

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Letitia H. Verdin, Circuit Court Judge

CASE No.: 2013-001562

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SC Court of Appeals

State of South Carolina, ...Respondent,

v.

Antonio Emerson Tate, ...Appellant.

**RECORD ON APPEAL
VOLUME II**

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1 THE WITNESS: Alright, well dude had a wire on, he come
2 out and there's police, he called the police, they run in on
3 the situation, uh, they found 56 grams a dope and, uh, I went
4 to jail.

5 BY MR. PAULING:

6 Q. Did you have, was there dope in the vehicle?

7 A. Yes, sir.

8 Q. Okay, and where did you get that that dope?

9 A. From Atlanta.

10 Q. From Atlanta?

11 A. Yeah, An ---

12 Q. Okay, from ---

13 A. --- Ant.

14 Q. --- from who in Atlanta?

15 A. Ant.

16 Q. Okay, and now you you mentioned 56 grams of of of dope,
17 was all that dope methamphetamine?

18 A. Uh, to my knowledge.

19 Q. Okay. Did you have, guess my question is did you have
20 any other ---

21 A. Yes, sir, I had some cocaine and some ---

22 Q. Where'd you get the cocaine?

23 A. From, uh, from Ant.

24 Q. From who?

25 A. From Ant.

1 Q. From Ant?

2 A. Yes, sir, in the apartment, same apartment.

3 Q. So some a that was cocaine.

4 A. Yes, sir, it was like think they said less than 10

5 grains. I had purchased a half ounce and I had a buddy that

6 just wanted some so I just got him some while I was, while I

7 was down there get meth.

8 Q. How long before this this incident when you were arrested

9 had you, had you been to Atlanta and purchased a half ounce?

10 A. How long since I've been arrested?

11 Q. At the time that day on March 10th ---

12 A. Right.

13 Q. --- 2010 when you arrested, how long before that had you

14 been to ---

15 A. Atlanta?

16 Q. --- to Atlanta?

17 A. Like maybe a a day or two.

18 Q. Okay, so was the meth that was in the car some of what

19 you had left from that trip to Atlanta?

20 A. Yes, sir.

21 Q. Now the individual that you you you were testifyin'

22 about, the one you know as Ant, can you see that person in the

23 courtroom today?

24 A. I I think that's him right over there (indicating).

25 Q. Okay, well can you describe him, can you tell me what

1 he's wearin'.
2 A. A a suit.
3 Q. Okay, what what color is the suit?
4 A. Black.
5 Q. Okay. Does he have a shirt or tie on or anything?
6 A. Yes, sir.
7 Q. Can you describe it.
8 A. Got a black tie, gray shirt.
9 Q. And you say you were arrested in March of of 2010, now
10 have you seen the individual you know as Ant since that
11 time?
12 A. Yes, sir.
13 Q. Okay, have you talked to him since then?
14 A. Yes, sir.
15 Q. Okay, is there any doubt in your mind -- well let me back
16 up. For the record, Your Honor, I just ask that the record
17 reflect that Mr. Griffin has indicated the defendant Antonio
18 Tate.
19 THE COURT: Alright, it'll so reflect.
20 BY MR. PAULING:
21 Q. Now is there any, uh, doubt in your mind that an
22 individual, uh, you know as Ant is defendant Antonio Tate?
23 A. That that guy sittin' right there (indicating)?
24 Q. Yes, sir.
25 A. The the feller I just seen -- can I say somethin'? I

1 mean, ---

2 Q. You you you can, you can answer the question.

3 A. I just, I just seen a guy, I'm just bein' honest, ---

4 Q. Be honest, that's -- I need ---

5 A. --- there's a guy, ---

6 Q. --- you to be honest, yes ---

7 A. --- a gentleman sittin' in courtroom that ---

8 Q. Okay.

9 A. --- kinda looks like him too.

10 Q. Okay, well let me, let me ask ya this ---

11 A. That's why I was like, ---

12 Q. Okay.

13 A. --- you know, and I just wanna be honest.

14 Q. Well be honest as I need you ---

15 A. Yes.

16 Q. --- to be honest. Now let me ask ya this, Mr. Griffin:

17 When you went to Atlanta had ya ever met any of Ant's

18 relatives?

19 A. Uh, not actually met. I, uh, met, I didn't meet him but

20 we went to a Waffle House and he told me his brother worked in

21 the Waffle House.

22 Q. Okay, did did you see his brother in the Waffle House? I

23 mean, did he point his brother out to you the Waffle House,

24 that's what I meant.

25 A. He pointed him out to me but, I mean, I didn't come

1 face-to-face directly with him.

2 Q. Okay, let me ask ya this: After you were, uh, arrested

3 you, did you speak with law enforcement about your

4 involvement, uh, in in trafficking methamphetamine?

5 A. Yes, yes, sir.

6 Q. Okay, and did you, uh, participate in a photo lineup?

7 A. Yes.

8 Q. Okay, and if you could tell the jury how that, how that

9 came about.

10 A. Uh, Brett Barwick brought it to me at Pickens County ---

11 Q. Okay.

12 A. --- and set it in fronta me and I initialed it.

13 Q. Okay, when you say you initialed it, did he tell you what

14 to initial?

15 A. No, he just set it down in fronta me and, Do you see the

16 guy that you was buyin' meth from in Atlanta, ---

17 Q. Okay.

18 A. --- and I said yes, sir, and I initialed it.

19 Q. Okay, uh, did you have any trouble identifyin' that

20 individual?

21 A. No, sir.

22 Q. May I approach the witness, Your Honor?

23 THE COURT: Yes.

24 BY MR. PAULING:

25 Q. I'm gonna show you what's been marked for ID purposes

1 State's Exhibit No. 2, I'm gonna ask you if you recognize
2 that, sir.
3 A. Yes, sir.
4 Q. Okay.
5 A. Yes, sir.
6 Q. Is that the photo lineup you just testified about?
7 A. Yes, sir.
8 Q. Okay, and now, uh, did you circle a particular
9 individual?
10 A. Yes, sir.
11 Q. Okay, and what number did you circle?
12 A. Three.
13 Q. Okay, and did you also date and initial it?
14 A. Yes, sir.
15 Q. Okay, those your initials?
16 A. Yes, sir.
17 Q. What are the initials you you put down?
18 A. J.G.
19 Q. J.G.? Did anyone tell you what to mark?
20 A. No, sir.
21 Q. Suggest who you should mark?
22 A. No, sir.
23 MR. PAULING: Your Honor, at this time I'd offer State's
24 2 into evidence.
25 THE COURT: Any objection?

1 MR. ARIAIL: No objection, Your Honor.
2 THE COURT: Alright, then it'll be admitted.
3 (State's Exhibit No. 2, photo lineup, admitted into
4 evidence.)
5 BY MR. PAULING:
6 Q. Now in your dealings, Mr. Griffin, with, uh, Ant, uh, had
7 ya ever known him to wear glasses?
8 A. No, sir.
9 Q. At any time, I mean, did you ev -- remember him to wear
10 glasses?
11 A. No, sir.
12 MR. PAULING: Beg the Court's indulgence.
13 THE COURT: Yes, sir.
14 (Whereupon, a discussion was held off the record.)
15 MR. PAULING: Your Honor, no further questions this time.
16 THE COURT: Alright, Mr. Ariail.
17 MR. ARIAIL: Thank Your Honor.
18 CROSS-EXAMINATION BY MR. ARIAIL:
19 Q. Mr. Griffin, you saw this picture right here
20 (indicating), didn't ya?
21 A. Yes, sir.
22 Q. Okay, that picture right there that you marked No. 3 you
23 can't tell us today that for certain it was that gentleman
24 right there (indicating), can you, that you were dealin' with
25 or the gentleman seated in back a the room, that correct?

1 A. I mean, I, you talk about tell 'em apart?
2 Q. Yeah, I mean, I'm tellin' you you you've dealt with them
3 and did numerous dealt with somebody, ---
4 A. Yes, sir.
5 Q. --- did numerous drug transactions and you can't today
6 tell who it is.
7 A. This man right here (indicating) ---
8 Q. Right.
9 A. --- was the man I dealt with.
10 Q. Okay, but you just said you couldn't say for certainty.
11 A. I mean, -- you mean tell 'em apart?
12 Q. That yes.
13 A. And this fella right here (indicating), his skin's a
14 little lighter than that that man right there (indicating). I
15 can't really see him, he's he's he's sittin' pretty far off.
16 Q. So that answer's -- I I guess the answer to question you
17 can't tell for certain, can you? Okay, now you gave a
18 statement to the Court ---
19 A. Can't really see the feller in the back, ---
20 Q. Okay.
21 A. --- be honest with ya.
22 Q. Okay, now you gave a statement I think it was on March
23 12th and March 23rd 2010, correct?
24 A. Yes, yes, sir.
25 Q. Okay, now in that statement that was to law enforcement,

1 right?

2 A. Yes, sir.

3 Q. That was I guess providin' truthful information,
4 correct?

5 A. Yes.

6 Q. Okay, now you testify, and tell me if this is correct,
7 that you got the number for Ant from him directly, is that
8 correct?

9 A. I, uh, I can't remember if I got it from him or Wendy.

10 Q. Well I thought Antonio, I mean, what you testified to, I
11 thought I heard that you said it was from Ant himself, is that
12 right?

13 A. It was his number.

14 Q. Okay, but did you get it directly from him?

15 A. I can't really remember.

16 Q. Okay, so you can't remember. Did you tell ---

17 A. I can't remember if she gave it to me or if he gave it to
18 me after she said I could go to him.

19 Q. You remember givin' a statement in regards to for law
20 enforcement? This (indicating) your statement?

21 A. Yes, sir, ---

22 Q. Okay, ---

23 A. --- looks like it.

24 Q. --- wha'd you say in here?

25 A. Says Wendy agreed and gave Griffin his number, ---

1 Q. Okay.
2 A. --- yeah.
3 Q. Okay, so you got the number from Wendy, ---
4 A. Right.
5 Q. --- okay, not Mr. -- not Ant, not Mr. Tate, not Amp, that
6 right?
7 A. Yes, sir, ---
8 Q. Okay.
9 A. --- right.
10 Q. Now sittin' here right now and I guess you don't have any
11 information on you but how long you been incarcerated?
12 A. Two and a half years.
13 Q. Okay, before that you were out, uh, and before you got
14 arrested I guess that March 10th one, is that right?
15 A. I think, I think I got out a little bit fo ---
16 Q. Okay, ---
17 A. --- for this.
18 Q. --- be -- before that you had a copy of a drug, a a book
19 I guess you were do -- doin' your drug deals and all that in,
20 correct?
21 A. A a a little bit.
22 Q. Little bit. Where is that?
23 A. I have no idea.
24 Q. Hey, do ya ---
25 A. Was at ---

1 Q. --- did ya ---
2 A. --- it's at ---
3 Q. --- give it a lo ---
4 A. --- it's at Rachel's house.
5 Q. It's at Rachel's house.
6 A. Yes, sir.
7 Q. Did ya tell that to ---
8 A. It was a notebook, it wasn't labeled or anything.
9 Q. Wasn't like -- wha'd ya put in there?
10 A. Just like somebody's name and if they owed me money.
11 Q. Okay, would you put who you got your drugs from?
12 A. No, sir.
13 Q. Okay, you wouldn't put how much you got?
14 A. No, sir.
15 Q. You wouldn't have any information about gettin' drugs
16 from Ant or Antonio or Amp?
17 A. No, sir.
18 Q. Okay, so this notebook is basically just people who owe
19 you money.
20 A. Yes, sir.
21 Q. Okay, you got any receipts or anything, uh, showin'
22 you've been down to, uh, Atlanta, Georgia durin' this time
23 period you were, ya know, allegedly buyin' drugs in this
24 area?
25 A. Uh, my my friend Carey Akridge (phonetic) is -- he let me

1 use his AAA card to tow the vehicle, Rachel's
2 vehicle ---
3 Q. Okay.
4 A. --- so I don't know if that would be a receipt or ---
5 Q. What did ---
6 A. --- they towed her vehicle all the way back to Six
7 Mile ---
8 Q. Okay.
9 A. --- from Atlanta, Georgia.
10 Q. Did you provide that? Do you got a copy of it? You ---
11 A. No.
12 Q. --- give it to law enforcement?
13 A. No, sir.
14 Q. Is it here today?
15 A. No, sir.
16 Q. Okay, you got cell ph -- you were usin' cell phones,
17 correct?
18 A. Yes, sir.
19 Q. Got cell phone records, right?
20 A. Yes, sir.
21 Q. Ya have anything showin' you called Georgia or called
22 Ant, Antonio, anybody in Georgia?
23 A. Me ---
24 Q. Yeah.
25 A. --- personally no, sir.

1 Q. Okay, so you don't have that -- you know, you know the
2 area code to, uh, Atlanta, Georgia?
3 A. No, sir.
4 Q. Okay. Now I think you initially stated that you had gone
5 down, you had gone to a house on Exit 101, is that right?
6 A. Yes, sir.
7 Q. Okay.
8 A. Uh, ---
9 Q. What ---
10 A. --- yes, sir.
11 Q. --- what's the address?
12 A. I have no idea.
13 Q. So ya got to a house and ya don't know the address.
14 A. No, sir.
15 Q. How'd ya get to the house?
16 A. We drove.
17 Q. Oh, I understand ya drove, ---
18 A. Yeah.
19 Q. --- did ya, I mean, how did ya find your way there?
20 A. I guess, uh, he gave her direction, gave Wendy directions
21 how to get there.
22 Q. He gave Wendy directions.
23 A. Yes, sir, ---
24 Q. Okay, s ---
25 A. --- she was with us.

1 Q. --- Wendy went to this house, okay, and it's a hou -- not
2 an apartment, not a condo, ---
3 A. No, sir.
4 Q. --- not any type of other co --- it's a house. Wha'd the
5 house look like?
6 A. It might be a, it might be a condo, like it was beside
7 some other houses.
8 Q. So ---
9 A. I don't know the difference between a condo and a house
10 really.
11 Q. I mean, a condo looks like an apartment, live in
12 apartment complex.
13 A. Yes, it was, it was like a house ---
14 Q. Okay, ---
15 A. --- first ---
16 Q. --- so ---
17 A. --- time.
18 Q. --- you don't have an address for that and after ---
19 A. Was ---
20 Q. --- the first time you went down, right, how ---
21 A. Yeah.
22 Q. --- how many times you go with Wendy?
23 A. Three or four.
24 Q. Three or four. Okay, three or four and you went to the
25 house every single time, right?

1 A. No, sir, just ---
2 Q. And where ---
3 A. --- once.
4 Q. --- where'd you go other times with Wendy?
5 A. Uh, to the apartment. I met her -- one time we met at a
6 hotel at Days Inn.
7 Q. Hotel Days Inn, ---
8 A. Yes, sir.
9 Q. --- apartment, ---
10 A. Yes, sir.
11 Q. --- house, ---
12 A. Yes, sir.
13 Q. --- next one four times?
14 A. Shell Station.
15 Q. Shell Station.
16 A. Yes, sir.
17 Q. When was that?
18 A. When was that?
19 Q. Yep.
20 A. I don't remember exact.
21 Q. Who were you with?
22 A. Me, Wendy and Rachel.
23 Q. Okay, what what happened durin' that time at the Shell
24 station?
25 A. Uh, we set in the parking lot, Wendy and Rachel set in

1 the vehicle. I went in and, uh, waited on Ant. Went in the
2 bathroom, looked at a ounce of meth, done a shot of meth in
3 the bathroom at the Shell station ---
4 Q. Um-hum.
5 A. --- and purchased an ounce and left.
6 Q. Who was there? Who was inside with you?
7 A. No, just me ---
8 Q. You and nobody ---
9 A. --- and ---
10 Q. --- else, no ---
11 A. --- Ant.
12 Q. And Ant, okay. And those are the four times you went
13 down with her, with Ms. Lollis and Ms. Eades I guess.
14 A. Yes, sir, ---
15 Q. Okay, and those ---
16 A. I just ---
17 Q. --- are the on ---
18 A. --- I just, ya know, was -- I can't remember. Uh, I
19 don't wanna say exactly. It mighta been five times, ya know
20 what ---
21 Q. Okay.
22 A. --- I'm sayin', ---
23 Q. Okay, now ---
24 A. --- just to be correct.
25 Q. Okay, uh, but there's no cell phone records you got

1 today, you've you've also, uh, you don't have any and that
2 you're sayin' these were at a Shell station and a Days Inn, is
3 that right?
4 A. Yes.
5 Q. Okay, and each a these times you're buyin' an ounce?
6 A. Yes, sir.
7 Q. Okay, and ya'll exchanged, uh, money or whatever, is
8 that right?
9 A. Yes, sir.
10 Q. Any receipts? any documents? anything like that?
11 A. No, sir.
12 Q. How'd you buy your gas? You put it on a credit card?
13 A. No, sir.
14 Q. Okay. Uh, did you bring back, I mean, you got drug
15 packages each time ya came back, it was packaged up, right?
16 A. Yes, sir.
17 Q. How was it packaged?
18 A. Uh, in bags. One time I bought it it was in a tupperware
19 container.
20 Q. Okay, tupperware container.
21 A. Yes, sir.
22 Q. Okay, wha'd ya do with all this, ---
23 A. With the ---
24 Q. --- all those packages, all those tupperware
25 containers?

1 A. With the container?
2 Q. Yeah.
3 A. I just kept it.
4 Q. Kept it? Still got it?
5 A. It's probly in Rachel's old house.
6 Q. Okay, so we -- no -- but you didn't give that to law
7 enforcement, did ya?
8 A. No, sir.
9 Q. Okay, did he give ya any these packages or any other
10 stuff, uh, to law enforcement?
11 A. No, sir.
12 Q. Okay, but you you got this or had this at some point in
13 time, right?
14 A. Yes.
15 Q. And you can't give us any specific addresses a where you
16 went to do these drug deals, right?
17 A. I can't. I I don't know the address but I could like, I
18 could take you there.
19 Q. Now ya dealt with Ms. Ant or Amp, what type a cars did
20 you see him drive?
21 A. Uh, a Mustang, a a gold Mustang, a a truck, a Chevrolet
22 truck one time and a little gold Honda one time.
23 Q. Okay, now, uh, today you're sittin' here, you're
24 testifyin', you've you've pled guilty, is that right?
25 A. Yes, sir.

1 Q. You were initially charged with trafficking 400 grams or
2 more conspiracy, right?
3 A. Yes, sir.
4 Q. Now you've you've pled somethin' less than that, right?
5 A. Yes, sir.
6 Q. Okay, and you know what -- you've pled to I think you
7 said it was between you're gettin' a negotiated sentence of
8 15 to 20 years, ---
9 A. Yes, sir.
10 Q. --- okay, do you know, uh, what the range was on that
11 charge that you coulda gotten?
12 A. Uh, on the one charge?
13 Q. Yeah.
14 A. No, sir. Uh, ---
15 Q. Okay.
16 A. --- is it 25 to 30 ---
17 Q. I I'm ---
18 A. (Cross-talk.)
19 Q. --- just askin' you what char -- whether -- what you
20 know.
21 A. Uh, ---
22 Q. Don't know that but ya also pled to three different
23 distributions, right?
24 A. Yes, sir.
25 Q. Okay, and you got a possession of stolen pistol too you

1 pled to, ---
2 A. Yes, sir.
3 Q. --- possession a firearm durin' a crime too, ---
4 A. Yes, sir.
5 Q. --- okay, and unlawful carryin' of a pistol.
6 A. Yes, sir.
7 Q. Okay, and all that you're gettin' all wrapped into one
8 thing of 15 to 20 years what you gonna get.
9 A. Yes, yes, sir.
10 Q. Okay, now when's the last time you talked with law
11 enforcement about this case?
12 A. You mean last time I talked to law enforcement?
13 Q. 'bout your testimony?
14 A. About right now.
15 Q. Right about right now.
16 A. Are you talkin' about ---
17 Q. I'm talkin' about them over ---
18 A. --- either ---
19 Q. --- here (indicating) ---
20 A. --- your fellas right there (indicating)?
21 Q. Right.
22 A. Uh, what, a a couple days ago.
23 Q. Couple days ago. Wha'd they do, come down to the law
24 enforcement center?
25 A. Yes, sir.

1 Q. And ya'll talked about what you're gonna testify today,
2 right?
3 A. Yeah, kinda. They're really just talkin' about
4 information I gave 'em.
5 Q. Okay, would they tell ya anything ya needed to say or
6 what ya should say?
7 A. Uh, not really.
8 Q. Okay. Well not really, ---
9 A. They just ---
10 Q. --- I mean, ---
11 A. --- wanted to go over what I had said with them, what I
12 had told 'em.
13 Q. Okay, so they just went over again what was stated here.
14 A. Yes, sir.
15 Q. Okay, you'll bear with me one second.
16 (Whereupon, a discussion was held off the record.)
17 BY MR. ARIAIL:
18 Q. Can you still see the gentleman back there now?
19 A. You talkin' ---
20 Q. Yeah, ---
21 A. --- front?
22 Q. --- can ya see him clearly now?
23 A. Yes, sir. I mean, I can see him.
24 Q. You can't say for certainty who you've been dealin' with
25 was either him or Mr. Tate seated at the table, is that

1 correct?

