladies and gentlemen, this is the final opportunity
10 I'll have to talk to you. I told you that this case
11 would be brief, and I think we've succeeded in doing
12 that.

13 It's been my obligation to prove to you beyond a
14 reasonable doubt that on July 15th of 2013, the Defendant
15 distribute methamphetamine. Again, let's go over what we
16 talked about at the beginning of the case, that I have to
17 prove to you that he distributed -- and that's either
18 aiding, abetting, attempting, conspiring. It's a very
19 broad definition, and you're going to hear that from the
20 Judge. So even if you believe that he didn't actually
21 give the hand-to-hand of the methamphetamine -- the
22 informant told you she gave it at his direction. He
23 received the proceeds. So even if you believe that the
24 hand-to-hand wasn't with him, she did it at his
25 direction, and he received the money. So we have to

1 prove that the transaction took place and either he gave
2 it or it was at his direction or he received the
3 proceeds. I think we have done that in this case.

4 And we have to prove that beyond a reasonable doubt.
5 And I'll remind you that reasonable doubt is the kind of
6 doubt that would cause a reasonable person to hesitate to
7 act. It's not beyond all doubt. Just use your
8 reasonable common sense in your deliberations.

9 At this point, the Defense is going to get to speak
10 to you last, so I kind of have to anticipate what
11 arguments I believe they're going to make to you when
12 they speak to you. I expect there'll be some issues
13 about the criminal -- the confidential informant's RAP
14 sheet and her credibility. She's in prison. She told
15 you she pled guilty to what she did. You can't find nice
16 upstanding citizens that are willing to help you buy
17 drugs from other criminals. In this case, we had to use
18 another criminal to catch a criminal. But the fact that
19 makes the difference is Agent Orr was there, and she
20 participated. This was not Sherry Gibson's drug deal.

21 It's typical for a drug dealer to be nervous when
22 they're dealing with a new person. It would not be
23 surprising for him to hand her the drugs to hand to Agent
24 Orr because this is a new face, and he is suspicious and
25 skeptical of selling to a new person. But just remember,

1 who did Agent Orr pay? She paid Steven Allison. She
2 told you that.

3 I also expect the Defense may make an issue of the
4 fact that Agent Orr paid a hundred dollars for point six
5 grams. It is possible that the weight could have dried
6 out a little on the way to the lab. But most likely in
7 drug terms, she got shorted. That's how drug dealers
8 make their money. They're not going to sell you the gram
9 for a hundred dollars. They're going to short you
10 whenever they can so they can make more money or support
11 their own habit. It's typical in the drug trade, and
12 that's probably what happened here.

13 Let's talk about our case. You heard from Scott
14 McCreary first. He told you how drug deals work, that
15 sometimes informants are paid, sometimes they have
16 pending charges. In this case, this informant was paid.
17 She was paid sixty dollars to set up this transaction.
18 He told you that Agent Orr had cameras and that it was a
19 controlled buy to the best that they could make it.

20 Let's talk about Sherry Gibson. She's not a stellar
21 lady. I'll admit that. You probably don't want to have
22 her over for dinner tonight. But she told you the truth
23 however somewhat reluctantly. She has no axe to grind.
24 She's doing her time. She's pled guilty for what she
25 did, and she just told you what happened on that day.

1 Agent Orr, she's the most important witness in this
2 case. She is telling you that the transaction she had
3 was with Steven Allison. And she is telling you that she
4 paid him. You heard her professional background. She's
5 a college graduate. She's an Air Force reservist. She's
6 worked at the Oconee County Sheriff's Office. Now she's
7 a SLED agent. You heard her background. You saw her
8 testify. You alone are the sole judges of her
9 credibility.

10 The videotape and the still photo in this case tell
11 us all we need to know. The evidence does not lie. It's
12 hard, cold evidence of what happened. This case does not
13 solely rest on the evidence of Agent Orr or Sherry
14 Gibson. It's on tape. You can clearly see what happens.

15 I want to review the video and the still photos with
16 you one more time. I'm not going to make you watch
17 twenty-nine minutes of jumping around. We're just going
18 to get to the most important part. I want you to listen
19 very carefully to what you're going to hear. You're
20 going to hear the words, "Hit me up any time," by the
21 Defendant. "Did you give it to her?" which is referenced
22 to Sherry. And Sherry Gibson says, "Yes," and Agent Orr
23 says, "Yes." At that point, the money is transferred by
24 Agent Orr to the Defendant. And you can actually see his
25 image in the rearview mirror if you look closely after

1 the transfer is made.

2 (WHEREUPON, State's Exhibit was played in open court
3 for the jury.)

4 CLOSING ARGUMENT

5 CONTINUED BY MS. SIMMONS:

6 If you looked closely, you saw it. You saw the
7 money change hands. You saw his image in the rearview
8 mirror. He said, "Did you give it to her?" They both
9 responded, "Yes." And she said, "Thank you, Babe." And
10 then she said goodbye to Sherry Gibson. It's not unusual
11 in the drug world not to hear a discussion about drugs.
12 A smart drug dealer is not going to go, here's your one
13 hundred dollars worth of methamphetamine. They're
14 smarter than that. They're savvier than that. You have
15 to look at all the other evidence you have.

16 In this case, he took the money from a SLED agent.
17 He accepted that money. He made sure that she had gotten
18 the product she had asked for and talked about hitting
19 her up later and further discussions. Ladies and
20 gentlemen, it's only clear that one thing happened on
21 this tape, and it's a drug distribution. There's only
22 one reasonable verdict in this case, and it is to find
23 the Defendant Steven Allison guilty of distribution of
24 methamphetamine.

25 I thank you for your time and your attention.

1 THE COURT: Mr. Angell, for the Defense.

2 MR. ANGELL: Thank you, Your Honor. May it
3 please the Court.

4 THE COURT: Yes, sir.

5 CLOSING ARGUMENT

6 BY MR. ANGELL:

7 Ladies and gentlemen, I told you at the start of
8 this case to remember three things I wanted you to focus
9 on. We didn't make any promises at the outset. Just
10 gave you expectations to focus on.

