

21851

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM YORK COUNTY

John C. Hayes, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHERARD AR'DARRIUS WEATHERS

APPELLANT

APPELLATE CASE NO. 2014-001271

RECORD ON APPEAL

BENJAMIN JOHN TRIPP  
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

ANDERS  
ORIGINAL  
NO DEF. BRIEF

RECEIVED  
No Respondent's Brief Filed  
JAN 20 2015

SC Court of Appeals

## INDEX

|                                                       |     |
|-------------------------------------------------------|-----|
| INDEX.....                                            | i   |
| TRIAL TRANSCRIPT (JUNE 3, 2014).....                  | 1   |
| <i>JACKSON V. DENNO</i> HEARING                       |     |
| TESTIMONY                                             |     |
| JACK DANTZLER.....                                    | 11  |
| LELAND HARRELSON.....                                 | 21  |
| OPENING STATEMENT BY MS. ROBINSON .....               | 55  |
| OPENING STATEMENT BY MS. ANDERSON .....               | 58  |
| TESTIMONY                                             |     |
| JACK DANTZLER.....                                    | 60  |
| LELAND HARRELSON.....                                 | 79  |
| PATRICK PATTERSON.....                                | 92  |
| CYNTHIA MITCHUM.....                                  | 97  |
| MOTION FOR A DIRECTED VERDICT BY MS. ANDERSON.....    | 109 |
| COLLOQUY REGARDING DEFENDANT'S RIGHT TO TESTIFY ..... | 109 |
| CLOSING ARGUMENT BY MS. ROBINSON .....                | 113 |
| CLOSING ARGUMENT BY MS. ANDERSON.....                 | 118 |
| CHARGE ON THE LAW.....                                | 123 |
| VERDICT .....                                         | 135 |
| SENTENCING .....                                      | 136 |
| VOIR DIRE/BATSON SHEET .....                          | 144 |
| CLERK OF COURT'S RANDOM STRIKE SHEET .....            | 146 |

|                             |     |
|-----------------------------|-----|
| INDICTMENT .....            | 147 |
| CERTIFICATE OF COUNSEL..... | 149 |

State of South Carolina.,)  
)  
)  
)  
)  
County of York.  
\_\_\_\_\_)

In the General Sessions  
Court of York  
  
Case No.: 2013-GS-46-01022

State of South Carolina.,)  
)  
Plaintiff., )  
)  
-vs- )  
)  
Sherard Weathers., )  
)  
\_\_\_\_\_ Defendant. )

Transcript of Record

June 3, 2014  
York, South Carolina

B E F O R E:

Honorable John C. Hayes, Judge, and a jury.

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

Ms. Leslie Robinson  
Assistant Solicitors  
Sixteenth Judicial Circuit  
Solicitor's Office  
Moss Justice Center  
1675-1A York Highway  
York, South Carolina 29745  
803-628-3020  
[Leslie.robinson@yorkcountygov.com](mailto:Leslie.robinson@yorkcountygov.com)  
For the Plaintiff

Ms. Ashley Anderson  
Attorney at Law  
Sixteenth Circuit Public Defender's Office  
1675-1E York Highway  
York, South Carolina 29745  
803-628-3030  
[ashley.anderson@yorkcountygov.com](mailto:ashley.anderson@yorkcountygov.com)  
For the Defendant

Wanda Nelson, CVR-M  
Official Court Reporter  
Sixteenth Judicial Circuit  
To Honorable John C. Hayes, III

I-N-D-E-XE-X-A-M-I-N-A-T-I-O-N

| <u>WITNESS</u>                            | <u>BY:</u>             | <u>PAGE NO.</u>   |
|-------------------------------------------|------------------------|-------------------|
| Jack Dantzler                             | Solicitor Robinson     | 11-17 (In Camera) |
|                                           |                        | 60-75             |
|                                           | Ms.. Anderson          | 18-20 (In Camera) |
|                                           |                        | 75-79             |
| Leland Harrelson                          | Solicitor Robinson     | 21-27 (In Camera) |
|                                           |                        | 79-87             |
|                                           |                        | 90-91             |
|                                           | Ms. Anderson           | 27-30 (In Camera) |
|                                           |                        | 87-90             |
| Patrick Patterson                         |                        |                   |
|                                           | Solicitor Robinson     | 92-96             |
|                                           | Ms. Anderson           | 96-97             |
| Gynthia Mitchum                           | Solicitor Robinson     | 97-104            |
|                                           |                        | 107-108           |
|                                           | Ms. Anderson           | 104-107           |
| Closing Statement                         | Solicitor Robinson . . | 113-118           |
|                                           | Ms. Anderson . . . . . | 118-123           |
| Charge to the Jury . . . . .              |                        | 123-134           |
| Verdict. . . . .                          |                        | 135               |
| Sentencing . . . . .                      |                        | 136-142           |
| Court Reporter's Certificate Page . . . . |                        | 143               |
| Voir Dire/Batson Sheet . . . . .          |                        | 144-145           |

I-N-D-E-X - CON'T

Clerk of Court's Random Strike Sheet . . . 146-147

E-X-H-I-B-I-T-S

| <u>NO.</u> | <u>DESCRIPTION</u>             | <u>ID.</u> | <u>EVD.</u> |
|------------|--------------------------------|------------|-------------|
| Ct.1       | Miranda Card . . . . .         | P.4 . .    | P.14        |
| Ct.2       | Jury note @ 2:35 p.m . . . . . |            | P.135       |
| St.1       | Miranda Card - Copy            |            |             |
|            | same as Court's 1. : . . .     | P.4 . .    | P.68 .      |
| St.2       | Evidence bag - drugs . . . . . |            | P.104       |
| St.3       | Report by Chemist              |            |             |
|            | Cynthia Mitchum . . . . .      |            | P.104       |

Reporter's Note: All Exhibits were filed with the York  
County Clerk of Court's Office.

1 (COURT IN SESSION TUESDAY, JUNE 3, 2014 AT 09:49 A.M.,  
2 IN THE MATTER OF STATE V. JUSTIN EDGE PLEA WITH MARK  
3 MCKINNON AND THE MATTER OF STATE VERSUS LAKISHIA MILLER  
4 ATTORNEY APPOINTMENT MATTER.)

5 (WHEREUPON, COURT'S EXHIBIT NUMBER ONE AND STATE'S  
6 EXHIBIT NUMBER TWO, PREMARKED FOR IDENTIFICATION.)

7 (COURT IN SESSION IN THE MATTER OF STATE VERSUS  
8 SHERARD AR'DARRIUS WEATHERS AT 10:01 A.M..)

9 (DEFENDANT SHERARD WEATHERS, BLACK MALE, ENTERS  
10 COURTROOM.)

11 THE COURT: Yes, ma'am.

12 SOLICITOR ROBINSON: Your Honor, this is the matter of  
13 State versus Sherard Ar'Darrius Weathers. He is here today  
14 before you on possession of crack cocaine. It is  
15 Indictment 2013-GS-46-0-1-0-2-2. He - The charge as I said  
16 is possession of crack cocaine. He has requested a jury  
17 trial in this matter. The State is prepared to move  
18 forward today.

19 As an initial matter, I would move to amend the  
20 indictment. The CDR Code reflects 3-0-1-7. That would be  
21 possession of crack third offense. After reviewing the  
22 enhancement language in the statutes, the State would  
23 consider this as actually a first offense so we would amend  
24 the CDR Code to 3-0-0-9 but it will not change the elements  
25 of the offense or the factual allegations on the reverse

1 side of the --

2 THE COURT: Any objection to that?

3 MS. ANDERSON: No, Your Honor. I agree it is only a  
4 first offense.

5 THE COURT: And I'm not sure the value of the CDR Code  
6 on the indictment anyway. It really only comes into  
7 importance when you get to a sentencing sheet, if there is  
8 such a thing in this case, but I have changed it. Its not  
9 of course in the body of the indictment, but it's changed.

10 SOLICITOR ROBINSON: Thank you, Your Honor.

11 THE COURT: All right. Anything else?

12 SOLICITOR ROBINSON: Not at this time, Your Honor.

13 THE COURT: All right. Ms. Anderson, you represent  
14 Mr. Weathers?

15 MS. ANDERSON: Yes, Your Honor.

16 THE COURT: And you have Motions in Liming; I have  
17 them in my hand. The first one has to do with the  
18 discovery.

19 Has the State complied with discovery?

20 MS. ANDERSON: Yes, Your Honor.

21 THE COURT: Prior record of Mr. Weathers if he  
22 testifies. Does he have any impeachment?

23 SOLICITOR ROBINSON: Yes, Your Honor. He has a  
24 conviction from 2011 for assaulting an officer while  
25 resisting arrest, which is a felony offense. And he also

1 has a conviction from 2012, yes June 13, 2012, which is  
2 giving false information to police which would be a crime  
3 of dishonesty.

4 THE COURT: All right. Ms. Anderson, do you have any  
5 issue with either one of those?

6 MS. ANDERSON: Your Honor, I would acknowledge this  
7 fit under the impeachment rules. I would move to continue  
8 with the assaulting an officer charges given the  
9 prejudicial nature of that. I would ask that that be  
10 limited as to what then can be testified in felony versus  
11 the actual charge itself.

12 THE COURT: Any problem with that, Ms. Robinson?

13 SOLICITOR ROBINSON: No, Your Honor.

14 THE COURT: Okay. All right. Criminal histories of  
15 non-law enforcement. And let's see, the witness list.  
16 There are no non-law enforcement witnesses listed.

17 SOLICITOR ROBINSON: Correct, Your Honor.

18 THE COURT: Sequestration will be mutual.

19 Any Lyle testimony?

20 SOLICITOR ROBINSON: No, Your Honor, unless the door  
21 would be opened. This defendant has been charged with two  
22 counts of distribution of crack cocaine and one he has been  
23 found not guilty and one remains pending. We don't intend  
24 to go into that at all unless the questions were to require  
25 that and I'm certain Ms. Anderson will be trying to avoid

1 that as well.

2 THE COURT: Any statements?

3 SOLICITOR ROBINSON: Yes, Your Honor, there is a  
4 statement. We are prepared for a *Jackson v. Denno* hearing  
5 at the appropriate time.

6 THE COURT: All right. Number Seven: Officers who  
7 are not trained chemists are not to say that the substance  
8 was in fact crack cocaine.

9 SOLICITOR ROBINSON: Your Honor, I did speak with them  
10 about creating what appears to be based on their prior  
11 knowledge of the substance.

12 THE COURT: All right. Search: Do we have a search  
13 issue?

14 SOLICITOR ROBINSON: Your Honor, this - We can elicit  
15 testimony to that effect. This charge arises from the  
16 warrant that was already issued for the distribution  
17 charges. Officers were conducting surveillance on his  
18 home. When he left home in his vehicle, they initiated a  
19 stop. He was arrested on these warrants at that time.  
20 There was a small amount of crack found in his pocket as a  
21 search incident to arrest.

22 I believe that that would plainly fall under one of  
23 the exceptions but we can elicit testimony from the  
24 officers if you wish.

25 MS. ANDERSON: Your Honor, I think just out of an

1 abundance of caution as to the time line of when he was  
2 actually placed under arrest and when the search took place  
3 in that is something Mr. Weathers' has raised -

4 THE COURT: Yeah, well, you realize of course that  
5 that means that somehow they've got to give predicate for  
6 why they were or perhaps why they were arresting him which  
7 brings in the fact that there were prior warrants  
8 outstanding and he had been arrested on warrants for some  
9 other offense.

10 MS. ANDERSON: I know. Yes, Your Honor, and I have  
11 some testimony in regard to that. I think what I'm looking  
12 for is just perhaps just some proffer testimony in pre-  
13 trial to satisfy that and then I'll probably will not  
14 elicit anything regarding that in front of the jury, so  
15 just to satisfy that. But there are no outstanding issues  
16 that we need to make a motion at pre-trial.

17 THE COURT: So what you are saying is if it's not -  
18 its either suppressed or it's not. If it's suppressed then  
19 it's out. If it's not suppressed it's not gonna be -  
20 you're not gonna being asking the officer about why they  
21 searched.

22 MS. ANDERSON: Yes, Your Honor, because I'd made a  
23 motion regarding limiting some of the circumstance of  
24 traffic stops. I realize that would then be opening the  
25 door.

1 THE COURT: Okay. Then you've got the question of the  
2 arrest.

3 MS. ANDERSON: And, Your Honor, I think that is when  
4 that comes in. By the report, obviously I would be  
5 requesting that there be no mention of these other  
6 distribution warrants. I think my concern also is the fact  
7 that there was an allegation as well that he may have been  
8 driving under suspension.

9 I understand the State has to give a basis for a  
10 search incident to arrest, but I think it can be limited if  
11 it's not at issue as to the factual basis of that it is a  
12 traffic stop and during the course of the traffic stop he  
13 was arrested. That then it would certainly be on the  
14 defense not to raise that in any way of questioning. I  
15 think that would still give the State your basis for  
16 arguing their officers did not do anything untoward or did  
17 not do anything inappropriate. I don't think it's  
18 necessary to get into the he didn't have a license at the  
19 time, he was arrested was based on that.

20 THE COURT: I think - Is the State just going to start  
21 off basically at the search part of the equation by just  
22 asking the officers whether or not Mr. Weathers was  
23 stopped?

24 SOLICITOR ROBINSON: Well, Your Honor, I was going to  
25 await the court's advice on how to proceed with that. I

1 spoke with the officers and they are awaiting to hear as  
2 well what the court's ruling would be.

3 My thought would be that, you know, I was going to ask  
4 if they came into contact with him that night by way of a  
5 traffic stop and move from there and if he was placed under  
6 arrest at that time without asking what he was placed under  
7 arrest for.

8 My only concern would be if there is any implication  
9 at trial that was unlawful in any way, we wouldn't --

10 THE COURT: If they raise it, then that's different,  
11 but I think what you just said is exactly what I would  
12 recommend.

13 SOLICITOR ROBINSON: Okay, and I will make sure the  
14 officers are clear.

15 THE COURT: All right. That's it for the motions in  
16 limine. And so we'll have to have the *Jackson versus*  
17 *Denno*.

18 SOLICITOR ROBINSON: Are you ready for that now, Your  
19 Honor?

20 THE COURT: Yes.

21 SOLICITOR ROBINSON: Okay. Your Honor, first the  
22 State would call Officer Jack Dantzler.

23 (WHEREUPON, JACK DANTZLER,  
24 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

25 THE COURT: All right. You may proceed

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-11-

DIRECT EXAMINATION - IN CAMERA

OFFICER JACK DANTZLER BY SOLICITOR ROBINSON:

Q. Officer, could you please just identify yourself for the record?

A. My name is Jack Dantzler.

Q. And where do you work?

A. Rock Hill Police Department.

Q. Okay. And on December 12th, 2012, were you a member of what's known as the Multi-jurisdictional Drug Enforcement Unit?

A. Yes, ma'am.

Q. Okay. And were you involved with the arrest of Sherard Weathers on that date?

A. Yes, ma'am.

Q. Where was he arrested?

A. Cherry Road.

Q. And is that in York County?

A. Yes, ma'am.

Q. Around what time did you make contact with him?

A. I believe it was about a little bit after eleven.

Q. Okay. And how did you make contact with him?

A. It was on a traffic stop.

Q. Now, for purposes of this hearing only, what were you arresting - or what were you stopping him for that night?

Just for this hearing. I know we discussed not

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-12-

1 mentioning --

2 A. So I can mention it?

3 THE COURT: Yes.

4 Q. Yes.

5 A. All right. We had distribution warrants for Mr.  
6 Weathers.

7 Q. And those charges originated from before December  
8 12th; is that correct?

9 A. Yes, ma'am.

10 Q. Okay. So you were serving those warrants on him then?

11 A. Yes, ma'am.

12 Q. Okay. Now once you made the traffic stop, was he  
13 placed under arrest at that time?

14 A. Yes, ma'am.

15 Q. Explain to me generally what the process of placing  
16 someone under arrest involves.

17 A. Well, you are going to place them in handcuffs, advise  
18 them they are under arrest and what for. Then you're gonna  
19 search 'em incident to arrest. Search 'em for weapons,  
20 contraband, any of their property. You want to know what  
21 all is on them. And you can read them *Miranda* rights if  
22 you're gonna do any questioning.

23 Q. Okay. Were you the officer in this case that did  
24 those tasks? Put him in handcuffs.

25 A. I believe Investigator Harrelson put him in handcuffs.

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-13-

1 Q. Did you do any of the next steps of the search?

2 A. I did the search of Mr. Weathers and read him his  
3 *Miranda* rights.

4 Q. Okay. And when you did the search, did you find any  
5 contraband on him?

6 A. Yes. I found what appeared to be crack cocaine in a  
7 plastic bag in his right shorts pocket.

8 Q. Okay. And then what was the next step?

9 A. I read him *Miranda* rights.

10 Q. When you say you read him *Miranda* rights, do you have  
11 them memorized or do you read them from a card?

12 A. I read them from a card.

13 Q. Do you have that card with you today?

14 A. Yes, ma'am.

15 Q. Could you please read that to the court?

16 A. Yes, ma'am.

17 "You have the right to remain silent. Anything you  
18 say can and will be used against you in court. You have a  
19 right to an attorney and to have an attorney present during  
20 questioning. If you cannot afford an attorney, an attorney  
21 will be provided at no cost. You can decide at any time to  
22 exercise these rights and not answer any questions or make  
23 any statements.

24 Do you understand these rights as I've explained to?

25 Having these rights in mind, do you wish to talk to us now?

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-14-

1 Q. All right. And you read that to Mr. Weathers on the  
2 roadside that night?

3 A. Yes, ma'am.

4 Q. Okay.

5 SOLICITOR ROBINSON: If I may approach, Your Honor.

6 Q. I've handed you what has been marked as Court Exhibit  
7 One. Do you recognize that?

8 A. Yes, ma'am.

9 Q. What is it?

10 A. My *Miranda* card.

11 Q. And is it notated in any way?

12 A. Yes, ma'am. It has Dantzler read to Weathers.

13 Q. So is that something you do in the course of your  
14 investigation to document that you read his *Miranda* rights  
15 that night?

16 A. Yeah. We make a copy of the *Miranda* card and write  
17 down who read it.

18 SOLICITOR ROBINSON: Your Honor, I would move to enter  
19 that as a Court's Exhibit for purposes of this hearing.

20 MS. ANDERSON: No objection.

21 THE COURT: In without objection.

22 (WHEREUPON, COURT'S EXHIBIT NUMBER ONE, IDENTIFIED AND  
23 MARKED, RECEIVED INTO EVIDENCE.)

24 Q. You can just set it down.

25 Okay. Now, at the time that you read the *Miranda*

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-15-

1 rights, you said that was at road sight?

2 A. Yes, ma'am.

3 Q. Who else was present at that time?

4 A. Office Harrelson and Officer Ervin.

5 Q. Okay. And were all of you armed that night?

6 A. Yes, ma'am.

7 Q. Did any of you have your firearms drawn at that time  
8 when you were reading his *Miranda* rights?

9 A. No, ma'am.

10 Q. About - Approximately how old did the defendant appear  
11 to be at that time?

12 A. Mid-twenties.

13 Q. Did he appear to be under the influence of any drugs  
14 or alcohol?

15 A. No, ma'am.

16 Q. Did he appear to be mentally handicapped in any way?

17 A. No, ma'am.

18 Q. From what you observed, did he appear to understand  
19 what you had told him about his *Miranda* rights?

20 A. Yes, ma'am.

21 Q. Did he, at any time that night, refuse to speak with  
22 you, or other officers, or did he ask for an attorney?

23 A. No, ma'am.

24 Q. Did you, that night, or any other officer in your  
25 presence threaten or coerce him into speaking with you?

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-16-

1 A. No, ma'am.

2 Q. And did you make him any promises in exchange for  
3 speaking?

4 A. No, ma'am.

5 Q. Did you actually speak with him that night regarding  
6 any of his charges?

7 A. No, ma'am.

8 Q. Were you present when any other officers questioned  
9 him that night regarding his charges?

10 A. Yes, I believe I was when Office Harrelson was.

11 Q. Where did that take place?

12 A. I believe it was in the vehicle some and then back at  
13 the police department.

14 Q. Okay. Do you remember -- So in the vehicle when you  
15 left the scene of the traffic stop, were you in a vehicle  
16 with the defendant?

17 A. Yes, ma'am.

18 Q. And who else was in that vehicle?

19 A. Office Harrelson.

20 Q. Was Officer Ervin, who you mentioned earlier, in that  
21 vehicle?

22 A. No, ma'am.

23 Q. Okay. So when you left the traffic stop were you  
24 returning to the Law Center?

25 A. Yes, ma'am.

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-17-

1 Q. . It was the three of you?

2 A. Uh-huh.

3 Q. And you indicated there were some questioning at the  
4 time. Do you remember the defendant giving any statements  
5 at that time?

6 A. I don't remember exactly what all he said during the  
7 investigation - or during the interview with Harrelson. I  
8 do remember he mentioned that he would mix the crack with  
9 his marijuana.

10 Q. Okay. Any other - Well at the time he made that  
11 statement, that would - you believe it might a been in the  
12 vehicle?

13 A. I believe so.

14 Q. Okay. Any other statements relevant to the possession  
15 of crack charge that you recall that night?

16 A. No, ma'am.

17 Q. How long did that car ride last?

18 A. About fifteen minutes.

19 SOLICITOR ROBINSON: Beg the Court's indulgence.

20 (PAUSE.)

21 Q. Was he in handcuffs at the time of the transport?

22 A. Yes, ma'am.

23 Q. Is that standard policy?

24 A. Yes, ma'am.

25 SOLICITOR ROBINSON: No further questions for this

1 witness.

2 THE COURT: Ms. Anderson.

3 CROSS-EXAMINATION

4 OFFICER JACK DANTZLER BY MS. ANDERSON:

5 Q. Officer Dantzler, you testified that the purpose based  
6 on the stop was to arrest Mr. Weathers on these warrants.  
7 Correct?