2 A. Uh, do what now ---

3 Q. For certainty, sitting here and sayin' for certain.

4 A. Can you, can he step closer?

5 Q. Certainly.

6 MR. ARIAIL: I can have him approach just little ---

7 THE COURT: He can step ---

8 MR. ARIAIL: --- bit, Your Honor.

9 THE COURT: --- to the bar.

10 MR. ARIAIL: Step to the bar.

11 (Whereupon, a man came forward.)

12 THE COURT: He needs to step -- can you go with him step

13 a little closer.

14 THE WITNESS: Him?

15 THE COURT: Thank you.

16 BY MR. ARIAIL:

17 Q. Thought ya indicated previously that you could see him

18 back there.

19 THE COURT: C'mon, c'mon back up here.

20 (Whereupon, the man came forward.)

21 A. Now what are, now what are you askin' me ---

22 Q. I'm sayin' for certain, for certain you cannot determine

23 which man you were saying you were dealing with while you were

24 in Atlanta for an absolute certainty.

25 A. I mean, so, uh, what I'm s -- what I'm sayin' is this

1 feller sitting back here looks more like the feller on on the
2 thing. I'm just trying to be totally honest and ---
3 A. And and I have no further questions, thank you very
4 much.
5 THE COURT: Thank you. Mr. Pauling.
6 MR. PAULING: Just briefly, Your Honor.
7 REDIRECT EXAMINATION BY MR. PAULING:
8 Q Mr. Griffin, when that gentleman Mr. Ariail asked you to
9 come up here, to come up here, did you see the glasses in his
10 hand?
11 A. This the man right here (indicating).
12 Q. Yes.
13 A. He had 'em on his, on his face.
14 Q. Okay, you you saw him when he had 'em on his face?
15 A. Yes.
16 Q. Okay. The individual that you dealt with in Atlanta did
17 he wear glasses?
18 A. No, sir.
19 MR. ARIAIL: Your Honor, asked and answered, Your Honor.
20 THE COURT: Overruled, I'll allow it.
21 BY MR. PAULING:
22 Q. Did he, did he wear glasses ---
23 A. No, sir, ---
24 Q. --- at ---
25 A. --- I ---

1 Q. --- any, ---
2 A. --- didn't ---
3 Q. --- at any ---
4 A. Yeah.
5 Q. --- time that you dealt with him in those, you know,
6 those three months that you went Atlanta ---
7 A. Right.
8 Q. --- did he wear glasses?
9 A. Never. I never ---
10 Q. Okay.
11 A. --- seen him ever not even with sunglasses.
12 Q. Not even with sunglasses, okay. Now you testified
13 earlier that you have talked with Ant since you were
14 arrested, ---
15 A. Yes, sir.
16 Q. --- okay, where did that take place?
17 A. You mean since March 10th?
18 Q. Since since since you -- yes.
19 A. Been arrested right now. Alright, that's why I'm
20 tryin' ---
21 Q. Okay.
22 A. --- I'm talkin' -- you talkin' in jail?
23 Q. Yes.
24 A. Uh, I talked to him one time at a, they had a conference,
25 uh, ya'll had a status conference ---

1 Q. Okay.

2 A. --- and they put us all in a cage and, uh, I could hear

3 the courtroom and I was like what's up Ant, he's he's like

4 what's up but it was under his breath and and he was

5 probly ---

6 Q. But you said what's up Ant?

7 A. Yes, sir.

8 Q. Okay, is any doubt in your mind that that individual you

9 talked to was the individual that you dealt ---

10 A. Yeah.

11 Q. --- methamphetamine?

12 A. Yes, sir.

13 Q. Is there any doubt in your mind that that was him, ---

14 A. No, sir.

15 Q. --- that the person you saw at that particular time was

16 Ant, the one you know as Ant?

17 A. Yes, sir.

18 MR. PAULING: No further questions, Your Honor.

19 THE COURT: Alright. Anything else, Mr. Ariail?

20 MR. FARNHAM: Nothing, Your Honor.

21 MR. ARIAIL: Nothing, Your Honor.

22 THE COURT: Alright, sir, you can step down.

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

24 (Whereupon, the witness left the stand.)

25 MR. PAULING: State would call Rachel Eades.

1 (Whereupon, the witness came forward.)
2 (Whereupon, a discussion was held off the record.)
3 RACHEL ELIZABETH EADES, having
4 been first duly sworn, testified as follows:
5 THE CLERK: Thank you, please be seated.
6 DIRECT EXAMINATION BY MR. PAULING:
7 Q. How ya doin', Ms. Eades?
8 A. Hey, how are you?
9 Q. Pretty good. Could you just, uh, state your full name
10 for the record.
11 A. Rachel Elizabeth Eades.
12 Q. Ms. Eades, if you could tell the the members of the jury,
13 uh, where are you from originally, ma'am?
14 A. I'm from Easley, South Carolina.
15 Q. Okay, how long have you lived in Easley?
16 A. Uh, since I was 3-years-old.
17 Q. Since you were 3-years-old?
18 A. Um-hum.
19 Q. And how old are you now, ma'am?
20 A. Thirty-seven.
21 Q. Thirty-seven. And did you yet you you grew up in
22 Easley?
23 A. Yes, sir.
24 Q. Did you, uh, go to school there?
25 A. Yes, sir.

1 Q. Finish high school?

2 A. No, sir, I dropped out and I -- but I did go back get my

3 GED and my associate's degree.

4 Q. Okay, when you dropped out, uh, when did you drop out?

5 A. In tenth grade.

6 Q. Tenth grade, why was that?

7 A. Just stupidity, huh.

8 Q. Okay, but you did go back and get your GED?

9 A. Yes, sir, I did.

10 Q. Okay, when was that?

11 A. Uh, back in, uh, think '98.

12 Q. Okay.

13 A. No, it was ninety -- ni -- '97, ---

14 Q. Okay.

15 A. --- that's it.

16 Q. And your ascho -- associate's degree was when?

17 A. I got it in nine, uh, '99 and I finished it in 2001.

18 Q. Okay, now, uh, Ms. Eades, you you were here, you were

19 involved in this particular, uh, investigation, is that

20 correct, ma'am?

21 A. Yes, sir.

22 Q. Okay, and in fact, uh, you were charged in in particular

23 indictment and and actually recently pled guilty to

24 trafficking methamphetamine twenty-eight to a hundred grams by

25 conspiracy?

1 A. Yes, sir.

2 Q. And, uh, trafficking meth twenty-eight to a hundred grams
3 and for a negotiated, uh, range of 7 to 10 years, is that
4 correct?

5 A. Yes, sir.

6 Q. And that was a lesser offense than what you were
7 originally charged with, is that correct, ma'am?

8 A. Yes.

9 Q. And, uh, there was also a, uh, PWAD -- PWID cocaine
10 charge that's being dismissed as part of your plea, is that
11 correct?

12 A. Yes, sir.

13 Q. Okay, is part of your plea agreement to, uh, continue to
14 cooperate?

15 A. Um-hum, yes, sir.

16 Q. Does that include testifying truthfully?

17 A. Yes, sir.

18 Q. Now, Ms. Eades, if you can tell the members of the jury,
19 uh, when did you become involved with with with drugs?

20 A. Um, uh, I had a, I had gave birth to my son back in July
21 of 2009 and the process of movin' back to I was livin' in
22 Walhalla at the time and I was movin' across just came back to
23 Six Mile and I got back involved with my ex-husband Jason
24 Griffin.

25 Q. Okay, and that woulda been about about what time?

1 A. I had my son in July and in the process at the time, I
2 mean, me and Jason was talkin' but like just as friends but we
3 got back involved with each other back in, uh, I would say end
4 of 0 -- very end of October to November of 2009.
5 Q. Okay, and were were you usin' meth at that time?
6 A. No, ---
7 Q. Okay, ---
8 A. --- no, sir.
9 Q. --- so who who introduced you to meth?
10 A. Jason Griffin.
11 Q. Okay, and, uh, when you, when you tried it for -- do you
12 remember where you were when you tried it for the first
13 time?
14 A. Um, I think we may a been in my my bathroom at my
15 home ---
16 Q. Okay.
17 A. --- in Six Mile.
18 Q. Was Jason livin' with you at that time?
19 A. Yes, sir.
20 Q. Okay, and how much were were you usin', begin to use?
21 A. Uh, I started sniffin' just, you know, just probly, I
22 don't know, small amounts and then I went from, uh, snortin'
23 it to spikin' it and then, uh, I actually let Jason talk me
24 into shooting it.
25 Q. Okay, when you say "small amounts", what -- how much you

1 talkin' about?

2 A. Um, I don't know, maybe when I started sniffin' it was
3 less than a tenth and smokin' it, uh, probly 'bout a tenth or
4 tor -- two-tenths and, uh, then Jason and I both started
5 shootin' three-tenths or more.

6 Q. Okay, how did you first meet, uh, Jason Griffin though?

7 A. I met Jason probly about when I was about 15-years-old.

8 Q. Okay.

9 A. I just, it's when I started, I I lived in Easley but I
10 hung out with everybody from Pickens and he he was from
11 Pickens so I just made me a little crowd a people, whatever.

12 Q. In one a that crowd a people a a a Wendy Lollis?

13 A. No, I actually met her, uh, back in 2009.

14 Q. Okay, and how'd how'd you meet her?

15 A. Through Jason Griffin.

16 Q. You met her through Jason Griffin, okay. And at the time
17 that that Jason was, uh, providin' you meth, did you know who
18 his source for methamphetamine was?

19 A. At that time I I think he just like messed around, you
20 know, just it 'cause he, I mean, when he would get somethin'
21 at that time, it was very small amounts and, uh, it would be,
22 it be local, you know, from different people that I, that I
23 been knowin'.

24 Q. Okay, and did it ever change from him just getting it
25 from local people?

1 A. Yes.

2 Q. Okay, and if you'd tell the jury how did that come about.

3 A. Um, Wendy had come to the house one day and I I didn't

4 sit in there with Wendy and Jason while they discussed it but

5 I overheard bits and pieces and she was like, I got a friend

6 who lives in Atlanta, da, da, da, da, da, and I was like okay,

7 and Jason's like, ya know, he was all for it because he would,

8 he would -- he could get more product for, ya know, less

9 money.

10 Q. Okay, and, uh, did he go to Atlanta?

11 A. Yes, he did.

12 Q. Okay, how do you know that?

13 A. Uh, the first time he went to Atlanta it was just him and

14 Wendy, the second time I believe it was me, him, Wendy.

15 Q. Okay, how did he get there the first time though, I know

16 he and Wendy went but how did, how did he get there?

17 A. If I'm not mistaken, I think he drove my Yukon.

18 Q. Okay, so you let him borrow your your Yukon and and that

19 first time did he come back from Atlanta with the

20 methamphetamine?

21 A. The first time no ---

22 Q. Okay, okay.

23 A. --- and the second time, uh, I think he did come back

24 with some. It's like I'm not real sure because Jason always

25 had somethin' on hand. Like I said like, ya know, I mighta

1 been his girlfriend at the time but I did -- he he kept
2 control of it, every bit of it, so, I mean, I I didn't see all
3 the amounts sometimes and and I did not stand in there at the
4 times that, you know, with him and Ant. I mean, I would go
5 but I I just, I didn't get in their business.

6 Q. Okay, well explain to the jury the first time that you
7 went with with Jason Griffin how did the transaction take
8 place?

9 A. Uh, we met at a Waffle House I believe it was and, uh,
10 Ant I think Jason called him before we left.

11 Q. Before you left South Carolina?

12 A. Yes, sir, ---

13 Q. Okay.

14 A. --- and then we, you know, we would get close to the exit
15 or right off the exit sometimes, whatever, he would call him
16 again to let him know we were like almost there or whatever.

17 Q. Do you recall what exit it was by any chance?

18 A. Not right offhand I don't, ---

19 Q. Okay.

20 A. --- I just I know how to get there, I just don't remember
21 right offhand.

22 Q. But you, but you met at a Waffle House?

23 A. Yes, sir.

24 Q. Okay, how did the -- did you go into the Waffle House?

25 A. I would. I'd go in there and get me sumtin' to eat and

1 I'd use the bathroom and stuff and ---
2 Q. Okay.
3 A. --- but, you know, the transaction would take place
4 outside.
5 Q. Out ba -- outside ---
6 A. Outside ---
7 Q. --- the parkin' lot, ---
8 A. --- out at the side a ---
9 Q. --- outside the car ---
10 A. --- outside the parking lot ---
11 Q. --- and out in the parking lot?
12 A. --- at the vehicles yes, sir.
13 Q. Okay, and at at that particular point did you know the
14 name of this particular individual?
15 A. I was -- just Ant. Ant or Aunt is what a lotta people
16 would call him and I just, I I never rea -- I've never really
17 spoke to the man so I just, I don't know, I've never carried a
18 conversation with him.
19 Q. Okay, but Ant ---
20 A. I know ---
21 Q. --- Ant is what you said ---
22 A. --- Ant is whatever, is what like Wendy and Jason or Aunt
23 is what they would refer to him as.
24 Q. Okay, and that first particular deal at at the Waffle
25 House did did you know how much, uh, ---

1 A. Not right offhand. I mean, he would go from I think it
2 started out like maybe like a half ounce to an ounce and then,
3 ya know, every time we would go it would be more and more
4 every time.

5 Q. And after the deal took place at Waffle House did you
6 come straight back to to South Carolina?

7 A. Yes, sir, ---

8 Q. Okay, and ---

9 A. --- we would go straight back to my house actually.

10 Q. To your house ---

11 A. Um-hum.

12 Q. --- and and what happened once you got back to the house?

13 A. Uh, he would like re-weigh everything, uh, and then, ya
14 know, me and Jason would get high and, uh, he would give Wendy
15 her her cut or whatever it was, they had their little ordeal.
16 Li -- like I said, I tried to stay out of 'cause a lotta times
17 they would argue about it ---

18 Q. Alright.

19 A. --- because she really got upset that he would go, he
20 actually took it upon himself to go to Ant without her.

21 Q. Okay, and now, uh, after that that first did you, do you
22 remember about when that was, about what time time frame?

23 A. Uh, ---

24 Q. If you, if you met up with him, ---

25 A. I would say it was probly in the beginnin' a January

1 maybe ---
2 Q. January ---
3 A. --- he ---
4 Q. --- 2010?
5 A. Yes, sir.
6 Q. Okay, and on how many other occasions would you have gone
7 to Atlanta with with Jason?
8 A. I probly maybe went probly I would say eight to ten
9 times, I I mean, I didn't go all the time.
10 Q. Okay.
11 A. I mean, I have, I have -- a lotta times I didn't wanna go
12 and if I didn't go, me and Jason would fight so to keep the
13 peace in my household I would go just, you know. I don't know
14 why he insisted I go with him but you know ---
15 Q. Well when you would go ---
16 A. --- but there was ti -- there was times that, you know, I
17 I didn't argue I just went.
18 Q. But you went approximately eight to ten times?
19 A. Yes, sir.
20 Q. Okay, uh, those times that you -- would you drive all the
21 time?
22 A. Yeah, I always drove, always.
23 Q. Okay, why was that?
24 A. I do not -- Jason's drivin' is horrible, ---
25 Q. Okay.

1 A. --- horrible.

2 Q. And now you said you met at the Waffle House the first
3 time, uh, those other times that you went where would you
4 meet?

5 A. Uh, a couple times we met at a Shell station, uh, and
6 then there, ya know, when it was just me and Jason goin'
7 'cause Wendy would go, Wendy quit goin', she just didn't like
8 to fool with all of it and, uh, I I would say probly in
9 February, at the very end of January to February it was just
10 me and Jason all the time goin' and we would go to an
11 apartment.

12 Q. Okay, and could you describe where the apartment was or
13 or how to get there.

14 A. You get off the the exit that we would normally take
15 there was a, as soon as you get off the exit there's a Waffle
16 House and, uh, I think a Quik, a Q2, a QT or whatever they
17 call ---

18 Q. A QT is a gas station?

19 A. Yeah, it's one a them kinda gas stations ---

20 Q. Okay.

21 A. --- and there -- you would drive, it it'd be a couple
22 miles down the road, it'll be real far, it, ya know, I'd
23 probly say about a mile or two down the road.

24 Q. Okay, would you just stay straight, would you turn left,
25 right or ---

1 A. Uh, we stood straight, I'm tryin' to think. We'd come
2 like to some office buildin's and it was like a long
3 straightaway down these office buildings. You turn -- we'd
4 take a right off of it and, uh, like off -- big office complex
5
6 Q. Okay.
7 A. --- all down through there, it was probly about maybe
8 about two blocks of office complex and then the apartments
9 would be -- we'd come to another red light and we'd go
10 straight across and then, uh, they would be down on the I'm
11 thinkin' on the right, I wan -- wanna say on the right-hand
12 side.
13 Q. But it was an apartment complex?
14 A. Yes, sir.
15 Q. Okay.
16 A. I don't remember the -- I've never really paid no
17 attention to the name of 'em, I just, you know, I was just
18 drivin'.
19 Q. Okay, and, uh, when you would get to the apartment
20 complex, explain to the jury how the deal would take place.
21 A. Uh, sometimes Ant may be standin' outside or sometimes,
22 you know, Jason would call him and say, Hey, we pullin' up,
23 you know, uh, you know, we would go in and him and Jason would
24 go to s -- like straight to the kitchen or whatever and
25 there's like a little half wall and I'd stay in the livin'

1 room and Jason would call me in there and he would put, uh,
2 meth into a spoon and while he was doin', he would put meth in
3 the spoon, while he was doin' -- when he done that I begin to,
4 uh, take a syringe and put water on it, break it down while
5 him and Ant would like deal with each other.

6 Q. Okay, when you say "break it", explain that, what do you,
7 what do you ---

8 A. Uh, Jason would put, you know, probly about anywhere from
9 three-tenths to five-tenths in a spoon and, uh, I would put,
10 ya know, so much ---

11 Q. Three-tenths to five-tenths of a gram?

12 A. Um-hum.

13 Q. Oh, okay.

14 A. And we'd, uh, I'd put it in a spoon and, uh, I would
15 probly put maybe 20 water, 20 ounce of water on it ---

16 Q. Okay.

17 A. --- and and I would take my syringe and just break it
18 down. If it didn't break down clear, it, ya know, it probly
19 had cut on it 'cause you could tell it's got like, uh, I don't
20 know, it's like, it be the bottom a the spoon would have
21 residue ---

22 Q. Okay.

23 A. --- if mine was bad but normally it was clear, it
24 uselo -- it normally always broke right down.

25 Q. But that's how you would check it to see the the ---

1 A. Um-hum, ---
2 Q. --- quality of it?
3 A. --- yes, sir, and then I would ju -- I would take what I
4 put in the spoon and I would put it into one needle and then I
5 would put it into two needles so I divide it up evenly and me
6 and Jason both would both get high.
7 Q. Okay, who -- where'd ya get needles from?
8 A. I always -- well Jason always had one or I did one.
9 Q. Okay, alright, and so then you would test it?
10 A. Um-hum, ---
11 Q. Okay.
12 A. --- yes, sir.
13 Q. And after after that would take place what what would ya
14 do if it was just ---
15 A. I would go sit ---
16 Q. --- good ---
17 A. --- I -- yeah, if it was real good I would probly have to
18 sit down for a minute, ya know, just, ya know, 'cause, I mean,
19 I cannot explain the high that you get from doin' that but,
20 uh, I would have to sit there 'cause I would be the one havin'
21 to drive so I would have to sit there for a few moments and,
22 ya know, get my thought together and then while I wa -- I was
23 doin' that Jason and Ant would probly do business or whatever,
24 they would do -- they'd finish up whatever they had to do in
25 the kitchen.

1 Q. Okay, and at the times that you you would go to the
2 apartment, you know how much meth that that Jason was was was
3 buyin' from Ant?

4 A. Um, it was ounce to ounces or more. I mean, like I said,
5 there, ya know, towards the end before I got in trouble, uh,
6 Jason went, ya know, Jason kept on hand at least 4 ounces a
7 dope on hand after, ya know, after we started goin' down
8 there, Jason always had dope on him.

9 Q. Okay.

10 A. I mean, his little personal sack was 2 ounces, that was
11 his personal.

12 Q. Now when you would, when you would travel from South
13 Carolina to Georgia, uh, do you know how much money that that
14 Jason was takin'?