11 First, credibility of the witnesses. You've heard
12 from Agent Orr and from Sherry Gibson. Agent Orr
13 testified that when that car pulled up at the scene, she
14 had to keep her eyes on two of those unnamed,
15 unidentified individuals, and that one of them was sulked
16 down below the seat.

17 She also testified she didn't see who put those
18 drugs down. Later we heard Sherry Gibson admit to that.
19 We heard Sherry Gibson get on the stand today and tell
20 you conflicting statements. One, that an hour after she
21 performed this transaction, said that my client gave her
22 drugs outside of the car. Here today she said he gave
23 them to her inside of the car.

24 Furthermore, when you hear my client speaking to
25 Agent Orr, the only thing you hear him talk about is when

1 is she going to come hang out and when is she going to
2 get rid of her old man. By my estimation, he's a
3 horrible flirt, not a drug dealer.

4 Second, the contents of that video. I'm asking that
5 y'all watch that video when you go back to the
6 deliberation room -- not the thirty minutes, but those
7 two minutes -- and look closely and see what's going on.
8 What you'll see is that my client, again, is flirting.
9 He's not trying to talk about drug dealing. He's not
10 talking about any payments that he's been given to Agent
11 Orr. And you can't see any money exchange hands, as said
12 by Sherry Gibson.

13 Finally, the burden of proof. The burden proof is
14 and always will be on the State to prove beyond a
15 reasonable doubt that my client sold drugs to a
16 confidential informant. It's clear that confidential
17 informant doesn't like my client. She's got a record
18 that she pled to for grand larceny and financial
19 transaction credit card theft. I don't believe if you
20 were in my client's shoes that you would want the State's
21 key witness to be somebody dressed in a jumpsuit with a
22 prior record.

23 I don't believe the State's proven beyond a
24 reasonable doubt. I don't know what he was doing there.
25 The State says, maybe he was doing it. I think maybe is

1 not enough, ladies and gentlemen.

2 And at the end of this closing argument you're going
3 to hear the Judge give you what is referred to as the
4 charge to the jury. He has instructions, instructions
5 for y'all to follow. You have to apply the facts.
6 You're the finder of the facts, not the law. And he's
7 going to tell you that my client has a right not to
8 testify, that my client has a right to sit quiet. And
9 you can't use that as evidence against him in any way.
10 You've got to use the evidence that the State has
11 provided through both the videos and the audio. And at
12 the end of that, I'm confident that you're going to come
13 back and say it's not enough. They don't have enough.
14 What they've got is a theory. They're pointing their
15 finger. They're alleging. But they must prove beyond a
16 reasonable doubt that my client distributed
17 methamphetamine.

18 The only thing that we can decide from this case is
19 Sherry Gibson distributed methamphetamine, but I'm not so
20 sure my client wasn't busy trying to hit on Agent Orr.
21 And that's his case.

22 Thank you, ladies and gentlemen.

23 CHARGE

24 BY THE COURT:

25 All right. Ladies and gentlemen, that completes the

1 closing arguments by counsel. At this time, it's my
2 responsibility to charge you concerning the law to be
3 applied in the case. I'm going to begin by again going
4 over with you the indictment in this case. That's again
5 the charge that brings the case into Court. It's the
6 document that informs us of the charge to be tried and it
7 informs the Defendant of the charge lodged against him.

8 The indictment in this case is in case number 2014-
9 GS-37-625. The indictment is for the manufacture or
10 distribution of methamphetamine. The indictment states
11 that on or about July the 15th of 2013 in Oconee County,
12 South Carolina, the Defendant, Steven Ranslow Allison,
13 did distribute, dispense, deliver or otherwise aid, abet,
14 attempt or conspire to distribute, dispense, or deliver a
15 quantity of methamphetamine, a schedule II controlled
16 substance under the provisions of a code section -- and
17 I'll talk about those in just a minute -- such having not
18 been authorized by law in violation of section -- again,
19 another code section -- § 44-53-375 of the Code of Laws
20 of South Carolina 1976 as amended against the peace and
21 dignity of the state and contrary to the statute in such
22 case may provide.

23 Now, that's the charge that's been filed against the
24 Defendant, and that is the charge that the State is
25 required to prove. And I remind you that the fact that

1 the Defendant has been arrested, charged and even
2 indicted in a case, those facts are not evidence in the
3 case and cannot be considered by you as evidence of guilt
4 in the case. Nor does the fact that those things exist
5 create any presumption or inference of guilt. The
6 document I just read, again, is simply the formal
7 instrument which contains the charges. And it's the
8 document which brings the case into this court.

9 Now, the Defendant has pled not guilty to the
10 indictment, and that plea puts the burden of proof upon
11 the State to prove the Defendant's guilt. And I will
12 charge you that a person charged with the commission of
13 an offense -- of a criminal offense in South Carolina is
14 never required to prove himself innocent. It's an
15 important rule of law that a defendant in every criminal
16 case, no matter how serious the charge might be, is
17 always presumed to be innocent of the crime for which the
18 indictment has been issued until and unless you, the
19 jury, have been satisfied of the defendant's guilt by
20 proof beyond a reasonable doubt.

21 The presumption of innocence doesn't end when you
22 begin your deliberations. It accompanies the Defendant
23 throughout the trial and into your deliberations until
24 such time as you reach a verdict based upon evidence that
25 satisfies you of the Defendant's guilt beyond a

1 reasonable doubt.

2 In order for you to get a mental picture of what we
3 mean by the presumption of innocence continuing
4 throughout the trial, I'll tell you to consider it
5 somewhat like the robe that a judge wears into the
6 courtroom. That presumption of innocence is around the
7 Defendant's shoulders through the trial. It remains
8 about his shoulders into your deliberations. It
9 continues to be about his shoulders until such time as
10 the State has presented evidence to you that satisfies
11 you of the Defendant's guilt beyond a reasonable doubt.
12 Only at that time is the presumption of innocence
13 stripped from the Defendant.