8 A. Yes, ma'am.

9 Q. Okay. And did have - were physical copies of the  
10 warrants there with officers?

11 A. I believe Office Harrelson did, yeah.

12 Q. Okay. And the - Go through a little bit kind of the  
13 step of were there - were these marked patrol cars? Were  
14 they unmarked patrol cars? What was sort of - how many  
15 cars or who was with the traffic stop?

16 A. They're unmarked.

17 Q. Okay. Did they contain blue lights?

18 A. Yes, ma'am.

19 Q. Did they contain video and audio in them?

20 A. No, ma'am.

21 Q. How was the - What car or what vehicle actually  
22 performed the traffic stop?

23 A. Office Harrelson's.

24 Q. And were you in that vehicle or in one of the other  
25 vehicles?

OFFICER JACK DANTZLER: CROSS BY MS. ANDERSON - IN CAMERA

-19-

1 A. I was with Tanya Ervin in another vehicle when the  
2 first traffic stop - the traffic stop initiated.

3 Q. And were you present up at Mr. Weathers' vehicle  
4 during the course of the traffic stop or was that just  
5 Office Harrelson?

6 A. I was present. We were right behind him.

7 Q. I guess I'm asking were you where you could hear, see  
8 what was going on ---

9 A. Yes, ma'am.

10 Q. --- or were you farther away?

11 A. Yes, ma'am.

12 Q. Okay. And what was sort of the order of what things  
13 happened in this traffic stop or what was said, what was  
14 done? If you could just maybe go through that process.

15 A. Office Harrelson began talking to Mr. Weathers and got  
16 him out and placed him in handcuffs for the distribution  
17 warrants.

18 Q. Okay. And you said so Office Harrelson got him out  
19 and placed him in handcuffs at that time?

20 A. Yes, ma'am.

21 Q. And you indicated that you searched Mr. Weathers.  
22 Correct?

23 A. Yes, ma'am.

24 Q. And in the course of that, did you also ask him for a  
25 consent to search him as well?

1 A. No, ma'am.

2 Q. No? Okay. And he was already in handcuffs before you  
3 searched him; is that correct?

4 A. Yes, ma'am.

5 Q. And who actually - in the questioning - You indicated  
6 you believed there was questions asked of Mr. Weathers in  
7 the car ride back to the police station. Correct?

8 A. Yes, ma'am.

9 Q. And who asked those questions?

10 A. Investigator Harrelson.

11 Q. Okay. And you were present to hear those though.

12 A. Yes, ma'am.

13 Q. Were those questions regarding the substance you  
14 thought was crack cocaine from the pocket or were those  
15 regarding the distribution allegations?

16 A. I believe both.

17 Q. So it wasn't sort of distinguished from what you  
18 heard, now I wants to talk to you about this and now I want  
19 to talk to you about these warrants? It was just sort of  
20 general questioning about them?

21 A. Yes, ma'am.

22 MS. ANDERSON: Your Honor, I think that's all the  
23 questions I have for this witness.

24 SOLICITOR ROBINSON: Nothing further, Your Honor.

25 THE COURT: You can step down. Thank you.

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-21-

(WITNESS LEAVING WITNESS STAND.)

SOLICITOR ROBINSON: The State would next call Officer  
Leland Harrelson.

(WHEREUPON, HUGH LELAND  
HARRELSON, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS  
FOLLOWS:)

DIRECT EXAMINATION

OFFICER LELAND HARRELSON BY SOLICITOR ROBINSON:

Q. Would you please identify yourself for the record?

A. My name is Hugh Leland Harrelson, Junior.

Q. And where do you work?

A. I'm employed with the Rock Hill Police Department and  
I'm currently assigned to the York County Multi-  
jurisdictional Drug Enforcement Unit.

Q. And was that your assignment back in December,  
December 12th, 2012?

A. Yes, ma'am, that is correct.

Q. Okay. Were you involved with the investigation into  
Sherard Weathers?

A. Yes, I was.

Q. Prior to December 12th, 2012, had that investigation  
been ongoing before that date?

A. Yes, it has.

Q. And what was the nature of that investigation?

A. I did two distribution buys with Mr. Weathers with a

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-22-

1 confidential informant.

2 Q. Okay. Did you obtain arrest warrants based on those?

3 A. That is correct. I did.

4 Q. And on the evening of December 12th, 2012, did you  
5 have those warrants with you?

6 A. Yes, I did.

7 Q. Did you make contact with the defendant that night  
8 Sherard Weathers?

9 A. I did.

10 Q. And what was the purpose of making contact with him  
11 that night?

12 A. To place him under arrest.

13 Q. On those outstanding warrants?

14 A. That is correct.

15 Q. Where was he when you made contact with him?

16 A. I initiated a traffic stop on Cherry Road.

17 Q. Okay, and about what time was that?

18 A. Around eleven in the evening.

19 Q. And were any other officers with you during that  
20 traffic stop?

21 A. Officer Dantzler and Officer Ervin.

22 Q. And how many vehicles were involved in the traffic  
23 stop?

24 A. Two vehicles.

25 Q. Okay. And when the traffic stop was first initiated,

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-23-

1 what was the first thing that took place in terms of your  
2 interaction with Sherard Weathers?

3 A. I approached the vehicle to speak with Mr. Weathers  
4 and asked him to step out and placed him under arrest on  
5 the distribution warrants.

6 Q. Okay. And when you say you placed him under arrest,  
7 what exactly would you have been doing?

8 A. I put him in handcuffs.

9 Q. Okay. And what happened next?

10 A. Officer Dantzler searched Mr. Weathers incident to  
11 arrest and located what appeared to be crack cocaine in his  
12 pants pocket.

13 Q. And what happened after that?

14 A. Okay. Officer Dantzler read Mr. Weathers his *Miranda*  
15 warnings and then Mr. Weathers was transported back to the  
16 Rock Hill Law Center.

17 Q. Okay. So when he read the *Miranda* warnings, Officer  
18 Dantzler, that took place on the roadside out at Cherry  
19 Road?

20 A. That is correct.

21 Q. And was anyone else present beside yourself, Officer  
22 Dantzler, Sherard Weathers and Officer Ervin at that time?

23 A. No one else.

24 Q. About how old was the defendant at that time?

25 A. In his mid-twenties.

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-24-

1 Q. That evening did he appear to be under — did the  
2 defendant appear to be under the influence of drugs or  
3 alcohol?

4 A. He did not.

5 Q. Did he appear to be mentally handicapped in any way?

6 A. He did not.

7 Q. From what you were able to observe, were you up next  
8 to him when Officer Dantzler read his *Miranda* rights?

9 A. Yes, I was.

10 Q. Okay. So from your observation point, did the  
11 defendant appear to understand what he had been told?

12 A. Yes, he did.

13 Q. Did he at that time or any time that night refuse to  
14 speak with you or the other officers or did he ask for an  
15 attorney?

16 A. No, he did not.

17 Q. Did you speak with him that night?

18 A. I did.

19 Q. When and where did your conversation take place?

20 A. We spoke back at the Rock Hill Law Center. I had — We  
21 have a book sheet. I filled out the booking sheet and then  
22 after I filled the booking sheet out is when I asked him a  
23 couple of questions.

24 Q. How did he get from the scene of the traffic stop to  
25 the Law Center?

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-25-

1 A. I transported him back in my vehicle.

2 Q. And who was in the vehicle besides - was anyone  
3 besides yourself and the defendant?

4 A. Officer Dantzler.

5 Q. And why was Officer Dantzler with you at that time?

6 A. When we transport a suspect, we always have two  
7 officers.

8 Q. Was there a questioning or a discussion during  
9 transport?

10 A. There was some general questioning. Just conversation  
11 during the transport.

12 Q. Okay. Do you recall any specific statements  
13 referencing the charges at that time during transport?

14 A. Not to my knowledge.

15 Q. Okay. Now, you indicated you got back to the Law  
16 Center and were speaking with the defendant. Where at the  
17 Law Center does that take place?

18 A. We were in a conference room in the DEU office

19 Q. Okay. And you indicated you had gone over his charges  
20 with him at that time?

21 A. That is correct. I fill a booking sheet out that has  
22 all his information and also we list the charges that he is  
23 being charged with.

24 Q. Did that take place in that same conference room you  
25 were discussing?

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-26-

1 A. Yes, it did.

2 Q. Okay. So that is the first matter of business when  
3 you get in a conference room, is the booking sheet?

4 A. That is correct.

5 Q. Okay. Would he have been in handcuffs at that time?

6 A. No, he was not.

7 Q. And was there anyone else in the room with you at that  
8 time?

9 A. No, there was not.

10 Q. Okay. And at any time while you were speaking with  
11 him that night, whether in that conference room or out on  
12 the road, did you or any other officer threaten or coerce  
13 Mr. Weathers into speaking with you?

14 A. No, I did not.

15 Q. Did you or anyone else that you heard make any  
16 promises to him in exchange for speaking with you?

17 A. No, ma'am.

18 Q. To the best of your knowledge, did he appear to be  
19 speaking with you freely and voluntarily?

20 A. Yes.

21 Q. About how long did you speak with him when you  
22 returned to the Law Center in the conference room?

23 A. Approximately five to ten minutes.

24 Q. Did he ask for any breaks or anything while you were  
25 speaking with him in that room?

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON  
IN CAMERA  
CROSS BY MS. ANDERSON - IN CAMERA

-27-

1 A. No, he did not.

2 Q. Did he make any comments to you at that time in  
3 reference to crack?

4 A. Yes, he did.

5 Q. And what did he tell you?

6 A. Told me that he put crack in a marijuana cigarette to  
7 spoke it.

8 SOLICITOR ROBINSON: I beg the Court's indulgence.

9 (PAUSE.)

10 SOLICITOR ROBINSON: If you could please answer any  
11 questions from the defense.

12 CROSS-EXAMINATION IN CAMERA

13 OFFICER LELAND HARRELSON BY MS. ANDERSON:

14 Q. Office Harrelson, when you were at the Rock Hill Law  
15 Center conference room, you indicated you were alone with  
16 Mr. Weathers; is that correct?

17 A. That is correct.

18 Q. Okay. Was Officer Ervin involved in that process?

19 A. No, she was not.

20 Q. Who actually did the booking process? Was it you or  
21 Officer Ervin?

22 A. That filled out the booking sheet?

23 Q. Yes.

24 A. I don't recall. I'd have to take a look at the  
25 booking sheet.

OFFICER LELAND HARRELSON: CROSS BY MS. ANDERSON - IN CAMERA -28-

1 Q. Okay.

2 MS. ANDERSON: Your Honor, may I approach?

3 THE COURT: Yes, ma'am.

4 Q. If I can just hand you and maybe let you look over  
5 that and then see if you can sort of clarify as to who did  
6 what in the process.

7 A. Yeah. It looks like Officer Ervin filled out this  
8 information. I filled out his charges here on the second  
9 half.

10 Q. Okay. So both handwritings would be part would be  
11 your's and part would be Officer Ervin's; is that correct?

12 A. That is correct.

13 Q. Okay. All right. And did you indicate though when  
14 you were talking to Mr. Weathers, Officer Ervin wasn't  
15 present at that time. Correct?

16 A. That is correct.

17 Q. Were there any other officers or any other personnel  
18 in the DEU office at that time when you were speaking with  
19 Mr. Weathers?

20 A. They were in the office; I was in a conference room.

21 Q. Okay. And is that - Was that with the sort of door  
22 closed, open? What are the dimensions of that room? What  
23 is some of the layout of that room?

24 A. The conference room is probably forty by twenty. You  
25 know, it has a large conference table in the room. You

OFFICER LELAND HARRELSON: CROSS BY MS. ANDERSON - IN CAMERA -29-

1 know, six to eight chairs around it. I don't recall if the  
2 door to the room was opened or closed.

3 Q. Okay. And this discussion with Mr. Weathers was not  
4 either video recorded or audio recorded. Correct?

5 A. It was not.

6 Q. And did you at that time advise Mr. Weathers of  
7 *Miranda* rights at that point or was that given to him  
8 again? I know Officer Dantzler has testified he read it on  
9 the traffic stop. Was *Miranda* rights - Were *Miranda* rights  
10 given to Mr. Weathers at that time?

11 A. No, I did not read them again.

12 Q. Was he given any sort of - I know the Rock Hill police  
13 department has a written *Miranda* form - any form signed or  
14 presented to him?

15 A. The Rock Hill --

16 Q. Well, no. There is sort of law enforcement agencies  
17 have sort of these standard *Miranda* rights advisement  
18 forms. Were any sort of, I guess, form presented to him?

19 A. No, ma'am.

20 Q. Okay. And you indicated that you were sort of talking  
21 with him or asking him questions about the charges he was  
22 under arrest for. Correct?

23 A. That is correct.

24 Q. And in the course of that, you were also talking with  
25 Mr. Weathers about these two distribution warrants.

OFFICER LELAND HARRELSON: CROSS BY MS. ANDERSON - IN CAMERA -30-

1 Correct?

2 A. That is correct.

3 Q. And he was arrested on all of these warrants at the  
4 same time. Correct?

5 A. That is correct.

6 Q. And in the course of talking to him, he also made  
7 statements basically denying he was selling crack cocaine.  
8 Correct?

9 A. I believe that is correct.

10 Q. And that was in this same sort of interview. Correct?

11 A.. That is correct.

12 Q. And there are no written statements in connection with  
13 this either. Correct?

14 A.. No, ma'am.

15 Q. Did you ask Mr. Weathers to present a - to produce a  
16 written statement?

17 A. I did not.

18 Q. Okay. And did you type up any separate notes of your  
19 interview? I know there is - referencing your incident  
20 report, but did you type up any separate notes regarding  
21 your interview?

22 A. I did not.

23 Q. Okay.

24 MS. ANDERSON: I Beg the Court's indulgence.

25 (PAUSE.)

OFFICER LELAND HARRELSON: REDIRECT BY SOLICITOR ROBINSON  
IN CAMERA

-31-

1 MS. ANDERSON: Nothing further, Your Honor.

2 THE COURT: Redirect?

3 SOLICITOR ROBINSON: Just one quick question, Your  
4 Honor.

5 REDIRECT EXAMINATION - IN CAMERA

6 OFFICER LELAND HARRELSON BY SOLICITOR ROBINSON:

7 Q. Office Harrelson, about how much time had elapsed  
8 between that time that you all were at the roadside and  
9 Officer Dantzler would have read the *Miranda* rights and the  
10 time that you would have been speaking with him in the  
11 conference room?

12 A. Forty-five minutes.

13 Q. Thank you.

14 SOLICITOR ROBINSON: No further questions.

15 MS. ANDERSON: May it please the Court. Your Honor, I  
16 think --

17 THE COURT: All right. Any more questions?

18 MS. ANDERSON: Oh, no, Your Honor.

19 THE COURT: All right. You can step down.

20 (WITNESS LEAVING WITNESS STAND.)

21 MS. ANDERSON: I apologize, Your Honor.

22 THE COURT: Go ahead. Now you may.

23 MS. ANDERSON: Your Honor, it remains an issue I've  
24 raised regarding the statement is we have a situation where  
25 he is essentially at this time arrested on five different

1 charges. Two allegations of distribution; one allegation  
2 on his possession for what they testified to having  
3 recovered during the traffic stop. In reading the report  
4 and in the questioning it appears sort of they are talking  
5 to him about all of those at the same time, some of which  
6 deal with an alleged sale of narcotics. Some of which he  
7 does make they allege some sort of statement denying that.  
8 And that the statement about they sort of use that crack  
9 cocaine sort of mixed in with that.

10 I think the issue becomes that it's not delineated  
11 when the officers are questioning him as they are  
12 specifically asking him about this charge he is on trial  
13 for versus the other charges on one of which he has already  
14 been on trial for, one of which is pending. So, I think  
15 there is a risk with that not being delineated of that we  
16 don't have the clarification as to what this alleged  
17 statement particularly pertained to.

18 Was it in reference to the distribution charges? Was  
19 it in reference to this allegation? And I think there is a  
20 risk of the confusion with the jury as to this charge being  
21 used - this statement being used as to this possession  
22 charge. When the officers - We don't have the  
23 clarification that that is what this statement was in  
24 reference to this warrant versus the other warrants since  
25 it was all together. No delineated, sort of written out

1 questions or statements which is all sort of muddled in  
2 together, I would therefore argue that the statement would  
3 not be allowed to come in because we don't have the  
4 clarification that that statement, alleged statement,  
5 pertains specifically to this charge that he is on trial  
6 for.

7 THE COURT: All right. Tell me the exact statement.  
8 Is it the one that mixing crack with marijuana. Is that  
9 the statement?

10 SOLICITOR ROBINSON: To smoke it.

11 THE COURT: All right. Tell me exactly how that  
12 statement - Tell me what the statement is that the State  
13 seeks to introduce - verbatim statement.

14 SOLICITOR ROBINSON: The statement as reported in the  
15 incident report is that the defendant stated that he would  
16 mix crack in his marijuana cigarette.

17 THE COURT: All right. I find that that's specific  
18 enough in that it references crack and that's what he's on  
19 trial for and that's what was found, so I think that can be  
20 carved out from the statement in general.

21 I find by a preponderance of the evidence, that Mr.  
22 Weathers prior to making any statement was mirandized, as  
23 you say, by using the *Miranda* card, he was told that he had  
24 the right to remain silent; that any statement he made can  
25 be used against him. That he had a right to have an

1 attorney. If he could not afford one, the State would  
2 appoint an attorney for him and he had the right to have  
3 the attorney present during any questioning. That he could  
4 exercise his rights at any time during the interrogation  
5 and that he freely and voluntarily gave up his rights and  
6 voluntarily entered into giving a statement.

7 I find that there was no coercion, no evidence of any  
8 intoxication of Mr. Weathers, no indication of any weapons  
9 being displayed in regard to the questioning. There was no  
10 indication of any intoxication. No indication of any  
11 mental or physical problems. No request for an attorney.  
12 No threats or coercion. No promise made by the law  
13 enforcement. That he appeared to understand.

14 I therefore find that the statement regarding the  
15 mixing of crack with marijuana is admissible and I deny the  
16 motion to suppress it.

17 This of course will also be a question for the jury  
18 and they of course have to find the three statements had  
19 been made freely and voluntarily; not by the preponderance  
20 of the evidence but beyond a reasonable doubt standard.

21 All right. Anything else before we get the jury up?

22 SOLICITOR ROBINSON: Your Honor, I didn't know if you  
23 wanted to address the suppression of the evidence as to  
24 whether or not that was a search -

25 THE COURT: Yeah.

1 MS. ANDERSON: Your Honor, I think I sort of when I  
2 was questioning went ahead and went into that. I think  
3 based on the testimony that's before the Court, I wouldn't  
4 have a motion on that -

5 THE COURT: All right. I do find that the testimony  
6 did include the search incident to arrest which would be  
7 proper grounds for or gives - Law enforcement had the right  
8 to effect, execute a post-arrest search and that there is  
9 no issue regarding the search and subsequent seizure of the  
10 items alleged to be crack cocaine.

11 MS. ANDERSON: Your Honor, if I may, just before we  
12 bring in the jury, just to put on the record, my jury voir  
13 dire request, I placed a question regarding news or media  
14 coverage. I'm not sure if the Court is aware but wanted to  
15 put on the record this case was posted I know on the on  
16 line Rock Hill Herald. I'm not sure of the version.

17 THE COURT: I always ask that. You can go ahead and  
18 expound but I always ask them whether they've seen  
19 anything, heard anything, or read anything about this case  
20 or know about it from any source whatsoever.

21 MS. ANDERSON: Okay.

22 THE COURT: If you want to put on the record why you  
23 asked that, that's fine too.

24 MS. ANDERSON: If I may, Your Honor. Just to put on  
25 there specifically this was posted on May 30th, 2014, in

1 the body of the article talking about the use of the SWAT  
2 team to arrest Mr. Weathers.

3 Your Honor, I just put that out, asking my question  
4 specifically because it indicates stating failing to appear  
5 in court on multiple drug charges which is technically sort  
6 of inaccurate but I would just say in abundance of caution,  
7 I also wanted to ask because that does indicate as well it  
8 brings into Mr. Weathers' prior record and also multiple  
9 drug charges. So I just wanted to put on the record that  
10 there was a specific article about this case written within  
11 the past week, and so certainly I wanted to ask the jury if  
12 any of them had see this.

13 THE COURT: Well, I'm going to have to ask just like  
14 you've got it written basically about this case. What you  
15 are telling me, is your article is much broader than this  
16 case, but if I start asking about Mr. Weathers and his  
17 involvement in any criminal activity or something like  
18 that, that's a problem, so I'm going to ask only if they  
19 have had any information about this case.

20 MS. ANDERSON: Yes, Your Honor.

21 THE COURT: All right. Anything else before we get  
22 the jury up?

23 SOLICITOR ROBINSON: Nothing, Your Honor.

24 THE COURT: All right. We'll take a short break while  
25 the jury is coming up. Don't get too far; let's just step

-37-

1 out, refresh and come on back in. And I'll do the same and  
2 then when the jury comes up, we'll be ready to go forward.

3 Any witness list on behalf of the defense?

4 MS. ANDERSON: No, Your Honor.

5 THE COURT: And let's see. The State's Voir Dire I've  
6 already looked over. And everything on the defense is fine  
7 and I think the State's are fine too.

8 All right. We'll take a little, short break.

9 MS. ANDERSON: Yes, Your Honor.

10 SOLICITOR ROBINSON: Thank you, Your Honor.

11 (COURT IN RECESS AT 10:30 A.M.)

12 (JURY ENTERS COURTROOM AT 10:47 A.M..)

13 (COURT BACK IN SESSION AT 10:52 A.M..)

14 THE COURT: Thank you. You may take your seats.

15 Good morning.

16 Members of the jury panel, we are going to start our  
17 first trial for the week in this courtroom and it is the  
18 case of the *State versus Sherard Ar'Darrius Weathers*.