15 A. Uh, there at the end honestly no 'cause like I said
16 Jason's a bad control freak and and when he hung on all the
17 money, all the, ya -- all the dope. I mean, I know he would
18 borrow money from me and he never pay me back and but I, the
19 last time I went to to Atlanta I watched Jason count out
20 \$15,000 ---

21 Q. Okay.

22 A. --- in cash.

23 Q. He counted it up where? here in South Carolina?

24 A. Counted it South Carolina in my bedroom and then as we
25 got closer to Ant, before we even got to the exit Jason

1 recounted to make sure because I think there was one time we
2 went down there and, uh, I think somebody had got into some a
3 Jason's money or sumtin' while we were asleep and I remember
4 Ant saying sumtin' to Jason about, uh, he owed him money
5 because the stacks a twenties that they were countin' out five
6 or four and each stack was missin' exactly one twenty, each
7 stack.
8 Q. Okay, ---
9 A. And ---
10 Q. --- so this this was, uh, the previous amount a money
11 that Jason had taken to Ant ---
12 A. Um-hum.
13 Q. --- and it was short twenty outta each stack?
14 A. Yes, sir, and I I don't, I don't recall how much it was,
15 I didn't, ya know, overhear the conversation how much it was
16 and I didn't know an am -- ya know, exactly how much dope
17 Jason got but I do know the very last time that I went to
18 Atlanta which was back in, uh, I think it was like two or
19 three days before got in trouble and I got in trouble on March
20 10th of 2010 ---
21 Q. Okay.
22 A. --- and Jason counted out \$15,000 of cash.
23 Q. Okay now and you said he recounted it before you all had
24 gotten to Atlanta, is that correct?
25 A. Yes, sir.

1 Q. Okay, do you know whether or not he brought any a that
2 money back to South Carolina?
3 A. I don't think he did, honestly I don't think he did.
4 Q. Okay, now you had mentioned you said the Waffle House but
5 you mentioned also the Shell station, do you recall a
6 particular deal that took place at the Shell Station?
7 A. Yes, sir, I do. Uh, it was a Shell station. We pulled
8 up, it was, uh, me, Jason, Wendy and Paul.
9 Q. Okay, who's Paul?
10 A. Paul Simon, he's Wendy's boyfriend.
11 Q. Okay.
12 A. And he, I think he only went down there maybe two times
13 with us, two to three times, he didn't go a lot.
14 Um, it just ---
15 Q. Well now was this early on?
16 A. Um-hum, yes, sir, it's probly back in I would say January
17 when we went, um, well no, it be the end a January, beginnin'
18 a February 'cause February's when Jason really started, we was
19 goin' like every other day ---
20 Q. Okay.
21 A. --- and and it got to very large amounts. Ya know I
22 can't tell you exact amounts because like I said, Jason
23 controlled it and I really tried not to get into it 'cause it
24 just caused problems for me ---
25 Q. Okay.

1 A. --- but, um, I do remember we pulled up to Shell station
2 and, uh, it was like the whole gas station was involved in
3 this whole deal.
4 Q. Explain ---
5 A. It was like, ---
6 Q. --- that to the jury, ---
7 A. --- it was like ---
8 Q. --- what do you mean?
9 A. --- a play, it was like a play scene and, um, um, when I
10 pulled in, I pulled over by the payphones and there was, uh,
11 like a light color, I wanna say a newer Cadillac car and I had
12 parked right beside it, well I noticed there was two Mexicans
13 sittin' in it and, uh, they were backed in and, uh, Jason and
14 Wendy went on into store and that's where, exactly where we
15 met Ant at, that's where he told us to meet him at, we told
16 Jason to meet us at, meet him at and, um, they two went on in
17 the store and I just happen and I'm drivin' a Yukon so I kinda
18 sitting high up and I just happen to look over down in that,
19 their car and I seen a gu -- I seen this, uh, .12 gauge
20 shotgun sittin' there, I was like, ooh, this aint good and I,
21 me and Paul both was sittin' just, ya know, payin' attention
22 to how everybody was in the parkin' lot and then we went in
23 the store, I went in the store, Paul stayed in the vehicle, I
24 just, I got kinda nervous 'cause, you know, that's I was just,
25 Jason was my man, I was tryin' to watch his back, ya know,

1 and, uh, I just happened to walk in the store just to check on
2 him. When I walked in the store, there was like a, oh, like a
3 door like that (indicating) and it was cracked open a little
4 bit and I couldn't tell ya how many people was in there,
5 there's probly about fifteen people in that front room piled
6 up in that room.

7 Q. Was this, now was this near the front the store? middle?
8 back?

9 A. It was that as soon as you walk in and you look to your
10 left ---

11 Q. Okay.

12 A. --- it was right there, ---

13 Q. Okay.

14 A. --- um, and there's probly about, I would say about
15 fifteen Mexicans in there ---

16 Q. Okay.

17 A. --- and, uh, and I I kinda looked around the store and I
18 didn't see them and I went to go get, uh, that come to find
19 out they were in the cooler doin' the transaction in the
20 cooler ---

21 Q. What ---

22 A. ~~--- and ---~~

23 Q. ~~---~~ wait, what and you, and you said "cooler", where is
24 that in ~~---~~

25 A. It was in the back a the store.

1 Q. The the back a the store?
2 A. Um-hum.
3 Q. Okay, alright.
4 A. Where the drinks and stuff would be, they ---
5 Q. Okay.
6 A. --- were in that that part a the store ---
7 Q. Okay.
8 A. --- 'cause I went, I mean, I decide, I mean, I went and
9 bought like a candy bar or sumtin' and just pay, it was just
10 like the whole, it was like a big, one big scene, you could
11 tell just everybody in there was part of it, everybody was.
12 Q. Now when you say they were back towards the the cooler,
13 you're, who are you, who are you talkin' about?
14 A. Wendy, Jason, Ant.
15 Q. Okay, did you see them, were they ---
16 A. Yes, they ---
17 Q. Okay.
18 A. --- all three were inside the cooler.
19 Q. Okay, alright. What were they doin'?
20 A. I gue -- I it's from my understandin' makin' a
21 transaction because when Jason come out he didn't have his
22 money and he had dope.
23 Q. Okay, do you recall how much money he had, he had taken
24 for that particular deal?
25 A. Honestly not right I don't.

1 Q. Okay, and as far as the dope is concerned, you you
2 remember how much he ---
3 A. It it, I think it was I want to say it's a cup -- several
4 ounces because, I mean, for -- I don't, I don't remem -- I'm
5 not sure on how much money 'cause, I mean, if I, like I said,
6 if I got into his business, it caused problems for me.
7 Q. Okay, was it at least an ounce?
8 A. It is, it is, at least I I wanna say it was probly about
9 four or five ounces I'm wantin' to say but, I mean, I might be
10 wrong, I don't know.
11 Q. Now you said at a particular time I believe you said it
12 was -- well before I get there, the Waffle House, the
13 apartments, the Shell station, was there any other location
14 that these deals took place with Ant?
15 A. Yeah, we went, uh, a couple times, uh, to a strip bar,
16 uh, and 'cause there was one time we went to the apartment and
17 we wasn't satisfied with what he had because ---
18 Q. Okay.
19 A. --- it it was like canary yellow and and I know it's bad
20 enough to, you know, for me to sit here and say, Okay, well
21 I'm stickin', you know, sticking meth in your arm anyway, this
22 I would not stick in my arm because when I looked at it, it
23 just, I've never seen it like that, it was like canary yellow
24 and meth is usually it'll have like a auburn color to it, just
25 a tint of color to it. I mean, I seen a tint a blue to it, I

1 mean, or it's usually clear though. This was canary yellow, I
2 mean, it was cloudy and canary yellow, there was no way in
3 heck I would stick in my arm.

4 Q. So what did you do? You said it was, it was bad?

5 A. I wouldn't do it, I wouldn't do it ---

6 Q. Okay.

7 A. --- and at that time, ya know, usually when we we went to
8 that apartment there was no one there but at this time there
9 was somebody there because I even told Jason, I said there's
10 somebody in that back room and but anyway, Ant made it right,
11 ya know, I mean, he, ya know, we left and we wound up meetin'
12 him at a strip bar and he met up with somebody at a strip bar,
13 got somethin' and...

14 Q. Do you remember how much ya'll were, ya'll were buyin' at
15 that particular time?

16 A. Um, well I think about 2 -- 2, 3 ounces maybe.

17 Q. Okay, and was that just you and ---

18 A. It was just me and ---

19 Q. --- Jason?

20 A. --- Jason, yes, sir.

21 Q. Okay, now you said that you mentioned at a particular,
22 time, uh, towards, you always mentioned towards the end, you
23 can te ---

24 A. Well when I say towards the end is when I got in trouble.
25 Since I've been in trouble, I mean, I've tried to be very

1 good, ---
2 Q. Okay, I understand ---
3 A. --- it just ---
4 Q. --- but I guess my question is what happened on March
5 10th of 2010?
6 A. Alright, 2010, uh, Jason and I both got up that day and I
7 don't know, I just had a a weird feelin' all day, all night
8 and me and him decided we wasn't gonna go nowhere, we weren't
9 gonna do nothin', uh, we wasn't even gonna do no dope that
10 day, we went out to eat at Applebee's and on the way to
11 Applebee's Chris Sim called us.
12 Q. Chris Simmons?
13 A. Yes, sir.
14 Q. Okay, how do you know Chris Simmons?
15 A. I've known Chris Simmons, I met him through Jason but we
16 was like 15-years-old I met him, ---
17 Q. Okay.
18 A. --- when all of us met and Chris is just, I mean, we've
19 been just friends for years.
20 Q. Okay.
21 A. Excuse me. Um, Chris Simmons called and said he had
22 somebody ---
23 MR. ARIAIL: Objection, Your Honor, hearsay.
24 MR. PAULING: Okay, I'll ---
25 THE COURT: Alright, sustained.

1 MR. PAULING: Okay.

2 BY MR. PAULING:

3 Q. Where did you go? Did you go to Chris Simmons' house?

4 A. Yes, sir, we went there before we went and ate.

5 Q. Okay, why was that?

6 A. Because Chris was wantin' an 8-ball of dope.

7 Q. Okay, and, uh, did Jason have ---

8 A. Jason carried ---

9 Q. --- dope that night?

10 A. --- his dope everywhere he went, ---

11 Q. Okay.

12 A. --- his dope and his money everywhere he ---

13 Q. And ---

14 A. --- went.

15 Q. --- so did you go to Chris Simmons' house?

16 A. Yes, sir, we did.

17 Q. You remember where he was livin', about where he was

18 livin' at that time?

19 A. Oh, it's on Old Vinland School Road.

20 Q. Okay.

21 A. I don't know the the number, I just know, I know Old

22 Vinland School Road is where Chris has always lived.

23 Q. Okay, what happened once ya got there?

24 A. Um, if I'm not mistaken Chris come outside and was

25 talkin' to Jason and then, uh, if I'm not mistaken, he got a

1 8-ball from Jason and Chris has already owed Jason a lotta
2 money 'cause Jason would front it to him ---
3 Q. Okay.
4 A. --- and he had fronted it to him and well anyway, uh, ---
5 Q. And when you say front him, what what do ya mean?
6 A. He would just, ya know, let him ha -- hold it until, ya
7 know, he got the money or whatever and we'd come back and pick
8 it up or Chris would call him and say, I got your money
9 whatever. Chris never paid him, ---
10 Q. Okay.
11 A. --- never and, uh, we dropped that off and then we went
12 to Applebee's and we got to Applebee's, uh, we run into Tony
13 G. ---
14 Q. Okay.
15 A. --- and I don't know what the whole little shebang was
16 between him, I went on in 'cause I was ready to eat, ---
17 Q. Okay.
18 A. --- I just, I think if I'm not mistaken Tony G. owed
19 Jason money and he, and he was on his way home from work or
20 sumtin' and that he just met us there 'cause it's lives like
21 in Cross Path or whatever.
22 Q. Let me ask ya this: Did you make it back to Chris
23 Simmons' house?
24 A. Yes, sir.
25 Q. Okay, what happened -- well why did you go back to his

1 house?

2 A. Well we went to Wal-Mart and met Kim Taylor and Billy

3 Burns and they make Jason and them, apparently made a deal or

4 sumtin' in the parkin' lot.

5 Q. Okay.

6 A. I went all the way in the store because I was, ya know,

7 it was rainin' that night and make a long story short, uh, we

8 left Wal-Mart and it was my idea just go back to Chris's

9 because Chris always owes Jason money and I have to listen to

10 him, ya know, fuss and I'm tired owes me money so it's my idea

11 to on the way home go back by Chris Simmons's house.

12 Q. Okay, to get the money ---

13 A. Yes.

14 Q. --- for the dope he'd already fronted to him.

15 A. Right.

16 Q. Alright, so what happens once you got back to his

17 house?

18 A. Um, pulled up in the driveway and I didn't even cut my

19 vehicle off, uh, Chris come outside and he said, uh, Oh, this

20 dude ---

21 MR. ARIAIL: Objection, ---

22 A. --- here ---

23 MR. ARIAIL: --- Your Honor, hearsay again.

24 THE COURT: Alright, sustained.

25 BY MR. PAULING:

1 Q. Don't don't tell me what, don't tell me what Mr. Simmons
2 said, just tell me what happened.

3 A. Um, it -- Chris Simmons, uh, he had got out -- he come in
4 my vehicle, he gave Jason some money, he got outta the
5 vehicle, back in the house, come back out to my vehicle and at
6 the -- as he's come back out to the vehicle, I -- my little
7 girl called 'cause I let her go eat with some friends a mine,
8 I'm on the phone with her and it's, I don't know, a white SUV
9 come creepin' ---

10 Q. Okay.

11 A. --- up behi -- not up behind us but like his driveway's
12 like you pull up in his driveway just like that, here's
13 (indicating) main road ---

14 Q. Okay.

15 A. --- fr -- uh, from the main road, uh, we seen this SUV
16 creepin' up and all three of us at the same time just kinda
17 like turned around and was lookin' and it flew up, and his
18 grandmother lives next door, it flew up in her driveway and
19 then turned around and next thing I know there was blue lights
20 and a Glock was throwed in my face tellin' me freeze.

21 Q. Okay, was was that law enforcement?

22 A. Yes, sir.

23 Q. Okay, and were you arrested at that time?

24 A. Yes, sir, well, uh, not right away, ---

25 Q. Okay.

1 A. --- um, ---
2 Q. Well let must ask ya this: Did you ha -- was there dope
3 in the car?
4 A. Yes, sir.
5 Q. What was in the car?
6 A. Um, there was meth. I only knew of meth and and ---
7 Q. Okay, well let ---
8 A. --- some ---
9 Q. --- me just talk -- let's talk about what you knew of.
10 As far as the meth is concerned, uh, do you know where that
11 meth came from?
12 A. Some of it came from Atlanta and Jason made pit stop on
13 the way back, uh, from Wal-Mart, before we got to Chris's we
14 met up with Gordo and he had a got a 8-ball from Gordo.
15 Q. Okay, and when you say from Atlanta, from whom ---
16 A. 'cause like I say Jason had carried his dope everywhere
17 he went, ---
18 Q. Okay.
19 A. --- everywhere.
20 Q. But when you say from Atlanta, from whom in in Atlanta?
21 A. From Ant.
22 Q. From Ant?
23 A. Um-hum.
24 Q. Uh, now the the individual that you know as Ant do you
25 see that person here in the courtroom?

1 A. Yes, sir.

2 Q. Okay, and if you could point that individual out.

3 A. He's sittin' right over there (indicating).

4 Q. Okay, is there any doubt in your mind, when you say

5 sitting over there, can you describe what he's wearin'.

6 A. He's wearing a dark, uh, suit with gray top, gray

7 shirt.

8 Q. What color is the suit?

9 A. It's, uh, I'd say black, ---

10 Q. Okay.

11 A. --- a black tie.

12 MR. PAULING: Your Honor, I just ask that the record

13 reflect that Ms. Eades has indicated the defendant Antonio

14 Tate.

15 THE COURT: Alright, it'll so reflect.

16 BY MR. PAULING:

17 Q. Okay, is there any doubt in your mind that that's the

18 individual that you dealt with?

19 A. That's the individual.

20 Q. Beg the Court's indulgence. No further questions this

21 time.

22 THE COURT: Yes, sir.

23 MR. ARIAIL: Thank Your Honor.

24 CROSS-EXAMINATION BY MR. ARIAIL:

25 Q. Ms. Eades, ---

1 A. Yes, sir.

2 Q. --- you were in a relationship I guess were previously
3 married with Mr. Griffin, is that right?

4 A. Yes, sir.

5 Q. Well ho -- when were ya'll married?

6 A. We married, uh, May the 9th of 1995.

7 Q. How long were you married?

8 A. Uh, I divorced him I think it was in '98 when I divorced
9 him.

10 Q. '98 so married three years?

11 A. Um-hum.

12 Q. And ya'll still I guess continue to have a relationship,
13 is that right?

14 A. No, sir, uh, he went to prison.

15 Q. Okay.

16 A. He went to prison for seven years but I've always been
17 his friend, ---

18 Q. Okay.

19 A. --- I remained friends with him all these years.

20 Q. When he get outta jail?

21 A. Uh, my little girl since I think our girl's, it's 2008
22 maybe. I had my little girl in 2007 so it's probly about 2008
23 when he got out. It might be 2007, I don't know, but my
24 little girl was born in January of 2007 so and the first time
25 I seen Jason since he come home from prison, uh, she wasn't

1 even walking yet.

2 Q. Okay, so ya'll -- what what period a time do ya'll think

3 ya'll I guess reunited or...

4 A. It was after my son was born, uh, it's probly the end of

5 October of 2009 'til maybe beginnin' a December, I mean, maybe

6 beginning of November, excuse me, ---

7 Q. Okay, ---

8 A. --- 2009.

9 Q. --- are you married right now?

10 A. No.

11 Q. Okay, and, uh, none -- those two children are not Mr. ---

12 A. They're not ---

13 Q. --- Griffin's.

14 A. --- Jason's, no.

15 Q. Okay, and so ya'll reunite that time, are ya'll datin' or

16 back together? What was your relationship?

17 A. We were just datin', ---

18 Q. Okay, so ---

19 A. --- well he lived with me.

20 Q. Sorry?

21 A. He came to live with me.

22 Q. Okay, so he's in your house ---

23 A. Um-hum.

24 Q. --- and then that's when ya'll started doing meth' I

25 guess.

1 A. Um-hum.

2 Q. Okay, in that period a time you're goin' down I guess or
3 I guess said you went to Atlanta with him, is that right?

4 A. Yes, sir.

5 Q. Okay, now when you went to Atlanta and we've -- do you
6 know any a the addresses for these locations?

7 A. No, sir.

8 Q. Okay, don't know where that hou -- was it a house or an
9 apartment?

10 A. It was an apartment.

11 Q. Okay, not a house.

12 A. No.

13 Q. Okay, and you don't know where the address or the
14 apartment is.

15 A. No, sir.

16 Q. Okay, uh, were there any other people there at
17 apartment?

18 A. Usually not. There was one incident where there was
19 somebody in the back bedroom.

20 Q. Uh, you know who that was?

21 A. It was, uh, my understandin' it was a Mexican from what I
22 seen of him, what I seen of him.

23 Q. Did you get a name, any information ---

24 A. No, ---

25 Q. --- on him?

1 A. --- we never, we never spoke to him, he never come outta
2 the room.
3 Q. Okay, uh, now there was an incident at a Shell station I
4 guess we've talked about, that's I I guess involve you, Wendy,
5 and a Paul Simon, is that right?
6 A. Um-hum.
7 Q. Okay, so all of ya'll went down together, is that right?
8 A. And Jason Griffin.
9 Q. And Jason was -- yeah, and you would drive 'em in
10 your ---
11 A. Yes, sir.
12 Q. --- guess it was a Yukon.?
13 A. Yes, sir.
14 Q. Okay, so you drove 'em all the way down there and I guess
15 Wendy and, ---
16 A. Jason.
17 Q. --- uh, Jason went inside do a transaction, is that
18 right?
19 A. Yes.
20 Q. Okay, so you you say and I I tryin' understand this Shell
21 station you said I think it looked like, uh, I guess, so ---
22 A. It was like ---
23 Q. --- everybody ---
24 A. --- played out scene, it really was.
25 Q. When you say "played out scene", you mean that everybody

1 kinda knew about it?

2 A. Yeah.

3 Q. Okay, so everybody was in on it?

4 A. Yeah, because there wasn't I I think one car pulled up in

5 that parkin' lot ---

6 Q. Okay.

7 A. --- 'cause, I mean, I would sit when -- what my job was

8 to do for Jason was I really just watched his back and I pay

9 very close attention what goes on around me ---

10 Q. Um-hum.

11 A. --- and no one left that parkin' lot ---

12 Q. Right.

13 A. --- and we were there for a good while, no one.

14 Q. Now and you, and you say there's I I guess fifteen

15 Mexicans inside, there were two outside ---

16 A. Um ---

17 Q. --- in the car, fifteen inside.

18 A. Um-hum, that that, from what I could see I just say it's

19 a round about estimate, you know. When I went, I walked in

20 that room -- when I walked in the store, excuse me, when I

21 looked to my left there was a door there and there was a lot

22 of people in that room.

23 Q. Okay, uh, and at that point you didn't see what was goin'

24 on, you didn't know if a transaction was goin' on, you didn't

25 see any drugs or ---

1 A. I just was, I just went in the store to make sure Jason
2 was okay because ---
3 Q. Okay.
4 A. --- I mean, ya know, I I tripped out because I seen a,
5 when over there was a car parked beside me, I wanna say it was
6 like a light colored Cadillac, ---
7 Q. Okay.
8 A. --- it had, there was a gun and I seen that gun and I was
9 like, ooh, this ain't good ---
10 Q. How many ---
11 A. --- and ---
12 Q. --- ti -- yeah, sorry, I didn't mean to cut ya off.
13 A. That's okay.
14 Q. How many times did you see actual drugs bein', uh, I
15 guess transferred between Jason and Ant?
16 A. Almost every time I went.
17 Q. So you saw the specific transactions.
18 A. This one pacific that you're talkin' about the Shell
19 station, no.
20 Q. Okay, ya didn't see that one.
21 A. Not at the Shell Station, no.
22 Q. How 'bout ya ya said you were in the Waffle House, you
23 didn't see that one happen either, did ya, they went outside.
24 A. Went outs -- it happened outside in the parkin' lot.
25 Q. But ya didn't see that.