14 Now, the presumption of innocence is not just a
15 legal theory, and it's not just a legal phrase. It's a
16 substantial right that every defendant is entitled to
17 unless you, the jury, are satisfied of the defendant's
18 guilt beyond a reasonable doubt.

19 Now, you've heard me refer on several occasions to
20 proof beyond a reasonable doubt. And you may ask
21 yourself, well, just what do the courts mean by proof
22 beyond a reasonable doubt. And I will tell you that a
23 reasonable doubt has been defined by the courts as that
24 kind of doubt that would cause a reasonable person to
25 hesitate to act. And the State has the burden of proving

1 guilt beyond a reasonable doubt.

2 I don't want you to be confused by one thing. And
3 let me explain this to you. If you've ever been involved
4 in a civil case in a court before, a civil case is where
5 someone is seeking monetary damages. That can be for
6 someone breaching a contract, someone failed to pay a
7 debt, someone injured someone and they're entitled to
8 damages for their injuries that they received. Those are
9 civil cases. And in civil cases, the standard or the
10 burden of proof required for one side or the other to win
11 is by the greater weight or the preponderance in the
12 evidence. That's the scales of justice tilting ever so
13 slightly either in favor of a plaintiff or in favor of a
14 defendant.

15 Now, that's a civil case. That standard of proof
16 doesn't apply in this case. The standard of proof in a
17 criminal case is more powerful than that. It's proof
18 beyond a reasonable doubt.

19 Now, I will tell you that the State is not required
20 to prove its case beyond any doubt whatsoever because
21 there's very few things in this world that could be
22 proven beyond any doubt whatsoever. So the State is not
23 required to reach that level of proof, which is to prove
24 a matter beyond any doubt whatsoever. The standard of
25 proof is proof beyond a reasonable doubt.

1 What I'll tell you is, is after you've considered
2 all of the evidence, if you are firmly convinced of the
3 Defendant's guilt beyond a reasonable doubt, you must
4 find the Defendant guilty. On the other hand, if you
5 think there's a real possibility that the Defendant is
6 not guilty, you must give him the benefit of that doubt
7 and find the Defendant not guilty.

8 At the beginning of the trial, just this morning, I
9 explained to you that we have different duties to perform
10 in this case. And I cautioned you then you should not
11 take from anything that I do or say in the discharge of
12 my duties to indicate that I've got an opinion as to how
13 you determine the facts in this case. So please don't
14 take from anything that I say or do, even during this
15 charge, to somehow indicate to you that I have an opinion
16 as to how you determine the facts in this matter. You
17 are the sole judges of the facts. I do not have an
18 opinion as to how you should decide the facts in this
19 matter. So please don't take from what I do to indicate
20 otherwise.

21 I have the additional duty of charging you
22 concerning the law. And I mentioned to you this morning
23 that the law as I give it to you now is the only law that
24 you can use in this case. You should not -- if you have
25 any ideas as to what the law is or what the law ought to

1 be, you should not take those ideas into the jury room
2 with you. It's your responsibility to take the law
3 exactly as I give it to you and apply it to the facts as
4 you find them to be.

5 And you are the sole judges of the facts. And I
6 will tell you again that you should make your decision as
7 to the credibility and the believability of the testimony
8 you've heard using your good common sense. Your decision
9 on the facts is a matter solely for you to determine.
10 And it's your duty as jurors to determine the effect, the
11 weight, and the value and the truth of the evidence that
12 you've heard in this case.

13 Now, in doing so, let me mention to you there's two
14 types of evidence you have the right to consider in
15 reaching a verdict. And we break down -- and in the law
16 we break down evidence into two types. One is what we
17 refer to as direct evidence. Direct evidence is
18 testimony by a witness who claims to actually directly
19 know the fact about which that witness is testifying.
20 That means someone who claims to have participated in the
21 event. An eyewitness, someone who actually saw or heard,
22 smelled, felt, experienced the facts about which the
23 person is testifying. That's what we refer to as direct
24 evidence.

25 I will tell you that juries also have the right to

1 consider circumstantial evidence. Now, circumstantial
2 evidence is proof of a chain of facts or circumstances
3 that indicate the existence of a fact. It's been
4 described under the law as evidence which immediately
5 establishes collateral facts from which a main fact might
6 be reasonably inferred.

7 Now, that's pretty fancy language. And I use a
8 pretty simple example to show you what we mean by proof
9 of a fact by circumstantial evidence. Let's say last
10 night before you went to bed you walked to the window in
11 your bedroom and you looked outside. The stars might
12 have been shining, a pretty night outside. And you went
13 to bed and you slept well all night, didn't wake up at
14 all. And in the morning when you woke up, you walked
15 over to the same window that you were at the night
16 before. The sun might have been shining when you got
17 there. But when you looked a little closer, you noticed
18 there was water dripping from all the trees. You noticed
19 that the grass in front of the house is wet. There might
20 be puddles in the road or driveway in front of your house
21 that weren't there the night before.

22 Now, during the night you slept. You didn't see it
23 rain. You didn't hear it rain. But from the collateral
24 facts that you know to be true, water in the trees,
25 puddles in the road or driveway, wet grass, those facts

1 that you know to be true, you could reasonably infer that
2 at some time during the night it rained. So that's what
3 we mean by proof by circumstantial evidence. A proof of
4 a chain of facts that indicate the existence of another
5 fact.

6 Now, circumstantial evidence, therefore, is not
7 based on observation or knowledge. It's based on
8 inference. And the law doesn't make a distinction
9 between the weight or the value you, as jurors, can give
10 to either kind of evidence, direct or circumstantial.
11 There's not a greater degree of certainty required of
12 circumstantial evidence than of direct.

13 I will tell you that you should weigh all of the
14 evidence in the case. And if after weighing all of the
15 evidence, if you're not convinced of the Defendant's
16 guilt beyond a reasonable doubt, you must find the
17 Defendant not guilty. However, on the other hand, if
18 you're firmly convinced of the Defendant's guilt beyond a
19 reasonable doubt, you must find the Defendant guilty.