19 Mr. Weathers, would you please stand and let the jury  
20 see who you are. This is Mr. Weathers. He is represented  
21 by Ashley Anderson.

22 You may be seated.

23 The State is represented by Ms. Robinson and Ms.  
24 Hamilton.

25 You may be seated.

1           Somewhat similar to what I did yesterday, I am going  
2 to go through some questions. This time, rather than at  
3 the end form a line and come up like you did yesterday,  
4 what I will do is ask if you need to respond to any of  
5 these questions, just stand where you are and we'll have a  
6 dialog from where I am and where you are.

7           First, this charge is that Mr. Weathers on December  
8 12th, 2012, here in York County was in possession of crack  
9 cocaine, cocaine base. I believe this occurred on Cherry  
10 Road, in the city limits of Rock Hill is where this  
11 occurred, allegedly.

12           First, do any of you know anything about this case?  
13 Heard about it from any source whatsoever. Seen any news  
14 coverage, if there was any, or heard about it from any  
15 source?

16           If so, please stand.

17           No one stands.

18           Were any of you members of the grand jury which  
19 passed on this indictment at an earlier time?

20           If so, please stand.

21           No one stands.

22           Are any of you or have any of you been represented by  
23 or associated with in any way our solicitor's officer, Mr.  
24 Kevin Brackett, either through been a witness, been a  
25 victim and worked with his office or in any way worked

1 with his office or any of the assistant solicitors?

2 If so, please stand.

3 (NO ONE STANDS.)

4 THE COURT: Are any of you close personal friends or  
5 acquaintance of Ms. Robinson or Ms. Hamilton?

6 If so, please stand.

7 No one stands.

8 Ms. Anderson is with the public defender, Mr. Harry  
9 Dest's, office. Have any of you been associated in any  
10 way with that office or with Mr. Dest?

11 If so, please stand.

12 Or Ms. Anderson, if so, please stand.

13 No one stands.

14 Any of you friend of or acquaintance of or related to  
15 Mr. Weathers, or you know him from any source whatsoever?

16 If so, please stand.

17 (NO ONE STANDS.)

18 THE COURT: Are any of you members of or contributors  
19 to organizations such as Students Against Drunk Drivers,  
20 Mothers Against Drunk Drivers, Citizens Against Violence,  
21 Trooper's Association, Sheriff's Association or Fraternal  
22 Order of Police?

23 If so, please stand.

24 No one stands.

25 Are any of you or a member of your family involved in

1 law enforcement or in the prosecution of criminal cases at  
2 any level; anything from military police, judge advocate  
3 general, U.S. attorney, solicitor, sheriff. Any kind of  
4 law enforcement or prosecutorial endeavor. If you are  
5 related by blood or marriage or you have in your past been  
6 employed in such an endeavor?

7 If so, please stand.

8 A. Does that include a judge, magistrate judge?

9 THE COURT: That would include a judge. Okay. Your  
10 name and number?

11 A. Rhett Hurst, 111. My uncle is Judge Grayson,  
12 Magistrate judge in Clover.

13 THE COURT: All right. Would that effect your  
14 ability to fair and impartial in the trial of this case?

15 MR. HURST: No, sir.

16 THE COURT: Okay. Thank you. I appreciate you  
17 standing.

18 The next question I ask is somewhat personal, so I'm  
19 not going to ask you to get up and tell me about any  
20 situation if you have to stand.

21 Have any of you or a member of your family been  
22 effected adversely by the use of or the involvement in  
23 illegal substances, such as marijuana or crack cocaine or  
24 legal substances if used illegally? Have any of you had a  
25 family member or you personally had an adverse - had

1 problems in your life as a result of somebody, you or  
2 somebody in your family, being involved in such endeavors;  
3 if so, please stand.

4 Yes, ma'am. Your name and number?

5 A. My name is Tina Davis. I'm Number 63.

6 THE COURT: All right. That's all I need to know  
7 right now. Just remain standing.

8 Yes, ma'am.

9 A. Rachel Driegstein, Number 123.

10 THE COURT: Okay.

11 A. Martha Cline, Number 46.

12 THE COURT: All right. Just remain standing. All  
13 right. Yes, sir.

14 A. David Barnes, Number 14.

15 THE COURT: All right. I'm not going to ask you the  
16 particulars because that's personal; however, if the fact  
17 that you had this experience in your life, if that would  
18 prevent you from being fair and impartial in the trial of  
19 Mr. Weathers, please raise your right hand?

20 THE COURT: None of the four do.

21 You may be seated. Thank you.

22 THE COURT: Do any of you have any philosophical,  
23 religious or any other sort of belief that would prevent  
24 you from being fair and impartial in the trial of Mr.  
25 Weathers on this case?

1 If so, please stand.

2 No one stands.

3 Anything further from the State?

4 SOLICITOR ROBINSON: No, Your Honor.

5 THE COURT: Anything further from the defense?

6 MS. ANDERSON: Your Honor, did you go over the  
7 State's witnesses?

8 THE COURT: I'll do that now. Anything other than  
9 that?

10 MS. ANDERSON: No, Your Honor.

11 THE COURT: The following are possible witnesses in  
12 this case. I don't know that all of them will testify,  
13 but even if they don't testify, their names may come up,  
14 so please stand if you know, of course if you are related  
15 please stand, or if you know any of these individuals,  
16 either through church or just friends, in any way at all.

17 Leland Harrelson from the Drug Enforcement Unit of  
18 York County.

19 Tanya Ervin and Jack Dantzler of the Fort Mill Police  
20 Department.

21 Patrick Patterson and Cynthia Mitchum from the York  
22 County Sheriff's Office.

23 If so, please stand.

24 No one stands.

25 Finally, do any of you know of any reason whatsoever

1 why you could not or should not serve as a fair and  
2 impartial juror in the trial of this case?

3 If so, please stand.

4 No one stands.

5 Strikes will be five and five. We'll draw one  
6 alternate. Strikes on that will be one for the State; two  
7 for the defense.

8 The way we call juries in this court is as follows.  
9 The Bailiff will come - one of the bailiffs will come  
10 stand in the middle of the well here and if you hear your  
11 name called, please come stand next to the bailiff, turn  
12 around and face to the tables where the attorneys and Mr.  
13 Weathers are seated.

14 Face first the table where the solicitors are seated  
15 and one of them will say either, excuse the juror, which  
16 means you may return to your seat; or present the juror.  
17 If you hear the words, present the juror, turn and face  
18 the table where Mr. Weathers and his counsel is seated and  
19 Ms. Anderson will say either, excuse the juror, which  
20 again means you may return to your seat; or she will say,  
21 swear the juror.

22 If you hear those words, please take a seat in the  
23 jury box. The bailiff will tell you how many seats to  
24 move over, the mechanics of that.

25 Please when you come forward bring with you if you

1 have a book or a pocketbook or anything like that so you  
2 won't have to go back and get it if you are seated on the  
3 jury.

4 All right, Madam Clerk.

5 MADAM CLERK: Number 169, Jessica Pernick.

6 (WHITE FEMALE COMING FORWARD.)

7 MADAM CLERK: What say you for the State?

8 SOLICITOR ROBINSON: Please excuse this juror.

9 MADAM CLERK: You've been excused from this trial.  
10 Number 16, Mary Barreto.

11 (WHITE FEMALE COMING FORWARD.)

12 MADAM CLERK: What say you for the State?

13 SOLICITOR ROBINSON: Please present this juror.

14 MADAM CLERK: Defense?

15 MS. ANDERSON: Please seat this juror.

16 MADAM CLERK: Please have a seat in the jury box.

17 MADAM CLERK: Number 142, Shenenkia McClinton.

18 (BLACK FEMALE COMING FORWARD.)

19 MADAM CLERK: What say you for the State?

20 SOLICITOR ROBINSON: Please present this juror.

21 MADAM CLERK: Defense?

22 MS. ANDERSON: Please seat this juror.

23 MADAM CLERK: Please have a seat in the jury box.

24 MADAM CLERK: Number 227, Mary Trusty.

25 (WHITE FEMALE COMING FORWARD.)

1 MADAM CLERK: What say you for the State?  
2 SOLICITOR ROBINSON: Please present this juror.  
3 MADAM CLERK: Defense?  
4 MS. ANDERSON: Please seat this juror.  
5 MADAM CLERK: Please have a seat in the jury box.  
6 MADAM CLERK: Number 196, Lauren Rockholt.  
7 (WHITE FEMALE COMING FORWARD.)  
8 MADAM CLERK: What say you for the State?  
9 SOLICITOR ROBINSON: Please present this juror.  
10 MADAM CLERK: Defense?  
11 MS. ANDERSON: Please seat this juror.  
12 MADAM CLERK: Please have a seat in the jury box.  
13 MADAME CLERK: Number 143, Gabrielle McCoy.  
14 (BLACK FEMALE COMING FORWARD.)  
15 MADAM CLERK: What say you for the State?  
16 SOLICITOR ROBINSON: Please excuse this juror.  
17 MADAM CLERK: You've been excused from this case.  
18 Number 5, Mark Anthony:  
19 (WHITE MALE COMING FORWARD.)  
20 MADAM CLERK: What say you for the State?  
21 SOLICITOR ROBINSON: Please present this juror.  
22 MADAM CLERK: Defense?  
23 MS. ANDERSON: Please seat this juror.  
24 MADAM CLERK: Please have a seat in the jury box.  
25 MADAM CLERK: Number 44, Samuel Childers.

1 (WHITE MALE COMING FORWARD.)

2 MADAM CLERK: What say you for the State?

3 SOLICITOR ROBINSON: Please excuse this juror.

4 MADAM CLERK: You are excused from this case.

5 Number 168, Tyler Pennypacker.

6 (WHITE MALE COMING FORWARD.)

7 MADAM CLERK: What say you for the State?

8 SOLICITOR ROBINSON: Please present this juror.

9 MADAM CLERK: Defense?

10 MS. ANDERSON: Please excuse this juror.

11 MADAM CLERK: You've been excused from this case.

12 Number 38, Michelle Byrd.

13 (WHITE FEMALE COMING FORWARD.)

14 MADAM CLERK: What say you for the State?

15 SOLICITOR ROBINSON: Please present this juror.

16 MADAM CLERK: Defense?

17 MS. ANDERSON: Please seat this juror.

18 MADAME CLERK: Please have a seat in the jury box.

19 Number 90, Tammy Gillespie.

20 (WHITE FEMALE COMING FORWARD.)

21 MADAM CLERK: What say you for the State?

22 SOLICITOR ROBINSON: Please present this juror.

23 MADAM CLERK: Defense?.

24 MS. ANDERSON: Please seat this juror.

25 MADAM CLERK: Please have a seat in the jury box.

1 Number 123, Rachel Kriegstein.

2 (WHITE FEMALE COMING FORWARD.)

3 MADAM CLERK: What say you for the State?

4 SOLICITOR ROBINSON: Please excused this juror.

5 MADAM CLERK: You've been excused from this case.

6 Number 82, Charles Faile.

7 (WHITE MALE COMING FORWARD.)

8 MADAM CLERK: What say you for the State?

9 SOLICITOR ROBINSON: Please present this juror.

10 MADAM CLERK: Defense?

11 MS. ANDERSON: Please excuse this juror.

12 MADAM CLERK: You've been excused from this case.

13 Number 150, Glenda Meehan.

14 (WHITE FEMALE COMING FORWARD.)

15 MADAM CLERK: What say you for the State?

16 SOLICITOR ROBINSON: Please present this juror.

17 MADAM CLERK: Defense?

18 MS. ANDERSON: Please seat this juror.

19 MADAM CLERK: Please have a seat in the jury box.

20 Number 35, Karen Burrough.

21 (WHITE FEMALE COMING FORWARD.)

22 MADAM CLERK: What say you for the State?

23 SOLICITOR ROBINSON: Please present this juror.

24 MADAM CLERK: Defense?

25 MS. ANDERSON: Please excuse this juror.

1 MADAM CLERK: You've been excused from this case.  
2 Number 56, Mack Cowart.

3 (WHITE MALE COMING FORWARD.)

4 MADAM CLERK: What say you for the State?

5 SOLICITOR ROBINSON: Please present this juror.

6 MADAM CLERK: Defense?

7 MS. ANDERSON: Please excuse this juror.

8 MADAM CLERK: You've been excused from this case.  
9 Strikes are four for the State and four for the  
10 defense.

11 Number 186, Matthew Raymond.

12 (WHITE MALE COMING FORWARD.)

13 MADAM CLERK: What say you for the State?

14 SOLICITOR ROBINSON: Please present this juror.

15 MADAM CLERK: Defense?

16 MS. ANDERSON: Please seat this juror.

17 MADAM CLERK: Please have a seat in the jury box.  
18 Number 63, Tina Davis.

19 (WHITE FEMALE COMING FORWARD.).

20 MADAM CLERK: What say you for the State?

21 SOLICITOR ROBINSON: Please present this juror.

22 MADAM CLERK: Defense?

23 MS. ANDERSON: Please excuse this juror.

24 MADAM CLERK: You've been excused from this case.  
25 Number 88, Bret Frazier.

1 (WHITE MALE COMING FORWARD.)

2 MADAM CLERK: What say you for the State?

3 SOLICITOR ROBINSON: Please present this juror.

4 MADAM CLERK: Defense?

5 MS. ANDERSON: Please seat this juror.

6 MADAM CLERK: Please have a seat in the jury box.

7 Number 189, Jennifer Resech.

8 (WHITE FEMALE COMING FORWARD.)

9 MADAM CLERK: What say you for the State?

10 SOLICITOR ROBINSON: Please present this juror.

11 MADAM CLERK: Defense?

12 MS. ANDERSON: Please seat this juror.

13 MADAM CLERK: Please have a seat in the jury box.

14 Number 8, Vickie Auten.

15 (WHITE FEMALE COMING FORWARD.)

16 MADAM CLERK: What say you for the State?

17 SOLICITOR ROBINSON: Please present this juror.

18 MADAM CLERK: Defense?

19 MS. ANDERSON: Please seat this juror.

20 MADAM CLERK: Please have a seat in the jury box.

21 THE COURT: All right, strikes on the alternate will  
22 be one for the State and two for the Defense.

23 MADAM CLERK: Number 111, Rhett Hurst.

24 (WHITE MALE COMING FORWARD.)

25 MADAM CLERK: What say you for the State?

1 SOLICITOR ROBINSON: Please excuse this juror.

2 MADAM CLERK: You are excused from this case.

3 Number 199, Richard Rush.

4 (WHITE MALE COMING FORWARD.)

5 MADAM CLERK: What say you for the State?

6 SOLICITOR ROBINSON: Please present this juror.

7 MADAM CLERK: Defense?

8 MS. ANDERSON: Please excuse this juror.

9 MADAME CLERK: You've been excused from this case.

10 Number 113, Marilyn Isaacs.

11 (WHITE FEMALE COMING FORWARD.)

12 MADAM CLERK: What say you for the State?

13 SOLICITOR ROBINSON: Please present this juror.

14 MADAM CLERK: Defense?

15 MS. ANDERSON: Please seat this juror.

16 MADAM CLERK: Please have a seat in the jury box.

17 THE COURT: Anything from the State involving the  
18 striking of the panel?

19 SOLICITOR ROBINSON: No, Your Honor.

20 THE COURT: Anything from the Defense involving  
21 striking of the panel?

22 MS. ANDERSON: No, Your Honor.

23 THE COURT: All right.. Those of you who were not  
24 chosen, I am going to allow you to leave. Please call  
25 back after one o'clock and you will receive whatever

-51-

1 instructions are appropriate. And as I told you  
2 yesterday, please make sure you follow those instructions.

3 I'm going to ask you to leave as quietly as you can  
4 because I want to start talking to the panel that we've  
5 empaneled. Thank you.

6 (JURY DISMISSED AT 11:14 A.M..)

7 THE COURT: Those of you who were chosen, if you'll  
8 stand and raise your right hand, the Clerk will administer  
9 the oath.

10 (PETIT JURY DULY SWORN AT 11:14  
11 A.M..)

12 THE COURT: You may be seated. Thank you.

13 Ms. Byrd, I'm going to ask you to be the forelady.  
14 You will sit in that seat throughout the trial. You will  
15 be the liaison between the jury and myself, preside over  
16 the jury deliberation and ultimately sign the jury's  
17 unanimous verdict.

18 Ms. Issacs, you are the alternate. You will sit in  
19 that seat at all times. There is no other assigned  
20 seating, so with the exception for those two, just seat  
21 wherever you come in.

22 I want to talk to you just a little bit at this point  
23 and then I will turn the case over to the attorneys.

24 They have a right but no obligation to stand before  
25 you and make what are called opening statements.

1           These opening statements are not arguments. They are  
2 not trying to convince you of what your verdict should be.  
3 They will at a later time have an opportunity to take the  
4 case, take the facts as they have been presented, and the  
5 law as I will charge it to you and argue why your verdict  
6 should be a certain verdict.

7           That's not what they are doing at this time. They  
8 will be giving you an outline or a blueprint of the trial.

9           You are - I am the - I have three primary jobs in  
10 this case.

11           One is that I am the logistics person. I make sure  
12 we take breaks. I make one person is talking at a time.  
13 I try to make sure you can see and hear.

14           My second job is that I rule on questions of the  
15 admissibility of evidence. If one side believes certain  
16 evidence should be allowed in the record for your  
17 consideration, and the other based on some legal principle  
18 or rule believes it should not, it is up to me to rule on  
19 that issue.

20           My third job is that I am the sole judge of the law  
21 in this case. You must take, accept, and apply the law as  
22 I charge it. This is true even if you think I charged the  
23 law in error or even if you think the law should be  
24 different. Your oath requires you to take, accept and  
25 apply the law as I charge it.

1 I am giving you some legal principles now. Perhaps  
2 during the trial I will give you some and at the end of  
3 the trial I will give you a concise and comprehensive  
4 charge on the law that you are to apply to the facts as  
5 you determine them to be.

6 You are not to discuss the case or try to make up  
7 your own mind until we reach the point in the trial when I  
8 instruct you to jointly deliberate and return a unanimous  
9 verdict and you don't need to take notes.

10 Prior to that time, you are not in a situation such  
11 that you are equipped to make a fair and reasonable  
12 decision so don't discuss the case and try to make up your  
13 own mind until I instruct you to jointly deliberate and  
14 return a unanimous verdict.

15 Do not discuss this case with anyone outside the  
16 courtroom. If anyone tries to discuss this case with you,  
17 tell them you cannot as you are serving as a juror and  
18 report back to me if anyone tries to discuss this case  
19 with you. I would have to take action against anyone who  
20 tries to talk to seated juror.

21 Do not let yourself be exposed to any news coverage,  
22 if there is any. Don't read about, watch anything or  
23 listen to anything that could remotely deal with this  
24 trial. Your verdict must be based solely on the law and  
25 the evidence that's developed in this trial. I don't know

1 that there will be any news coverage, but don't let  
2 yourself be exposed to it if there is.

3 Do not do any independent research on this case. Do  
4 not access any electronic means of obtaining information,  
5 such as Google or My Space or Facebook or anything like  
6 that. That would be improper.

7 Don't look up anything on line. Don't look up  
8 anything anywhere but particularly don't go on any sort of  
9 electronic media to find anything about me, about court  
10 procedure, about evidence, about the attorneys, about Mr.  
11 Weathers. Don't go online to find out about anything.  
12 Again you must not use any electronic means or any other  
13 means to obtain information because your verdict must be  
14 based on the law and the evidence that's developed in the  
15 trial.

16 And this includes social media such as Facebook. You  
17 may think there is no real harm in going on Facebook and  
18 saying, guess what, I'm serving on a jury. Well, you may  
19 receive something back from somebody who might Facebook  
20 you back or whatever it's called. I'm not really sure  
21 what that's called. Respond with information or comment  
22 or something that would not be fair to the parties, so  
23 don't even go online and say, guess what, I'm on a jury.

24 If you can't see or if you can't hear, let me know.  
25 Cup your ear. Give me a voice raising gesture. Nudging

-55-

1 gesture and I'll try to make sure that's corrected. It's  
2 not fair to ask you to resolve this case and not give you  
3 a full opportunity to see and hear those things you need  
4 to see and hear.

5 We take breaks about every hour and a half. I find  
6 that's a good time to take breaks. However, if you need a  
7 break at any time, raise your right hand and with no  
8 questions asked, we'll take a break. I assure you that if  
9 I need to take a break, I'm going to take one and I give  
10 you the same prerogative and I extend that to counsel and  
11 Mr. Weathers. We want to move the trial along but we are  
12 not in such a hurry that we cannot take a break if someone  
13 needs to take a break.

14 Counsel.

15 SOLICITOR ROBINSON: Thank you, Your Honor.

16 Good morning. We're here today because the defendant  
17 in this case, Sherard Weathers, is charged with possession  
18 of less than one gram of crack cocaine. This took place  
19 on December 12th of 2012 when the defendant came in  
20 contact with law enforcement that night. And at that  
21 time, he had a plastic baggy in his shorts pocket that  
22 contained a small amount of crack cocaine.

23 He was arrested at that time. The crack cocaine was  
24 recovered and submitted to evidence for testing. A  
25 forensic chemist that is employed here in York County did

1 test that substance and did in fact determine it to be  
2 crack cocaine in the amount of .04 grams.

3 It's a pretty straightforward case, ladies and  
4 gentlemen. I will tell you just a little bit about the  
5 charge.

6 It is what it sounds like, possession of less than  
7 one gram of crack cocaine.

8 That means I am required to prove to you two thing  
9 basically.

10 One, that he possessed it and two, that it is in fact  
11 crack cocaine in an amount less than one gram.

12 Possession under the law can occur in two ways. It  
13 can be actual possession, which is, you know, where you  
14 have physical contact and control over an item or  
15 constructive possession.

16 Constructive possession isn't really at play in this  
17 case because it was in his pocket. He had actual control  
18 over this item, making it actual possession of crack  
19 cocaine. And as I indicated the second part is proving  
20 that it was in fact crack cocaine and that is where the  
21 forensic chemist comes in and the testing of the  
22 substance.