1 A. Oh, I was standin' right there, I mean, I wasn't starin'
2 at 'em while they were doin' it but, ---
3 Q. I mean, ---
4 A. --- I mean, I knew it was takin' place.
5 Q. --- I thought you said you were inside eatin'.
6 A. I went inside to get sumtin' to eat and use the bathroom
7 and I come back outside and they were ---
8 Q. Okay.
9 A. --- still makin' the deal, ---
10 (Cross-talk.)
11 Q. I thought you said you were eatin' while you were doin',
12 okay, so ---
13 A. No, I brought ---
14 (Cross-talk.)
15 Q. --- now now you're outside, you see that transaction, is
16 that right?
17 A. Right.
18 Q. Okay, now the -- you gave and and gave a report, uh, I
19 guess to law enforcement, is that correct? Do you remember
20 meetin' with them?
21 A. Uh, I talked with Henry Campbell after I got in trouble,
22 yeah.
23 Q. You talked with Hen -- and who's he with?
24 A. He's a Pickens County Narcotics Officer.
25 Q. Okay, and durin' this whole time, you're you're you're

1 you're you're sayin' you knew the name was Ant, is that
2 right?
3 A. Um-hum.
4 Q. Okay, he was black male is what you had said, is that
5 right?
6 A. Um-hum.
7 Q. Okay, so at at -- you remember givin' and sittin' down
8 and talkin' with a, uh, SLED agent by the name of, uh,
9 Mr. Asbill, Ashley Asbill, Ashbill?
10 A. I sat down and told Ashley?
11 Q. Yeah, do you remember ---
12 A. I may, I may have, I don't remember. I mean, ---
13 Q. You remember havin' ---
14 A. --- there ---
15 Q. --- a discussion?
16 A. --- I mean, when I, when I sat down and discussed
17 anything, Henry Campbell was usually always present because
18 he's be really the only one I would talk to.
19 Q. Okay, and and this happened apparently at the Greenville
20 County Detention Center, do you remember that, on, it looks
21 like it was on August 29th 2012.
22 A. Oh, I talked to him here, ---
23 Q. Okay.
24 A. --- over here at the courthouse.
25 Q. Okay, it says Greenville Detention Center, just

1 te ---
2 A. Well that's when I was -- that's when my bond got
3 revoked.
4 Q. This is your, uh, I guess that's your initials on here,
5 aren't they?
6 A. No.
7 Q. That's not yours right here (indicating)?
8 A. No.
9 Q. Do you remember ---
10 A. That's not my initials.
11 Q. Let me see this. Do you remember givin' this statement
12 right here (indicating) and read what it says?
13 A. Oh, yes. Yes, yes, yes, yes, excuse me, yes, this, but
14 this is it's not from -- this is totally different person.
15 Q. Okay, well just tell me what this is in regards to.
16 A. This is after me and Jason -- well after Jason got in
17 trouble, uh, that was posted bond. He was actually supposed
18 to help cooperate or whatever and he like went off on the deep
19 end or whatever and he started foolin' with this man. This
20 man's from South Carolina, this is ---
21 Q. Okay.
22 A. --- a totally different man.
23 Q. Tell me what this -- this is a statement you gave, tell me
24 what that says right there. Read that, ---
25 A. "Rachel" ---

1 Q. --- it's your statement.

2 A. --- it says, "Eades recalls Griffin goin' to pick' up

3 methamphetamines from black male that was referred to as

4 'nigger'". That's what he told us to call him, ---

5 Q. Okay.

6 A. --- well he told Jason but it's not this man.

7 Q. So so who who's this, who's this gentleman?

8 A. It it's a totally different pro -- I don't know, I've

9 never met him, don't ---

10 Q. So you never met him.

11 A. I I I seen him sittin' in the vehicle and I see him and

12 Jason doin' transactions and I did see him, uh, Jason doin'

13 transactions with him Wal-Mart.

14 Q. So at this point in time you didn't have any infor -- I

15 mean, you're sayin' you didn't know who this gentleman's name

16 was, ---

17 A. No.

18 Q. --- you don't know if it's specifically not referrin'

19 to ---

20 A. That's not ---

21 Q. --- individual.

22 A. --- referrin' to him, no.

23 Q. Okay, and how you -- I mean, you di -- there's nothin' in

24 here that you said that shows this a guy from South Carolina,

25 right?

1 A. No.

2 Q. Okay, ya didn't say this is not the guy from Georgia,
3 right?

4 A. No, to my understanding I I let them know that when
5 Jason -- this is when I quit foolin' around with Jason, he
6 started gettin' from a different, totally different person and
7 this person that we're referrin' to is is what he -- everybody
8 called him nigger, that's all I know.

9 Q. Okay, now and durin' these times ya'll were goin' down,
10 there were cell phone calls, various things like that, weren't
11 they, to communicate?

12 A. Jason and him, yes.

13 Q. Right, and did you ever make any phone calls, have any,
14 uh, ---

15 A. No, I've never even carried a conversation really with
16 Ant.

17 Q. So you've never carried a conversation with him.

18 A. Not really, no. We spoke, I mean, Hey, how are you
19 doin', you been doin' alright, but that's the -- I've never
20 carried a conversation just he and I, no.

21 Q. So you don't have, I mean, there's no -- I mean, you said
22 you were at the Shell stations, you were at these various
23 places, you don't have any gas receipts or anything showin'
24 you all went down there. You got any ---

25 A. No, we paid cash.

1 Q. Paid cash.

2 A. I did ren -- rent motel rooms.

3 Q. Did what?

4 A. I did re -- ment -- rent, uh, rent motel rooms.

5 Q. Rent your tail rims.

6 A. Motel rooms.

7 Q. Motel rooms, great, okay, what motel rooms?

8 A. Uh, I think it's a a Comfort Inn cr -- whatever across

9 the streets. When when my Yukon broke down, my fuel pump went

10 out ---

11 Q. Okay.

12 A. --- and it was very, very cold that night and Ant and

13 Jason both tried really hard workin' on my vehicle 'cause they

14 didn't know what was wrong with it at first because it was

15 sittin' on runnin', we were all sittin' there and all of a

16 sudden it just cut off and ---

17 Q. Um-hum.

18 A. --- wouldn't start back ---

19 Q. Okay.

20 A. --- and Jason and Ant worked on my vehicle for hours and,

21 uh, I went, uh, I wound up goin' across the street and rentin'

22 a hotel room.

23 Q. So who was workin' on the vehicle at that time?

24 A. Jason and Ant.

25 Q. Okay, uh, you call him Amp right there.

1 A. Ant.
2 Q. Okay, I just didn't know if you ---
3 A. I've never ---
4 Q. --- would call ---
5 A. --- called him like when that that statement right there
6 has nothin' to do with him, ---
7 Q. Okay, have you ever ---
8 A. --- that's a totally different state ---
9 Q. --- heard of him called Amp by anybody?
10 A. No.
11 Q. Okay, ---
12 A. I've known him ---
13 Q. --- never called ---
14 A. --- I've I've heard people call him Ant or Aunt, ---
15 Q. Okay, ---
16 A. --- that's all ---
17 Q. --- you ever ---
18 A. --- I've ever known.
19 Q. --- call Jason call him Amp or you know Wendy Lollis?
20 A. Oh, yeah, know Wendy Lollis.
21 Q. Have ya ever called -- heard Wendy Lollis, uh, call
22 anybody Amp?
23 A. No, ---
24 Q. Okay.
25 A. --- so I've always known him by Ant.

1 Q. Okay, now you don't have any these re -- credit cards
2 receipts or anything for this hotel, do ya?
3 A. Um, not right offhand but I probly can pulled it up
4 'cause I think it was paid with my debit card.
5 Q. But ya ya ya didn't bring that today to show to us.
6 A. No, sir, I didn't.
7 Q. Okay, you don't have any, uh, I guess photos or videos or
8 any audio stuff showin' ya'll had any conversations 'bout
9 this.
10 A. No, sir.
11 Q. You don't have any physical evidence other than your
12 testimony is what we're ---
13 A. Right, ---
14 Q. Okay, now ---
15 A. --- and when I, when I would rent the hotel room whatever
16 and he would ask me if it would be alright if he continued to
17 keep the room, I told him as long as you keep the room and
18 keep it clean and, ya know, don't damage it, that way I'm not
19 responsible for it because it wa -- it was paid for with my
20 debit card and I'm sure if you go back and pull up my debit
21 card record you'll see it.
22 Q. You have a criminal record?
23 A. Now I do.
24 Q. From this right here?
25 A. From this whole incident.

1 Q. You don't have anything before this?

2 A. The -- I have felony child neglect which I caught after I

3 caught these drug charges.

4 Q. Okay, do you have a fraudulent check charge?

5 A. Uh, yes, sir, ---

6 Q. Okay, so you ---

7 A. --- and it's from when I was married to Jason Griffin and

8 I closed out, when I divorced him I closed our checkin'

9 account out and one check didn't clear ---

10 Q. Okay, ---

11 A. --- and ---

12 Q. --- so you got ---

13 A. --- that ---

14 Q. --- unlawful neglect ---

15 A. --- the drivin' under suspension ---

16 Q. --- and fraudulent check charge.

17 A. And a a drivin' under suspension and an unlaw lawful

18 neglect charge I caught after I caught these drug charges.

19 Q. Okay, and you were lookin' at conspiracy to traffic I

20 think it was 400 grams or more, is that right?

21 A. Yes, sir.

22 Q. Okay, and you have now been able to work out a plea to

23 where that has been reduced, is that right?

24 A. My plea's not been reduced.

25 Q. Excuse me, you have pled guilty ---

1 A. I pled guilty and I'll ---
2 Q. --- and you ---
3 A. --- get 7 to 10 years.
4 Q. --- you have a recommendation of 7 to 10 years,
5 right, ---
6 A. Yes, sir.
7 Q. --- and you were lookin' at substantially higher than
8 that, right?
9 A. I I, I mean, my first plea was 10 to 12, I mean, I've
10 never been in trouble so, I mean, I don't know what really
11 woulda been offered to me, I have no idea.
12 Q. For trafficking twenty-eight to a hundred, that's what
13 you pled for, right?
14 A. Yes, sir.
15 Q. You know what the sentence is for that, what the range
16 is?
17 A. No, sir.
18 Q. It's 7 to 25 years, do you know that?
19 A. No, I mean, I knew it was a round 'bout idea. I mean, I
20 knew I was in a lotta trouble just I didn't ---
21 Q. Okay, so now you're lookin' at 7 to 10 years for
22 testifyin', right?
23 A. Yes, sir.
24 Q. Okay, and for givin' cooperation, right?
25 A. Right.

1 Q. So have you been promised anything or said what you
2 were ---
3 A. No, sir.
4 Q. --- gonna get based on this?
5 A. Yes, sir, ---
6 Q. When's the last time you -- what's that?
7 A. --- I'm gettin' 7 years is what I'm ---
8 Q. Se ---
9 A. --- I'm gettin'.
10 Q. --- seven years, okay, so you're now -- have you
11 talked -- when's the last time you talked with law
12 enforcement?
13 A. Um, I had a meetin' with the state attorney's office last
14 week.
15 Q. Last week.
16 A. Um-hum.
17 Q. Wha'd ya'll discuss durin' that conversation?
18 A. Just basically, ya know, goin' over things for this
19 trial.
20 Q. Goin' over things. What was said durin' that, wha --
21 wha'd ya'll discuss?
22 A. Um, nuttin' much really, I mean, what we're sittin' here
23 discussin' right now.
24 Q. Okay, pretty much all this?
25 A. Um-hum.

1 Q. Were ya asked to testify to anything in particular?
2 A. No, ---
3 Q. Okay, you just gonna tes ---
4 A. --- just tellin' -- they wanna know what my part was in
5 this and that's what I tell what my part was in this.
6 Q. Okay, you'll bear with me one second. Uh, you know
7 Wendy's goin' down with ya'll in this, was she getting a
8 cutback of the drugs that when she went down there?
9 A. Uh, to my understanding yes because I remember her and
10 Jason arguin' several times because she would want a cut every
11 time Jason went and Jason took it upon hisself to go to Ant by
12 hisself, I mean, he cut Wendy totally out of it ---
13 Q. Okay, so wh ---
14 A. --- and Jason was like, ya know, you aint been goin' down
15 there with me so I don't feel like I should have to pay you
16 and Jason, I don't know, I don't know what they were, you
17 know, what their whole ordeal was, what he, ya know, how he
18 done it or whatever, I just know he needed to get more dope or
19 knock money off a what she owed him or whatever.
20 Q. Okay, and do you know that Mr. Tate has an identical twin
21 brother?
22 A. No.
23 Q. Okay. No further question, thank you.
24 THE COURT: Any redirect?
25 REDIRECT EXAMINATION BY MR. PAULING:

1 Q. Ms. Eades, you said you you did not know that that
2 Mr. Tate had a twin brother?
3 A. Well, I mean, I just found that out, I mean, ---
4 Q. Okay.
5 A. --- here recently as in like, you know, when ---
6 Q. Well let let me ask ya this, let me ask ya this: ---
7 A. Um-hum.
8 MR. ARIAIL: Your Honor, I ask that she be able to
9 finish.
10 THE COURT: Alright, please ---
11 A. I just, I mean ---
12 THE COURT: --- finish your answer.
13 A. --- from the time when I, when I, after I got indicted is
14 when I found out that he had not been arrested and when I
15 posted bail and got out that, uh, before I posted bail and got
16 out I actually went to Columbia for a bond reduction and on
17 the way back is when, uh, I don't remember who it was, me and
18 Wendy were talkin' and Wendy is the one that actually told me
19 that he had a twin brother and I didn't know that 'til that
20 moment and we were comin' back from Columbia for our bond
21 reductions.
22 Q. Well let me ask ya this, Ms. Eades: The gentleman sitting
23 right there (indicating) in the gray shirt, ---
24 A. Um-hum.
25 Q. --- you recognize that individual?

1 A. He looks just like Ant.
2 Q. Okay, he looks like who?
3 A. Ant.
4 Q. Okay, well who's Ant?
5 A. Uh, I'm assumin' Antonio Tate.
6 Q. Right, but who do you know as Ant?
7 A. This man right here (indicating).
8 Q. That man right there (indicating).
9 A. Um-hum.
10 Q. Sitting at defense table?
11 A. Um-hum.
12 Q. Is that Ant, who you know as Ant?
13 A. They both look the same.
14 Q. Well but let me ask ya this: Who do you know as Ant?
15 A. I mean, I don't know him personally. Like I said, I've
16 never really carried a conversation.
17 Q. I'll back -- I'll rephrase it. The person you dealt
18 with, ---
19 A. The ---
20 Q. --- you and Jason went to, ---
21 A. Uh, it looks like this gentleman right here (indicating).
22 Q. Sitting at defense table?
23 A. Yes, sir.
24 Q. Okay, now Mr., uh, Mr. Ariail had asked you I believe it
25 was a a statement you gave in in August, ---

1 A. Um-hum.

2 Q. --- okay, did law enforcement ask you about, uh,

3 additional information you had regarding ---

4 A. Right, ---

5 Q. --- methamphetamine trafficking?

6 A. --- right.

7 Q. Okay, is that how that came up ---

8 A. Yes, ye ---

9 Q. --- that information about the other ---

10 A. --- yes, ---

11 Q. --- individual?

12 A. --- because Jason was no longer even foolin' with Ant at

13 all on that one particular that, uh, statement or whatever.

14 Q. Okay, so he had another source?

15 A. Yes.

16 Q. Okay, was that the information you were pro -- providing

17 law ---

18 A. Yes, sir.

19 Q. --- enforcement? Okay, so were you referring to to Ant

20 (indicating)?

21 A. No.

22 MR. PAULING: No further questions, Your Honor.

23 THE COURT: Anything else?

24 MR. ARIAIL: Your Honor, just a couple questions.

25 RECROSS-EXAMINATION BY MR. ARIAIL:

1 Q. Now once again he, you you just said he just looks
2 exactly like -- look ---
3 A. Yeah, ---
4 Q. --- just like, ---
5 A. --- they look ---
6 Q. --- that right?
7 A. --- just alike today, um-hum.
8 Q. Okay, Wendy called you comin' back from, uh, Columbia, is
9 that right?
10 A. Excuse me?
11 Q. Wendy Lollis called you and let you know that he had
12 ide -- identical twin brother?
13 A. Yeah, Wendy was with me, she rode with me. We were
14 comin' back and we were talkin' about Ant 'cause we was like,
15 ya know, we was just all talkin' about how, ya know, this a
16 horrible mess and, ya know, and she said that was Ant that was
17 in the courtroom with us, I didn't even realize it, didn't
18 even recognize him.
19 Q. Why'd the -- why did conversation about an identical twin
20 brother come up?
21 A. She she, I don't know 'cause I guess she's done it once,
22 she's like, Did you know he had identical twin, and I was
23 like, No, I didn't know that, it just ---
24 Q. What was it, ---
25 A. --- came up.

1 Q. --- was it potentially because ya'll are tryin' to get
2 your stories straight to make sure that you had accused the
3 right person?
4 A. No, sir.
5 Q. Okay. No further questions.
6 THE COURT: Anything else?
7 MR. PAULING: Not from the State, Your Honor.
8 THE COURT: Ma'am, you can step down.
9 (Whereupon, the witness left the stand.)
10 THE COURT: Mr. Pauling, your next witness what do you
11 anticipate direct examination to be?
12 MR. PAULING: It it it could probly be a -- may we
13 approach, Your Honor, ---
14 THE COURT: Yes, ---
15 MR. PAULING: --- 'cause it may depend on him so...
16 THE COURT: --- sure.
17 (Whereupon, a bench conference was held off the record.)
18 THE COURT: Ladies and gentleman, just to tell you know
19 about plannin', if ya'll are like me, things seem shorter if I
20 know when it's gonna end, we're gonna break for lunch about
21 12:45, uh, and then we'll come back about 2:15, that's our
22 goal right now and and give ya about an hour and a half for
23 lunch and get a good break. While we're gettin' this next
24 witness up let me tell ya a couple of rules that I have for
25 the jury in the courtroom, that is while we're breaking

1 witnesses and changin' witnesses if you wanna stand and
2 stretch, you do it, you go right ahead and if you need a break
3 at any time, you signal to me or you signal to this fella
4 right here (indicating) in the red jacket and we're gonna
5 break right away, okay? Alright. Here, I'll stand up, if it
6 makes ya'll feel better, I'll stand up.
7 (Laughter.)
8 (Whereupon, a discussion was held off the record.)
9 THE COURT: Good, we got one, we got one to do it, got an
10 attorney doin' it now too.
11 (Laughter.)
12 (Whereupon, a discussion was held off the record.)
13 MR. PAULING: State would call Henry Campbell.
14 THE COURT: Alright, sir, if you'll come forward be
15 sworn, please.
16 (Whereupon, the witness came forward.)
17 HENRY DALE CAMPBELL, having been
18 first duly sworn, testified as follows:
19 THE CLERK: Thank you.
20 DIRECT EXAMINATION BY MR. PAULING:
21 Q. Mr. Campbell, how you doin', sir?
22 A. Just fine.
23 Q. Please state your full name for the record.
24 A. My name is Henry Dale Campbell.
25 Q. Okay, and, sir, if you could tell the members of the

1 jury, uh, where are, where are you currently employed, sir?

2 A. I'm employed employed at the Pickens County Sheriff's

3 Office in the Narcotics uh, Vice Division.

4 Q. Okay, how long have you been with Pickens County

5 Sheriff's Office?

6 A. Probly 'bout 15, 16 years.

7 Q. And have ya always been in narcotics or is it just

8 basically --- what what's your law enforcement background?

9 A. I've been in it close to 25 years, uh, mostly road

10 deputy, uh, road work, I've been in narcotics for the last 13

11 years though.

12 Q. Okay, and where were you prior to Pickens County? Have

13 you always been Pickens County?

14 A. No, I worked in Liberty Police Department.

15 Q. Okay, and obviously you've been to the Criminal Justice

16 Academy?

17 A. Yes, sir.

18 Q. Okay, and what's your educational background?

19 A. I have an associate's degree.

20 Q. Okay, and as far as being a narcotics agent with Pickens

21 County, what do your duties entail, I mean, what is it that

22 you do?

23 A. Uh, our main duty in our division, uh, basically we're

24 special operation. We handle mostly drug cases, that would be

25 street level drugs, multi-level drugs, uh, drug dealers,

1 anything dealin' with, uh, drugs on the street, that is our
2 main objective, most what I deal with at all times and also we
3 deal with any other vice crimes like, uh, gamblin',
4 prostitution, those things.