20 I told you at the beginning of the trial it would be
21 necessary for you to determine the credibility of the
22 evidence that you've heard. And in doing that, you have
23 the right as the sole judges of the facts to believe all
24 of, part of, or none of what a witness may have said in
25 the trial. You have the right to believe one against all

1 or all against one. Again, you're the sole judges of the
2 facts. You're the sole judges of the credibility of the
3 evidence that you've heard.

4 Now, I did tell you that I'd talk to you a little
5 bit more about the expert witness who testified. And
6 I'll just touch on this for just a minute so that we can
7 be sure that we've got an understanding. Again, I told
8 you the rules of evidence don't ordinarily allow
9 witnesses to give opinions or conclusions. The exception
10 to the rule is for people we refer to as expert
11 witnesses. That's a witness who, because of their
12 education or experience have become an expert in some
13 field or science or profession. They are allowed to
14 state an opinion relevant to -- about any relevant or
15 material matter within their area of expertise and to
16 state the reasons for the opinion.

17 I'll tell you that you should consider that evidence
18 like any other evidence in the case. You give it the
19 weight you think it deserves. If you decide that an
20 opinion of an expert's not based on sufficient education
21 or experience or if you conclude that the reasons given
22 for the opinion are not sound or if you think it's
23 outweighed -- the opinion's outweighed by other evidence,
24 you have the right to disregard an opinion by an expert
25 in its entirety. An expert witness' testimony is not to

1 be given greater weight simply because we qualified the
2 person as an expert.

3 You're not required to accept an expert's opinion
4 even though it's not contradicted by other evidence. In
5 other words, you're the sole judges of the facts, and you
6 give it the weight and the believability that you think
7 it deserves.

8 Now, ladies and gentlemen, there's one thing I do
9 want to mention to you. And that is I'm going to
10 instruct to you, and I'm going to emphasize to you, that
11 the fact that the Defendant did not testify in this trial
12 is not a factor to be considered by you at all in your
13 deliberations. It cannot be considered by you on the
14 question of guilt or the innocence of the Defendant. It
15 must not be considered by you in any manner whatsoever.
16 You see, a Defendant has a constitutional right to remain
17 silent. And the assertion of a constitutional right must
18 not be considered by you in your deliberations.

19 I repeat to you that under your oath you are to draw
20 no conclusion whatsoever from the fact the Defendant in
21 this case did not testify. That fact, the fact that the
22 Defendant did not testify, should not even be discussed
23 by you in the jury room.

24 The burden of proof in every criminal case, as I've
25 stated to you, is on the State. The Defendant is not

1 required to prove his or her innocence. And the burden
2 of proof remains on the State throughout the trial to
3 prove guilt by evidence satisfying you of guilt beyond a
4 reasonable doubt.

5 Now, an issue in every case is the identification of
6 the defendant as the person who committed the crime
7 charged. I'll tell you the State has the burden of
8 proving identity of the Defendant as the person who
9 committed the crime beyond a reasonable doubt. You must
10 be satisfied beyond a reasonable doubt of the accuracy of
11 the identification of the Defendant before you may
12 convict a Defendant.

13 Also, there was a person who testified in this case
14 who had a prior criminal record. And I will tell you
15 that any person who has a prior criminal record is
16 competent to testify during the trial. The fact that
17 someone has a past criminal record does not effect their
18 ability to testify. The past record, however, may be
19 considered by you, if at all, only in determining the
20 witness' believability. Remember, you're the sole judges
21 of the facts in the case and the believability of any or
22 all witnesses who might testify.

23 Now, I'm going to talk directly about the charge at
24 this time in this case. And that charge is for the
25 distribution of methamphetamine. The Defendant is

1 charged with the distribution of methamphetamine. And in
2 this case, the State must prove beyond a reasonable doubt
3 that the Defendant distributed methamphetamine. In order
4 to do that, the State must prove beyond a reasonable
5 doubt that a person manufactured, distributed, dispensed,
6 delivered, purchased or otherwise aided, abetted,
7 attempted or conspired to manufacture, distribute,
8 dispense, deliver or purchase or did possess with the
9 intent to distribute, dispense, deliver or purchase
10 methamphetamine.

11 Now, distribute means to deliver or to actually or
12 constructively or attempt to transfer a drug other than
13 by administering or dispensing the drug for a medical
14 reason. Delivery means to actually, constructively, or
15 attempt to transfer a drug. A transfer can involve -- it
16 can involve an exchange of money, a barter or even a
17 gift. There doesn't have to be anything given in
18 exchange for the drugs for a transfer that constitutes
19 distribution.

20 Now, ladies and gentlemen of the jury, I have told
21 you earlier that your verdict in this case must be
22 unanimous. Each and every one of you must agree upon the
23 verdict before it's the verdict of the jury. It will be
24 the foreperson's responsibility to conduct your
25 discussions as you work toward reaching a verdict in this

1 case.

2 Mr. Adams, raise your hand. You're going to be the
3 foreperson of the jury. That means you'll be the person
4 who's responsible for conducting the discussions of the
5 jury. It also means that if at any time during the
6 deliberations of the jury, the jury has a question you'd
7 like to ask of me, it'll be your job to get the jury,
8 first of all, to agree on the question. Then write it on
9 a piece of paper, knock on the door, pass it to the
10 bailiff, and they'll bring that to me for my
11 consideration.

12 Now, I'm going to tell you I can't answer every
13 question you might have during your deliberations. I
14 can't get involved in your decisions on the facts.
15 You're the sole judges of the facts. But I'm not asking
16 you to edit any question the jury has. You simply write
17 it down, send it to me and I'll decide what, if any,
18 answer I could give to the question the jury might have.

19 Now, once a verdict's reached -- I have a verdict
20 form. I'm going to go over it with you in just a minute.
21 And you'll need to fill out the form and sign it. Again,
22 knock on the door, let the bailiff know the verdict's
23 been reached. And then you'll be brought back to the
24 courtroom for the Court to receive the verdict once
25 that's been done.