23 Now, my burden in this case is to prove to you beyond  
24 a reasonable doubt that this occurred.

25 Now, beyond a reasonable doubt is not beyond all

1       doubt. It is not beyond any doubt. It is not one hundred  
2       percent certainty.

3               Beyond a reasonable doubt means that you would be  
4       firmly convinced at the conclusion of the case that I have  
5       proved those elements that I explained to you.

6               Now, to meet my burden, I am going to be presenting  
7       evidence. You're going to be hearing testimony. You will  
8       specifically be hearing from the officer on the scene who  
9       recovered that item from, the crack cocaine from Mr.  
10      Weathers' pocket.

11              You will hear from a forensic chemist who tested the  
12      substance and verified chemically that it was in fact  
13      crack cocaine.

14              And you're also going to hear from the officer who  
15      spoke with the defendant that night about his charges and  
16      you hear that while speaking with him, the defendant told  
17      the officer that he mixed his crack cocaine with marijuana  
18      in cigarettes.

19              At the - Ladies and gentlemen, I am going to ask you  
20      to listen to all the evidence. Weigh everything. Pay  
21      close attention.

22              At the close of the trial, I will stand back before  
23      you and I will ask that you return a verdict that speaks  
24      the truth. I will ask that you return a verdict of guilty  
25      of possession of less than one gram of crack cocaine

1       against Sherard Weathers. Thank you.

2               THE COURT: Ms. Anderson.

3               MS. ANDERSON: May it please the court.

4               Good morning, ladies and gentlemen.

5               What I'm going to say may sound simple, but just  
6       because it's simple doesn't mean that it's not important  
7       because it's extremely important.

8               And what I'm going to say is that the thing you need  
9       to remember throughout this case and that simple thing to  
10      hold onto and remember is that in every criminal case, and  
11      in this criminal case, the burden of proof is on the State  
12      and that means they must meet this burden of proof as to  
13      each and every single element.

14              When you hear the Judge's charge on the law at the  
15      end of this case and he charges you as to the elements  
16      that must be proven, you have to remember each of those  
17      things that you hear, that the State must prove that  
18      beyond a reasonable doubt. And our system is structured  
19      as such that if they come even a hair short, if you think  
20      of someone jumping over hurdles and they don't clear it  
21      all the way, whatever illustration you want to think about  
22      from real life, when they don't meet that burden, when  
23      they come up short, whether it's by a lot or by a little,  
24      our system is set up that the correct verdict for that  
25      case and the just verdict in that case is a verdict of not

1 guilty.

2       Sherard Weathers sits here and he is presumed  
3 innocent. He's presumed innocent throughout this trial  
4 and it's such an important part of our system and the  
5 burden of proof remains throughout this case on the State.

6       Your job as jurors is to listen carefully. Listen to  
7 the testimony that's brought in the court in front of you,  
8 the witnesses. Listen to what you don't hear. Questions,  
9 questions you have from what's said. Questions you have  
10 from what's not said. Questions that come about say maybe  
11 because of your common sense and your life experiences.  
12 And your job as jurors is to apply all of that and listen  
13 to the Judge's instructions on the law, think critically  
14 about the case and weigh the State's evidence against  
15 that.

16       And if the State comes back, even the smallest bit  
17 short, there are questions that aren't answered, if there  
18 is a doubt in your mind, then the State hasn't met their  
19 burden of proof. They haven't proven the case beyond a  
20 reasonable doubt and your role in this case and your  
21 verdict should be a verdict of not guilty.

22       To know sometimes for things, for illustrations, for  
23 gimmicks. It's just to tell you, to remind you that that  
24 is the lens you look at this case through. That is the  
25 thing that should be in the back of your mind, the

1       forefront of your mind, as you listen to all of the  
2       testimony and the evidence brought in here because you  
3       listen for what isn't brought in.

4               And I ask you, ladies and gentlemen, I trust that you  
5       will apply that to this case, that you will look at this  
6       case with that in mind. And at the end of this case I'll  
7       stand back in front of you and ask you to return a verdict  
8       of not guilty in this case, finding that the State has  
9       failed to meet that burden of proof proving each and every  
10      element of this case beyond a reasonable doubt.

11      Thank you.

12      THE COURT: Call your first witness.

13      SOLICITOR ROBINSON: Your Honor, the State calls Jack  
14      Dantzler.

15      THE COURT: Step up here and put your left hand on  
16      the Bible and raise your right, the Clerk will administer  
17      the oath.

18                               (WHEREUPON, JACK DANTZLER,  
19      BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

20                               DIRECT EXAMINATION

21      OFFICER JACK DANTZLER BY SOLICITOR ROBINSON:

22      Q. If you could please introduce yourself to the jury.

23      A. My name is Jack Dantzler.

24      Q. And where do you work?

25      A. Rock Hill Police Department.

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON

-61-

1 Q. How long have you been in law enforcement?

2 A. Five years.

3 Q. Have you worked for any other agencies?

4 A. Yes. I worked for Winthrop University Police  
5 Department for four and a half years.

6 Q. Okay. Are you familiar with what is known as the  
7 Multi-jurisdictional Drug Unit?

8 A. Yes, ma'am. I was a member of the Drug Unit from  
9 about July 2011 until December of 2013.

10 Q. Okay. So you would have been working on the Drug  
11 Unit on December 12th, 2012?

12 A. Yes, ma'am.

13 Q. Okay. If you think back to that day, were you  
14 involved in an arrest of Sherard Weathers on that day?

15 A. Yes, ma'am.

16 Q. Do you see Sherard Weathers in the courtroom here?

17 A. Yes, ma'am.

18 Q. Could you please point him out for the jury.

19 A. He is in the purple shirt right over there.

20 Q. Thank you.

21 SOLICITOR ROBINSON: May the record reflect he has  
22 identified the defendant, Sherard Weathers.

23 (WITNESS INDICATED TOWARD DEFENDANT SHERARD  
24 WEATHERS.)

25 Q. How, did you come into contact with the defendant on

1 December 12th, 2012?

2 A. Yes, ma'am.

3 Q. Where were you when you came into contact with him?

4 A. On Cherry Road.

5 Q. And is that location in York County?

6 A. Yes, ma'am.

7 Q. About what time was it?

8 A. I believe it was a little bit after eleven.

9 Q. And how is it you came into contact with him?

10 A. It was on a traffic stop.

11 Q. Okay. And were you with any other officers at that  
12 time?

13 A. Yes, ma'am. I was with Office Harrelson and Officer  
14 Ervin.

15 Q. Were you all in the same vehicle or were you in  
16 different vehicles?

17 A. No. At the time of the traffic stop myself and  
18 Officer Ervin were in a vehicle and Office Harrelson was  
19 in a vehicle by himself.

20 Q. Okay. But both of those vehicles were involved in  
21 the traffic stop?

22 A. Yes, ma'am.

23 Q. What kind of vehicle were you in?

24 A. It was a silver Pontiac Grand Prix.

25 Q. Okay. Is it equipped with blue lights?

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON

-63-

1 A. Yes, ma'am.

2 Q. Is it a marked vehicle?

3 A. No, ma'am.

4 Q. Okay. Does it have what's commonly called like a  
5 dash cam, any kind of recording equipment in it?

6 A. No, ma'am.

7 Q. Okay. So it's only police type equipment would be  
8 the blue lights then?

9 A. That's correct.

10 Q. Okay. And you said - Was it Office Harrelson in the  
11 other vehicle?

12 A. Yes, ma'am.

13 Q. Was he in a marked vehicle?

14 A. No, ma'am.

15 Q. Okay. What kind of vehicle was he in? Do you  
16 remember?

17 A. He was in a gold Chevy Equinox.

18 Q. Okay. And that - Was that equipped with blue lights?

19 A. Yes, ma'am.

20 Q. So the same set up as the vehicle you were in, not  
21 marked?

22 A. That's correct.

23 Q. All right. Now, you indicated that you made contact  
24 with the defendant by way of a traffic stop.

25 A. Yes, ma'am.

1 Q. Was there anyone else in the vehicle where the  
2 defendant was?

3 A. No, ma'am.

4 Q. And was he arrested at that time?

5 A. Yes, ma'am.

6 Q. Can you tell me just generally what is the process of  
7 someone being arrested?

8 A. When you are placed under arrest, you are handcuffed  
9 generally behind your back. Advised that you are under  
10 arrest and what for and then you are searched for weapons,  
11 contraband, basically all your items. And then you can  
12 be, if you are going to be interviewed or questioned, read  
13 *Miranda* rights.

14 Q. Okay. Now, let's start there. The first thing you  
15 mentioned would be handcuffed; is that correct?

16 A. Yes, ma'am.

17 Q. Was the defendant handcuffed that night?

18 A. Yes, ma'am.

19 Q. About what time of night was this?

20 A. A little bit after eleven.

21 Q. And did you place the handcuffed on the defendant?

22 A. No, ma'am. Office Harrelson did.

23 Q. Okay. Were you present when he did that?

24 A. Yes, ma'am.

25 Q. Okay. And then the next step you indicated was he

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON

-65-

1 told he was under arrest and searched; is that correct?

2 A. Yes, ma'am.

3 Q. Okay. Tell us what the process is of searching a  
4 person at that time.

5 A. When you search a person, you are going to check  
6 their waistbands, front and back. Any kind of shirt  
7 pockets. Definitely their pockets on their pants, cargo  
8 pockets. Ankles, all the way up their legs. You are  
9 looking for weapons. You are looking for, you know, guns,  
10 knives, razor blades, anything like that, that he could  
11 hurt you with. Even though he is handcuffed, they can  
12 still hurt you.

13 You are looking for contraband that they can't have.  
14 Illegal narcotics, things that they can't take to the jail  
15 with them. And you also want to check their property,  
16 cell phones, wallets, things like that.

17 Q. Okay. And are you aware of whether the defendant was  
18 searched that night?

19 A. Yes. I did.

20 Q. You did the search?

21 A. Yes, ma'am.

22 Q. And where did that take place?

23 A. Right behind Mr. Weathers' vehicle.

24 Q. So you were still out at the scene on the traffic  
25 stop on Cherry Road?

1 A. Yes, ma'am.

2 Q. Did you recover anything from the defendant during  
3 your search?

4 A. Yes, ma'am.

5 Q. Where was the item recovered from?

6 A. His right shorts pocket.

7 Q. Okay. And what did you believe that item to be?

8 A. I recovered what appeared to be crack cocaine in a  
9 plastic bag.

10 Q. Had you in your law enforcement experience previously  
11 been in contact with crack cocaine?

12 A. Yes, ma'am.

13 Q. And so you believed this to be crack cocaine based on  
14 your prior knowledge?

15 A. Yes, ma'am.

16 Q. Okay. And you said that item was in the pocket but  
17 in a bag of some sort?

18 A. Yes, ma'am.

19 Q. Now, what was the next step at that point?

20 A. The next step? I read him his *Miranda* rights.

21 Q. Okay. Did you personally do that?

22 A. Yes, ma'am.

23 Q. Were the other officers you've previously mentioned  
24 still on the scene at that time?

25 A. Yes, ma'am.

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON

-67-

1 Q. . And just to clarify, that was Office Harrelson and  
2 Officer Ervin?

3 A. Yes, ma'am.

4 Q. All right. When you said that you read him his  
5 Miranda rights, how do you go about doing that?

6 A. I read from a card.

7 Q. Do you carry that with you at all times?

8 A. Yes, ma'am.

9 Q. Do you have that with you now?

10 A. Yes, ma'am.

11 Q. Could you please pull it out and could you read that  
12 to the jury.

13 A. Yes, ma'am.

14 "You have the right to remain silent. Anything that  
15 you say can and will be used against you in court. You  
16 have the right to an attorney and have an attorney present  
17 during any questioning. If you cannot afford to - If you  
18 cannot afford an attorney, an attorney will be provided at  
19 no cost. You can decide at any time to exercise these  
20 rights, not answer any questions or make any statements.  
21 Do you understand each of the rights I have explained to  
22 you? Having these rights in mind, do you wish to talk to  
23 me?"

24 Q. Officer, I've handed what has been marked as State's  
25 Exhibit One. Do you recognize that?

1 A. Yes, ma'am.

2 Q. And what is it?

3 A. It's the *Miranda* - It's a copy of the *Miranda* card  
4 that I just read.

5 Q. And is there any notations on that?

6 A. Yes. It says Dantzler read to Weathers.

7 Q. And is that something you do as part as your  
8 investigation or your work on cases?

9 A. Yes. Any time an investigator with the Drug Unit  
10 reads *Miranda* to a suspect, we will make a copy of the  
11 *Miranda* card, note who read it and put it in the case  
12 folder.

13 SOLICITOR ROBINSON: Your Honor, at this time, I  
14 would move to admit State's Exhibit One.

15 MS. ANDERSON: No objection.

16 THE COURT: In without objection.

17 (WHEREUPON, STATE'S EXHIBIT NUMBER ONE, IDENTIFIED  
18 AND MARKED, RECEIVED INTO EVIDENCE.)

19 Q. Now, at the time that you read the *Miranda* rights,  
20 you indicated that was still out on Cherry Road. Correct?

21 A. Yes, ma'am.

22 Q. And you were present along with Office Harrelson and  
23 Officer Ervin and the defendant?

24 A. Yes, ma'am.

25 Q. Was there anyone else besides those people I just

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON

-69-

1 mentioned?

2 A. Other than Weathers, no.

3 Q. And at that time, would you and the other officers  
4 have been armed with firearms?

5 A. Yes, ma'am.

6 Q. Did any of the three of you have those firearms drawn  
7 or pulled out of their holsters?

8 A. No, ma'am.

9 Q. About how old did you believe the defendant to be at  
10 that time?

11 A. His mid-twenties.

12 Q. When you were speaking with him, did he appear to be  
13 under the influence of any kind of drug or alcohol?

14 A. No, ma'am.

15 Q. Did he appear to be mentally handicapped in any way?

16 A. No, ma'am.

17 Q. From what you were able to observe while you were  
18 speaking with him, did he appear to understand what you  
19 had told him about his *Miranda* rights?

20 A. Yes, ma'am.

21 Q. At any time that night, did you or any officer that  
22 you might have heard speak with him, threaten or coerce  
23 Mr. Weathers?

24 A. No, ma'am.

25 Q. Did you make any promises to him in exchange for him

1 speaking with you or any other officer?

2 A. No, ma'am.

3 Q. At any time that night, did you hear the defendant  
4 refuse to speak with you or other officers or ask for an  
5 attorney?

6 A. No, ma'am.

7 Q. Did you actually interview or question the defendant  
8 at all that night?

9 A. I did not.

10 Q. Now, that happened at the roadside and you had also  
11 done your search; is that correct?

12 A. That's correct.

13 Q. What did you do with the bag that you recovered from  
14 his pocket after you recovered it?

15 A. I got an evidence bag out of the back of Investigator  
16 Harrelson's car, put it in the evidence bag and held onto  
17 it.

18 Q. Okay. So that remained in your custody and control  
19 at that point?

20 A. Yes, ma'am.

21 Q. Okay. At some point, did you leave the Cherry Road  
22 traffic stop area?

23 A. Yes, ma'am.

24 Q. Where did you go?

25 A. The Rock Hill Police Department.

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON

-71-

1 Q. Okay. And what vehicle were you in when you headed  
2 back to the Law Center?

3 A. I rode back with Investigator Harrelson. We  
4 switched.

5 Q. Okay. And did Officer Ervin have the other car at  
6 that point?

7 A. Yes, ma'am.

8 Q. So you rode from the scene of the arrest to the Law  
9 Center with Office Harrelson and the defendant?

10 A. That's correct.

11 Q. And about how long did it take to get to the Law  
12 Center?

13 A. Fifteen minutes, max.

14 Q. And during that entire time, did you still have the  
15 evidence bag with the suspected crack cocaine?

16 A. Yes, ma'am.

17 Q. During the ride back to the Law Center, was the  
18 defendant interviewed at that time?

19 A. Yes, ma'am.

20 Q. And do you remember any specifics of the conversation  
21 that took place?

22 A. I remember him saying that he used the crack to put  
23 on top of marijuana and smoke it.

24 Q. Okay. And would he have been handcuffed in that  
25 vehicle?

1 A. Yes, ma'am.

2 Q. Would that be that standard procedure?

3 A. Yes, ma'am.

4 Q. Once you arrived back at the Law Center, what do you  
5 do?

6 A. I logged the evidence.

7 Q. And what does that mean?

8 A. I filled out the evidence bag, the plastic bag with  
9 the crack - what appeared to be crack cocaine inside of  
10 it. Filled out the evidence sheet and at that point, when  
11 I was done with that, I put it into a evidence locker and  
12 locked it.

13 Q. Okay. Now, the evidence locker. Can you tell the  
14 jury a little bit about that? How does that work and  
15 where is it located?

16 A. The evidence locker that I'm talking about is in the  
17 narcotics office in Rock Hill Police Department. It's a  
18 metal locker. There's multiple lockers in there. You  
19 basically swing a door open and you put whatever you need  
20 in there. You close it and it's got a lock. You put the  
21 lock on and you lock it. No one has a key to it except  
22 for the evidence technicians over here at the sheriff's  
23 office and I believe they come by periodically and take  
24 custody of the evidence from the evidence lockers.

25 Q. So based on that description, once you put something

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON

-73-

1 in there are you unable to get it out?

2 A. That's correct. You cannot get that out.

3 Q. Now, Officer Dantzler, I've handed you what's just  
4 now been marked as State's Exhibit Two. Do you recognize  
5 that?

6 A. Yes, ma'am.

7 Q. How do you recognize it?

8 A. This is the evidence bag that I put the - what  
9 appeared to be crack cocaine in.

10 Q. Okay. And how do you know that that's the same bag  
11 that you had that night?

12 A. That's the same bag. That's my handwriting, my  
13 signature.

14 Q. Okay. So when you talked about logging the evidence,  
15 some of that is reflected there on that bag?

16 A. It is. Yes.

17 Q. Okay. And you previously testified that this traffic  
18 stop took place around 11:00 p.m.

19 A. Uh-huh.

20 Q. Does the evidence logging that you do reflect what  
21 time you recovered the evidence?

22 A. Yes. Right here date and time recovery, December  
23 12th, 2012 at 11:18 p.m. Whenever I would recover any  
24 contraband, I would mark the time.

25 Q. Okay. And then does it also reflect when you submit

1 that into that evidence locker that you testified about?

2 A. Yes.

3 Q. And what time did you submit it to the evidence  
4 locker?

5 A. 11:52 p.m..

6 Q. Okay. So in about the thirty, thirty-five minutes  
7 between when you recovered that item and when you  
8 submitted it to the evidence locker, did you have that  
9 item the entire time?

10 A. Yes.

11 Q. Would anyone else have had access to that item while  
12 you had it to alter it or change it in any way?

13 A. No.

14 Q. Okay. And if you could look at what's in that bag,  
15 does that appear to be what you remember collecting on  
16 that night?

17 A. Yes, ma'am.

18 Q. Now, is it just the suspected crack cocaine or does  
19 it also include the bag that you remember recovering?

20 A. It's the plastic bag and what's --

21 Q. So there is a couple bags within bags?

22 A. Yes.

23 Q. And again, do you see the person from whom you  
24 recovered that evidence in the courtroom today?

25 A. Yes, ma'am.

OFFICER JACK DANTZLER: DIRECT BY SOLICITOR ROBINSON  
CROSS BY MS. ANDERSON

-75-

1 Q. And could you please point him out for the jury?

2 A. Yes. It's the man with the purple shirt on.

3 SOLICITOR ROBINSON: Again, please let the record  
4 reflect that he has identified the defendant, Sherard  
5 Weathers.

6 (WITNESS INDICATED TOWARD DEFENDANT SHERARD  
7 WEATHERS.)

8 SOLICITOR ROBINSON: I beg the court's indulgence.

9 (PAUSE AT 11:45 A.M..)

10 Q. Just briefly again going back to when you submit that  
11 evidence. You talked about logging it and information and  
12 you talked about putting it in an evidence bag. Do you  
13 seal the evidence bag?

14 A. Yes.

15 Q. And you do that before you place it into the evidence  
16 locker?

17 A. Yes.

18 Q. If someone tampers with sealed bags, is it evident to  
19 the observer?

20 A. Yes.

21 SOLICITOR ROBINSON: If you would, please answer any  
22 questions from the Defense.

23 CROSS-EXAMINATION

24 OFFICER JACK DANTZLER BY MS. ANDERSON:

25 Q. Officer Dantzler, this was in December. Correct?

1 A. Yes, ma'am.

2 Q. And it was cold weather at this time?

3 A. Yes, ma'am.

4 Q. And you testified this traffic stop was somewhere  
5 around after 11:00 p.m.; is that correct?

6 A. That's correct.

7 Q. Okay. And it was dark at that time as well.  
8 Correct?

9 A. That's correct.

10 Q. And you indicated that both of the police vehicles  
11 being used on that evening were unmarked vehicles.

12 Correct?

13 A. Yes, ma'am.

14 Q. And neither had any sort of video equipment.  
15 Correct?

16 A. That's correct.

17 Q. So you testified as to your search of Mr. Weathers.  
18 That was not captured on video. Correct?

19 A. No, ma'am.

20 Q. Okay. And do you recall what Mr. Weathers was  
21 wearing on that evening?

22 A. I remember shorts.

23 Q. Okay. The only thing you can remember is shorts?

24 A. Yes, ma'am.

25 Q. And you testified as to reading State's Exhibit

OFFICER JACK DANTZLER: CROSS BY MS. ANDERSON

-77-

1 Number One to Mr. Weathers. Correct?

2 A. That's correct.

3 Q. Okay. And did you give him any sort of written form  
4 or just read that?

5 A. I just read that.

6 Q. Did you ever in the course of your interaction with  
7 Mr. Weathers submit him anything in writing to sign?

8 A. No.

9 Q. Okay. And you testified that you rode back to the  
10 Rock Hill Law Center with - in the car with Office  
11 Harrelson and Mr. Weathers. Correct?