5 Q. As far as narcotics investigations are concerned, uh, do
6 you take a part in undercover drug transactions or or whether
7 it's undercover officers using a confidential informant?

8 A. Yes, we do both.

9 Q. Okay, and as far as drug transactions involved in a
10 confidential informant, can you tell the jury how do those
11 take place. What what do you, what do you usually do?

12 A. A confidential informant's gonna be an individual that is
13 a basic, uh, workin' with us, that individual will be
14 documented, we'll get their information, uh, depends whether
15 they have charges or not, some individuals have charges which
16 they will work in order to get consideration later once it's
17 approaching the solicitor's office, some of 'em are just paid,
18 they just come out and do it 'cause they wanna make some
19 money, uh, but either way they're documented. Those
20 individuals will work with us and what they do they know
21 individuals out there that are sellin' drugs and we don't
22 point them in any direction, we go wherever they've been and
23 that's the way we have to work it so these individuals come in
24 and once they're documented we'll focus on who they can deal
25 with and that only certain people they can deal with, that's

1 when they're meetin' with us, we'll wire 'em up and we'll
2 provide documented funds to purchase drugs with.

3 Q. And as part of your duties as a narcotics investigator,
4 were you involved in this particular state grand jury
5 investigation?

6 A. Uh, yes, one portion.

7 Q. Okay, one portion of it. And as as as part of your
8 involvement did that include, uh, an undercover deal back in
9 March of 2010?

10 A. It did.

11 Q. Was that March 10th of 2010?

12 A. I I'd have to double check the date, I know it's March
13 2010.

14 Q. Okay, and do you recall who that, when I say who that
15 involved, that involved Christopher Simmons?

16 A. Yes, that was one of 'em.

17 Q. Okay, and, uh, you indicated that you used a confidential
18 informant?

19 A. I did.

20 Q. Okay, if you could tell the jury in preparing for that
21 undercover deal what did you do?

22 A. Uh, this individual has been documented, had been used by
23 the DA, they called me, he knew some individuals of Pickens
24 County, met with him, we, uh, documented him, got some
25 information, I knew some the people he could deal with and he

1 had talked to Mr. Simmons 'bout purchasin' a quantity of
2 methamphetamine, uh, later on that evenin', uh, that's when I
3 met with, uh, with the, uh, confidential informant.

4 Q. Okay, and you you said you talked face-to-face, was it on
5 the phone ---

6 A. No, he told me they had talked on the phone, that he had
7 some, uh, methamphetamine to sell, that he could purchase
8 that, he supposedly had some, uh, some type a pills too, I'd
9 have to double check my notes, we were gonna purchase though
10 if he still had 'em later on that evenin'.

11 Q. Okay, in preparing the the the CI, you you mentioned a a
12 a wire, what did, what ---

13 A. Uh, ---

14 Q. --- did you do?

15 A. --- uh, what we do, uh, any individual works with us and,
16 uh, we will search that individual, make sure they have
17 nothing illegal on 'em, make sure there's no drugs on 'em
18 whatsoever, uh, make sure they're clean, they don't have any
19 weapons or anything like that, then we place a a it's a hidden
20 transmitter on their body, uh, once we do that we will find
21 out how much the deal's gonna takes place, how much money's
22 involved, we'll take that much money, document it, give it to
23 the CI and then we will follow them to the destination we're
24 goin' to.

25 Q. And do you recall in this particular deal how much the

1 deal was supposed to be for, the amount a drugs it was
2 supposed to be for?

3 A. Uh, our original plan was gonna buy an 8-ball of, uh,
4 methamphetamine, supposed to buy I think it was 10 ecstasy
5 pills, uh, our total thing, I think our value was gonna be
6 \$450, I could double check my notes for a ---

7 (Cross-talk.)

8 Q. If you wanna, if you wanna double checks your notes,
9 that's fine, sir, but did you pre -- prepare a report after
10 this had taken place?

11 A. Yes, I did.

12 Q. Okay.

13 A. Yes, they say I was given \$425 in documented funds and
14 the, uh, price we were gonna, we were go -- he was quoted on
15 the phone, he was gonna get an 8-ball for \$325 and the other
16 hundred dollars gonna buy ten, uh, ecstasy pills.

17 Q. Okay, and once you wired him up and and checked for for
18 contraband, what what did you all do?

19 A. Uh, once he was searched, wire, everything's good, we
20 give him the money, we follow our CI to, uh, uh, it's 904 Old
21 Vinland School Road in Easley, that's in Pickens County, uh,
22 he goes to meet with a individual named Christopher Simmons,
23 that's the guy that he was gonna buy methamphetamine and the,
24 uh, ecstasy pills from.

25 Q. Okay, now when you you say "we", who was, who also with

1 you?

2 A. Uh, there's another deputy that was with me, his name
3 was, uh, John Ross.

4 Q. Okay, and once the CI got to that location what
5 happened?

6 A. Uh, once he got in there he was in there there for probly
7 close to thirty minutes but they talked a lot about the, uh,
8 meth that he was, that the CI was gonna purchase, problem was
9 when he got there Chris Simmons only had an 8-ball
10 methamphetamine left and told him he could give him half a
11 that, he said only half, was gonna keep the other half, uh,
12 and he said that was fine and he didn't have the ecstasy pills
13 either so he was gonna purchase the half 8-ball, uh, they
14 talked some more, talked about different grades a
15 methamphetamine, uh, I think different players in the game and
16 just outta the blue he -- they got talkin' about, uh, uh,
17 Jason Griffin. Uh, Chris was, uh, sayin' that's where he got
18 his methamphetamine from was was, uh, Jason. They talked
19 about Jason a little bit, talked about, ya know, his -- he
20 carries a gun, he kinda led to the CI the, Jason might be a
21 little crazy at times and they got talkin' about well when
22 Jason outta
23 the, he was gonna come over meets Chris later, give the
24 additional dope, we didn't know when that was gonna be so he's
25 gonna buy the half, our CI buy the half 8 and leave, well

1 Jason shows up in the middle of the tra -- after transaction
2 was done, they're still in the, uh, the residence, that's when
3 Chris tells our CI, said, Look, I can go get ya other half you
4 want it now, he goes outside, I guess he talks with Jason, I,
5 ya know, he's -- we can't hear the the wire 'cause our CI's
6 still inside the house, ---
7 Q. Okay.
8 A. --- uh, comes in and he says, Yeah, I do, he says but I
9 want a search.
10 Q. Needs to search the CI?
11 A. C, uh, Chris tells the CI, I need to search you, Jason
12 wants to check you out, CI gets nervous, says, Look now, I'm
13 cool, everything's good. They talk a minute, well Chris walks
14 back outside, the CI gets, he's really scared right now so he
15 calls me on the cell the phone, I tell him, Look, I heard the
16 conversation earlier, I don't know if he's got a gun or not, I
17 said, I need you just exit the back door, walk to the back a
18 the yard to the edge a the wood line, I want you to sit down
19 and I'll get to ya in just a few minutes.
20 Q. Okay.
21 A. At that time we ended up pullin' into the driveway of a
22 residence.
23 Q. Okay, "we" ---
24 A. Me and, I mean, ---
25 Q. Deputy ---

1 A. --- Deputy Ross.

2 Q. --- Deputy Ross. Okay, what happened once you got, uh,

3 once you drove up into the, uh, ---

4 A. Well we pulled into the, uh, residence right there, it

5 it's right off Old Vinland into a driveway, there's a gray,

6 uh, Yukon sittin' there, uh, when I pulled in I flipped my, I

7 turned my blue lights on so they know we're, uh, law

8 enforcement, we get out and make ever -- the three people, we

9 see three people in a vehicle, it's gonna be Rachel Eades was

10 the driver, Jason Griffin is the front passenger and Chris

11 Simmons is the passenger in the backseat behind Jason.

12 Q. Okay.

13 A. Uh, we get 'em to show their hands, we start tryin' to

14 get everybody out, kinda watch who's who 'cause I'd already

15 called for backup 'cause I didn't know how many people were

16 gonna be at the residence, I was worried about the guns.

17 Q. Okay.

18 A. Uh, we kinda hold everybody at bay, uh, I do make Rachel

19 step out to the front the vehicle, as I'm doin' that Jason

20 climbs out the window, drops a little bitta meth in a bag on

21 the ground, I retrieve that, make him stay on the hood, I got

22 another guy comin' out the front door, there's only two of us

23 there at that time, I'm holdin' -- we had to draw weapons,

24 hold everybody at gunpoint, tell 'em, uh, just stay where ya

25 at, get down 'til the up came, when everybody came, we went,

1 uh, handcuffed everybody and started, uh, uh, separatin'
2 everybody so we figure out what we had, ya know, 'cause I knew
3 two of the players that were there should be Chris and, uh,
4 Jason, I didn't know who else would be at that residence, uh,
5 we start ID'n people.

6 Q. Okay, and, uh, once you secured the scene, uh, was was
7 the vehicle searched at all?

8 A. Yes, it was.

9 Q. Okay, and you recall who searched the vehicle?

10 A. Uh, let's see, it was myself, paper out, the vehicle, uh,
11 me, Deputy Ross and I'm sorry. Okay, they woulda been, uh,
12 okay, I got it backwards, I apologize. I searched re --
13 inside the residence, it was, uh, at that time a Lieutenant
14 Brooks, Agent Barwick searched the vehicle.

15 Q. With with your agency with Pickens County?

16 A. Yes, yes.

17 Q. Okay, and, uh, did they recover any methamphetamine out
18 of that location outta the vehicle?

19 A. I tryin' which it would come, uh, yes there was another
20 quantity of meth in the vehicle along with some other drugs
21 that were discovered also.

22 Q. Okay, if if you could just explain to the jury the
23 process of of of collecting the drug evidence and then, uh,
24 where it's stored?

25 A. Uh, once once everything was searched, we also, uh, I

1 will say is that in the residence, uh, where Chris Simmons
2 lived his mother was there, she woke up, she gave us written
3 consent to go in and search her her, uh, residence, I also
4 found inside of Chris's room some initial items, some drugs
5 and some paraphernalia and some documentation, that along with
6 the vehicle everything was searched, everything that we found
7 that was drugs, drug-related weapons, uh, money, anything that
8 we associated with this drug deal was seized. When I say
9 that, we take it into evidence, it's normally bagged, we, uh,
10 uh, label it, we bag it up, we turn it into our
11 identification, our ID division and they will have analyzed.

12 Q. And as far as keeping track of that, is there a
13 property sheet or form ---

14 A. Yes, we ---

15 Q. --- that you fill out?

16 A. --- yes, we fill out an evidence sheet, uh, whoever
17 collects the evidence would fill out the evidence sheet, will
18 turn it into our ID division, then they will sign that they
19 took custody a that and wherever they take it from there would
20 be to, uh, the, uh, chemist to be analyzed, there's a trail
21 with that -- with the evidence the whole time.

22 Q. Okay, and after the the evidence is analyzed, where
23 does it go, does it go back property?

24 A. Yes, it comes back to our division, uh, or I'll take to
25 sheriff's office, our ID division will store it until it's

1 needed for either court, whatever.

2 Q. Okay, do you have a copy a that property sheet?

3 A. I do.

4 Q. Okay.

5 A. I have it right here.

6 MR. PAULING: May I approach the witness, Your Honor?

7 THE COURT: Yes, of course.

8 (Pause.)

9 MR. PAULING: Beg the Court's indulgence, Your Honor.

10 THE COURT: Certainly.

11 (Property reports marked State's Exhibit Nos. 10, 11, 12,

12 13 and 14 for identification.)

13 MR. PAULING: Thank you.

14 COURT REPORTER: You're welcome.

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

16 BY MR. PAULING:

17 Q. Investigator Campbell, show you State's, uh, 10 through

18 14 for ID purposes, you recognize those particular items, sir?

19 A. I do.

20 Q. Okay, those are the property sheets that you were just

21 referring to?

22 A. That is.

23 Q. Okay, now is your, is your name on that property sheet?

24 A. It is, yes.

25 Q. Okay, as well as the other individuals, uh, who would

1 have come in contact with, uh, the evidence?

2 A. Yes, uh, from where I initially took it from the scene
3 and then turned it in, from there it has a signature where it
4 goes from and then all the way up to today's date.

5 Q. Okay, and in fact did you bring evidence to Court
6 today?

7 A. I did.

8 Q. And you checked, you checked it out this, uh, this
9 mornin' ---

10 A. Yes -- well no, I checked it out yesterday and we
11 returned --

12 Q. --- in anticipation ---

13 A. --- it to safe, then we picked it back up this mornin'
14 so...

15 Q. Okay, now if you could you mentioned, uh, meth that was
16 found by Agent Barwick and Lieutenant Brooks, ---

17 A. Uh-hum.

18 Q. --- uh, do you have that in in your possession?

19 A. Let me get out my page. Yes, it is, it is in the the,
20 uh, sealed bag now.

21 Q. Okay, uh, and that bag was was was was sealed, placed
22 in evidence after test, is that correct?

23 A. Yes, uh, it's sealed when I turn it in and then when it
24 goes to the chemist I understand he breaks the seal, he does
25 his testing, he re-seals it to ship it back to us.

1 Q. Okay, could you locate that particular item of the the
2 methamphetamine that was found in the ---
3 A. I can, uh, this one right here (indicating), uh, you're
4 referrin' to Number 8 on this, uh, property report?
5 Q. Yes, sir.
6 A. Uh, I've got it listed, uh, as a black zippered case
7 right here (indicating) ---
8 Q. Yes.
9 A. --- and along with that I've got listed, uh, different
10 items weigh, what kinda flow here but, uh, one of 'em was a,
11 uh, a bag of, uh, crystal white, crystal sub, I had several
12 bags a that but one of 'em in particular be this number right
13 here (indicating), be Number 8A, it is a large, largest amount
14 right here, this one's one that tested, uh, pos. for
15 methamphetamine weighing at 40.03 grams.
16 Q. Thank you, Agent Campbell, and now that was what was was
17 located in the car?
18 A. Yes, that was, uh, one of 'em located in the car.
19 Q. Now, okay, what what else was was located inside the car?
20 A. Uh, um, now Item Number 7 I've got listed it's a bag rock
21 su, a crystal substance also was 3.28 grams of methamphetamine
22 when it was tested, it's the item that fell outta the vehicle
23 when Jason Griffin was climbin' out, ---
24 Q. Okay.
25 A. --- uh, that originally come from the vehicle and then

1 from the front console that's where the 40., 40.03 grams come
2 from another small bag with 0.46 grams a methamphetamine, uh,
3 another bag a methamphetamine that weighed 3.28 grams and a
4 bag of cocaine that weighed out at 1.34 grams along with, uh,
5 I got two Alprazolams which are, uh, tablets, uh, that's a
6 Schedule II controlled substance, I had, uh, one, uh,
7 Hydromorphone a Schedule II controlled substance and then we
8 also had two, uh, Oxycodones which is Schedule II, uh,
9 controlled substance also in the vehicle along with the stolen
10 gun.

11 Q. Okay, now were there any, was there any currency
12 that was located?

13 A. Uh, yes, I also located inside the vehicle, uh, the
14 sheets here, uh, there was \$1,990, uh, it was kinda hidden up
15 under the passenger side up in the, behind the glove box,
16 kinda just wedged up in there, that's where that was at ---

17 Q. Okay.

18 A. --- and inside the vehicle the gun was a .40 caliber
19 Beretta that was later we realized, I got even it was stolen
20 and it oh, had, uh, it was loaded with ten rounds inside a
21 magazine inside the weapon along with some scales and, uh, no,
22 I think that's it, let me ---

23 Q. Let me ask ya this: Was there any other money that was
24 located on anyone?

25 A. Uh, yeah, now we did take money off people now, uh,

1 Mr. Griffin had \$577, uh, in his pocket and I I was thinkin'
2 that Mr. Griffin had some money too, uh, he did. He had a a
3 hundred and fifty dollars in his pocket, that was actually
4 documented funds that we had bought original half 8-ball with.
5 Q. Okay, hold on, let me just make sure I have my names
6 right. Was that Jason Griffin or was that Christopher
7 Simmons?
8 A. Chris Simmons still had that hundred fifty dollars in his
9 possession we approached the vehicle.
10 Q. Okay, now was there any documented funds that that were
11 recovered?
12 A. That's the documented funds that Chris had because we
13 only bought but half originally and when Jason showed up
14 unexpectedly they were still workin' out how they were gonna
15 do it and I -- see, I had not paid any additional monies.
16 MR. PAULING: Just beg the Court's indulgence.
17 THE COURT: Yes, sir.
18 BY MR. PAULING:
19 Q. And as far as that particular transaction, I know you
20 sum -- summarize it, but is that essentially your
21 involvement ---
22 A. For that case, ---
23 Q. --- for that, ---
24 A. --- yes.
25 Q. --- for that, for that particular ---

1 A. Yes.

2 Q. --- matter? Now once you had, and I know you have
3 property sheets, but once you had, uh, recovered the the drug
4 evidence, what what did you do with it?

5 A. Uh, all the drug evidence was, uh, placed in bags and we,
6 uh, collected it, uh, we write notes like the date, our
7 initials on it and then all the evidence I collected together,
8 I took it back a, uh, sheriff's office, that time I fill out
9 my report here, took it over to ID division so they could have
10 it analyzed.

11 Q. Okay, and and who would you turn it in to?

12 A. Uh, this this particular time turned to, uh, uh,
13 Sergeant, uh, J.T. Albrecht with our, uh, ID division.

14 Q. And once, you said you sealed it before you gave it to
15 him ---

16 A. Yes.

17 Q. --- okay, how and how do you seal it?

18 A. It is, uh, we got a -- these plastic bags here, uh, for
19 there was heat sealed bags kinda like you get at a food store.
20 Uh, once your evidence placed in it, we got a heat sealer
21 puts a seal on it just like this right here (indicating) now,
22 uh, so there's no way to open it without damagin' the seal and
23 then you know it's been messed with, tampered or whatever.

24 Q. Okay, and would you mark it at all in any manner?

25 A. I, sometimes I do, sometimes I don't. I ---

1 Q. Okay.

2 A. --- I normally mark the individual bags what my main
3 concern is when I'm focusin' on the, on drugs.

4 Q. Okay, but it's reflected again on the, on the property
5 sheet, that correct?

6 A. Yes, um-hum.

7 MR. PAULING: Okay, no further question this time, Your
8 Honor.

9 THE COURT: Alright, uh, we come to a good breakin' point
10 if that's alright, uh, a -- I assume you're gonna have some
11 cross-examination for ---

12 MR. FARNHAM: Yes, ---

13 THE COURT: --- this ---

14 MR. FARNHAM: --- ma'am.

15 THE COURT: --- wi -- okay, alright, very well, we'll
16 resume that after lunch. Uh, sir, you can step down. I
17 remind you that over the lunch hour you cannot discuss your
18 testimony with anyone.

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Thank you.

21 (Whereupon, the witness left the stand.)

22 THE COURT: Alright, ladies and gentlemen, we've come to
23 our lunch break. I promised you I would sound like a broken
24 record, please do not discuss this case with anyone over the
25 lunch break, um, if you will be back in your jury room at 2:15

1 so if you'll be back at 2:15, we'll begin cross thereafter.
2 Thank you. I'd ask everyone to stay seated in the gallery
3 until the jury's been dismissed.

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

5 (The following takes place outside the presence of the
6 jury.)

7 THE COURT: Alright, just one word before I let everybody
8 break for lunch. Uh, I know that this is emotional case for
9 some folks who are in the courtroom, we gonna act like it's a
10 courtroom, we gonna behave like it's a courtroom. Laughin',
11 makin' comments, uh, jokin' around and havin' social hour
12 during testimony is unacceptable and I will remove you from
13 the courtroom. I will not allow you to do that in my
14 courtroom. There's gonna be no fixin' hair, none a that,
15 period, alright. I've sat and I've been pretty nice about it
16 this mornin' but you've had fair warnin', alright, that bein'
17 said we'll resume at 2:15. Thank you so much.

18 (Whereupon, a recess was taken.)

19 (Bag with drugs marked State's Exhibit No. 15 for
20 identification.)

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

22 THE COURT: Alright, yes, sir.

23 MR. PAULING: Your Honor, just just for the record, uh,
24 Mr. Ariaail and I, Ariaail and I talked about we we marked that
25 bag that Henry Campbell was -- it's been marked for ID, I

1 think it's State's 15 ---
2 THE COURT: Yes, sir.
3 MR. PAULING: --- but just for ID only though.
4 THE COURT: Okay, perfect. Okay, very well, re -- we'll
5 have the record reflect that and, uh, I appreciate it.
6 Alright, sir, you wanna retake the witness stand? You wanna
7 go get our jury?
8 (Whereupon, the witness returned to the stand.)
9 (The following takes place in the presence of the jury.)
10 THE COURT: I hope you all had a good lunch, we're ready
11 to resume. Yes, sir, Mr. Farnham.
12 MR. FARNHAM: Thank you, Judge.
13 CROSS-EXAMINATION BY MR. FARNHAM:
14 Q. Good afternoon, it's Investigator Campbell?
15 A. That that's fine.
16 Q. David Farnham, represent Mr. Tate, how are you? Uh, in
17 listening to your direct testimony, I wanted to ask you
18 regarding the drugs that are in that bag, you testified that,
19 uh, so many grams came outta the home?
20 A. I was talkin' about what come out the vehicle?
21 Q. How much came outta the vehicle?
22 A. I'll have to add 'em up, there was more than one bag.
23 Q. You know what the weight was?
24 A. Which one? The the big one's 40., uh, 40.03 grams was
25 the biggest of the bags that come out the vehicle.