1 But, again, your verdict must be unanimous. All of
2 you must agree upon the verdict before the foreman can
3 record it on the form and inform the Court that a verdict
4 has been reached in the case. So each of you still has
5 an equal say in the outcome of the case, still has an
6 equal say in how the verdict might come out in this
7 matter.

8 Now, I've gone over a good many things with you.
9 Also, you have the right to have the evidence in the jury
10 room with you while you go over the case so that you can
11 view the evidence if you'd like to do that. So I want to
12 be sure that only properly admissible evidence is
13 presented to you in the jury room. So I've got a couple
14 of housekeeping matters I need to take up with the
15 lawyers. While I do that, I'm going to ask you to step
16 back to the jury room.

17 Mr. Foreman, this is the last time I'll probably
18 instruct you not to talk about this case until I tell you
19 to begin your deliberation because next time, I'll be
20 sending you out for your deliberations. But this time,
21 step back, don't begin discussions until I bring you back
22 for final instructions. You may retire to the jury room.

23 (WHEREUPON, the jury exited the open court at
24 approximately 1:23 p.m.)

25 THE COURT: Any objections to the charge from

1 the State?

2 MS. SIMMONS: No, Your Honor.

3 THE COURT: Any from the Defense?

4 MR. ANGELL: Nothing, Your Honor.

5 THE COURT: All right. Step forward and let's
6 be sure we've got the exhibits segregated. I think they
7 are, but look at them and be sure. And if you would step
8 up. I have the verdict form I intend to present. If
9 you'll look at that and see if you have any objections to
10 the verdict form.

11 (WHEREUPON, court stood at ease.)

12 THE COURT: Any objections to the verdict form
13 from the Defense?

14 MR. ANGELL: No, sir, none, Your Honor.

15 THE COURT: Any from the State?

16 MS. SIMMONS: None, Your Honor.

17 THE COURT: And do we have an agreement on the
18 exhibits?

19 MS. SIMMONS: Yes, Your Honor.

20 MR. ANGELL: We do.

21 THE COURT: All right. Let's bring the jury
22 in.

23 (WHEREUPON, the jury entered the open court at
24 approximately 1:27 a.m.)

25 THE COURT: All right. The record will reflect

1 the jury has returned to the courtroom.

2 Madam Bailiff, if you will get the top sheet of
3 paper there -- that's my verdict form -- and hand that to
4 Mr. Adams for me. Thank you, ma'am.

5 Mr. Adams, that's the verdict form that's in use in
6 this case. At the top you'll see it has the state and
7 county that we're in and the name of the case below that.
8 There's only one question on that form, and that is as to
9 the indictment that's before the Court for the
10 distribution of methamphetamine. The choices are not
11 guilty or guilty. Don't take from the fact that I put
12 those choices in any order on the form that somehow that
13 is an indication of a preference by me. I put them in
14 the same order every time. We never change it, so it
15 doesn't have anything to do with this case. The choices
16 are not guilty or guilty. You'll check the blank next to
17 the appropriate verdict once a unanimous verdict's been
18 reached. Then you would inform the bailiff that the
19 verdict's been reached, and you can be brought back to
20 the courtroom.

21 Now, we're going to send the evidence back with you
22 into the jury room. It's on the bar here. We'll send
23 back the computer if you would like to view the videos at
24 any time. We have disabled the wifi on that, and we'll
25 instruct you don't turn it back on. You don't need to

1 gather any information outside of the courtroom. So
2 don't be turning that back on on the computer. So you
3 can only use that computer for the purpose of viewing the
4 disks that are in evidence in this matter. They'll be
5 sent back with you.

6 So at this time, I'm going to instruct the jury to
7 retire and begin your deliberations.

8 Ms. Pruitt, you are the alternate. If you'll remain
9 seated, the rest of the jury can retire and begin it's
10 deliberations. Thank you very much.

11 (WHEREUPON, the jury exited the open court at
12 approximately 1:29 p.m.)

13 THE COURT: Ms. Pruitt, you are the alternate
14 in this case. And once the jury retires, begins its
15 deliberations, your job is completed. So I'm going to
16 release you from any other further responsibility in this
17 trial. Throughout the case, I've told you not to discuss
18 the case with anyone. Now, I'll tell you that you have
19 the right to do so. You also have the right not to do
20 so. You don't owe an explanation to anyone about jury
21 service. So you're not required to discuss the case
22 unless you choose to do that.

23 I'll ask you to call in with the rest of the jury
24 this evening after six o'clock. You'll receive
25 additional instructions concerning future jury service

1 this week. But at this point in time, you're free to go.
2 The bailiffs can check you out. And thank you very much
3 for your help in this case.

4 (WHEREUPON, the alternate juror was released.)

5 THE COURT: Mr. Bailiff, if you'll grab the
6 evidence and take it back for me. And take the computer
7 too, sir. It's going back as well.

8 (WHEREUPON, the verdict form and exhibits were
9 delivered to the jury to begin deliberations at
10 approximately 1:31 p.m.)

11 THE COURT: Any objections to my final
12 instructions from the State?

13 MS. SIMMONS: No, Your Honor.

14 THE COURT: Any from the Defense?

15 MR. ANGELL: None, Your Honor.

16 THE COURT: All right. We'll be in recess
17 until such time as the verdict's reached. Thank you very
18 much.

19 (WHEREUPON, court stood at recess awaiting the
20 verdict of the jury.)

21 THE COURT: All right. I've received an
22 inquiry from the jury. And they're asking why the date
23 and time stamps were wrong on the videos. I didn't
24 notice that. But anyway, I can't answer that question
25 for them. And I'll explain that to them that the

1 evidence is what it is, and they're required to view the
2 evidence. So I can't respond to that.

3 Let's bring the jury back in.

4 Yes, ma'am.

5 MS. SIMMONS: Your Honor, could you possibly
6 tell them that the testimony on the record is that the
7 date of the incident is July 15th, 2013. That was in
8 testimony.