12 A. That's correct.

13 Q. And your testimony on direct was that Mr. Weathers  
14 was interviewed at that time. Correct?

15 A. That's correct.

16 Q. And you did not have any interaction with him once  
17 you reached the Law Center; is that correct?

18 A. That's correct.

19 Q. And you were the - Is it correct, you were the only  
20 officer on scene who interacted with this substance you  
21 put into evidence?

22 A. That's correct.

23 Q. What's been - So for identification as State's  
24 Exhibit Number Two, you were the only officer who touched  
25 that on that evening; is that correct?

1 A. That's correct.

2 Q. Okay. And you also testified from the time on scene  
3 on Cherry Road until when you logged it in the evidence  
4 locker, you had it in your possession the whole time.

5 Correct?

6 A. That's correct.

7 Q. Okay. And you did not photograph that item on the  
8 evening of December 12th; is that correct?

9 A. I don't believe I did.

10 Q. Okay. And this item you referenced as State's  
11 Exhibit Number Two is a very small item. Correct?

12 A. Correct.

13 Q. Okay. And it wasn't very heavy in other words.

14 Correct?

15 A. Correct.

16 Q. Doesn't weigh much of anything in terms of feeling in  
17 your hand. In other words, it wouldn't be a heavy item in  
18 your hand?

19 A. That is correct.

20 Q. And that was the only item you say you recovered from  
21 Mr. Weathers and put into evidence. Correct?

22 A. Correct.

23 Q. Okay. There was no other items associated with  
24 narcotics that you found in a search with him that you say  
25 you put into evidence, in other words?

OFFICER JACK DANTZLER: CROSS BY MS. ANDERSON  
OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON

-79-

1 A. That's correct.

2 Q. Okay.

3 MS. ANDERSON: I beg the court's indulgence.

4 (PAUSE.)

5 MS. ANDERSON: Nothing further, Your Honor.

6 SOLICITOR ROBINSON: Your Honor, the State has  
7 nothing further from this witnesses. May he be excused?

8 THE COURT: You can step down and have a seat. You  
9 can be excused.

10 (WITNESS LEAVING WITNESS STAND.)

11 THE COURT: Call your next witness.

12 SOLICITOR ROBINSON: Your Honor, the State calls  
13 Officer Leland Harrelson.

14 (WHEREUPON, HUGH LELAND  
15 HARRELSON, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS  
16 FOLLOWS:)

17 DIRECT EXAMINATION

18 OFFICER LELAND HARRELSON BY SOLICITOR ROBINSON:

19 Q. If you could please introduce yourself to the jury.

20 A. My name is Hugh Leland Harrelson, Junior.

21 Q. And where do you work?

22 A. I'm employed with the Rock Hill Police Department and  
23 I am currently assigned as an investigator with the York  
24 County Multi-jurisdictional Drug Enforcement Unit.

25 Q. Have long have you been working in law enforcement?

1 A. I've been in law enforcement approximately six years  
2 and I've been assigned to the Drug Unit approximately  
3 four.

4 Q. And does that mean that your assignment would have  
5 been with the Drug Unit back in December of 2012?

6 A. Yes, ma'am, that is correct.

7 Q. Okay. Were you involved in the arrest of Sherard  
8 Weathers on December 12th, 2012?

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

10 Q. Where were you when you first made contact with him?

11 A. I initiated a traffic stop on Mr. Weathers.

12 Q. And where was that?

13 A. It was on Cherry Road in the vicinity of Mount  
14 Gallant Road.

15 Q. Is that in York County?

16 A. Yes, it is.

17 Q. And about what time was it when you made this  
18 contact?

19 A. It was around 11:00 p.m. in the evening.

20 Q. And were you with anyone else at that time?

21 A. I was in a vehicle by myself. I did have two other  
22 officers with me. They were in another vehicle.

23 Q. Were either of those vehicles marked vehicles?

24 A. No. They were both unmarked vehicles.

25 Q. You indicated that you initiated a traffic stop.

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON

-81-

1 Does that mean they are equipped with blue lights?

2 A. That is correct. When I initiate a traffic stop, I  
3 activate my blue lights and also I have a siren inside my  
4 vehicle.

5 Q. Would your vehicle be equipped with recording  
6 equipment like dash cams?

7 A. No. My vehicle is not equipped with a dash cam.

8 Q. And what were the names of the other officers?

9 A. Officer Dantzler and Officer Ervin.

10 Q. And they were in a separate car from you?

11 A. That is correct.

12 Q. When the traffic stop took place, was the defendant  
13 with anyone else at that time?

14 A. He was not.

15 Q. Was he arrested at that time?

16 A. Yes, he was.

17 Q. Who placed him under arrest?

18 A. I did.

19 Q. How did you go about doing that?

20 A. I ask Mr. Weathers to step out of the vehicle. I  
21 placed him under arrest. Placed his hands behind his back  
22 and placed him in handcuffs.

23 Q. Okay. And what is the next step at that point in an  
24 arrest?

25 A. At that point, Officer Dantzler searched Mr. Weathers

1 incident to arrest.

2 Q. Were you present when Officer Dantzler conducted that  
3 search?

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

5 Q. Are you aware of whether or not Officer Dantzler  
6 recovered anything at that time?

7 A. Yes. Officer Dantzler recovered a small plastic  
8 baggy that had what we thought was crack cocaine.

9 Q. Okay. Now, are individuals that are placed under  
10 arrest always searched?

11 A. Yes. Every individual is searched incident to arrest  
12 to make sure the individual doesn't have any weapons or  
13 contraband on their person.

14 Q. Now once Officer Dantzler recovered the suspected  
15 crack cocaine from the defendant's pocket, what did he do  
16 with it?

17 A. Officer Dantzler kept it in his possession.

18 Q. Okay. What was the next step in the arrest process  
19 that night?

20 A. Officer Dantzler read Mr. Weathers his *Miranda*  
21 warnings, which I witnessed.

22 Q. So were you within hearing distance at that time?

23 A. Yes, ma'am, that is correct.

24 Q. And who else was present beside yourself, Officer  
25 Dantzler, and Sherard Weathers?

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON

-83-

1 A. Officer Ervin was also present.

2 Q. Were any of the officers on the scene, you, Dantzler  
3 or Ervin, were you all armed with your firearms at that  
4 time?

5 A. Yes, ma'am, we were.

6 Q. Did any of you have those firearms in your hands or  
7 have them brandished in any way towards the defendant at  
8 that time he received his *Miranda* rights?

9 A. No, ma'am, we did not.

10 Q. Did you or any of the other officers in your presence  
11 ever brandish a firearm towards the defendant that night?

12 A. No, ma'am, we did not.

13 Q. About how old was the defendant at that time?

14 A. In his mid-twenties.

15 Q. And did he appear to be under the influence of any  
16 drugs or alcohol?

17 A. He did not.

18 Q. Did he appear to be mentally handicapped in any way?

19 A. No, he did not.

20 Q. From what you were able to observe, did he appear to  
21 understand what he was being told regarding his *Miranda*  
22 rights?

23 A. Yes, ma'am.

24 Q. And did he at any time that night refuse to speak  
25 with you or other officers or ever ask for an attorney?

1 A. No, he did not.

2 Q. Did you in fact speak with him that night?

3 A. Yes, I did.

4 Q. When and where did those -- did the conversation first  
5 take place?

6 A. I spoke with him back at the Rock Hill Law Center.

7 We conducted the booking process. After the booking  
8 process, I spoke with Mr. Weathers.

9 Q. Okay. I'm going to back you up just a little bit  
10 because I went from the scene of the traffic stop to the  
11 Law Center. The *Miranda* rights, that took place at the  
12 scene of the traffic stop; is that correct?

13 A. That is correct.

14 Q. Okay. How did you then get from the scene of the  
15 traffic stop to the Law Center?

16 A. I transported Mr. Weathers in my vehicle along with  
17 Officer Dantzler to the Rock Hill Law Center.

18 Q. And was he in handcuffs at that time?

19 A. Yes, ma'am, he was.

20 Q. Did you have any conversation with him during  
21 transport?

22 A. There was some general conversation during transport.

23 Q. Now at any time during any point during that evening,  
24 did you make him any promises in exchange for speaking  
25 with you?

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON

-85-

1 A. No, ma'am, I did not.

2 Q. Did you or any of the other officers threaten or  
3 coerce the defendant into speaking with you?

4 A. No, ma'am, we did not.

5 Q. To your knowledge, each time you spoke with the  
6 defendant, did he appear to be speaking freely and  
7 voluntarily?

8 A. Yes, ma'am.

9 Q. When you got to the Law Center, you indicated you  
10 spoke with him again. Where did that take place?

11 A. It took place in a conference room in the narcotics  
12 office, which is located inside the Rock Hill Police  
13 Department.

14 Q. And you - I also believe you testified you discussed  
15 his charge at that time?

16 A. Yes, I did.

17 Q. So would he have been aware at that point that you  
18 had recovered what you believed to be crack cocaine from  
19 his pocket?

20 A. That is correct. Yes, ma'am.

21 Q. And that he was being charged for a possession charge  
22 related to that?

23 A. Yes, ma'am.

24 Q. Now when you spoke with him in this conference room,  
25 was anyone else present with you?

1 A. No, ma'am. Just myself and Mr. Weathers.

2 Q. And was he in handcuffs still at that time?

3 A. He was not. We had already taken the handcuffs off.

4 Q. And how long did you speak with him?

5 A. Approximately five to ten minutes.

6 Q. Did he ask for any breaks while you were speaking  
7 with him?

8 A. No, he did not.

9 Q. Now, during that conversation with him, did he make  
10 any statements to you in reference to crack?

11 A. Yes, he did.

12 Q. What is it that he told you?

13 A. He stated he would place crack in a marijuana  
14 cigarette and smoke it.

15 Q. Now, earlier there has been testimony about the item  
16 recovered from the defendant's pocket. Correct?

17 A. That is correct.

18 Q. And in your prior experience, you believed it to be  
19 crack cocaine?

20 A. That is correct.

21 Q. In your experience, would you say that it was a  
22 relatively large or small amount of crack cocaine that was  
23 recovered?

24 A. It was a very small amount.

25 Q. Would the amount that was recovered be consistent

OFFICER LELAND HARRELSON: DIRECT BY SOLICITOR ROBINSON  
CROSS BY MS. ANDERSON

-87-

1 with the statement that the defendant gave that day?

2 A. Yes, it would.

3 MS. ANDERSON: Objection, Your Honor.

4 THE COURT: Yeah, I sustain the objection.

5 That's - Disregard that question and answer, members  
6 of the jury.

7 BY SOLICITOR ROBINSON:

8 Q. Do you see the person here in the courtroom today who  
9 both made the statement to you and from whom Officer  
10 Dantzler recovered the suspected crack cocaine?

11 A. Yes, ma'am, I do.

12 Q. Can you please point him out for the jury?

13 A. The gentleman sitting there in the purple shirt.

14 SOLICITOR ROBINSON: Please let the record reflect  
15 that he has identified the defendant.

16 (WITNESS INDICATED TOWARD THE DEFENDANT.)

17 SOLICITOR ROBINSON: Beg the court's indulgence.

18 (PAUSE.)

19 SOLICITOR ROBINSON: If you could please answer any  
20 questions from the defense.

21 CROSS-EXAMINATION

22 OFFICER LELAND HARRELSON BY MS. ANDERSON:

23 Q. Office Harrelson, you just testified about the  
24 statement you said Mr. Weathers made and that took place  
25 you said, your testimony was, in the Rock Hill Law Center

1 in a conference room in the narcotics office; is that  
2 correct?

3 A. Yes, ma'am, that is correct.

4 Q. And that discussion or interview of him was not  
5 recorded. Correct?

6 A. That is correct.

7 Q. Neither with video or audio. Correct?

8 A. Yes, ma'am, that is correct.

9 Q. And there is no written statement in connection with  
10 this case signed by Mr. Weathers. Correct?

11 A. That is correct.

12 Q. Okay. And there is no sort of typed out sort of  
13 interview whether question and answer format that you  
14 generated in connection with this. Correct?

15 A. That is correct.

16 Q. And you indicated this happened - You were the only  
17 one in the room; is that correct?

18 A. That is correct.

19 Q. And none of the other officers who had been on scene  
20 at the traffic stop were present at the time. Correct?

21 A. They were not in the conference room with me.

22 Q. Okay. And this statement that - this statement as to  
23 alleged crack cocaine occurred in the interview room.  
24 Correct?

25 A. Could you repeat that.

OFFICER LELAND HARRELSON: CROSS BY MS. ANDERSON

-89-

1 Q. In the narcotics interview room, no question in your  
2 mind about that. Correct?

3 A That is correct.

4 Q. And that's the only statement that you say Mr.  
5 Weathers made in connection to that item there. Correct?

6 A. That is correct.

7 Q. And when you were speaking with Mr. Weathers in the  
8 conference room, did you show him this item that you said  
9 had been recovered from him?

10 A. No, ma'am, I did not.

11 Q. And I believe that was - Officer Dantzler had that  
12 item with him; is that correct?

13 A. That is correct. The item was in Officer Dantzler's  
14 possession.

15 Q. Okay. And so you didn't have any sort of - scratch  
16 that. To your knowledge, Officer Dantzler did not conduct  
17 any field tests on that; is that correct?

18 A. Not to my knowledge.

19 Q. Okay. And you didn't either. Correct?

20 A. That is correct. I did not.

21 Q. And I think we have already covered but just to sort  
22 of hit again, it's correct, your vehicle was not equipped  
23 with any sort of vehicle? Correct?

24 A. That is correct. My vehicle is not equipped with  
25 video.

OFFICER LELAND HARRELSON: CROSS BY MS. ANDERSON  
REDIRECT BY SOLICITOR ROBINSON

-90-

1 Q. So there is no video in other words of either the  
2 traffic stop or the transport of Mr. Weathers back to the  
3 Rock Hill Law Center; is that correct?

4 A. That is correct.

5 MS. ANDERSON: I beg the court's indulgence.

6 (PAUSE.)

7 Q. Do you recall, Office Harrelson, what Mr. Weathers  
8 was wearing this evening?

9 A. I do not.

10 Q. Okay. And do you recall the temperature of the  
11 evening?

12 A. No, ma'am, I did not.

13 Q. Okay. It was December though. Correct?

14 A. That is correct.

15 Q. Okay.

16 MS. ANDERSON: Nothing further, Your Honor.

17 SOLICITOR ROBINSON: Just a few quick questions, Your  
18 Honor.

19 REDIRECT EXAMINATION

20 OFFICER LELAND HARRELSON BY SOLICITOR ROBINSON:

21 Q. Office Harrelson, after you conducted the interview  
22 with the defendant, do you speak with the other officers  
23 on the case with you?

24 A. Yes, I do.

25 Q. Would you at any time have informed them of your

OFFICER LELAND HARRELSON: REDIRECT BY SOLICITOR ROBINSON

-91-

1 interview and statement made by the defendant to the other  
2 officers on the case?

3 A. Yes, ma'am. We would have discussed it.

4 SOLICITOR ROBINSON: Thank you. No further  
5 questions.

6 MS. ANDERSON: Nothing further.

7 THE COURT: You can step down and have a seat back  
8 out there.

9 (WITNESS LEAVING WITNESS STAND.)

10 THE COURT: Members of the jury panel, it is almost  
11 twelve so we are going to stop for lunch until 1:15. The  
12 bailiffs will tell you how to go in and out of the  
13 building while you are serving as a juror.

14 Keep in mind what I told you about not discussing the  
15 case or trying to make up your own mind.

16 Have a pleasant lunch and we'll see you back at 1:15.

17 (JURY EXITS COURTROOM FOR LUNCH RECESS AT 12:00 P.M.)

18 THE COURT: Anything from the State before we break  
19 for lunch?

20 SOLICITOR ROBINSON: No, Your Honor.

21 THE COURT: Defense?

22 MS. ANDERSON: No, Your Honor.

23 THE COURT: All right. We'll see you back at 1:15.

24 Have a pleasant lunch. Thank you.

25 (COURT IN LUNCH RECESS @ 12:00 P.M.)

PATRICK PATTERSON: DIRECT BY SOLICITOR ROBINSON

-92-

1 (COURT BACK IN SESSION AT 01:25 P.M..)

2 THE COURT: Thank you. Take your seats.

3 We'll get Mr. Weathers out.

4 (WHEREUPON, STATE'S EXHIBIT NUMBER THREE PREMARKED  
5 FOR IDENTIFICATION.)

6 (DEFENDANT, SHERARD WEATHERS, REENTERS COURTROOM.)

7 THE COURT: Is the State ready to proceed?

8 SOLICITOR ROBINSON: Yes, Your Honor.

9 THE COURT: Defense?

10 MS. ANDERSON: Yes, Your Honor.

11 THE COURT: All right. Bring in the jury.

12 (JURY REENTERS COURTROOM AT 01:27 P.M..)

13 THE COURT: You may call your next witness.

14 SOLICITOR ROBINSON: Your Honor, the State calls  
15 Patrick Patterson.

16 WHEREUPON, PATRICK PATTERSON,  
17 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

18 MADAM CLERK: Thank you. Please have a seat.

19 DIRECT EXAMINATION

20 PATRICK PATTERSON BY SOLICITOR ROBINSON:

21 Q. Would you please introduce yourself to the jury?

22 A. Patrick Patterson.

23 Q. And where do you work?

24 A. York County Sheriff's Office.

25 Q. How long have you worked there?

PATRICK PATTERSON: DIRECT BY SOLICITOR ROBINSON

-93-

1 A. Three and a half years.

2 Q. And what is your assignment or job there?

3 A. Job title is Evidence Control Technician.

4 Q. And what does that mean that you do?

5 A. It consists of we take in evidence, take custody of  
6 evidence. Sometimes we transport it from a satellite  
7 location to our location here at Moss Justice. Once that  
8 evidence is in our custody, we secure that evidence and  
9 keep it secure until it leaves our custody.

10 Q. Now, Mr. Patterson, I've handed you what has been  
11 marked as State's Exhibit Two. Is that something that you  
12 recognize?

13 A. Yes, ma'am.

14 Q. And how do you recognize it?

15 A. I picked up this piece of evidence from the Rock Hill  
16 P.D. drop on December 14th, 2012, and I recognize that by  
17 my signature.

18 Q. Okay. And the Rock Hill P.D. drop, is that one of  
19 the satellite locations you referenced?

20 A. Yes, ma'am.

21 Q. And who has access to that drop?

22 A. Myself and two co-workers.

23 Q. And are those co-workers also people who work in the  
24 evidence department?

25 A. Yes, ma'am.

1 Q. Now, when you first received that bag over in Rock  
2 Hill, did you notice any evidence of tampering?

3 A. No, ma'am.

4 Q. Was the bag sealed?

5 A. Yes, ma'am.

6 Q. And what do you do with it once you retrieve an item  
7 from the evidence drop in Rock Hill?

8 A. I check it for accuracy. I sign it; sign the custody  
9 to myself, and then transport it to here at Moss Justice.

10 Q. When you say check it for accuracy, what do you mean?

11 A. Just make sure everything matches as far as  
12 information on the bag and information on the evidence  
13 sheet that is dropped with it.

14 Q. Okay. And you testified that you bring it back  
15 here; is that correct?

16 A. Yes, ma'am.

17 Q. Is anyone with you while you are doing this?

18 A. Usually not, no.

19 Q. The evidence that you pick up from Rock Hill and  
20 bring here, does it remain in your custody and control for  
21 the entire transport?

22 A. Yes, ma'am. It never leaves my custody.

23 Q. Okay. And when you reach the Moss Justice Center,  
24 what do you do with that bag?

25 A. I bring it into our evidence room where it is

PATRICK PATTERSON: DIRECT BY SOLICITOR ROBINSON

-95-

1       secured.

2       Q.    What does that mean, bring it to the evidence room  
3       and securing it? What process is that for you?

4       A.    It's just coming into the building. Unlocking the  
5       door to our evidence room, entering in and locking it  
6       behind me as it's secured.

7       Q.    Is it logged in or recorded in any way at that point?

8       A.    It is. Once we have it in, we log everything in and  
9       give it a location.

10      Q.    And does anyone else have access to that evidence  
11      room?

12      A.    My same two co-works in Evidence. Three of us have  
13      access.

14      Q.    Okay. And between the three of you, you are all  
15      responsible for making sure evidence is handled properly  
16      in York County?

17      A.    Yes, ma'am.

18      Q.    All right. So you testified you recovered that on  
19      December 14th?

20      A.    Yes, ma'am.

21      Q.    And then you would have brought it back to the Moss  
22      Justice Center that same day?

23      A.    Yes, ma'am.

24      Q.    Did you have contact with that piece of evidence at  
25      any time after that fact?

PATRICK PATTERSON: DIRECT BY SOLICITOR ROBINSON  
CROSS BY MS. ANDERSON

-96-

1 A. On January 3rd, 2013, I signed this piece of evidence  
2 over to Cynthia Mitchum, our chemist.

3 Q. Okay. And when you were signing it over to her,  
4 could you tell whether or not it had been opened or  
5 tampered with since you had previously logged it in?

6 A. No, ma'am. It had not been tampered with.

7 Q. And then you testified that you gave it to Cynthia  
8 Mitchum?

9 A. Yes, ma'am.

10 Q. And in person, you handed it to her?

11 A. Yes.

12 Q. Does that take place here at the Moss Justice Center?

13 A. Yes.

14 Q. When you hand it over to the chemist, Ms. Mitchum,  
15 does it remain sealed at that time? You give her the  
16 whole bag?

17 A. Yes, ma'am.

18 SOLICITOR ROBINSON: If you could please answer any  
19 questions of the defense.

20 CROSS-EXAMINATION

21 PATRICK PATTERSON BY MS. ANDERSON

22 Q. Mr. Patterson, you don't have any contact with this  
23 item prior to picking it up from Rock Hill evidence drop.  
24 Correct?