1 Q. Okay, how how much came outta the home 'cause I saw that
2 you lumped all the drugs together and your property was in --
3 there were drugs that were found in the home as well, correct?
4 A. Uh, yes, uh, ---
5 (Pause.)
6 Q. Okay.
7 A. --- the, it appears that ones that were analyzed would be
8 almost have to look at the actual bag to match up with mine.
9 Q. That's fine. May I ---
10 (Cross-talk.)
11 Q. --- approach, may I approach the witness, Judge?
12 THE COURT: Of course and I'll give you like permission
13 to approach the witness ---
14 MR. FARNHAM: Thank you, ---
15 THE COURT: --- any time.
16 MR. FARNHAM: --- Judge.
17 THE WITNESS: We're gonna, uh, we're gonna -- we need to
18 cut this open, I won't be able to ---
19 MR. FARNHAM: That's fine.
20 THE COURT: Any objection to that?
21 (Whereupon, a discussion was held off the record.)
22 MR. PAULING: Oh, ---
23 (Cross-talk.)
24 MR. PAULING: --- I I have no problem as long as the
25 witness will stipulate that it was, that was sealed and

1 properly opened.

2 THE COURT: Alright, ---

3 MR. FARNHAM: That's fine.

4 THE COURT: --- any problem with that? Alright, it'll be

5 so ---

6 MR. FARNHAM: Okay.

7 THE COURT: --- stipulated to and you cut it open.

8 THE WITNESS: Okay.

9 THE COURT: I'll note for the record that the witness is

10 cutting open, uh, a sealed bag.

11 THE WITNESS: I will cut the bottom so that

12 Mr. Armstrong's initials are on it, interrupt ya here.

13 THE COURT: Alright.

14 BY MR. FARNHAM:

15 Q. What what is the bag that you just pulled out first?

16 A. This bag is Number 8 on my list, this come from the

17 vehicle.

18 Q. That came from the vehicle?

19 A. Um-hum.

20 Q. Let's see, ---

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

22 A. What come off of, uh, now you ask me what come outta the

23 residence, that what you said?

24 Q. Correct.

25 A. Okay, that will be my items, uh, Number 3 and 4 off a

1 my -- these two -- this (indicating) is what come outta the
2 residence, ---
3 Q. Okay, ---
4 A. --- okay.
5 Q. --- whose residence was it?
6 A. Uh, Mr. Simmons ---
7 Q. Okay.
8 A. --- well he lived there with his mother, his mother
9 was stayin' with her house, it's, uh, it's her residence.
10 Q. Alright, and that those were the drugs that were
11 analyzed?
12 A. No, uh, these drugs right here (indicating) there's, we
13 call 'em, there some type of a possible residue in 'em but
14 they were not before -- they're not have, they have not been
15 analyzed, these (indicating) two have not.
16 Q. Okay, whi -- just so the jury understands, which a the
17 bags that ya have in your possession there have been
18 analyzed?
19 A. That have been?
20 Q. Which ones have been?
21 A. You said have, I'm sorry. Okay.
22 Q. Have, H-A-V-E.
23 A. Eight, Number 8 on my list, uh, this is the Number 1
24 which was our actual buy drugs, Number 7 which is this baggy
25 right here (indicating) talkin' about that Mr., uh, said fell

1 on the ground when Mr., uh, uh, when, uh, Jason crawled outta
2 the window, uh, ---
3 Q. Mr. Griffin?
4 A. Yes, and then, uh, Number 6 is analyzed, that come outta
5 the vehicle. I got Number 5 here on my list, it's ana -- it's
6 analyzed and then I got, uh, this from Mr. Simmons' pocket,
7 it's anal -- it's analyzed. Only thing that -- this
8 (indicating) residue was not analyzed, ---
9 Q. Okay.
10 A. --- that come outta the, uh, residence right here
11 (indicating), Number 2 and 3 -- I mean, 3 and 4, excuse me.
12 Q. What kind of containers were the drugs located in you
13 took possession of 'em? The -- those bags are evidence bags,
14 correct?
15 A. These (indicating) bags?
16 Q. Yes.
17 A. Yes, sir.
18 Q. That's something you put them in or somebody in your
19 department put in?
20 A. We put, yeah, we put these type a s -- whatever it is
21 into a s -- a a new type bag, these things a little bit
22 thicker so they don't, you know, deteriorate, bunch or
23 whatever so...
24 Q. The large, uh, quantity that was in the car with
25 Mr. Griffin, ---

1 A. Yes, sir.

2 Q. --- how was that packaged when you took possession of

3 it?

4 A. I -- it was located inside the, uh, 'cause agent Barwick

5 found it was inside the, uh, zipper case here when he found

6 if I understand that right, uh, but, uh, ---

7 Q. Inside that zipper case, ---

8 A. I ---

9 Q. --- that that's the case that it it was found in?

10 A. Yes, it's goin' between the console and, uh, one second.

11 Three -- yes, that come from ---

12 Q. Okay.

13 A. --- inside the zipper case.

14 Q. Okay.

15 A. I got all this as Number 8.

16 Q. And were they in baggies in the, in the zipper case?

17 A. This baggy it's in now is the baggy it was in when it was

18 found, ---

19 Q. It was?

20 A. --- tied like that?

21 Q. Okay, were any fingerprints taken in this case at all?

22 A. No, sir.

23 Q. You have any evidence of Mr. Tate's fingerprints on any

24 evidence in this case?

25 A. Not this case, no.

1 Q. Okay, uh, in any part of his indictment, do you have any
2 evidence of his fingerprints?
3 A. I -- not on -- I don't have any no, sir.
4 Q. You don't, okay. Uh, I noted in your, uh, drug testimony
5 that you've been narcotics, uh, in the vice squad for fifteen
6 to sixteen years, that correct?
7 A. Thirteen.
8 Q. Thirteen?
9 A. Um-hum.
10 Q. Okay, and in that time do you, uh, use CIs as or
11 confidential informants as a usual routine in attempting to
12 make sales or ---
13 A. Use 'em pretty regular, yes.
14 Q. Okay, you also when you're, uh, tryin' to determine who
15 they're going to buy from, you you try to identify cell
16 phones?
17 A. S -- say that again, I'm sorry.
18 Q. When a confidential informant contacts a potential seller
19 of drugs, ---
20 A. Um-hum.
21 Q. --- uh, normally they they talk on the telephone, ---
22 A. Correct.
23 Q. --- cell phones?
24 A. Yes.
25 Q. Is it part a your normal routine to get cell phone

1 records to prove that the person they're talking to is the
2 person on the other end a the phone?

3 A. Sometimes we do, sometimes we don't. Uh, he described
4 Mr. Simmons, he knew Mr. Simm -- the phone call he had made
5 was said to be done 'fore ever met ---

6 Q. I'm not asking you about ---

7 A. --- but ---

8 Q. --- this particular, ---

9 A. Oh, okay.

10 Q. --- I'm asking you as a general rule isn't that a good
11 practice to try to determine who they're talking to by
12 determining of cell phone records?

13 A. Sometimes, yes.

14 Q. Okay, would you favor having that than not having that?

15 A. It depends on the case. Some cases these people know
16 drugs so well you know who they're talkin' to, I mean, we know
17 the people already so when you hear them talking we know who
18 they're talking to. Sometimes we don't get the phone records
19 but ---

20 Q. I know but if you wanted be able to prove to other people
21 who are gonna analyze the case later who's actually talking,
22 having their cell phones records is a pretty good piece of ---

23 (Cross-talk.)

24 A. Oh, man, it's good, it's a good, uh, ---

25 Q. --- you agree with that?

1 A. --- source of -- yeah.

2 Q. Okay, there any cell phone records in this case?

3 A. No.

4 Q. Uh, uh, you also try to do video buys as well, don't

5 you?

6 A. We do.

7 Q. You do surveillance, you put everybody on tape, you try

8 to get transaction goin', uh, that's a great piece of evidence

9 as well, correct?

10 A. Um-hum.

11 Q. You have any a that evidence in this case?

12 A. Yes, I have, uh, audio.

13 Q. You have audio.

14 A. Um-hum.

15 Q. As far as Mr. Tate is concerned, is there any audio for

16 him?

17 A. No.

18 Q. Okay, there's also marked money and I noticed, uh, I'm

19 gonna hold this up, do you recognize that (indicating) as your

20 police report in this case, ---

21 A. Looks like it is.

22 Q. --- March 10th, ---

23 A. Yes.

24 Q. --- 2010?

25 A. Yeah, yes.

1 Q. Um-hum. Going through this I notice that you attached to
2 your report, uh, some xerox copies of hundred dollars
3 bills, ---
4 A. Um-hum.
5 Q. --- is this where you've identified serial numbers of
6 bills that you've used as marked money so that when a
7 transaction occurs you can prove that the CI actually gave
8 money for drugs to the person?
9 A. And sometimes I make a photo copy is depends where ya
10 actually write the serial numbers down ---
11 Q. Okay, ---
12 A. --- one or two ways.
13 Q. --- and in this case when you, uh, had a transaction
14 between Mr. Simmons, uh, you actually found money in his
15 possession ---
16 A. It was in in the seat where he was sitting in the
17 backseat of the car when we had him exit next to a phone that
18 was his.
19 Q. That you had marked, correct?
20 A. Yes.
21 Q. You identified it as part of the transaction that you had
22 set up the confidential informant?
23 A. Yes, sir.
24 Q. Okay, and in the case against Mr. Tate, there isn't any
25 marked money of any a the transactions that have been

1 testified to today that he supposedly was involved in, isn't
2 that correct?

3 A. I've never been on any the cases involvin' Mr. Tate
4 directly, uh, this case I understand may have sumtin' to do
5 with it but outside a this case I never did assist Agent
6 Barwick when they were dealin' Mr., uh, uh, Tate over there so
7 I don't know ---

8 Q. Okay.

9 A. --- what they have in that case.

10 Q. Alright, for your case with Mr. Simmons, ---

11 A. Um-hum.

12 Q. --- Mr. Tate wasn't involved, correct?

13 A. Not that I know of, no.

14 Q. Okay, and as far as you know from all of the work been
15 done in this whole conspiracy that's been alleged, you don't
16 know of any marked money that Mr. Tate has actually had
17 possession of.

18 A. I I don't have a clue, I couldn't tell ya.

19 Q. Okay, you mentioned, uh, in your direct that there was
20 par -- paraphernalia and documentation found in Mr. Simmons'
21 room, ---

22 A. Yes, sir.

23 Q. --- what kinda documentation was that?

24 A. Uh, it's a, uh, a ledger, well it's in a spiral notebook
25 with some notes in there, I got a couple of, uh, piece a paper

1 denoting money and weights when you're involved in drug
2 transactions and, uh, ---

3 Q. Do they identify any names of people involved in these
4 transactions?

5 A. No, ---

6 Q. Did not.

7 A. --- it just his handwritten notes, uh, the note, I mean,
8 it don't even have a name on it, it just tells like a note,
9 this is it right here (indicating), it's just kinda like a
10 flow chart a if you pay this much for your drugs, if you break
11 it down, if you pay 6,000, this how they divvy it up at 8
12 ounces, uh, quarter ounces, all that, this is the money you
13 would pay to get it, this is how much money you should make as
14 a profit, there's two a those and just some notes, looks like,
15 uh, money ledger notes where somebody did, uh, transaction,
16 uh, drug transaction stuff.

17 Q. Did you determine that that was Mr. Simmons'
18 handwriting?

19 A. No, I did not, I didn't even, I didn't even ask him. I
20 took it out the bedroom, just noted a, uh, it was talkin'
21 about the, uh, drug weights and monies.

22 Q. And it was found in his bedroom, correct?

23 A. Yes, sir.

24 MR. FARNHAM: Believe that's all I have, Judge, if I
25 could just have a second.

1 THE COURT: Alright.

2 MR. FARNHAM: I rest.

3 THE COURT: Alright, any redirect?

4 MR. PAULING: Beg the Court's indulgence.

5 REDIRECT EXAMINATION BY MR. PAULING:

6 Q. Investigator Campbell, you mention several items that

7 were taken out I believe, uh, one, when I say "several items

8 that were taken out", that were taken out of what was marked,

9 uh, for ID purpose as State's 15, the items that were, uh,

10 actually taken out of the the vehicle or found on Jason

11 Griffin, ---

12 A. Um-hum.

13 Q. --- uh, would that be Item 1?

14 A. Ye -- uh, no, Item 1 is, uh, would be the one that that

15 is actually our buy dope as I described, that is the, uh,

16 methamphetamine that the CI had bought, uh, we got, now comin'

17 from, uh, the vehicle is gonna be everything that I got listed

18 in Number 8, it was in the zippered, uh, pertained to the

19 zippered eye glass, that's the larger, uh, bag of ice right

20 here (indicating), uh, it's, uh, cocaine, uh, some pills,

21 another small bag of, uh, ice right here (indicating), this

22 (indicating) come out the vehicle and Item Number 7 is the one

23 that fell out of the vehicle when Mr. Griffin was climbin' out

24 the driver window.

25 Q. Okay, Item 7 what you have marked as Item 7.

1 A. Seven yes, sir.
2 Q. Item 8.
3 A. Yes.
4 Q. Item 1 was the actual buy?
5 A. This (indicating), yes.
6 Q. Okay. Okay, and as far as Items I believe it's 5 and 6,
7 what were those?
8 A. Five and six were, uh, uh, the small, uh, uh, uh,
9 rectangular tablets, uh, these are, uh, Xanaxes here
10 (indicating), this is half a Xanax here (indicating). These
11 were found in the, uh, in the vehicle, uh, --
12 Q. Okay.
13 A. I'm sorry, uh, they were, I'm sorry, these two were found
14 in the bedroom and then Item Number 2 is a small quantity of,
15 uh, methamphetamine found on Chris Simmons' pocket so...
16 Q. Beg the Court's indulgence. Okay, that was Item 2?
17 A. Yes, sir, that is from Mr. Simmons' pocket there.
18 (Item Number 2 drugs marked State's Exhibit No. 16, Item
19 Number 1 drugs marked State's Exhibit No. 17, Item Number 7
20 drugs marked State's Exhibit No. 18 and Item Number 8 drugs
21 marked State's Exhibit No. 19 for identification.)
22 Q. Okay, so, Agent, uh, Campbell, items, it's marked for ID
23 only, Your Honor, 16, 17, 18 and 19 are those items that you
24 just described as either having been found, uh, in the vehicle
25 or from, bought from Chris Simmons or in Chris Simmons'

1 pocket, is that correct?

2 A. Yes, that's correct.

3 Q. Okay, now, uh, Agent Campbell, you worked in these these

4 type of investigations before?

5 A. Yes, sir.

6 Q. Okay, can you explain about an histor -- historical

7 cases.

8 A. Um, historical basically what you do is you go from, uh,

9 once you kinda determine the different people involved in

10 basically called an organization that are kinda team together

11 sellin' their drugs, uh, what you do historical you'll go back

12 in time when they all started meeting together kinda formin'

13 their their inner circle of drug dealin's and what ya do is

14 you back up to that point and work up to where you came to to

15 this day, it makes it historical for the fact everybody

16 involved has had, uh, kind of a access to each other's drugs

17 as it's bein' sold so that's kinda historic, you go back from

18 the beginning they all met and up to where you're at now.

19 MR. PAULING: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 BY MR. PAULING:

22 Q. Thank you, Agent Campbell, no further questions at this

23 particular time.

24 MR. FARNHAM: Nothing, Judge.

25 THE COURT: Mr. Farnham, anything else?

1 MR. FARNHAM: Thank you.

2 THE COURT: Alright, sir, you can step down.

3 (Whereupon, the witness left the stand.)

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

5 MR. UNDERWOOD: And, Your Honor, uh, just for some

6 housekeeping, the items taken out of what was marked as

7 State's Exhibit 15 that have not been otherwise marked, can

8 those go back into that bag and remain one exhibit?

9 THE COURT: Yes, ---

10 MR. PAULING: Uh, ---

11 THE COURT: --- so let's do ---

12 MR. PAULING: --- let's make those ---

13 THE COURT: --- that. Those are, ---

14 MR. PAULING: Okay, ---

15 THE COURT: --- those are ---

16 MR. PAULING: --- and put those back together.

17 THE COURT: --- there and then we got the ones that

18 are -- do you wanna leave these on the witness stand or do you

19 want to move these to the table, do -- in other words, do you

20 anticipate your next witness usin' ---

21 (Cross-talk.)

22 MR. UNDERWOOD: It can be used by the next witness, Your

23 Honor.

24 THE COURT: Okay, perfect. Okay.

25 MR. PAULING: At this time, Your Honor, the State would

1 call J.T. Albrecht.
2 (Whereupon, the witness came forward.)
3 JOHN ALBRECHT, having been
4 first duly sworn, testified as follows:
5 THE CLERK: Thank you.
6 DIRECT EXAMINATION BY MR. PAULING:
7 Q. Officer Albrecht, how you doin', sir?
8 A. Good, how are you?
9 Q. Doin' well. What's your full name for the record.
10 A. John Albrecht.
11 Q. Okay, and, uh, what is your title?
12 A. I'm a sergeant in Forensics Division.
13 Q. Sergeant in Forensic Division with which a -- agency?
14 A. Pickens County Sheriff's Office.
15 Q. And how long have you been with Pickens County Sheriff's
16 Office?
17 A. Since 2001.
18 Q. 2001? Uh, have you been with any other agency prior
19 to?
20 A. Yes, sir.
21 Q. Okay, and who were you with?
22 A. Mauldin.
23 Q. Mauldin ---
24 A. Yeah.
25 Q. --- Police Department?

1 A. (Nodded in the affirmative.)
2 Q. Okay, and, uh, is that the extent of your your law
3 enforcement background?
4 A. Yes.
5 Q. Okay, and at the Pickens County Sheriff's Office, uh, uh,
6 what are your duties, what what do you do there?
7 A. Um, forensics technician, evidence, uh, we'll go to crime
8 scenes, identify, uh, photograph and collect evidence and then
9 capacity in this job it was to receive evidence that was
10 submitted by another a -- agency or officer, in this case it
11 was, uh, within our agency, uh, catalogue it, store it,
12 keep ---
13 Q. Okay, ---
14 A. --- it safe.
15 Q. --- and and and what's what process cataloguing it,
16 storin' it, keepin' it safe?
17 A. Uh, basically they bring me a evidence sheet in that's
18 got everything listed on it, the officer that's submitting the
19 evidence, I check the evidence sheet to make sure that, you
20 know, what's on there as best as I can, you know, identify as
21 what they're bringin' in is correct, uh, I sign the evidence
22 sheet, give them a copy of it ---
23 Q. Okay.
24 A. --- and then it's mine 'til it comes to court.
25 Q. Okay, and, uh, do you recall, uh, receiving evidence back

1 in March of of 2010, specifically March 10th 2010?

2 A. Yes.

3 Q. Okay, and if I may approach, Your Honor, I'm gonna ---

4 THE COURT: Yes.

5 Q. --- show you, Sergeant Albrecht, what has been marked for

6 ID purposes State's 10, 11, 12, 13 and 14, sir, and ask if you

7 recognize those particular items.

8 A. Yes.

9 Q. Okay, and from State's, uh, 10, uh, does it list the

10 individuals who were involved or as far as that particular --

11 is there, is there a notation there? When I say those

12 involved, I'm sorry, the the the subjects involved in that

13 particular, uh, ---

14 A. Yeah, ---

15 Q. --- transaction.

16 A. --- uh, Gary Jason Griffin, Rachel Elizabeth Eades,

17 Christopher Michael Simmons.

18 Q. Okay, and who was handlin' that particular case? who was

19 the investigator on that?

20 A. Uh, that be Lieutenant Campbell.

21 Q. Okay, and do, uh, your initials, uh, or your signature,

22 does your signature appear on those forms?

23 A. Right there.

24 Q. Okay, and that's on each and every every ---

25 A. That's correct.

1 Q. --- form, 10 through 14?
2 A. That's correct, ---
3 Q. Okay.
4 A. --- I print, sign and date each form.
5 Q. Okay, now as far as the items that are listed, uh, who
6 fills out that portion of the sheet?
7 A. Uh, that would have been Lieutenant Campbell.
8 Q. Okay, and so he fills it out as he brings you the
9 evidence? Is it already filled out when he brings you the
10 evidence?
11 A. It's usually br -- uh, sumtin' like this it's usually
12 filled out before it comes to me.
13 Q. Okay, sir, I'm gonna ask you if you recognize some marked
14 for ID purposes State's 16, 17, 18 and 19.
15 (Whereupon, the witness examined the exhibits.)
16 A. Yes.
17 Q. And how do you recognize those items?
18 A. Uh, these items are on the evidence sheets and, uh, as
19 well I'm kind of accustomed to workin' with, uh, Agents
20 Barwick and Campbell. That mark right there (indicating) is
21 Agent Campbell's mark.
22 Q. Okay, and that particular, I'm sorry, that particular
23 item that you just held in your hand ---
24 A. That's Number 2, ---
25 Q. Okay.