9 THE COURT: I generally do not comment on the
10 evidence in a case.

11 MS. SIMMONS: Okay.

12 THE COURT: I'll just say they have the right
13 to consider the evidence. I don't think I can comment on
14 the evidence. I never have. Don't think I will today.

15 All right. Let's bring the jury in.

16 (WHEREUPON, the jury entered the open court at
17 approximately 1:50 p.m.)

18 THE COURT: All right. The record will reflect
19 the jury has returned to the courtroom.

20 I received an inquiry from the jury. The question
21 is, "Why were the date and time stamps wrong on the
22 videos?" This is one of those things I'm not allowed to
23 comment on. I can't supplement the evidence at this
24 time. The evidence is already in in the case. I would
25 urge you to think about the testimony that you've heard,

1 review the evidence that you've been presented. But at
2 this time, I can't comment on the evidence before you.
3 And we cannot add to or supplement the evidence that's
4 already been presented. The evidence in the case has now
5 been ended. It's completed. And you must decide the
6 case based upon the law and the evidence in the case.

7 So I'll ask you to step back into the jury room,
8 continue your deliberations.

9 (WHEREUPON, the jury exited the open court at
10 approximately 1:51 p.m.)

11 THE COURT: Any objections to the response from
12 the State?

13 MS. SIMMONS: No, Your Honor.

14 THE COURT: From the Defense?

15 MR. ANGELL: No, Your Honor.

16 THE COURT: All right. The question then will
17 be made a Court's Exhibit and part of the record of the
18 case.

19 (WHEREUPON, Court's Exhibit Number 1 was marked for
20 identification only.)

21 THE COURT: I will point out to both parties I
22 did not send the indictment back to the jury since it
23 does refer to third or subsequent offenses in the case.
24 It has remained with me and is on the bench. So it has
25 not been sent back to the jury.

1 All right. Thank you very much. We're in recess
2 until the verdict's reached.

3 (WHEREUPON, court stood in recess awaiting the
4 verdict of the jury.)

5 THE COURT: All right. I have been informed
6 that a verdict has been reached. Is the State ready to
7 receive the verdict?

8 MS. SIMMONS: Yes, Your Honor.

9 THE COURT: The Defense ready?

10 MR. ANGELL: We are.

11 THE COURT: Let's bring the jury in.

12 (WHEREUPON, the jury entered the open court at
13 approximately 2:18 p.m.)

14 THE COURT: All right. The record will reflect
15 the jury has returned to the courtroom. Mr. Foreman, I'm
16 informed that a verdict has been reached. Is that
17 correct?

18 MR. FOREMAN: Yes, sir.

19 THE COURT: Pass the form to the bailiff,
20 please.

21 If you'll bring it up to the bench, please.

22 (WHEREUPON, the verdict form was handed up to the
23 Court.)

24 THE COURT: Thank you, ma'am.

25 Madam Clerk, you may publish the verdict.

1 Stand, please.

2 (WHEREUPON, the Defendant and his counsel stood.)

3 THE CLERK: In the matter of the State of South
4 Carolina versus Steven Ranslow Allison, we, the jury,
5 unanimously find the Defendant, Steven Ranslow Allison,
6 concerning the offense of manufacture and distribution,
7 et cetera, of methamphetamine, case number 2014-GS-37-
8 1625, guilty.

9 Ladies and gentlemen of the jury, if this was your
10 verdict and remains your verdict, please indicate so by
11 raising your right hand.

12 (WHEREUPON, all jurors' right hand was raised.)

13 THE CLERK: Let the record reflect that all
14 members of the jury have raised their right hand.

15 THE COURT: Thank you.

16 Anything further from the State before I release the
17 jury?

18 MS. SIMMONS: No, Your Honor.

19 THE COURT: Anything further from the Defense
20 before I release the jury?

21 MR. ANGELL: No, Your Honor.

22 THE COURT: All right. You can be seated.

23 Ladies and gentlemen of the jury, this completes
24 your service in this particular case. And I wish I could
25 tell you this ends your service for the week, but it does

1 not. We do anticipate starting another trial in the
2 morning. I am requesting that the jury panel reassemble
3 at 9:30 in the morning, so you'll be needed back here at
4 9:30 in the morning.

5 Now, throughout this trial, I have told you not to
6 discuss this case. But you have the right to do so now
7 if you wish to. You also have the right not to discuss
8 the case. A citizen owes no one an explanation for your
9 service on a jury panel, so you're not required to offer
10 any explanation or discuss this case in any way unless
11 you choose to do that.

12 Now, if someone were to harass you or bother you
13 about your service on a jury, please report it to the
14 Clerk's Office. I can assure you we'll take the
15 appropriate action should that occur.

16 Now, at this point in time, I'm going to release you
17 from this case. We will be conducting sentencing in this
18 case shortly. You have a right to view that if you wish
19 to. You have a right not to view that. You're not
20 required to be here unless you choose to do that. You
21 can discuss that with the bailiff if you'd like to come
22 into the back of the courtroom for that process.

23 But at any rate, I'm excusing you at this time until
24 9:30 in the morning. Please be back here at the
25 courthouse at that time.

1 Now, Mr. Foreman, before you leave, you'll need to
2 see the Clerk. There's another document you'll need to
3 sign before you leave.

4 All right. You're free to go at this time. Thank
5 you very much.

6 Sir, if you'll step down and come around to where
7 the Clerk is, I'd appreciate it.

8 (WHEREUPON, the jury exited the open court at
9 approximately 2:21 p.m.)

10 THE COURT: Thank you, sir.

11 All right. I'll ask attorneys to approach the bar.
12 The Defendant may approach as well.

13 (WHEREUPON, the attorneys and Defendant approached
14 the bar.)

15 THE COURT: All right. We're on the record in
16 the case of the State of South Carolina versus Steven
17 Ranslow Allison. And the issue before the Court at this
18 time is the sentencing of Mr. Allison for a conviction by
19 a jury of his peers for the distribution of
20 methamphetamine, third or subsequent offense.