25 A. No, ma'am.

PATRICK PATTERSON: CROSS BY MS. ANDERSON

-97-

1 Q. So no knowledge of the allegations of anything in  
2 connection with this?

3 A. No, ma'am.

4 Q. And on the front of that bag, just reviewing that bag  
5 that you've testified to that you transported, just  
6 reviewing the front of the bag, there is no where that  
7 indicates any sort of weight on that bag; is that correct?

8 A. Not that I see no, ma'am.

9 Q. Okay. And you don't conduct any sort of weighing or  
10 testing of the item yourself. Correct?

11 A. No, ma'am.

12 Q. Okay.

13 MS. ANDERSON: No further questions, Your Honor.

14 SOLICITOR ROBINSON: May he be excused, Your Honor?

15 THE COURT: You can be excused. We appreciate your  
16 time. Thank you.

17 (WITNESS LEAVING WITNESS STAND.)

18 THE COURT: Call your next witness.

19 SOLICITOR ROBINSON: Your Honor, the State calls  
20 Cynthia Mitcham.

21 (WHEREUPON, CYNTHIA MITCHAM,  
22 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

23 DIRECT EXAMINATION

24 CYNTHIA MITCHAM BY SOLICITOR ROBINSON:

25 Q. If you could please introduce yourself to the jury.

1 A. I'm Cynthia Mitchum.

2 Q. And where do you work?

3 A. I work with the York County Sheriff's Office in the  
4 Drug Analysis Laboratory.

5 Q. And what is your position in the laboratory?

6 A. I am the drug chemist and I will analyze substances  
7 that are submitted to me by the officers for controlled  
8 and non-controlled substances.

9 Q. Okay. And how long have you worked there?

10 A. I've been at the Sheriff's office now for fourteen  
11 years.

12 Q. Have you previously worked in the same type of job  
13 capacity?

14 A. Yes.

15 Q. And where was that?

16 A. I worked for South Carolina Law Enforcement Division,  
17 commonly known as SLED, in Columbia, South Carolina for  
18 seven and a half years.

19 Q. So total over twenty years working as a chemist?

20 A. Yes.

21 Q. Was all that testing controlled substances?

22 A. Yes.

23 Q. Now, do you have prior education or training that  
24 qualifies you to be able to perform these tests?

25 A. Yes, I do.

CYNTHIA MITCHUM: DIRECT BY SOLICITOR ROBINSON

-99-

1 Q. And what is that?

2 A. I have a Bachelor of Science degree that I received  
3 in chemistry from Winthrop University in 1990 and I've  
4 also gone through various programs for analytical  
5 chemistry in instrumentation and how to analyze  
6 substances.

7 Q. Okay. Have you ever been qualified in court as an  
8 expert in drug identification and analysis?

9 A. Yes, I have.

10 Q. About how many times?

11 A. In excess of two hundred times.

12 SOLICITOR ROBINSON: Your Honor, at this time the  
13 State would offer Ms. Mitchum as an expert in the analysis  
14 and identification of illegal drugs and controlled  
15 substances.

16 MS. ANDERSON: No objection, Your Honor.

17 THE COURT: I find she is qualified.

18 BY SOLICITOR ROBINSON:

19 Q. Ms. Mitchum, I've handed you what has been marked as  
20 State's Exhibit Two. Do you recognize that?

21 A. Yes, I do.

22 Q. And how do you recognize it?

23 A. I can recognize this through the case number and the  
24 bar code number and also with my signature in the chain of  
25 custody and on the evidence itself.

1 Q. That's your own handwriting on the bag?

2 A. Yes, it is.

3 Q. Okay. Now when did you first have contact with that?

4 A. I received this January 3rd of 2013.

5 Q. And when you received that bag, did it appear to have  
6 been tampered with in any way?

7 A. No, and I know this because I received first this  
8 inner bag that has the blue filergree on it, and it's got,  
9 Okay, the day I received it and my initials and that means  
10 that I looked at the bag and checked it and that it was  
11 intact and it had not been tampered with.

12 Q. So when you receive anything for testing, you are  
13 looking for it to start no opening of the bag?

14 A. Correct.

15 Q. So it's still sealed?

16 A. Correct.

17 Q. Now, once you pick it up from evidence; is that  
18 correct?

19 A. Yes.

20 Q. On January 3rd?

21 A. Correct.

22 Q. What do you do with it?

23 A. It then gets stored in the drug analysis laboratory.  
24 I have a locker back there that I only have the keys for  
25 it and it gets stored there until I have a chance to do my

CYNTHIA MITCHUM: DIRECT BY SOLICITOR ROBINSON

-101-

1 analysis on it..

2 Q. So nobody else would have access to it while it's  
3 waiting to be tested?

4 A. That is correct.

5 Q. Now, in general description, what was contained in  
6 that bag when you received it?

7 A. It was a zip lock containing a plastic bag with a  
8 rock substance inside of that.

9 Q. Okay. And so there's an evidence bag; is that  
10 correct?

11 A.. Correct.

12 Q. That an officer would have put the item into?

13 A. That's correct.

14 Q. And then inside of that there is more plastic  
15 packaging?

16 A. Correct.

17 Q. And a rock substance?

18 A. Yes.

19 Q. Did you analyze the substance, the rock substance?

20 A. Yes, I did.

21 Q. And what did you find it to be?

22 A. State's Exhibit Number Two, which is Item Number One  
23 in this case, was found to be cocaine base, also known as  
24 crack, in the amount of 0.04 grams or 0.61 grains and  
25 that's a controlled II substance.

1 Q. And you said the amount is .04 grams?

2 A. Correct.

3 Q. Did you make a written report of your findings?

4 A. Yes, I did.

5 Q. Now the document I just handed back to you, that's  
6 been marked as State's Exhibit Three, is that the written  
7 report you just referenced?

8 A. Yes.

9 Q. And when was that report made?

10 A. This report was made May the 9th of 2014.

11 Q. So after you identified what the substance is?

12 A. Yes.

13 Q. And after you have run the tests, what do you do with  
14 the evidence?

15 A. Then what I do is I seal it in this outer bag here  
16 that I have in the laboratory and I'll seal that bag and  
17 then it will stay in my custody until I have a chance to  
18 return it back to the agency it goes to. And that is  
19 still sealed today with the date I sealed it and my  
20 initials in the heat seal.

21 Q. So as far as you can tell, nothing has changed about  
22 it since you last had it?

23 A. That's correct.

24 Q. Now, just briefly, you indicated that report was done  
25 on May 9th?

CYNTHIA MITCHUM: DIRECT BY SOLICITOR ROBINSON

-103-

1 A. Yes. May 9th of 2014.

2 Q. Is that when you did the testing?

3 A. No it's not when I did the testing.

4 Q. When did you do the testing?

5 A. I actually did the testing on February the 28th of  
6 2013.

7 Q. Okay. You indicated you received it on January the  
8 3rd

9 A. Correct.

10 Q. And so between the January 3rd date and the February  
11 testing date, it would have been in your evidence locker  
12 in your lab; is that correct?

13 A. That is correct.

14 Q. And then once when you do the testing in February,  
15 how do you keep track of what your results were?

16 A. I have a work sheet, a case jacket, that has all of  
17 the results in it that I keep the results and everything  
18 in that case jacket in the laboratory.

19 Q. Okay. So then it was just at a later date that you  
20 created the report that's State's Exhibit Three?

21 A. Right. That's correct. The solicitor's office,  
22 basically when they are ready to go forth with a case,  
23 they will ask me to do a formal report and I'll type the  
24 formal report at that time.

25 Q. But that does reflect what you found in February when

CYNTHIA MITCHUM: DIRECT BY SOLICITOR ROBINSON  
CROSS BY MS. ANDERSON

-104-

1 you tested this substance?

2 A. Yes.

3 SOLICITOR ROBINSON: Your Honor, at this time the  
4 State would move to admit State's Exhibit Two, which is  
5 the bag, and State's Exhibit Three, which is her report.

6 MS. ANDERSON: No objection.

7 THE COURT: In without objection.

8 WHEREUPON, STATE'S EXHIBIT NUMBER TWO AND THREE,  
9 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

10 SOLICITOR ROBINSON: I beg the court's indulgence.

11 (PAUSE.)

12 SOLICITOR ROBINSON: If you could answer any  
13 questions from the defense.

14 CROSS-EXAMINATION

15 CYNTHIA MITCHUM BY MS. ANDERSON:

16 Q. Ms. Mitchum, when you analyze something, you don't  
17 have any knowledge of the allegations of the case.

18 Correct?

19 A. Correct. Other than the paperwork that I receive.  
20 Personal knowledge, no.

21 Q. Okay. And when you analyzed State's Exhibit Number  
22 Two, did you weigh that item?

23 A. I did.

24 Q. And when you weigh the item did you weigh that with  
25 the, sort of the I guess we could say the inner bag, or

CYNTHIA MITCHUM: CROSS BY MS. ANDERSON

-105-

1 separate from that?

2 A. No. I weighed just the substance itself so no bags  
3 or packaging at all.

4 Q. Okay. And cocaine base is something commonly  
5 referred to as crack cocaine; is that correct?

6 A. That's correct.

7 Q. The two terms are simultaneous or interchangeable, I  
8 guess?

9 A. Correct.

10 Q. And generally, cocaine base it not purely the  
11 controlled substance. Correct?

12 A. That's correct.

13 Q. And there will be some other substances, some degree  
14 of that mixed in; is that correct?

15 A. Yes. That's correct.

16 Q. So there will be some amount within an item that may  
17 not be controlled substance?

18 A. That's correct.

19 Q. And the tests that are - there are a few tests that  
20 can be performed or used to chemically analyze something  
21 suspected to be a controlled substance. Correct?

22 A. Yes.

23 Q. Okay. And which test did you use on State's Exhibit  
24 Number Two?

25 A. First I use a color test and then I use an

1 instrumental test.

2 Q. Okay. And the instrumental test, what does that sort  
3 of distinguish or what is that looking for?

4 A. It's actually looking for the controlled substance  
5 itself. When I put a portion of the substance, I dissolve  
6 it into a chemical and then put it through the instrument  
7 and it will spit out some results. I'll compare those to  
8 known samples and then I can get my result from that.

9 Q. Will that test pull up everything within a substance?

10 A. Not everything. Such as maybe not - It won't pull up  
11 sugars. It can't see sugars.

12 Q. Okay. So it is just looking for some presence of a  
13 controlled substance within that item. Is that accurate?

14 A. That's accurate. It can pull up stuff like caffeine.  
15 I can see pseudoephedrine. Things like that that are not  
16 controlled so I can see those also.

17 Q. Okay. But some things such as you said sugar, baking  
18 soda, something like that that didn't have any sort of --

19 A. Carbon base.

20 Q. Okay. And does that test weigh the item? Yes or no.

21 A. No. It does not weigh the item. I weight it  
22 separately on a balance.

23 Q. Okay. And were there any other tests performed on  
24 State's Exhibit Number Two?

25 A. The color test.

CYNTHIA MITCHUM: CROSS BY MS. ANDERSON  
REDIRECT BY SOLICITOR ROBINSON

-107-

1 Q. The color test?

2 A. Yes.

3 Q. Are there some tests that can be used sort of out, I  
4 guess you would say in the field, initially by officers?

5 A. They use what's called a field test and basically  
6 it's just like my color test that they can buy from the  
7 company and it gives them an idea of what they might be  
8 looking at.

9 Q. Okay.

10 MS. ANDERSON: Beg the court's indulgence.

11 (PAUSE.)

12 MS. ANDERSON: Nothing further, Your Honor.

13 SOLICITOR ROBINSON: Just a few questions, Your  
14 Honor.

15 REDIRECT EXAMINATION

16 CYNTHIA MITCHUM BY SOLICITOR ROBINSON:

17 Q. You testified about field tests. Are those  
18 definitive tests?

19 A. No. They are just a presumptive tests that gives the  
20 officer an idea that he might be looking at a controlled  
21 substance.

22 Q. So to determine the actual identity of a substance,  
23 you would need to perform additional tests?

24 A. Correct.

25 Q. Is that the instrumental test you were referring to?

1 A. Yes.

2 Q. Now you also testified about other substances that  
3 could be identified.

4 A. Yes.

5 Q. And my question is, regardless of what other  
6 substances being there, your result was that this was  
7 crack cocaine; is that correct?

8 A. That is correct.

9 Q. And would the fact that this test could identify  
10 other substances make that any less valid, that  
11 conclusion?

12 A. No.

13 SOLICITOR ROBINSON: No further questions.

14 THE COURT: Ms. Anderson, anything further?

15 MS. ANDERSON: Nothing further, Your Honor.

16 THE COURT: You can step down and be excused. We  
17 appreciate your time. Thank you.

18 (WITNESS LEAVING WITNESS STAND.)

19 THE COURT: Call your next witness.

20 SOLICITOR ROBINSON: Your Honor, at this time the  
21 State rests.

22 THE COURT: Members of the jury panel, the State is  
23 resting. That means the State is telling us it has  
24 presented it's case.

25 We have to take a break at this time for me to go

-109-

1 over matters with the attorneys and we'll - you're not yet  
2 in a position to start discussing the case or try to make  
3 up your own mind but I'm gonna let you go to the jury room  
4 just for a few minutes while we take up some matters  
5 outside your presence.

6 (JURY EXITS COURTROOM AT 1:46 P.M.)

7 THE COURT: Anything from the State?

8 SOLICITOR ROBINSON: No, Your Honor.

9 THE COURT: Ms. Anderson?

10 MS. ANDERSON: May it please the Court, Your Honor,  
11 at this time on Mr. Weathers behalf I would for the record  
12 make a motion for a directed verdict.

13 THE COURT: I deny the motion. I find that there is  
14 sufficient direct evidence from which a jury could reach a  
15 conclusion, not that they will, that the State has carried  
16 it's burden of proof and proven by beyond a reasonable  
17 doubt that Mr. Weathers at the time and location indicated  
18 he did possess crack cocaine.

19 All right. Mr. Weathers, can you hear me?

20 MR. WEATHERS: Yes, sir.

21 THE COURT: We've reach the point in the trial where  
22 you have a right to present a defense if you would like  
23 but you don't have to present a defense because you are  
24 presumed innocent of this charge. The State has to prove  
25 your guilt beyond a reasonable doubt. You do not have to

1 prove your innocence. You can call witnesses if you wish.

2 You have also the right to testify and you have the  
3 right to remain silent. If you testify, the State would  
4 be able to ask you questions about this incident and also  
5 ask you questions about those two instances we talked  
6 about earlier, a false report to the police and an assault  
7 case. They can ask you whether or not you have been  
8 convicted for a felony and whether or not you've been  
9 convicted for in your past for giving false information.

10 They are allowed to ask these questions and they  
11 answers are allowed into evidence only regarding your  
12 believability and I'll tell the jury that.

13 I'll tell the jury that any prior record that you  
14 have can be considered only when they consider whether or  
15 not to believe you, not whether or not you committed this  
16 offense.

17 But you also have a right to remain silent. If you  
18 remain silent, I will tell the jury that you have  
19 exercised your constitutional right to remain silent. I  
20 will tell that they cannot use that against you in any way  
21 whatsoever and remind them that you are presumed innocent  
22 and need not prove your innocence and charge them that  
23 they cannot sue that against you and they cannot factor it  
24 into their own consideration and that the State has to  
25 prove your guilt beyond a reasonable doubt.

1 Do you have any questions about that?

2 MR. WEATHERS: No, sir.

3 THE COURT: You understand it?

4 MR. WEATHERS: Yes, sir.

5 THE COURT: Ms. Anderson, have you discussed that  
6 with him?

7 MS. ANDERSON: Yes, Your Honor.

8 THE COURT: Do you believe he understands it?

9 MS. ANDERSON: Yes, Your Honor.

10 THE COURT: All right. Mr. Weathers are you going to  
11 testify or exercise your right to remain silent?

12 MR. WEATHERS: I'd like to exercise my right, Your  
13 Honor.

14 THE COURT: Okay. Then I'll have to turn to your  
15 attorney, and do you have anything further?

16 MS. ANDERSON: No, Your Honor.

17 THE COURT: All right. So you're ready for the case  
18 to go to the jury.

19 MS. ANDERSON: Yes, Your Honor. I will say as well,  
20 I passed up to Your Honor and I also gave a copy to the  
21 State a request to charge.

22 THE COURT: I've looked at it. Mine covers that.  
23 That's - you know how you Florence people are. King  
24 Anderson writes the longest charges. They confuse me so I  
25 know they confuse the jury. I have the knowledge in mind.

1 I don't go into it in depth as he does, but I'm gonna use  
2 my charge but I do say it has knowingly and define  
3 knowingly.

4 MS. ANDERSON: Yes, Your Honor.

5 THE COURT: No lesser included's?

6 MS. ANDERSON: Yes, Your Honor.

7 THE COURT: And I do have -- We pulled, but I don't  
8 know whether it is really warranted in this case, an  
9 identification. There is no real identification issue  
10 here is there?

11 MS. ANDERSON: I don't --

12 THE COURT: I mean, they arrested him on the spot and  
13 took him in so I've got that out but I really don't think  
14 that the identification is an issue.

15 MS. ANDERSON: No, Your Honor. I would agree on that  
16 one.

17 THE COURT: All right. Anything --

18 MS. ANDERSON: Your Honor, one question is, are you  
19 going to charge both active and constructive possession?

20 THE COURT: I am active and constructive and mere  
21 presence, the usual.

22 MS. ANDERSON: Okay. The other would be as to the  
23 statements.

24 THE COURT: Statements. Yeah, I knew that. Yeah. I  
25 do not have that and we will pull that..

CLOSING STATEMENT BY SOLICITOR ROBINSON:

-113-

1 Does the State have any request?

2 SOLICITOR ROBINSON: No, Your Honor.

3 THE COURT: All right. The State will open and the  
4 Defense has a right to final argument.

5 Anybody need a quick break before we get into that?

6 We just got back from lunch.

7 SOLICITOR ROBINSON: I'm ready, Your Honor.

8 THE COURT: Okay. Bring in the jury.

9 (JURY REENTERS COURTROOM AT 1:52 P.M.)

10 THE COURT: Members of the jury panel, the State has  
11 rested and the Defense is offering no witnesses, so you  
12 will now hear the closing arguments of the attorneys and  
13 then I will charge you the law and put the case in your  
14 hands for your deliberation.

15 Ms. Robinson.

16 SOLICITOR ROBINSON: Thank you, Your Honor.

17 On December 12th of 2012, Sherard Weathers possessed  
18 less than one gram of crack cocaine. How do we know this?  
19 He was stopped during a lawful traffic stop and placed  
20 under a lawful arrest and in a search incident to arrest,  
21 Officer Jack Dantzler recovered a small amount of crack  
22 cocaine from his shorts pocket. That's the possession.

23 You heard the testimony of Cynthia Mitchum, chemist,  
24 who took custody of that evidence, analyzed it with  
25 chemical tested it and determined it to be crack cocaine,

1 cocaine based. Those two terms are synonymous under our  
2 law.

3 As I explained to you a little bit earlier this  
4 morning this is a fairly straightforward and simple case.  
5 The charges what it sounds like, there are two elements.

6 One is possession. That the defendant knowingly  
7 possessed this drug either actually or constructively. As  
8 indicated, it's on his person. That's actual  
9 possession. He has the ability to control this object  
10 because it is in his possession.

11 What about knowingly? Well, unfortunately we can't  
12 open up his brain and look into his mind, but we can look  
13 at the circumstances of the situation and ask ourselves  
14 does it make sense that he knew?

15 What do we have in this case? We have officers  
16 saying when we talked to him about this after we had  
17 pulled this item from his pocket, after he's been told  
18 he's been charged with possession of crack cocaine, he  
19 says that he smokes crack with marijuana. Why would you  
20 say that to a law enforcement officer? He knew about that  
21 crack in his pocket. That's his explanation for why it's  
22 there. That's his purpose for using it in the future.

23 Those are the elements. Possession and that it is  
24 crack cocaine. The chemist in this case you heard.  
25 Officer Dantzler recovered it from his pocket, the

CLOSING STATEMENT BY SOLICITOR ROBINSON:

-115-

1 defendant's pocket. He put it in an evidence bag out  
2 there on the scene. He kept it with him the entire time.  
3 They transport back to the Law Center and at the Law  
4 Center, he is responsible for the processing, so to speak.  
5 You know, he takes this bag, he fills out the information  
6 on it. This is part of evidence, you will be able to look  
7 at if you chose, but he says what it is. A plastic bag  
8 containing crack. Where was it? In Weathers', the  
9 defendant's, right pocket in his shorts. Recovered at  
10 11:18 p.m. It took a little bit of time to get back to  
11 the law enforcement center and then he has to fill out  
12 this paperwork. He got it in the evidence drop at 11:52  
13 p.m.. In his custody and control that entire time. He  
14 seals it before he puts it in.

15 You heard from Patrick Patterson. He's the  
16 individual who works in evidence who goes over to Rock  
17 Hill, picks up those items, brings them back here and then  
18 Cynthia Mitchum takes possession of it from the evidence  
19 department and does the testing. So it is crack cocaine.  
20 It's possession and in his pocket.

21 Now, it's Ms. Anderson's job in this case to argue a  
22 defense and I'm going to now address to you a couple of  
23 things that I think she might try and bring up to get you  
24 to look carefully at this case. And you should look  
25 carefully at this case. You should analyze everything.

CLOSING STATEMENT BY SOLICITOR ROBINSON:

-116-

1 But largely what I suspect she's going to argue are  
2 going to be distractions. One thing that has come up is  
3 this is December 12th, 2012 and the officers testified  
4 that he was wearing shorts. It's December. Well, we  
5 don't know exactly what the temperature was on December  
6 12th, 2012. That's a year and a half ago. But both  
7 officers testified that it was shorts.