1 A. --- it's also present on Number 7 and on Number 1 ---
2 Q. Okay.
3 A. --- and this (indicating) is Number 8, that's Agent
4 Barwick's signature.
5 Q. Okay, and when they turn those items in to you, how
6 how -- is it packaged just like that ---
7 A. Yes.
8 Q. --- or is it already sealed up?
9 A. Let's see, 1, 2 and 7 and 8 they were already sealed in
10 a, uh, heat sealed bag.
11 Q. Okay, now, uh, had it not been sealed would you have
12 taken it into evidence or what what do you do, what's the,
13 what's the ---
14 A. I woulda had them seal it.
15 Q. You woulda had 'em seal it?
16 A. Yes.
17 Q. Okay, now after it's sealed and you take it into evidence
18 for safekeeping, uh, does it remain with you the entire time
19 or or ---
20 A. Yes, next to my office is --- are one of our holdin'
21 rooms, ---
22 Q. Okay.
23 A. --- it's behind a a locked secured, uh, fire door and,
24 uh, after everything's been checked off on the sheets and I've
25 signed everything and returned their copies and I actually

1 take custody the evidence and I simply get up, I go next door,
2 I lock it up in there, I lock the door behind me and that's
3 where it stays 'til it's transferred, uh, for testing by an
4 outside agency or brought 'to court for evidence purposes.
5 Q. Okay, and was that done in this particular case as to
6 those particular items, were they transferred ---
7 A. Yes, anything ---
8 Q. --- for testing?
9 A. --- yes, anything that I marked right here (indicating)
10 for location where it says Greenville ---
11 Q. Yes, sir.
12 A. --- that means those those items were gonna be sent to
13 Greenville, uh, to be tested that in their drug lab.
14 Q. Okay, and then after they were tested did they return to
15 to your custody?
16 A. Uh, whoever took them to Greenville, ---
17 Q. Okay.
18 A. --- uh, which I believe that was Lieutenant Robinson ---
19 Q. Okay.
20 A. --- 'cause he signed down here ---
21 Q. Tony Robinson?
22 A. --- to, yes, sir, to ---
23 Q. Okay.
24 A. --- Greenville.
25 Q. And again, items, tho -- those items you have there were

1 sent to Greenville for testing.

2 A. That's correct.

3 Q. And is it -- is that essentially the extent of yo -- of

4 your involvement in this particular transaction?

5 A. That is correct, sir.

6 Q. Okay. Thank you Sergeant Albrecht, I have no further

7 questions.

8 THE COURT: Yes, sir.

9 MR. FARNHAM: I just have one question of the

10 sergeant, ---

11 THE COURT: Certainly.

12 MR. FARNHAM: --- Judge.

13 CROSS-EXAMINATION BY MR. FARNHAM:

14 Q. Uh, Sergeant, I just wanna be clear, after you signed off

15 on the package who was the next person that took custody a

16 that bag?

17 A. It woulda been Lieutenant Robinson.

18 Q. Lieutenant Robinson?

19 A. That's correct.

20 Q. Thank you, that's all I have.

21 THE COURT: Thank you, Sir, you can step down.

22 THE WITNESS: Thank you.

23 (Whereupon, the witness left the stand.)

24 MR. UNDERWOOD: Your Honor, State calls Christopher

25 Bishop.

1 THE COURT: Alright.

2 MR. PAULING: I'm just gonna move these items ---

3 THE COURT: Thank you, ---

4 MR. PAULING: --- this way.

5 THE COURT: --- I appreciate it.

6 (Whereupon, the witness came forward.)

7 THE BAILIFF: Left hand on the Bible, left hand, raise

8 your right. Left hand.

9 CHRISTOPHER NOAH BISHOP,

10 having been first duly sworn, testified as follows:

11 THE CLERK: Thank you, please be seated.

12 DIRECT EXAMINATION BY MR. UNDERWOOD:

13 Q. Afternoon, Mr. Bishop, could you please introduce

14 yourself to the jury with your full name.

15 A. My name's Christopher Noah Bishop, I'm from Greenville,

16 South Carolina.

17 Q. Mr. Bishop, have ya ever lived anywhere else South

18 Carolina?

19 A. Uh, I lived in Atlanta and Charleston for a little bit.

20 Q. Okay, you lived in any other states?

21 A. Uh, Los Angeles.

22 Q. Okay. Now, Mr. Bishop, uh, just some brief background,

23 how did you ever get involved with illegal drugs?

24 A. Uh, it's where where I grew up at, um, it's like a

25 lifestyle, you know. When I ju -- I got arrested for, um,

1 some banks or or whatever in the federal system and wherever I
2 come home, ya know, I still kinda knew about drugs and that
3 was it.

4 Q. Okay, what kinda drugs -- were you a user?

5 A. I occasionally smoke like, ya know, marijuana, mushrooms
6 is, ya know, I did mushrooms but that's really it.

7 Q. And I think you, uh, mentioned, uh, some prior criminal
8 acts, do you -- have you ever been convicted of any crimes?

9 A. Yes, I have.

10 Q. What are those?

11 A. Um, bank robbery.

12 Q. And did you do time for that?

13 A. Yes, five years federal.

14 Q. Okay, and after that did you become involved with
15 drugs?

16 A. Uh, yes, I was -- yes.

17 Q. Okay, how did you become involved with drugs after that?

18 A. A gentleman I met while I was in, uh, incarcerated, ya
19 know, in federal system come home and, ya know, I was, ya
20 know, working and then we we talked about a couple a things
21 and he's like, Well can you come here, can you come to
22 California, I said yeah, I can come there. I come there, you
23 know, I traffic back and forth and then when I got back Cal --
24 ya know, from California to here, ya know, got tied into it.

25 Q. And when you say "tied into it", were you selling drugs

1 in South Carolina?

2 A. Yes.

3 Q. Have you been convicted for selling drugs in South
4 Carolina?

5 A. No, I've I've never had a drug charge or or a
6 distribution, no.

7 Q. How did you come to be a confidential informant?

8 THE COURT: Mr. Underwood, could you give me just one
9 moment.

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

11 THE COURT: That's fine. Go ahead, I just want my court
12 reporter to hear you ---

13 THE WITNESS: I'm sorry, I'm sorry.

14 THE COURT: Go ahead.

15 BY MR. UNDERWOOD:

16 Q. Uh, Mr. Bishop, how did you come to be a confidential
17 informant?

18 A. Well my roommate at the time I, ya know, I got away from
19 drugs like totally. I was workin' for a company called
20 Lockheed Martin and my roommate at the time, uh, he was, we
21 known each other since we were in high school, and he started
22 using drugs and this and that and it got to be so like
23 overwhelming in my life where I seen where it's gonna like be
24 in, ya know, where it's gonna be like a problem that's causin'
25 like a problem everybody's in and so I got in touch with

1 Greenville County, ya know, law enforcement and then, ya know,
2 that was it, ya know, I come to them to help them out.
3 Q. Were you working off any pending charges against you?
4 A. No, uh, no.
5 Q. Now, Mr. Bishop, did you become involved with any
6 undercover drug transactions involving Nate' Bashaw?
7 A. Yes.
8 Q. How did that come about?
9 A. Um, I I done previous work for, um, Greenville County and
10 then they showed me a a lineup of like people if if I knew
11 'em, basically we have like a list, like, you know, a
12 checklist a people, I said, Yeah, I do know this person. He'd
13 say, Can you get, you know, in touch with her, I was, Like
14 yeah, yeah, things happen to work out where I could and that's
15 what happened.
16 A. And and how do ya know Nate' Bashaw?
17 Q. Just from like, y know, through like high school, like
18 years of like they're they're all like maybe same, the same
19 crowd. Ya know here and there you might bump in somebody or
20 like know 'em through like that but really my son's mom, uh,
21 used to be a roommate with her like way back in I say 2000,
22 that's how I I kinda knew her from there.
23 Q. Okay, so you're you're shown a series a pictures see if
24 you know anybody, you said you know Nate', is that ---
25 A. Yes.

1 Q. Okay, where did your involvement go from there?

2 A. Um, with that from from Nate' as can you like be more

3 specific with.

4 Q. As as far as working as a confidential informant, did ya

5 do any undercover buys with her?

6 A. Yes.

7 Q. How many did ya do?

8 A. Uh, two.

9 Q. Uh, I wanna draw particular attention, uh, to a buy, did

10 ya ever do one in Easley, South Carolina?

11 A. Yes, I did, that's, uh, 2009 do believe.

12 Q. Uh, and and just be clear one a the buys I'm talkin'

13 about on August 27th 2010, you recall that transaction?

14 A. Yes, in, uh, Easley, uh, we met in behind a, there's a

15 Home Depot, met behind Home Depot and I went to, uh, her

16 boyfriend's and grandmother's house I do believe.

17 Q. Okay, what about the other transaction, where did that

18 take place?

19 A. Uh, at their house in, uh, Dacusville, not Dacusville but

20 Pickens.

21 Q. So you did two undercover buys against Nate' Bashaw?

22 A. Yes.

23 Q. Okay, could ya please tell the jury how the process goes

24 for those buys like what what do you do when you first show

25 up?

1 A. Well when you first, when you first show up, what they're
2 gonna do, they're gonna, they're gonna search ya down all the
3 way and they're checkin' make sure you don't have no drugs on
4 you, they're gonna check your car, they're gonna check
5 everything about you, test your sobriety, they do the whole
6 thing, make sure you're like a hundred percent legit when you
7 go in there, they're gonna put a wire on you and usually
8 they'll like tape, they'll have somebody tape your leg like a,
9 uh, like a transmitter, they put one in your car and
10 everything from the point that from where ya leave there to
11 the spot where you pick up at they're gonna know everything,
12 they know what's going on and sometimes there's a camera in
13 your car and you, they give ya the money, all the money is,
14 all the numbers they know about, ya know, it's all recorded,
15 they know how much money you go in there with, they know
16 everything and so you go in there, you buy it, you bring it
17 back and you have like a spot you meet 'em at right then and
18 there as soon as you leave the house or the wherever you meet
19 'em at right there, I mean, immediately afterwards, that's it.
20 Q. Alright, and what do ya do with any drugs that ya buy?
21 A. Leave 'em in the car. I usually put 'em in, on my, uh,
22 my passenger seat, leave it right there. I call on my phone,
23 Hey I got 'em right now, how much you get, they ask how much
24 you got, tell 'em right then and there and ya meet 'em within
25 like, ya know, one or two minutes right there as soon as you

1 leave, uh, like it.

2 Q. Okay, and then do ya turn it over to law enforcement?

3 A. Yes, yes, any any money you have left over, say if they

4 want a thousand dollars or a half ounce of dope or what not,

5 it the people give it to you for 950, you bring 'em back the,

6 uh, the \$50, just like that.

7 Q. Okay, now let's talk about the the first buy that you did

8 on Nate' Bashaw, how did that particular buy go down?

9 A. Uh, well we met behind, uh, we first met at I think it

10 was, uh, matter a fact at Greenville-Pickens Speedway or

11 sumtin' like that, then we met in behind, uh, Home Depot in

12 Easley, met him behind there and I got wired up is where they

13 put the wire on me, the -- they check your whole car, inspect

14 everything and, uh, I called and she wanted me to meet her at,

15 uh, I wanna say it's like a a Waffle House or somewhere it's

16 kinda, it's been a minute like I had to go drive somewhere,

17 wait for her to call there, then I went to Javin's, uh,

18 grandmother's house or either his grandparents' house, I met

19 her there, picked up the, uh, think it's like a half ounce of,

20 uh, ice that was in a Newport, uh, box and drove back to the,

21 uh, Home Depot which only like maybe two minutes, maybe a mile

22 and a half away from, uh, the house to give law enforcement.

23 Q. Now all the drugs that you got from Nate' that day, did

24 ya give all of it to law enforcement?

25 A. Yes, yes.

1 Q. Did ya have any money left over?
2 A. Yeah, \$20 actually.
3 Q. Now wha'd ---
4 A. I gave it, ---
5 Q. --- ya, wha'd ya do with that?
6 A. --- I gave it back to, uh, Officer, uh, Jacobs.
7 Q. Okay, you remember what other officers were involved?
8 A. Uh, Jacobs, uh, no, not not particular.
9 Q. Okay, but were there more than one officer?
10 A. Yes. Yeah, there's always, uh, Jacobs and like his
11 partner, I can't really remember his name, it's been like, ya
12 know, it's been a long time for me that deal.
13 Q. And and just to be clear, did you get those drugs
14 directly from Nate' Bashaw?
15 A. Yes.
16 Q. Alright, and then you did another buy with her,
17 correct?
18 A. Yes.
19 Q. Okay, did ya ever have occasion to go out of state with
20 her?
21 A. Yes.
22 Q. How did that come about?
23 A. Um, she called me, uh, or she text me actually and
24 she -- they want a ride to, uh, Atlanta to go pick up, uh, Ice
25 but at same point in time they wanna like go pick up a

1 transmission for a car and I drive a a Nissan Xterra so I was
2 like, Yeah, I'll do it, I'll do it and when she called, ya
3 know, I talked to, uh, Chad Ayers and ---
4 Q. And who who's Chad Ayers?
5 A. That gentleman sittin' right there (indicating).
6 Q. Where's he work?
7 A. He works for Greenville County, uh, Vice, ---
8 Q. Okay.
9 A. --- Greenville County Police Department.
10 Q. Alright, so so you got this call from Nate' and then you
11 contacted Investigator Ayers?
12 A. Yes.
13 Q. Okay, what happened next?
14 A. Uh, they wired me up, wired my car, inspect everything in
15 my car first and foremost, gave me, uh, money, I think it was
16 like, uh, was over a thousand dollars, I can't really remember
17 but it's been a second, but they put a transmitter in my car,
18 they do, ya know, had me wired up and a, uh, it's a cigarette
19 lighter and drive down there, conversate with 'em, go get her
20 at, uh, her apartment, then we drive down pick up a
21 transmission and come back.
22 Q. Okay, now at the beginning were there any -- during this
23 trip you were driving from South Carolina to Atlanta, right?
24 A. Yes.
25 Q. Alright, were there any problems with that small recorder

1 that they gave ya?

2 A. Yes.

3 Q. What were those problems?

4 A. Uh, the battery I guess was in backwards or sumtin' like

5 that and they had to meet me at a gas station to put 'em in.

6 They they put one in or something but something was wrong with

7 it but that ---

8 Q. So where exactly was it that this meeting happened?

9 A. Um, in the bathroom at the, uh, of a gas station.

10 Q. And why was it in a bathroom?

11 A. Well it was in the bathroom because Nate' was in the car

12 and I'm I'm the confidential informant, you wa -- you

13 obviously don't wanna blow your cover or like do anything like

14 that so I had to meet another, uh, officer in the bathroom

15 real quick to hand off what because -- a recorder and that's

16 why, they keep it discreet basically.

17 Q. So at that time was Nate' Bashaw a confidential

18 informant?

19 A. Not was aware of, no.

20 Q. Okay, alright, so what happened when you got to

21 Atlanta?

22 A. Uh, we rode around for a second and then we met, uh,

23 Ant's, uh, girlfriend, whatnot, at a McDonald's, drove and

24 then her car broke down on the side a the highway and I guess

25 it overheated or whatnot and had -- we pull back around and

1 met at that point in time Ant pulled in front of her car, I
2 was in behind it and Ant was with a guy named Matthew and I
3 had, I just happen to always carry Antifreeze in my car and so
4 I get the Antifreeze filled up and they took the car to
5 another gas station, that was pretty much it.

6 Q. Okay, now you mentioned two people, Ant and Matthew, do
7 you know both a those individuals?

8 A. I know, I know Matt, uh, I met Ant.

9 Q. You met Ant. How many times have you met Ant?

10 A. Uh, once, that one time right there.

11 Q. Is that the only time you've met Ant?

12 A. I seen him around Atlanta before.

13 Q. Okay, before that or since then?

14 A. Uh, since like one time.

15 Q. Alright, now while you were there did ya have any
16 occasion to talk with Ant?

17 A. That one time on a trip with, uh, Nate', yeah.

18 Q. Wha'd ya'll talk about?

19 A. Transmission and goin' to, uh get ice.

20 Q. Alright, tell the jury what that conversation was about
21 getting some ice.

22 A. Well we had the, uh, it's it's been a, it's been a good
23 second so, ya know, pardon my and my little gadget here, when
24 we talk, we'd talk about getting transmission first then we'd
25 go to the shop and then after we go to the shop we go pick up

1 the ice and so when we went to get the, uh, we got the
2 transmission and after that like they got spooked a little
3 bit, got scared because that they, uh, seen a unmarked car
4 come up up under the, uh, the red light and so he got spooked
5 so we had to drive around for like maybe I'd say a good hour
6 and forty-five minutes and we never got the ice but we talked
7 about it and we were gonna get it but just didn't happen.

8 Q. Now you say "he got spooked", how do you know that?

9 MR. ARIAIL: Objection, Your Honor, uh, it's speculation
10 I think in regards to what he's gonna get into how he got
11 spooked.

12 THE COURT: If he knows I'll allow him to answer the ---

13 MR. ARIAIL: Okay.

14 THE COURT: --- question. Let's hear what he has to s ---
15 let's -- I'll hear a little bit about what he has to say.

16 THE WITNESS: What what he say?

17 BY MR. UNDERWOOD:

18 Q. Uh, what happened that causes you to say he got spooked?

19 A. Well we were following him, um, in a car, we were
20 supposed, after we pick up transmission we're just follow him
21 to spot to go pick up the dope and we had a unmarked car in in
22 behind us, it's like a gray, uh, I wanna say Challenger but
23 like a typical cop car but it's unmarked and so he goes up
24 under the red light and we follow him and it's kind of a late
25 red light and this car in behind us goes so late that, I mean,

1 it's it's obvious that they're being followed, I mean, it's
2 really like you'd know it.

3 Q. Okay, now who was in the car with you at that time?
4 A. Um, Nate'.

5 Q. Alright, and where was Ant?
6 A. Um, in front of us, uh, drivin'.

7 Q. So so you and Nate' were following Ant?
8 A. Yes, sir.

9 Q. Alright, who was driving your vehicle?
10 A. I was.

11 Q. Okay, uh, were either of you on the phone with Ant?
12 A. Yeah, te -- texting back and forth with him and, uh,
13 Matthew, yeah.

14 Q. Is that after the -- this incident with the unmarked
15 car?

16 A. Yeah, the whole time during that that, uh, when we went
17 up there at a red light and we're texting back and he he sent
18 a text or Matthew sent a text and we said, uh, I think, I
19 think you are being followed and I sent back, Why you think
20 that, he's like you got unmarked car in behind you and my
21 Xterra, like he left my Xterra so quick that it was, I mean,
22 it's unbelievable about how fast his car went to like leave
23 and like get away, like, you know, whatever and then we drove
24 around for like maybe another forty-five minutes or an hour, I
25 mean, a ungodly amounta time waiting on him, waiting on a

1 call, waiting on a call, it just never happened
2 Q. So did you end up getting any ice from Ant?
3 A. No, I did not.
4 Q. Alright, but you had discussed and agreed to get ice from
5 him?
6 A. Yes.
7 MR. ARIAIL: Objection, Your Honor. I don't think he's
8 testified anything in regards to what he had said or had any
9 conversation with him, ---
10 MR. UNDERWOOD: I think ---
11 MR. ARIAIL: --- I mean, ---
12 MR. UNDERWOOD: --- he did, Your Honor.
13 THE WITNESS: Um-hum.
14 THE COURT: Alright, well he just answered the question,
15 said he did so ---
16 MR. ARIAIL: Okay.
17 THE COURT: --- I'll allow it.
18 (Whereupon, a discussion was held off the record)
19 BY MR. UNDERWOOD:
20 Q. What kind of a car was Ant riding in that day?
21 A. Wanna say it was like a a Cutlass, uh, it was like a
22 Cut -- a Cutlass, like a box car, it was, it was gettin' ready
23 for, uh, paint and it had rims on it.
24 Q. Okay, and after this did ya'll end up pickin' up the
25 transmission?

1 A. Yeah.

2 Q. What did ya'll do after that?

3 A. After we had picked up the transmission we were like to
4 follow him, uh, to get, ya know, to get the the dope wherever
5 and that's when he got spooked and so we went like waited at
6 like a, uh, a McDonald's, ate at a McDonald's and waited and
7 drove around for a few more minutes 'til he called and then he
8 said it just wasn't gonna happen.

9 Q. Did ya come back to South Carolina after that?

10 A. Yes.

11 Q. Alright, and wha'd ya do with the transmission?

12 A. Uh, took it to Nate's house, Javin's house.

13 Q. Alright, what was that transmission for?

14 A. Uh, that transmission was actually for, uh, Nate' Nate's
15 grandfather had given her a GMC Jimmy, uh, like a little SUV
16 and transmission that we had picked up was supposed to fit on
17 there but with the bolting or, you know, the harnessing for it
18 it didn't fit so for her car.

19 Q. Now after after you dropped off that transmission, did
20 you get back in touch with law enforcement?

21 A. Yeah, uh, immediately immediately met him at the BiLo
22 parking lot maybe two minutes away from, uh, Nate's house.