21 Before I go forward with the sentencing, there are
22 some issues that need to be considered on the record.
23 First of all, I'm going to find out his previous drug
24 offenses. If you could put on the record what they are
25 and what they were for so that we can make a

1 determination as to the appropriate sentence.

2 MS. SIMMONS: Yes, Your Honor. We stopped at
3 two certified convictions obviously because he does have
4 certified convictions I can give you for possession of
5 methamphetamine in 2007, and -- oh, that was May 9th of
6 2007. And May 14th of 2007, distribution of
7 methamphetamine. His criminal record begins in 1990. Do
8 you want the entire record?

9 THE COURT: I'll get that in just a moment.

10 MS. SIMMONS: Okay.

11 THE COURT: The main thing I want to be sure
12 of, it says -- according to my information, there can be
13 no suspended sentences or probation granted unless all of
14 his prior convictions were for possession, in which case
15 they may be suspended. So if it's something other than
16 possession, then I'm not allowed to either suspend the
17 sentence or to grant any probation on the case.

18 MS. SIMMONS: Yes, Your Honor.

19 THE COURT: I want to be sure. My
20 understanding is that his priors do include offenses that
21 were not for simple possession.

22 MS. SIMMONS: Yes, Your Honor. In 2002, there
23 was a manufacture and distribution or PWID of ice, crack
24 or crank, and he received a seven-year sentence. Then it
25 was another manufacturing, distribution or possession in

1 2008. It was a three-year sentence. And there were two
2 counts there. And there were another two counts of
3 manufacturing or distribution in 2008 as well. So
4 there's certainly more than one ---

5 THE COURT: So all of them were not for
6 possession?

7 MS. SIMMONS: Correct, Your Honor.

8 THE COURT: Mr. Angell, do you dispute the
9 record that's been related to the Court in any way?

10 MR. ANGELL: I don't, Your Honor.

11 THE COURT: All right. Also, I understand that
12 because all of his priors are not for possession that the
13 minimum sentence does apply in this case. Is that your
14 understanding, Madam Solicitor?

15 MS. SIMMONS: Yes, Your Honor.

16 THE COURT: Mr. Angell, is that your
17 understanding?

18 MR. ANGELL: That's my understanding, Your
19 Honor. Yes, sir.

20 THE COURT: All right. Now, at this point in
21 time, Mr. Allison, I'm going to hear from your attorney
22 concerning sentencing in the matter. I'll give you an
23 opportunity to speak. And if there's anyone here to
24 speak on your behalf, I'll be happy to hear from them as
25 well. Once that's been completed, I'll hear from the

1 State concerning prior record and any matters they say I
2 should consider in the sentence.

3 Mr. Angell, I'll allow you to go first.

4 MR. ANGELL: Thank you, Your Honor. May it
5 please the Court.

6 THE COURT: Yes, sir.

7 MR. ANGELL: As we've just wrapped up the trial
8 and discussed his prior record, my client is forty-three
9 years of age. And his record is lengthy in regards to
10 drug usage and distribution.

11 THE COURT: I note that the sentencing sheet
12 says forty-two. I'm going to make a change to forty-
13 three. Any objection?

14 THE DEFENDANT: Actually, at the end of August,
15 I'll be forty-three.

16 MR. ANGELL: Okay. I'm sorry.

17 THE COURT: So right now -- you are forty-two
18 now?

19 THE DEFENDANT: Forty-two, yes, sir.

20 THE COURT: It's correct then. Go ahead, Mr.
21 Angell.

22 MR. ANGELL: I'm sorry, Your Honor, about that.

23 THE COURT: That's all right. Just want to
24 make sure we've got it right.

25 MR. ANGELL: Yes, sir. And in regards to his

1 record, he's got no violent record. I know essentially
2 he's had a drug problem in the past and has been
3 combating that for a while. I understand that, you know,
4 this is his third subsequent offense for distribution.
5 But we ask that you keep him from going to the maximum of
6 thirty years. At forty-two, that'll put him -- at
7 eighty-five percent, I guess that will put him close to
8 seventy years of age before he gets out. And, you know,
9 based on the video and the evidence -- I know the jury --
10 and we respect the jury's decision. But he felt
11 incumbent upon -- for his rights to go to trial on this
12 case. And I ask that you don't penalize him for that. I
13 understand, with that being said, the jury did find him
14 guilty, and this is his third and subsequent offense.

15 His sister is here in the courtroom today to speak
16 on his behalf, and we'll have her address the Court at
17 the appropriate time.

18 THE COURT: All right. Why don't we have her
19 step up and address the Court at this time.

20 Ma'am, if you're here to speak on behalf of Mr.
21 Allison, if you'll step to the microphone right there in
22 front of you, please, ma'am. State your name for me.

23 THE WITNESS: Norma Jean Miller.

24 THE COURT: Yes, ma'am. This is your
25 opportunity to speak on his behalf.

1 THE WITNESS: I wasn't prepared obviously.
2 But, yeah, this my brother. I just graduated nursing
3 school getting ready to take the state boards to be an
4 RN. I tried to help him. I wish the State would have
5 tried to help him sometime or another, offer rehab. I
6 just hope that you show mercy on him.

7 THE COURT: Thank you, ma'am.

8 THE WITNESS: He is a good person. He just has
9 a drug problem.

10 THE COURT: Thank you, ma'am. I appreciate
11 your comments.

12 All right. Anything else, Mr. Angell, before I talk
13 to your client?

14 MR. ANGELL: Nothing further, Your Honor.

15 THE COURT: All right. Mr. Allison, this is
16 your opportunity to address the Court about this. I'll
17 be happy to hear from you.

18 THE DEFENDANT: I really don't have much to
19 say. I just beg for mercy.

20 THE COURT: All right. Now, let's go over the
21 prior record and any other factors you think the Court
22 should consider from the State's perspective.