8 When Officer Dantzler filled out this paperwork that  
9 night, he writes on this bag shorts. We don't know how  
10 long or short the shorts are. He was in a vehicle. He  
11 wasn't just walking around outside. That's really a  
12 misdirection. This item was recovered from his pocket.  
13 That's where Officer Dantzler pulled it from. That's  
14 where Office Harrelson saw it be pulled from. That's  
15 where they reported everything. It was in the defendant's  
16 pocket that night.

17 Now, another thing that we need to be looking is  
18 knowledge, and as I said, we can't just look in his mind  
19 and know for sure so we have to look at everything else.

20 One thing that the defense brought up during the  
21 testimony was that this was a light object. Well, the  
22 charge is possession of less than one gram of crack  
23 cocaine so here it would be a light object. But just  
24 because something is light, it doesn't mean you don't know  
25 you have it. And when you look at the bigger circumstance

CLOSING STATEMENT BY SOLICITOR ROBINSON:

-117-

1 and the officers talking to him after he knows that they  
2 pulled this from his pocket, he knows he's being charged  
3 with it, and he is saying I smoke crack with marijuana,  
4 that is reflective and common sense that he knew that it  
5 was crack cocaine in his pocket.

6 Now, you know the testing didn't happen until after  
7 that. He knew. He knew what it was and he knew what he  
8 was going to use it for.

9 Now there might be some question about when exactly  
10 did he make that statement because Officer Dantzler said  
11 that they talked to him in the car on the ride back.  
12 Office Harrelson said he interviewed him in the room. It  
13 was a year and a half ago. They are consistent though in  
14 what he said, that he uses crack and smokes it with  
15 marijuana. Did he say it both times? Perhaps.

16 Did he say it in the room and Officer Harrelson told  
17 Officer Dantzler about it? Perhaps.

18 The point is, it's consistent as to what he said, the  
19 content of his statement, and it reflects that he knew  
20 that the item was in his pocket, that is was crack cocaine  
21 and that he intended to smoke it at some point.

22 Sherard Weathers knowingly possessed less than one  
23 gram of crack cocaine on December 12th, 2012. Your job as  
24 jurors is to consider everything and what I ask is that  
25 you go back to that jury room, consider all the what-ifs,

CLOSING STATEMENT BY SOLICITOR ROBINSON  
BY MS. ANDERSON

-118-

1 the could-be's, should-haves that the defense will try to  
2 distract you with but at the conclusion of all that, once  
3 you have done your job in considering everything, if you  
4 believe that that crack cocaine was Sherard Weathers',  
5 that means I have met my burden to prove this case beyond  
6 a reasonable doubt and I ask that you return a verdict of  
7 guilty.

8 MS. ANDERSON: May it please the Court?

9 THE COURT: Yes.

10 MS. ANDERSON: Ladies and gentlemen, I talked in  
11 opening about how - what this really simply is about is  
12 that the State does not meet its burden of proving each  
13 and every element of this case beyond a reasonable doubt  
14 and that's really what it comes down to.

15 And our system is set up so that when they don't do  
16 that, no matter whether they're close or far off, the just  
17 verdict in the case is a verdict of not guilty.

18 Now, when Ms. Robinson spoke to you, she kept  
19 bringing up saying - several times saying, well, they may  
20 argue this, that the officer said he wore shorts and it  
21 was December and, you know, I guess the implication of  
22 that I'm going to argue that that doesn't seem to make  
23 sense.

24 Well, that's correct, because it doesn't seem to make  
25 sense. And I'd point out as well, they can't remember

CLOSING STATEMENT BY MS. ANDERSON

-119-

1 anything else he was wearing color, any other clothing  
2 they were wearing. And while the State's argument is,  
3 well, it was a year-and-a-half ago, I guess, well, it was  
4 hard to remember or, you know, it was some time ago.  
5 They're testifying what do they remember.

6 Well, ladies and gentlemen, it's important to  
7 remember the only thing you have in terms of evidence in  
8 this case is what they say they remember, and so it is  
9 important, and if they can't remember certain things, that  
10 raises a question about the officers' accuracy of what  
11 they remember, their credibility, because remember, we  
12 have no photographs.

13 No photographs taken of this item back on December  
14 12, 2012. We have no video of them interacting with Mr.  
15 Weathers, no written statements, no recorded statements,  
16 no videotaped statements of the statement that Officer  
17 Harrelson came in and testified to you about. So the only  
18 thing you have to go on is the officers' memory, and so  
19 the accuracy of that memory, the consistency of those  
20 memories, the quality of those memories is a big issue in  
21 this case.

22 You heard referenced in the State and you can't get  
23 around the fact that you have two officers testifying two  
24 different things when it comes to this alleged statement.  
25 Officer Dantzler testifies this interview took place in

1 the vehicle, in Officer Harrelson's vehicle on the way  
2 back to the Rock Hill Law Center. Officer Harrelson  
3 testifies this interview, this statement takes place in  
4 the Interview Room in the DEU office at the Rock Hill Law  
5 Center and he's the only one here. Officer Dantzler is  
6 not there and none of the other officers are there.

7 They can't both be accurate. Someone's got to be  
8 wrong about it. Someone's memory isn't correct. And if  
9 both those officers are what the State relies upon to come  
10 in here and argue for you to convict Mr. Weathers, then  
11 I'd argue that raises reasonable doubt. That calls into  
12 question the State meeting the burden of proof in this  
13 case.

14 Remember, interview isn't recorded and it isn't  
15 written down. Wouldn't that have been something that if  
16 this statement happened, you'd like to have seen it? The  
17 Judge is going to charge you as to the law and one of the  
18 questions you as a jury consider is whether you think the  
19 State has shown that this statement was freely and  
20 voluntarily made, or let's say, even made at all. You as  
21 jurors are the judge of that, are a judge of whether that  
22 fact took place or whether that is an accurate memory or  
23 whether it even happened.

24 You also had the opportunity to look at this exhibit  
25 back in evidence and you can look at how very small of an

CLOSING STATEMENT BY MS. ANDERSON

-121-

1 item we're talking about. And one of the things the State  
2 has to show is to prove to you knowing possession of this  
3 small minute little piece. And the chemist testified, Ms.  
4 Mitchum, that the test she used tests for the presence of  
5 crack cocaine but doesn't - the chemical test doesn't  
6 weigh it. She weighed it on a scale herself but that  
7 there could be other items mixed in. But one of the  
8 things the State has to show is that someone knowingly  
9 knew they had this in their possession and that it was  
10 knowingly - they knew it was crack cocaine.

11 And I just say from a logical or commonsense basis,  
12 could this be in someone's possible without you realizing  
13 it was there. Could this have been in Sherard Weathers'  
14 pocket without him realizing it was there without  
15 realizing that this very small little piece which looks  
16 like it could be chalk, could be an aspirin, it could be -  
17 could be any number of things, to know that this was crack  
18 cocaine, because that's something that has to be shown.

19 And where that then becomes important is if the State  
20 wants to argue that he - the knowing element comes from  
21 this alleged statement that it all comes down again in a  
22 statement that two different officers testify it's made in  
23 two different places. It's not written, it's not  
24 videotaped, it's not audio taped.

25 I talked to you in opening about how the fact the

1 Judge will charge you the law and remember as you listen  
2 So that that the burden of proof is on the State.

3 Mr. Weathers, Sherard Weathers is presumed innocent  
4 and he doesn't have to prove anything in this case, and  
5 remember that is a high burden of proof the State must  
6 meet and it's the kind of doubt that could cause a  
7 reasonable person to hesitate to act.

8 Think about it maybe as the height of doubt that  
9 would cause a person to hesitate to take a step forward.  
10 And remember that it doesn't matter if the State gets  
11 close or faraway, any small amount that doesn't meet that  
12 burden, the just verdict in the case is a verdict of not  
13 guilty.

14 And if you have questions and if there are there  
15 things that seem to be missing, the fact that there were  
16 no photographs taken, the fact that the officer who  
17 recovered didn't weigh this item, the fact that things  
18 aren't videoed or recorded or written down, those raise  
19 questions.

20 And I submit to you, ladies and gentlemen, there's  
21 raised reasonable doubt and that's exactly the way our  
22 system works that if reasonable doubt exists, then it's  
23 the jury's duty and the jury's role in this system to  
24 return a verdict of not guilty.

25 So that's what I ask, ladies and gentlemen, that you

CLOSING STATEMENT BY MS. ANDERSON:  
CHARGE ON THE LAW:

-123-

1 weigh everything in this evidence and along with the  
2 evidence in this case and that you do return a verdict in  
3 this case finding the State has not proven its case beyond  
4 a reasonable doubt. Return a verdict finding Sherard  
5 Weathers not guilty.

6 THE COURT: Members of the jury panel, I appreciate  
7 the attention that you've given to all of us to this  
8 point. I am now going to charge you the law that you  
9 ought to apply to the facts as you determine them to be in  
10 this case.

11 Mr. Weathers is charged with possession of crack  
12 cocaine in violation of the laws of our State. The fact  
13 that he was charged, the fact that he was arrested, the  
14 fact that he has been indicted, the fact that he is on  
15 trial is not evidence. That's the way our system works.  
16 It's of no importance that he's on trial for this charge.  
17 He has entered a plea of not guilty to this charge and his  
18 plea of not guilty places on the State the burden of  
19 proving his guilt beyond a reasonable doubt.

20 In the jury room, you will have with you the  
21 Indictment. It contains the charges against Mr. Weathers.  
22 It is not evidence. It's the paperwork by way of which  
23 this case is - a record is kept of this case and, Madam  
24 Forelady, it will be where you - and I'll show you more  
25 about this later - enroll the unanimous verdict of the

1 jury.

2 As I told you, Mr. Weathers like anyone charged with  
3 any offense in our system is presumed innocence of the  
4 charge. This presumption of innocence is a substantial  
5 right. It is an important foundation of our legal system.  
6 It is not a mere legal theory or a mere legal phrase but  
7 as I said, it is a substantial right.

8 The presumption of innocence in an individual's favor  
9 attaches at the time of their arrest; remains with them as  
10 their case is processed through our court system, and the  
11 presumption of innocence in Mr. Weathers' favor exists at  
12 this moment. In fact, it exists as you deliberate.

13 The presumption of innocence in Mr. Weathers' favor  
14 is removed if and when, and only if and when, you as the  
15 trial jury in this case determine that the State has  
16 proven his guilt beyond a reasonable doubt.

17 Now, the State is not required to prove his guilt  
18 beyond all or beyond every doubt but beyond a reasonable  
19 doubt. There are, of course, in our world very thing -  
20 very few things that we can know with absolute certainty  
21 and our law does not require absolute certainty. Our  
22 courts have defined a reasonable doubt as the kind of  
23 doubt that would cause a reasonable person to hesitate to  
24 act.

25 Proof beyond a reasonable doubt is proof that leaves

## CHARGE ON THE LAW:

-125-

1 you firmly convinced of someone's guilt. If based on your  
2 consideration of the evidence, you are firmly convinced  
3 that Mr. Weathers is guilty of this offense, you would  
4 find him so. On the other hand, if you think there is a  
5 real possibility that he is not guilty, you must give him  
6 the benefit of that reasonable doubt and find him not  
7 guilty. He is entitled to the benefit of any reasonable  
8 doubt that you as a jury have as to any issue in this  
9 case.

10 I remind you that I am the sole judge of the law and  
11 you must take, accept and apply the law as I charge it.  
12 This is true even if you think I charge the law in error  
13 or even if you think the law should be different. Your  
14 oath requires you to take, accept, and apply the law as I  
15 charge it. You're not to infer from anything I have said  
16 or done, or anything I now say or do, as indicating an  
17 opinion of mine on the facts. Our law does not allow a  
18 trial judge to formulate or express to a jury any opinion  
19 on the facts.

20 It is solely your job as the trial jury in this case  
21 to examine the evidence and give to the evidence the  
22 effect, the value, the weight, and the truth you believe  
23 the evidence should have. In doing this, you can believe  
24 one witness as opposed to several, several witnesses as  
25 opposed to one, you can believe all, part or none of a

1 witness' testimony.

2 In examining the evidence, use your commonsense, your  
3 sense of logic, your sense of reason, use your experiences  
4 in life. As judges of the facts, you necessarily must  
5 judge the believability, the credibility of the witnesses  
6 who have testified. In assessing believability, you use  
7 those things which I've already talked about, use the  
8 things that you in your day-to-day life find as being  
9 indicators of truthfulness and you can use certain  
10 evaluators. A witness' demeanor, how they act on a stand.  
11 Are they hesitant, straightforward in responding to  
12 questions.

13 Look at consistencies and inconsistencies. Look at  
14 the opportunity a witness had to actually know the things  
15 to which the witness testified. And you can consider any  
16 bias or prejudice a witness may have, that is whether a  
17 witness wished to help or hurt one side or the other.  
18 Consider all these things and you will be able to  
19 determine the true facts and return a verdict that speaks  
20 the truth.

21 Now, in this case, Ms. Mitchum testified as to what  
22 we call an expert witness. Generally, an individual can  
23 only testify to something that they sense with one of  
24 their five senses. Usually, it's something that they've  
25 seen or heard, but it could be taste, touch or smell.

CHARGE ON THE LAW:

-127-

1       However, where an individual has certain skill, training,  
2       experience and knowledge in a certain area, that person  
3       can be qualified by the Court to give opinions as an  
4       expert. The opinions of experts are allowed in the  
5       evidence to assist you. They're not binding on you. Just  
6       like with other witnesses, you can take, accept, or reject  
7       any part or all of a witness' - of an expert's testimony.

8       You look at an expert's testimony with the same lens  
9       as you look at all witness' testimony. And in addition as  
10      to an expert, even though I have found her qualified, you  
11      determine whether you believe she had the skill,  
12      knowledge, experience and training to render the - an  
13      opinion. And you also can examine the reason for which  
14      she reached the opinion.

15      Again, you can reject in whole or in part the witness  
16      - the expert's testimony. Expert testimony, again, is  
17      allowed to assist you. It's not binding on you.

18      In cases such as this, there's generally two types  
19      of evidence which are introduced, direct and  
20      circumstantial. Direct evidence is the testimony of  
21      someone who claims to have actual knowledge of a fact such  
22      as an eyewitness. It is evidence which immediately  
23      establishes the main facts sought to be proven.

24      Circumstantial evidence is proof of a chain of facts  
25      and circumstances which indicate the existence of a fact.

1 Circumstantial evidence is evidence which immediately  
2 establishes collateral facts from which the main fact may  
3 be inferred. Circumstantial evidence is based on  
4 inference and not on personal knowledge or observation.

5 Our law makes absolutely no distinction between the  
6 two. The law does not require a greater degree of  
7 certainty for circumstantial as opposed to direct  
8 evidence. What you should do in this case is weigh all  
9 the evidence. After you weigh the evidence, if you have a  
10 reasonable doubt as to Mr. Weathers' guilt, you would find  
11 him not guilty.

12 In this case there has been introduced a statement  
13 allegedly made by Mr. Weathers. While I determined  
14 earlier that it was admissible, it is up to you to make  
15 the ultimate decision of whether or not he made the  
16 statement at all, and if he made the statement, you must  
17 determine whether you find that he made the statement  
18 voluntarily and of his own freewill.

19 This means that the statement was not caused by  
20 pressure, force, fear, threats, coercion or intimidation,  
21 or by hope or promise of leniency or an award of any kind.  
22 In determining whether a statement was voluntarily made by  
23 an individual, you should consider both the  
24 characteristics of the individual, here Mr. Weathers, and  
25 the details of the question.

## CHARGE ON THE LAW:

-129-

1           Some of the factors you can consider are the  
2 Defendant's age, his mental ability or capacity, the place  
3 and length of the detention where - or the place and  
4 length of the detention at the time the statement was  
5 made, the nature of any question, the advice or lack  
6 thereof to the Defendant of their constitutional rights,  
7 including the right to remain silent, that a statement  
8 made could be used against him in a court of law, that he  
9 had the right to have an attorney present and if he could  
10 not afford one, one would be appointed to him at no cost  
11 for him - to him.

12           In addition, that he had the - that he could stop  
13 making a statement at anytime. You must carefully  
14 consider all of the surrounding circumstances before you  
15 give any weight to an alleged statement.

16           The State has the burden of proving beyond a  
17 reasonable doubt that the alleged statement was made by  
18 Mr. Weathers and it was made voluntarily. If you  
19 determine it was, you may give it whatever further  
20 consideration you deem proper. It is up to you to  
21 determine whether or not the statement was a free and  
22 voluntary statement of the Defendant, and if you find it  
23 was not, you should not consider it at all.

24           I emphasize to you and charge you that the fact that  
25 Mr. Weathers did not testify is not a factor to be

1 considered by you in any way in your deliberations in this  
2 case. You're not to consider when you are determining  
3 whether or not your verdict should be guilt or not guilty,  
4 the fact that he exercised his constitutional right to  
5 remain silent. A Defendant has an absolute constitutional  
6 right to remain silent and the assertion of him by that  
7 right cannot be used against him and cannot be used to  
8 mitigate against him in any way whatsoever.

9 You are to draw no conclusions whatsoever from the  
10 fact that he exercised his right to testify. You cannot  
11 discuss in the jury room the fact that he exercised his  
12 constitutional right to remain silent and you may not even  
13 factor it into your own determination as to what the  
14 verdict may be. He is not required to prove his  
15 innocence, as I have told you several times, but the State  
16 must prove his guilt beyond a reasonable doubt before you  
17 could return a verdict of guilt.

18 Mr. Weathers is charged with a statutory offense,  
19 that is a law passed by our legislature in Columbia that  
20 makes it illegal to possess crack cocaine. That is what  
21 he's charged with. Here the State must prove beyond a  
22 reasonable doubt that Mr. Weathers knowingly or  
23 intentionally possessed crack cocaine.

24 The word knowingly means that something is done with  
25 knowledge, that it's done consciously. It is not done

CHARGE ON THE LAW:

-131-

1 accidentally. Intentionally means that something is done  
2 willfully. That is that the results is intended, again,  
3 that something is not accidental or involuntary.

4 Intent may be shown by acts and conducts of an  
5 individual and from other circumstance from which you may  
6 naturally and reasonably infer intent.

7 To prove possession, the State must prove beyond a  
8 reasonable doubt that Mr. Weathers had both the power and  
9 the intent to control the disposition of the substance  
10 alleged to be crack cocaine. Possession may be either  
11 actual possession or constructive possession.

12 Actual possession means that the substance was in the  
13 actual physical custody of Mr. Weathers. Constructive  
14 possession means that an individual had dominion and  
15 control or the right to exercise dominion and control over  
16 either the substance itself or the property where it was  
17 found.

18 Mere presence at the scene where drugs were - are  
19 found is not enough alone to prove possession. Actual  
20 knowledge of the presence of the substance, here crack  
21 cocaine, a strong evidence of one's intent to control its  
22 disposition or use. A Defendant's knowledge and  
23 possession may be inferred when a substance is found on a  
24 property under that person's control; however, this  
25 inference is simply an evidentiary fact to be taken into

## CHARGE ON THE LAW:

-132-

1 consideration by you along with the other evidence in the  
2 case and given such weight, if any, you decide it should  
3 have.

4 The State must also prove that the substance in  
5 question was, in fact, crack cocaine.

6 Your verdict must be unanimous. All twelve jurors  
7 must agree. Once all twelve have agreed, Madam Forelady,  
8 and I'll show you on the verdict form -- I mean on the  
9 Indictment in just a moment, but the verdict must be  
10 unanimous. It cannot be based on sympathy, passion,  
11 prejudice, public opinion or matters outside the record.

12 If you have any questions, write them down on the  
13 paper that will be provided and knock on the door. Give  
14 them to the bailiff. The bailiff will bring them to me.  
15 I will confer with the attorneys. It may be that I can  
16 write an answer to any questions on the note itself and  
17 return the note. And if I do that, keep that note and  
18 turn it into the evidence, because I have to keep that as  
19 part of my records.

20 It may be that I'll have to bring you here in open  
21 court and answer your question. I do not send in a  
22 written charge on the law, but if you wish for me to go  
23 over any of the legal principals I have discussed, let me  
24 know and I'll bring you back and here in open court,  
25 recharge you any part or all of the law.

CHARGE ON THE LAW:

-133-

1           We can have testimony replayed if you wish, so let us  
2 know if you wish to have portions of testimony replayed  
3 and we can isolate it and play that for you.

4           Again, your verdict must be unanimous. When you have  
5 reached a verdict, knock on the door and tell the bailiff.  
6 I may be doing some other work, but I will interrupt that  
7 as promptly as I can and send for you once you have  
8 reached a verdict.

9           When you first go in the jury room, do not start  
10 deliberating. I have to go over my charge with the  
11 attorneys. If I have made an error, I'll have to bring  
12 you back in and correct it. If not, I will send in the  
13 Indictment and the - I think it's just one exhibit - and  
14 once that is sent in, the bailiff will tell you to start  
15 your deliberations.

16           Ms. Isaacs, you will remain here in the courtroom  
17 when the jury exits this time as you are the alternate and  
18 as such, is no longer needed.

19           On the Indictment on the - I never can - never  
20 figured what's the front or the back, but on one side of  
21 the Indictment, you will see the word verdict in the far  
22 left-hand corner. It's got four lines. The bottom line  
23 is for your signature, Madam Forelady, and a place for the  
24 date below there. Today is the 3rd of June, of course.

25           On one of the lines above your signature, on one of

1 those three lines, you will write the unanimous verdict of  
2 the jury. If the State has failed to prove beyond a  
3 reasonable doubt Mr. Weathers is guilty of possessing  
4 crack cocaine as alleged, your verdict will be those two  
5 words not guilty. You'll just simply write them there  
6 over your signature. If on the other hand the State has  
7 convinced you beyond a reasonable doubt unanimously of his  
8 guilt, you would write the one word guilty.

9 Now, again, when you go to the jury room, do not  
10 start deliberating yet. Ms. Isaac will stay in here and  
11 you will hear from me momentarily.

12 (JURY EXITS THE COURTROOM AT 2:21 P.M.).