23 MS. SIMMONS: Thank you, Judge. His prior
24 record begins in 1991 starting with failure to stop for a
25 blue light; 1992, driving under suspension, fifth

1 offense; 1992, fraudulent check; 1995, criminal domestic
2 violence; 2002, shoplifting, manufacturing or
3 distribution of ice, crack or crank. In 2002, Your
4 Honor, for the Court's information, he received a seven-
5 year sentence with ATU at that time. Again, in 2003,
6 there was another conviction for manufacturing and
7 distribution and a trafficking ten to twenty-eight grams.
8 That was seven years concurrent with the seven he was
9 already serving. Then in 2008, there was a DUS, a
10 possession of methamphetamine, and a drug paraphernalia
11 charge. Judge, he got three years on that in 2008. Then
12 simple possession of marijuana in 2008. Judge, in 2008
13 he received a ten-year sentence for burglary second
14 degree suspended to the service of three years. And it
15 looks like three drug convictions were run concurrent
16 with that. A DUS, and a petit larceny. Judge, I think
17 he has an out-of-state disorderly conviction. As of
18 today, he had one more distribution pending with our
19 office that I did dismiss after this trial. But he does
20 have a pending burglary with Mr. Wagner that is still
21 pending.

22 Judge, I just think that based on the fact that his
23 criminal record goes back over thirty years at this point
24 -- and he's been a menace to law enforcement. He's been
25 in prison several times and has not been able to reform

1 himself. I believe a thirty-year sentence is appropriate
2 because he's shown he cannot live in society and abide by
3 the laws.

4 THE COURT: Thank you, ma'am.

5 All right. Mr. Allison, having been found guilty by
6 a jury of your peers, it's the sentence of this Court
7 that you be confined in the State Department of
8 Corrections for a period of twenty-five years. I've
9 recommended you to the ATU and have given you credit for
10 any time you may have already served. Good luck to you,
11 sir.

12 MS. SIMMONS: Thank you, Judge.

13 MR. ANGELL: Thank you, Your Honor.

14 THE COURT: All right. Court will be adjourned
15 until 9:30 in the morning. Thank you very much.

16 (WHEREUPON, the trial ended at approximately 2:34
17 p.m.)

18 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

1 CERTIFICATE OF REPORTER

2 I, the undersigned Renee H. Tollison, Official Court
3 Reporter for the Tenth Judicial Circuit of the State of
4 South Carolina, do hereby certify that the foregoing is a
5 true, accurate, and complete transcript of record of all
6 the proceedings had and evidence introduced in the
7 trial/hearing of the captioned case, relative to appeal,
8 in the Circuit Court for Oconee County, South Carolina,
9 on the 13th and 14th days of October 2014.

10 This transcript may contain quoted material. Such
11 material is reproduced as read by the speaker.

12 I do further certify that I am neither of kin,
13 counsel, nor interest to any party hereto.

14 November 24, 2014

15

16 S/ *Renee H. Tollison*

17

18 _____
Circuit Court Reporter

WITNESSES

Scott McCreary, Oconee Co Sheriff's Dept

John W. Hill
[Signature]

ARREST WARRANT NUMBER

DIR2013A3710400683

ACTION OF GRAND JURY

True Bill

Rodrick Can

Rodrick

Foreperson of Grand Jury JUN 02 2014
Date

VERDICT

Foreperson of Petit Jury
Date

DOCKET NO. 2014GS3700625

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

JUN 02 2014

Term

THE STATE

vs.

STEVEN RANSLOW ALLISON

LSS

Indictment for

DRUGS/ MANUFACTURE, DISTRIBUTION, ETC.
 OF METHAMPHETAMINE - 3RD OR SUB.
 OFFENSE

SC Code 44-53-0375(B)(3)
 CDR Code 3200

FILED OCONEE, SC
 BEVERLY H. WHITFIELD
 CLERK OF COURT
 2014 JUN -5 P 4:49

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Oconee)

INDICTMENT

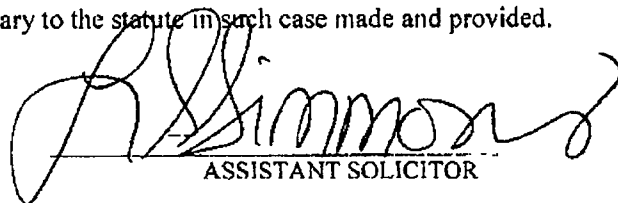
JUN 02 2014

At a Court of General Sessions, convened on _____, the Grand Jurors of Oconee County present upon their oath:

DRUGS/ MANUFACTURE, DISTRIBUTION, ETC. OF
METHAMPHETAMINE - 3RD OR SUB. OFFENSE

That on or about **July 15, 2013** in Oconee County, South Carolina, the Defendant, **Steven Ranslow Allison**, did distribute, dispense, deliver or otherwise aid, abet, attempt, or conspire to distribute, dispense, or deliver a quantity of Methamphetamine, a schedule II controlled substance under provisions of Section 44-53-110, et seq., Code of Laws of South Carolina (1976), as amended, such not having been authorized by law, all in violation of Section 44-53-375, Code of Laws of South Carolina (1976), as amended.

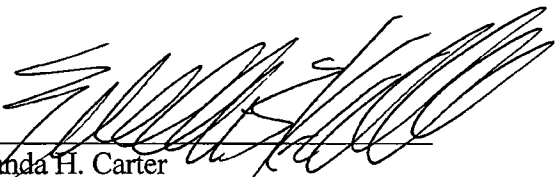
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

January 22, 2015



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

January 22, 2015



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

JAN 22 2015

SC Court of Appeals

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Oconee County

Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

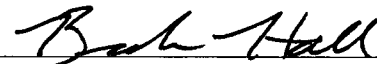
STEVEN R. ALLISON,

APPELLANT

APPELLATE CASE NO. 2014-002237

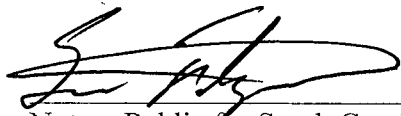
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W Elliott, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Mr. Steven R Allison, at Kirkland Correctional Institution 4344 Broad River Road, Columbia, SC 29210, this 22nd day of January, 2015



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 22nd day of January, 2015.



(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.

RECEIVED

JAN 22 2015

SC Court of Appeals