13 THE COURT: Ms. Isaacs, just have a seat, I'll be  
14 with you in just a minute.

15 Anything from the State?

16 SOLICITOR ROBINSON: No, Your Honor.

17 THE COURT: The Defense?

18 MS. ANDERSON: No, Your Honor.

19 THE COURT: All right. If you will check the  
20 exhibits and I think there's only one and the verdict - I  
21 mean and the Indictment to send in, we'll have the bailiff  
22 take them back.

23 And, Ms. Isaacs, you can leave and if you'll call  
24 back tonight after seven and follow whatever instructions  
25 you receive. Thank you so much.

VERDICT:

-135-

1 (ALTERNATE DISMISSED T 02:21 P.M..)

2 THE COURT: All right. We'll take a few minutes  
3 break and, Solicitor, if you all will let me know what's  
4 next.

5 (COURT IN RECESS AT 02:22 P.M..)

6 (JURY NOTE RECEIVED UP TO THE COURT AT 02:35 P.M..)

7 (WHEREUPON, COURT'S EXHIBIT NUMBER TWO, IDENTIFIED  
8 AND MARKED, RECEIVED INTO THE RECORD.)

9 (COURT BACK IN SESSION IN THE MATTER OF STATE V.  
10 WEATHERS AT 2:48 P.M..)

11 THE COURT: See if we can get Mr. Weathers in.

12 (DEFENDANT, SHERARD WEATHERS, REENTERS COURTROOM.)

13 THE COURT: I understand the jury's reached a  
14 verdict, so bring them in.

15 (JURY REENTERS COURTROOM AT 2:49 P.M.)

16 THE COURT: Madam Forelady, I understand the jury has  
17 reached a verdict?

18 MADAM FORELADY: Yes, Your Honor, we have.

19 THE COURT: If you'll hand it to the Bailiff.

20 Thank you.

21 Madam Clerk.

22 MADAM CLERK: Indictment 2013-GS-46-1022, The State  
23 versus Sherard Weathers, Indictment for possession of  
24 crack cocaine, verdict guilty, signed by the foreperson  
25 dated today's date.

SENTENCING:

-136-

1 Ladies and gentlemen of the jury, if that be your  
2 verdict, so say you I by raising your right hand. Let the  
3 record show all jurors confirmed this verdict.

4 (ALL JURORS RESPONDED WITH RAISED HANDS.)

5 THE COURT: All right. Anything from the State  
6 before the Jury is dismissed?

7 SOLICITOR ROBINSON: No, Your Honor.

8 THE COURT: Defense?

9 MS. ANDERSON: No, Your Honor.

10 THE COURT: Members of the jury panel, thank you for  
11 your help on this case. We're not going to start another  
12 case today. I know it's late in the afternoon, so call  
13 back tonight after seven and you will receive instructions  
14 about whether to call tomorrow or whether to report  
15 tomorrow. Have a pleasant evening. Thank you.

16 (JURY DISMISSED AT 2:51 P.M.).

17 THE COURT: All right. The jury is dismissed.  
18 Anything from the State?

19 SOLICITOR ROBINSON: No, Your Honor.

20 THE COURT: Anything from the Defense?

21 MS. ANDERSON: May it please the Court.

22 Your Honor, for the record, I would, on Mr. Weathers'  
23 behalf, make a motion to set aside the verdict, also a  
24 motion for a new trial and renew all prior motions and  
25 objections.

SENTENCING:

-137-

1 THE COURT: All right. Motions are denied. As I've  
2 already observed, I feel the evidence was sufficient to go  
3 to the jury and the jury has returned a verdict that I  
4 think's in line with the possibilities.

5 So do you have a sentencing sheet ready?

6 SOLICITOR ROBINSON: Yes, Your Honor.

7 THE COURT: All right. If you'd bring Mr. Weathers  
8 around for sentencing.

9 (DEFENDANT SHERARD WEATHERS AND DEFENSE ATTORNEY  
10 ASHLEY ANDERSON APPROACH THE BAR.)

11 THE COURT: I'm aware, of course, of his two  
12 instances that we talked about as far as impeachment, his  
13 prior assault and his false information to law  
14 enforcement. Are there any other record?

15 SOLICITOR ROBINSON: Yes, Your Honor. In 2004, he  
16 was convicted of possession of a stolen pistol. He was  
17 released from custody more than ten years ago as of today.  
18 We checked that today. He was released in May of 2004 so  
19 that is why I did not bring that up but otherwise, it  
20 would have been a felony.

21 He's a possession - convicted of simple possession of  
22 marijuana in 2005; possession of marijuana, 2nd offense,  
23 in 2009. Then, there was the assault on an officer while  
24 resisting arrest in 2011; he received a ten-year sentence  
25 suspended to two years and three years probation on that

SENTENCING:

-138-

1 charge. And then in 2012 was driving under suspension,  
2 2nd offense, and giving false information to police.

3 THE COURT: All right. How long has your client been  
4 in jail?

5 MS. ANDERSON: Your Honor, he has been --

6 SOLICITOR ROBINSON: Your Honor, I believe he served  
7 nine days before he bonded out. We could check that if he  
8 disputes that. He was - We tried to call this case last  
9 court term on Thursday morning and the Defendant had  
10 called our office on Wednesday and indicated that he would  
11 not be coming to court for trial that week, and so Judge -  
12 the judge declined to move forward at a trial in his  
13 absence when he failed to come to court on Thursday  
14 morning, but a bench warrant was issued for him at that  
15 time.

16 He was picked up on that bench warrant last Thursday  
17 evening. That is the incident that was referenced that  
18 was in the newspaper, because he was seen outside the  
19 home, went into the home, locked himself inside and  
20 refused to come out, so a SWAT team had to be called. So  
21 he would have the nine days originally and then Thursday  
22 night, Friday, Saturday, Sunday, Monday and Tuesday.

23 MS. ANDERSON: We've got six days.

24 SOLICITOR ROBINSON: So another six days would be  
25 fifteen total.

SENTENCING:

-139-

1 THE COURT: All right. Ms. Anderson?

2 MS. ANDERSON: May it please the Court, Your Honor.

3 Just to reference a little of that. There was some sort

4 of confusion on my part as to when the case was going to

5 be called and just to elaborate a little more on that,

6 that I did - I did appear in front of the judge and Judge

7 Welmaker did grant a continuance at that time; did issue

8 the bench warrant.

9 I will say that then on the following Tuesday after

10 Memorial Day weekend, I did speak to Mr. Weathers in

11 person on the telephone, informed him that the case would

12 then be noticed for this term of court, so I will put that

13 on there as well for the purposes of the record, that I

14 had talked to him and he was aware of coming back in for

15 trial; not a situation where he was dodging court.

16 As Your Honor presided over the last trial and Mr.

17 Weathers was here for that trial, as well, so just wanted

18 to give a little bit more of the background regarding the

19 bench warrant in that case.

20 Your Honor, Mr. Weathers' mother is present. She

21 does wish to address the Court as well. I can say, Your

22 Honor, from talking to Mr. Weathers he indicates he had

23 been doing well on probation and didn't have any prior

24 violations. He has not been working right now but in the

25 sort of recent past was working two jobs - up until he

SENTENCING:

-140-

1 started had to come into court - with Little Café on  
2 Cherry Road and also with doing the labor in a packing  
3 company in Charlotte as well.

4 He went through eleventh grade but was getting his  
5 GED through his supervision on probation and advises me he  
6 thinks he was mostly current on his fees as well; had been  
7 doing that. I don't believe a warrant had been served on  
8 him on the probation. I think, Mr. Moffett, the agent was  
9 just sort of seeing what happened with the disposition of  
10 these, but I know that's something Mr. Weathers would want  
11 me to highlight with Your Honor that he didn't have a  
12 situation of prior violation. Your Honor; I'll have his  
13 mother go ahead and come on up.

14 THE COURT: Yeah, please come up and I'll be glad to  
15 hear.

16 MS. ANDERSON: And just let you state the name - your  
17 name for the record and then.

18 MS. CALHOUN: My name is Collette Calhoun.

19 THE COURT: Yes, ma'am?

20 MS. CALHOUN: Sherard Weathers is my son and I would  
21 like to ask that you just actually have mercy on him. He  
22 is, you know, living with me currently and he does follow  
23 my rules and regulations. He has a small child in which  
24 he loves dearly and he's very involved in her life.

25 Many of my family members were not able to come to

SENTENCING:

-141-

1 show support for him today because of the short notice. I  
2 asked that you just please have mercy on him, maybe run  
3 his sentence concurrent with the probation that he already  
4 currently is on. I will be responsible for him getting to  
5 the probation office and doing what he is supposed to do  
6 in light of this situation. Thank you.

7 THE COURT: Thank you, Ms. Calhoun. All right.

8 Mr. Weathers, anything you want - oh.

9 SOLICITOR ROBINSON: Your Honor, may I just put on  
10 the record, the State is asking for active time in this  
11 case. I know you take the defendant last but that is the  
12 State's position that it would be appropriate in light of  
13 his criminal history and we're asking for that as well.

14 THE COURT: You through, Ms. Anderson?

15 MS. ANDERSON: Your Honor, I think the only other  
16 thing obviously, Your Honor, is I would just point out the  
17 very small amount in this case. It is a first offense.  
18 His prior drug charges - convictions are simple possession  
19 of marijuana, so I just would point that out to Your Honor  
20 as well and ask you to take that in consideration as well.

21 THE COURT: Mr. Weathers, anything you want to say?

22 MR. WEATHERS: I've made some mistakes in life and  
23 nobody is perfect. I just ask for, you know, a second  
24 chance.

25 THE COURT: All right. Well, I think you've had your

SENTENCING:

-142-

1 chances. The sentence is three years and I'll give you  
2 credit for the fifteen days you've already served.

3 Thank you.

4 MS. ANDERSON: Yes, Your Honor.

5 SOLICITOR ROBINSON: Thank you, Your Honor.

6 And, Your Honor, we do not have anything else for  
7 you. There is a jury trial that will be in the morning.  
8 The jury is coming in at ten. What time would you like to  
9 be here. It is a pro se sovereign citizen case, I'm not  
10 sure. I don't think there is a large amount of pretrial  
11 although that can be confusing at times.

12 THE COURT: All right. I notice that gentleman was  
13 here earlier today. I guess he's gone. All right, we'll  
14 start - let's be available about 9:30 and we'll hopefully  
15 be in a position to utilize the jury at ten.

16 SOLICITOR ROBINSON: All right I will let them know.

17 Thank you, Your Honor.

18 THE COURT: All right. We'll be at ease until 9:30 in  
19 the morning.

20 (COURT IN RECESS AT 03:00 P.M..)

21 - END OF TRANSCRIPT OF RECORD. -  
22  
23  
24  
25

CERTIFICATE OF REPORTER

State of South Carolina   )  
                                  )  
County of York               )

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for York County, South Carolina, on the 3rd day of June 2014.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Wanda Nelson  
Wanda Nelson, CVR  
Certified Verbatim Reporter,  
Official Court Reporter,  
Notary Public, in and for  
The State of South Carolina.

My Commission Expires: 01/21/2021

DATE: August 18 / 2014

County: York  
 Date: May 12-14, 2014

**VOIR DIRE/BATSON SHEET**

Case No.: 2013-GS-46-01022

Judge: Honorable John C. Hayes, III

Pl./State: State of South Carolina

Pl./State Atty's.: Solicitor Leslie Robinson

Defendant: Sherard Ar'Darrius Weathers

Defense Atty's: PD Ashley Anderson

Court Reporter: Wanda Nelson, CVR-M

| Juror No. | Name                   | Race | Sex | STRIKES |           |         |        |
|-----------|------------------------|------|-----|---------|-----------|---------|--------|
|           |                        |      |     | *Court  | Plaintiff | Defense | Accept |
| 169       | Jessica L. Pernick     | W    | F   |         | X         |         |        |
| 16        | Mary J. Barreto        | W    | F   |         |           |         | X      |
| 142       | Shenekia L. McClinton  | B    | F   |         |           |         | X      |
| 227       | Mary P. Trusty         | W    | F   |         |           |         | X      |
| 196       | Lauren H. Rockholt     | W    | F   |         |           |         | X      |
| 143       | Gabrielle M. McCoy     | B    | F   |         | X         |         |        |
| 5         | Mark T. Anthony        | W    | M   |         |           |         | X      |
| 44        | Samuel F. Childers Jr. | W    | M   |         | X         |         |        |
| 168       | Tyler A. Pennypacker   | W    | M   |         |           | X       |        |
| 38 **     | Michelle E. Byrd       | W    | F   |         |           |         | X      |
| 90        | Tammy L. Gillespie     | W    | F   |         |           |         | X      |
| 123       | Rachel L. Criegstein   | W    | F   |         | X         |         |        |
| 82        | Charles E. Faile       | W    | M   |         |           | X       |        |
| 150       | Glenda L. Meehan       | W    | F   |         |           |         | X      |
| 35        | Caren L. Burroughs     | W    | F   |         |           | X       |        |
| 56        | Mack W. Cowart         | W    | M   |         |           | X       |        |
| 186       | Matthew C. Raymond     | W    | M   |         |           |         | X      |
| 63        | Tina M. Davis          | W    | F   |         |           | X       |        |
| 88        | Bret H. Frazier        | W    | M   |         |           |         | X      |
| 189       | Jennifer M. Resech     | W    | F   |         |           |         | X      |
| 8         | Vickie L. Auten        | W    | F   |         |           |         | X      |
| 111       | Rhett Hurst            | W    | M   |         | X         |         |        |
| 199       | Richard r. Rush        | W    | M   |         |           | X       |        |
| 113 *     | Marilyn Isaacs         | W    | F   |         |           |         | X      |
|           |                        |      |     |         |           |         |        |
|           |                        |      |     |         |           |         |        |
|           |                        |      |     |         |           |         |        |
|           |                        |      |     |         |           |         |        |
|           |                        |      |     |         |           |         |        |
|           |                        |      |     |         |           |         |        |

\*For the Court column, indicate who made the motion to strike the jurors for cause.

C-Court, P-Plaintiff, D-Defense

\*\* Foreperson

**York Circuit Court  
RANDOM STRIKE SHEET**

*Tuesday*

**145**

JUDGE NAME : Hayes, III, John C.

TRIAL TYPE : Criminal

REL ID : 6-2 CRT 1

COURTROOM CRT1

*350*

*10:00 AM*

DESCRIPTION : 6-2 CRT 1

Sorted by: Random Nbr

Trial

*State - v - Theraud (Weather)*

| NAME                                | JUROR NBR | RACE | SEX            | ST/PLTF | DEF   | CRT | REMARKS           |
|-------------------------------------|-----------|------|----------------|---------|-------|-----|-------------------|
| 1 Pernick, Jessica L                | 169       | W    | F              | (X)-1   | ( )   | ( ) | <i>Excused</i>    |
| 2 Barreto, Mary J                   | 16        | W    | F              | ( )     | ( )   | ( ) | <i>Seated -1</i>  |
| 3 McClinton, Shenekia L             | 142       | B    | F              | ( )     | ( )   | ( ) | <i>Seated -2</i>  |
| 4 Trusty, Mary P                    | 227       | W    | F              | ( )     | ( )   | ( ) | <i>Seated -3</i>  |
| 5 Rockholt, Lauren H                | 196       | W    | F              | ( )     | ( )   | ( ) | <i>Seated -4</i>  |
| 6 McCoy, Gabrielle M                | 143       | B    | F              | (X)-2   | ( )   | ( ) | <i>Excused</i>    |
| 7 Anthony, Mark T                   | 5         | W    | M              | ( )     | ( )   | ( ) | <i>Seated -5</i>  |
| 8 Childers, Samuel F Jr.            | 44        | W    | M              | (X)-3   | ( )   | ( ) | <i>Excused</i>    |
| 9 Pennypacker, Tyler A              | 168       | W    | M              | ( )     | (X)-1 | ( ) | <i>Excused</i>    |
| 10 Byrd, Michelle E <i>Forelady</i> | <i>38</i> | W    | <del>M</del> F | ( )     | ( )   | ( ) | <i>Seated -6</i>  |
| 11 Gillespie, Tammy L               | 90        | W    | F              | ( )     | ( )   | ( ) | <i>Seated -7</i>  |
| 12 Kriegstein, Rachel L             | 123       | W    | F              | (X)-4   | ( )   | ( ) | <i>Excused</i>    |
| 13 Faile, Charles E Jr.             | 82        | W    | M              | ( )     | (X)-2 | ( ) | <i>Excused</i>    |
| 14 Meehan, Glenda L                 | 150       | W    | F              | ( )     | ( )   | ( ) | <i>Seated -8</i>  |
| 15 Burroughs, Caren L               | 35        | W    | F              | ( )     | (X)-3 | ( ) | <i>Excused</i>    |
| 16 Cowart, Mack W                   | 56        | W    | M              | ( )     | (X)-4 | ( ) | <i>Excused</i>    |
| 17 Raymond, Matthew C               | 186       | W    | M              | ( )     | ( )   | ( ) | <i>Seated -9</i>  |
| 18 Davis, Tina M                    | 63        | W    | F              | ( )     | (X)-5 | ( ) | <i>Excused</i>    |
| 19 Frazier, Bret H                  | 88        | W    | M              | ( )     | ( )   | ( ) | <i>Seated -10</i> |
| 20 Resech, Jennifer M               | 189       | W    | F              | ( )     | ( )   | ( ) | <i>Seated -11</i> |
| 21 Auten, Vickie L                  | 8         | W    | F              | ( )     | ( )   | ( ) | <i>Seated -12</i> |
| 22 Hurst, Rhett                     | 111       | W    | M              | (X)-1   | ( )   | ( ) | <i>Excused</i>    |
| Rush, Richard R                     | 199       | W    | M              | ( )     | (X)-1 | ( ) | <i>Excused</i>    |
| 24 Isaacs, Marilyn S                | 113       | W    | F              | ( )     | ( )   | ( ) | <i>Seated -13</i> |

146

**York Circuit Court  
RANDOM STRIKE SHEET**

JUDGE NAME : Hayes, III, John C.  
TRIAL TYPE : Criminal  
JURY ID : 6-2 CRT 1  
COURTROOM CRT1

Sorted by: Random Nbr

Trial

| NAME                     | JUROR NBR | RACE | SEX | ST/PLTFF | DEF | CRT | REMARKS |
|--------------------------|-----------|------|-----|----------|-----|-----|---------|
| 25 Crawford, Christine H | 57        | B    | F   | ( )      | ( ) | ( ) |         |
| 26 Tomasovich, John W    | 223       | W    | M   | ( )      | ( ) | ( ) |         |
| 27 Cline, Martha H       | 46        | W    | F   | ( )      | ( ) | ( ) |         |
| 28 Parker, Lesley F      | 166       | W    | F   | ( )      | ( ) | ( ) |         |
| 29 Mowery, Mitchel J     | 256       | W    | M   | ( )      | ( ) | ( ) |         |
| 30 Starcher, Robert D    | 217       | W    | M   | ( )      | ( ) | ( ) |         |
| 31 Hendrix, Roger D      | 100       | W    | M   | ( )      | ( ) | ( ) |         |
| 32 Williams, Victoria K  | 122       | W    | F   | ( )      | ( ) | ( ) |         |
| 33 Crump, Patrick T      | 59        | W    | M   | ( )      | ( ) | ( ) |         |
| 34 Barnes, David G       | 14        | W    | M   | ( )      | ( ) | ( ) |         |
| 35 Horack, Erica M       | 108       | W    | F   | ( )      | ( ) | ( ) |         |

Total Number of Jurors:

35

\*\* END OF REPORT \*\*

## WITNESSES

YCMDEU/Burkhart

vk

## ARREST WARRANT NUMBER

N-231206

## ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

## VERDICT

Guilty

Foreperson of Petit Jury

Date: 6/3/2014

DOCKET NO. 2013-GS-46-01022

## The State of South Carolina

County of York

## COURT OF GENERAL SESSIONS

March 14, Term 2013

## THE STATE

vs.

SHERARD AR'DARRIUS WEATHERS

## Indictment for

POSSESSION OF CRACK COCAINE

SC Code: 44-53-375(A)

CDR Code: 3017

3009 JH

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK

2014 JUN -6 PM 4:14

At a Court of General Sessions, convened on March 14, 2013, the Grand Jurors of York County present upon their oaths

**POSSESSION OF CRACK COCAINE**

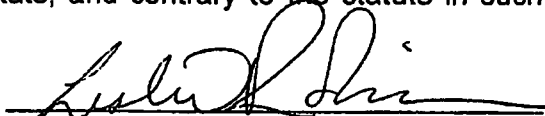
On or about December 12, 2012, the Defendant, Sherard Ar'Darrius Weathers, did knowingly or intentionally possess crack cocaine, a cocaine base Schedule II controlled substance as defined in Section 44-53-110. Said incident occurred in York County, South Carolina all in violation of Section 44-53-375 of the Code of Laws of South Carolina, (1976, as amended).

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

RECEIVED

JUN 12 2014

Court of A

  
 ASSISTANT SOLICITOR

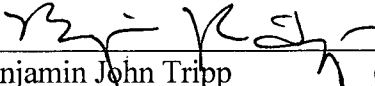
## CERTIFICATE OF COUNSEL FOR APPELLANT

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 20, 2015

**RECEIVED**

JAN 20 2015

  
Benjamin John Tripp  
Appellate Defender

**SC Court of Appeals**

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from York County

John C. Hayes, III, Circuit Court Judge

RECEIVED

JAN 20 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SHERARD A. WEATHERS,

APPELLANT

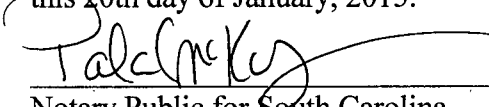
APPELLATE CASE NO. 2014-001271

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 20th day of January, 2015.

  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 20th day of January, 2015.

  
Notary Public for South Carolina

(L.S.)

My Commission Expires: July 24, 2022