23 Q. Okay, and sometime after that did you have occasion to
24 look at a photographic lineup?

25 A. Yes.

1 Q. And explain to the jury how that took place.

2 A. Well they, uh, uh, Mr. Ayers called me and say can I come

3 down, uh, I think it's a a Southern Command Center and so I

4 said yeah, so I come out there, they show me, they show like

5 two or three different pages of, uh, like people, there's

6 think it's six people on each page, he asked me can you, can

7 you put point this person out, can you point out Antonio out,

8 said yeah.

9 Q. Alright, and were you able to do that?

10 A. Yeah, yes.

11 Q. Did you make any markings on that photo lineup to

12 indicate who you picked?

13 A. Um, circle it and, uh, initial it.

14 Q. Okay, did law enforcement make any suggestions to you as

15 to who you should pick?

16 A. No, no it's not gonna happen.

17 Q. Now handing you what's marked as State's Exhibit

18 Number 7, you recognize that?

19 A. Yes, I do.

20 Q. What is that?

21 A. That's definitely my, uh, my initials and circle right

22 there, yeah.

23 Q. Alright, so the person that you indicated on that picture

24 is that the person that you met with in Atlanta that day?

25 A. Yes.

1 MR. UNDERWOOD: Alright, Your Honor, at this time I'd
2 move for State's Exhibit 7 be admitted.
3 THE COURT: Any objection?
4 MR. ARIAIL: No objection.
5 THE COURT: Alright, it'll be so admitted.
6 (State's Exhibit No. 7, photo lineup, admitted into
7 evidence.)
8 BY MR. UNDERWOOD:
9 Q. So this person Number 3 that's the person that you met
10 with and discussed buying ice and getting a transmission
11 from?
12 A. Yeah.
13 (Whereupon, State's Exhibit No. 7 was published to the
14 jury.)
15 MR. UNDERWOOD: Court's indulgence?
16 THE COURT: Yes.
17 (Whereupon, a discussion was held off the record.)
18 MR. UNDERWOOD: Thank you. Please answer any questions
19 the defense has for ya.
20 THE COURT: Yes, sir.
21 MR. ARIAIL: Your Honor, may it please the Court.
22 CROSS-EXAMINATION BY MR. ARIAIL:
23 Q. Mr. Bishop, let's, uh, look a little bit in regards I
24 guess it was a transaction that was done on August 27, 2010,
25 is that right, is that when you were under form -- undercover

1 informant?

2 A. Yes, sir.

3 Q. Okay, and at that time Mr. Tate, an individual named Ant
4 or Antonio, was not involved in that, correct?

5 A. Correct.

6 Q. So you had no knowledge of him or any involvement or any
7 connection at that time, right?

8 A. Correct.

9 Q. Wasn't part a that transaction.

10 A. No.

11 Q. Okay, you were dealing -- you're a user, is that right,
12 metham ---

13 A. No.

14 Q. Never used it in your life.

15 A. No.

16 Q. Never done it, just sell, just ---

17 A. Yeah.

18 Q. --- buy.

19 A. Uh, traffic.

20 Q. Traffic, ---

21 A. Yeah.

22 Q. --- okay, so you're you're big time. Traffic is not just
23 distribution, that' -- you're big time deal, right?

24 A. No, it's not like that.

25 Q. Well how much you bought, how much you done?

1 A. Of the traffic?
2 Q. Yeah.
3 A. I don't know.
4 Q. When you say "traffic", trafficking is a high level
5 offense, you understand that.
6 A. I'm totally aware of that.
7 Q. Okay, and so you you're not a low do -- low level
8 distributor, you're a trafficker, right?
9 A. A ounce or two.
10 Q. Ounce or two. Ounce or two how many times?
11 A. I couldn't tell ya, I don't know.
12 Q. You you've lost track of how many times you've bought or
13 sold drugs?
14 A. No, I I just can't tell ya, I don't know.
15 Q. You don't know. Can't take a guess, can ya?
16 A. No, I can't.
17 Q. Okay, is it over twenty?
18 A. No, I I I don't know, don't think so though.
19 Q. Okay, now you've been been to prison, correct?
20 A. Yes.
21 Q. Now your criminal record I think you said was bank
22 robsy -- bank robbery, is that right?
23 A. Yes.
24 Q. Do ya have another felony on your record too?
25 A. Yes.

1 Q. What was that?
2 A. It's for, uh, uh, a bomb threat.
3 Q. Bomb threat, when was that?
4 A. 2010.
5 Q. Where -- what happened with that? Give us a little
6 background in regards to that.
7 A. Um, a friend that I know let use my, uh, my or whatever
8 and then, uh, there's a, there's bomb threat and he was like,
9 Well I did it, I was like nah you didn't, he said, You do it,
10 you do it and I did it. I thought it was a joke, man, but it
11 really wasn't and they gave me a a year of, uh, house arrest
12 for that.
13 Q. Year of house arrest, you didn't serve any time on that?
14 A. After I cut, I cut my ankle monitor off.
15 Q. You cut your ankle monitor off.
16 A. Yeah.
17 Q. Oh, and you ran.
18 A. I didn't run.
19 Q. Well why'd you cut your ankle monitor off?
20 A. I just, I just got really like tired like house arrest.
21 I was like I wanna go back, you know, I wanna finish the time
22 up in prison and they're like, Well the only way we're gonna
23 do that is if you violate. You know, I don't use drugs, I
24 don't do anything like that so I just cut my ankle monitor
25 off.

1 Q. So you'd rather serve time by cuttin' your ankle monitor
2 off for a bomb threat you made, is that, is that why you said
3 you now went to jail?
4 A. Well no not -- that's really not the gist of it, I just
5 got so tired like, you know, house arrest was every week. You
6 go to work or I'd go to work and then I'd have to leave work.
7 I would be, I would go pick my son up from daycare, if I was
8 ten minutes late in traffic on 85, it would be, they would
9 call me and just like threaten me so much I was like, man,
10 just cut it off.
11 Q. Okay, so March 2nd 2011 you then I guess are now, you're
12 a confidential informant, how many, how many buys have you
13 done or, uh, at that time?
14 A. Of Mar -- of what year?
15 Q. March twe -- 2nd 2011.
16 A. Uh, I say at least a good six.
17 Q. Six?
18 A. Yeah.
19 Q. So you know how it works, I mean, you just said you got
20 marked bi -- I mean, I guess you got cash, you go out, you
21 make the sales, right? It's got audio, video, various things
22 like that, right?
23 A. Yes.
24 Q. They make a report a what you get, you tell 'em how much
25 cash you spend, how much you get back, right?

1 A. Yes.

2 Q. You do a report, you write a statement, all that,

3 correct?

4 A. Yes.

5 Q. Okay, so there's a standard procedure of how this is

6 always done, right?

7 A. Correct.

8 Q. Okay, now March 2nd you -- this is your -- is this your

9 la -- is this the last one you did March 2nd 2011?

10 A. March 2nd 2011, yeah, that be my last buy with, uh, ---

11 Q. Nate'.

12 A. --- with Nate', yes.

13 Q. Okay, so you're going with Nate', Javin Adams has asked

14 you to go down to Atlanta for a transmission, right?

15 A. Him and Nate' both did.

16 Q. Okay, so you don't know who you're goin' or what you're

17 goin' buy drugs from, who down in Atlanta, correct?

18 A. I did know.

19 Q. Well how did ya know?

20 A. Well and say the months prior to that and and Nate' they

21 would always asked about, uh, one of her other friends, he

22 got, uh, ya know, arrested, whatever, they said that they

23 couldn't get from him and they were gettin' from a guy in

24 Atlanta and they would call him Ant but then Javin would tell

25 me about, ya know, this and that, he'd get high and just

1 talk.

2 Q. Okay, but on that day you had no clue before you started

3 this you were goin' down to see Ant. I mean, you were goin'

4 to buy a transmission, ---

5 A. Yes, yes.

6 Q. --- get ice.

7 A. Yeah, yeah.

8 Q. Okay, yeah, I mean, do -- when you, when you go down,

9 you've got audio on this thing, correct, ---

10 A. Yes.

11 Q. --- it's in your car, right?

12 A. Yes -- or no ---

13 Q. And ---

14 A. --- it's, uh, the, uh, cigarette lighter.

15 Q. Cigarette lighter, right. It's tapin' exactly what's

16 goin' on, your conversation with Nate' the whole way,

17 correct?

18 A. No.

19 Q. You didn't know that?

20 A. No, I said no, that's that's not correct.

21 Q. That's not correct. What do ya mean? you're not gettin'

22 taped?

23 A. Yeah, the the battery somethin' like malfunction with

24 the ---

25 Q. What ---

1 A. --- battery or sumtin' like that.

2 Q. Did you know there's an hour and two minutes of a tape

3 that has been turned over of you and Nate' in the car?

4 A. Yeah.

5 Q. Oh, you you just said ya didn't know that.

6 A. No, I I never said that. I know it didn't go the whole

7 way because the battery. Ya know going to Atlanta is two

8 hours and comin' back is, what, two hours ---

9 Q. Okay.

10 A. --- and we rode around for like a hour and forty-five

11 minutes ---

12 Q. Right.

13 A. --- while we were there.

14 Q. So there's an hour and two, hour and fifteen, excuse me,

15 and then ya'll change these batteries out, is that right?

16 A. Um-hum.

17 Q. Okay, and then thought everything was workin', right?

18 A. Yeah.

19 Q. And then parently it doesn't tape it, I mean, a -- after

20 the hour and fifteen minute mark, ya know that?

21 A. No, I didn't know that.

22 Q. Okay, but did you -- have you listened to the tape the

23 first hour and fifteen minutes?

24 A. No, I I'm not, I'm not familiar with anything of that.

25 I'm not familiar with the time on that, I'm not familiar with

1 the dialogue, I'm not familiar with any a that.

2 Q. Okay, now goin' down there you know Nate', did she

3 mention anything about an individual by the name of Ant?

4 A. In goin' down there, it's been, it's been so long ago, I

5 couldn't really tell you ---

6 Q. Mean, we got the tape, do you remember if you said or her

7 had any conversation about Ant on the tape?

8 A. Yeah, I mean, I'm I'm sure there's like ---

9 Q. Okay. Okay, so when ya get down there, you've got this I

10 I guess meeting with Ant, is that right, or you go somewhere,

11 where do ya go? a tr -- a a shop?

12 A. No.

13 Q. Where you go?

14 A. Go, uh, meet his, uh, his girlfriend at the time, uh, at

15 McDonald's.

16 Q. Okay, so ya go to McDonald's and after that that's when

17 you you say you get spooked, right?

18 A. No.

19 Q. Okay, so where where -- what happens?

20 A. Uh, we leave McDonald's and we're goin' to, uh, the shop

21 to meet Ant there and we're on the highway, I'm not, I'm not

22 really, uh, I can't really remember what highway it was but

23 her car overheated, ---

24 Q. Okay.

25 A. --- it was right there.

1 Q. Okay, so you stopped, does he come?
2 A. Yes.
3 Q. And somebody, Matthew comes with him that you say.
4 A. Yeah.
5 Q. What's Matthew's last name?
6 A. Couldn't tell you that.
7 Q. So you don't know Matthew's last name.
8 A. No, I don't.
9 Q. You know Ant's last name?
10 A. I'm not that familiar with it, no, Tate.
11 Q. So you're not that familiar with it.
12 A. No, I mean, not his last name, I mean, not like that.
13 Q. I mean, he didn't get this information from Nate', ya'll
14 talked for an hour and fifteen minutes or more on the way
15 down.
16 A. No, I I I think while we was drivin' down there is that
17 just like conversation about drugs, it wasn't about, you know,
18 this guy's background history, it wasn't anything about like
19 that, it's about what we're gonna do, what we're gonna pick up
20 and why we need to bring back, that was it, ---
21 Q. Okay.
22 A. --- that's what I try to keep the conversation to.
23 Q. Right, and durin' this time you're assisted by the
24 Gwinn -- do you know Gwinnett County narcotics officers are
25 involved, do ya know that?

1 A. Did I know that?
2 Q. Yeah, did you know that?
3 A. I think when we got to Atlanta maybe, I me ---
4 Q. Did you use ---
5 A. ---I mean, because the guy in behind us was the highway
6 patrol there I think.
7 Q. So the guy in behind ya, tell me what ya mean by that.
8 A. The guy that was following us he was in a Charger.
9 Q. So you're sayin' a car that spooked you was a Charger and
10 that was a Gwinnett County officer?
11 A. I probly say so, yeah.
12 Q. Okay, did ya ever meet with any Gwinnett County officers
13 when you were down there?
14 A. No, sir.
15 Q. Okay, and at no time did you exchange or have any, uh, I
16 guess exchange of drugs with Mr. Ant or whoever that is?
17 A. No, spoke about it.
18 Q. Spoke about it.
19 A. Um-hum.
20 Q. Are you privy to those conversations?
21 A. What do ya mean? Rephrase.
22 Q. I mean, were you, excuse me, were you a part a those
23 conversations?
24 A. Yes, I was.
25 Q. Okay, so you heard Nate' and Ant have a conversation

1 about that.

2 A. I was right there, uh, in the middle of it.

3 Q. So you were right there. Where were ya?

4 A. From me to right here (indicating).

5 Q. In your car?

6 A. No, outside the car.

7 Q. Outside the car.

8 A. Yes.

9 Q. Okay, were you wearin' a wire on ya?

10 A. No.

11 Q. Okay, ya had it in your car, right?

12 A. Had, uh, the, uh, pocket recorder.

13 Q. Pocket recorder. Okay, so the pocket recorder is where?

14 in your pocket?

15 A. Yeah.

16 Q. Okay, so your pocket recorder be in your pocket when

17 you're outside the cour -- car, right?

18 A. Yes.

19 Q. Okay, so if the pocket recorder was working like it

20 should have, you woulda had that on there, correct?

21 A. Yes.

22 Q. Okay, so we don't have anything on any a these tapes to

23 show that, is that your understanding?

24 A. I mean, I -- right now I guess it is, yes, ---

25 Q. Okay.

1 A. --- from what you said, yes.
2 Q. Now at no time were any drugs exchanged, correct?
3 A. No, sir.
4 Q. Okay, you made a I guess an exchange of a transmission,
5 right?
6 A. Yes, sir.
7 Q. So what happened on this was you went down to Atlanta,
8 gave a transmission and then came back to Greenville, ---
9 A. No, sir.
10 Q. --- pretty much it, right?
11 A. No, sir.
12 Q. No, that's not it? That's what you just said.
13 A. That's ---
14 Q. Go ahead, ---
15 A. --- not what I said.
16 Q. --- tell me what happened.
17 A. Told you we went down there to pick up a transmission, we
18 didn't drop a transmission ---
19 Q. Okay.
20 A. --- off, we picked up and brought it back here, that's
21 what I said.
22 Q. Excuse me, I have -- and and and there was no exchange a
23 drugs at any time durin' that.
24 A. No, sir, ---
25 Q. Okay, ---

1 A. --- not as aware of.
2 Q. --- and you have not had any exchange a drugs or any I
3 guess other dealings with Ant, Antonio, Amp, whoever it is,
4 that right?
5 A. Right, ---
6 Q. Okay, ---
7 A. --- correct.
8 Q. --- and you can't provide any physical evidence showin'
9 that any drugs were transferred or by my client.
10 A. No, sir.
11 Q. Okay. Now you've given this I guess this photo lineup 3,
12 is that right?
13 A. Um-hum.
14 Q. Okay, and that was done, I think it was 3/28/2011, that
15 was done, I'm not mistaken, that was done twenty-six days
16 after you got back, right?
17 A. Yes.
18 Q. Twenty-six days after you had been down, correct?
19 A. Um-hum.
20 Q. Okay, and you identify this man right here (indicating),
21 is that right?
22 A. Um-hum.
23 Q. Durin' your time down there, did you meet any of Mr., uh,
24 or Ant's, uh, relatives, brothers, anybody?
25 A. No, ---

1 Q. Do ya know the -- his ---
2 A. --- girlfriend.
3 Q. Huh?
4 A. A girlfriend at this ---
5 Q. Girlfriend.
6 A. --- time.
7 Q. And who was the girlfriend's name?
8 A. Robin.
9 Q. Robin ---
10 A. Yeah.
11 Q. --- but you don't have a last name.
12 A. I'm not -- I'm sorry I don't.
13 Q. Okay, so and and and n -- did you ever know that Mr. Tate
14 has an identical twin brother?
15 A. No, I do not.
16 Q. Okay, were you ever told that?
17 A. No.
18 Q. Okay, to this day you ha -- is the fir -- is this the
19 first time you've heard about it?
20 A. It it's news to me.
21 Q. Okay, now have you talked wi -- when was the last time
22 you talked with law enforcement about this case?
23 A. Uh, when they, uh, served me my subpoena.
24 Q. When was that?
25 A. Maybe two weeks ago, sumtin' like that.

1 Q. Okay, and who'd ---
2 A. I told ---
3 Q. --- you meet there?
4 A. --- I told, I told 'em, um, last week about coming in,
5 that was it.
6 Q. That was it. What ya'll talk about?
7 A. Just reviewin' my case, man, and or this right here, that
8 was ---
9 Q. So you talked about all these facts right here.
10 A. These facts about what I did.
11 Q. 'bout what what you di --
12 A. About about what I've done like as far as like me going
13 down there, that was it.
14 Q. Were you told about any type a testimony or what to
15 testify to?
16 A. Uh, no, just tell 'em -- you can ask a question about
17 what I've done, that was it.
18 Q. Sittin' right there today you cannot say or you have not
19 seen my client who's seated over here (indicating) sell any
20 drugs, do any drugs, make any drug transactions, correct?
21 A. Correct.
22 Q. Okay, thank you, I have no further questions.
23 THE COURT: Any redirect?
24 MR. UNDERWOOD: Briefly, Your Honor.
25 REDIRECT EXAMINATION BY MR. UNDERWOOD:

1 Q. Mr. Ariail's client Mr. Tate, you just said that you
2 never saw him do any drug transactions, right? Did you talk
3 to him about doing a drug transaction?
4 A. Yes, I did.
5 Q. And did you and him agree to make a drug transaction for
6 methamphetamine?
7 A. Yes.
8 Q. But that didn't happen because of the police
9 surveillance, correct?
10 A. Yes.
11 MR. UNDERWOOD: Alright, nothing further, Your Honor.
12 THE COURT: Anything else for this witness?
13 MR. ARIAIL: Nothing, Your Honor.
14 THE COURT: Sir, you can step down.
15 THE WITNESS: Alright, thank you.
16 THE COURT: Thank you.
17 (Whereupon, the witness left the stand.)
18 THE COURT: We might be at a good place for a an
19 afternoon break. Let's take about -- I'll -- if you'll step
20 to your jury deliberation room, take a short break, okay.
21 (The following takes place outside the presence of the
22 jury.)
23 THE COURT: Just to lookin' ahead at schedule if we come
24 back in just a few minutes, my thought would be just to
25 continue to go for the balance of the day, uh, any special

1 schedulin' issues we need to take up, kinda lookin' ahead?

2 MR. UNDERWOOD: Uh, none in particular, I just, we do
3 have one or two witnesses that are only available today but we
4 think we can get through them this afternoon.

5 THE COURT: You think you can get through 'em this
6 afternoon, okay. We'll look to end right around five o'clock
7 but if we have to, if we have to get these witnesses in, we'll
8 we'll do everything we can to get 'em here.

9 MR. UNDERWOOD: Thank Your Honor.

10 THE COURT: Okay, thank you. Alright, let's be in recess
11 for ten minutes.

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

13 (Whereupon, a recess was taken.)

14 THE COURT: Alright, we ready to bring the jury back in?

15 MR. PAULING: State's ready.

16 THE COURT: Alright.

17 MR. UNDERWOOD: Yes, ma'am.

18 (The following takes place in the presence of the jury.)

19 THE COURT: Yes, sir.

20 MR. PAULING: Thank Your Honor, this time the State would
21 call Tony Robinson.

22 (Whereupon, the witness came forward.)

23 TONY ROBINSON, having been first
24 duly sworn, testified as follows:

25 THE CLERK: Please be seated.

1 DIRECT EXAMINATION BY MR. PAULING:
2 Q. How ya doin', Mr. Robinson?
3 A. Fine.
4 Q. Sir, could you tell the jury, uh, where you're currently
5 employed.
6 A. I'm with the Pickens County Sheriff's Office.
7 Q. Okay, and and what is, what is your title ---
8 A. I'm a, ---
9 Q. --- what is your rank?
10 A. --- I'm a lieutenant in the forensic and property and
11 evidence section.
12 Q. Okay, and what are your job duties? What is it that you
13 do?
14 A. Uh, and, uh, we store, uh, we we receive and store all
15 evidence awaiting trial and we also and and go to crime scenes
16 and work, uh, crime scene type work.
17 Q. How long you been with Pickens County Sheriff's Office?
18 A. Twenty-three years.
19 Q. Twenty-three years, does does that encompass your entire
20 career in law enforcement?
21 A. Uh, yes.
22 Q. Okay, and what's your educational background?
23 A. Uh, I graduated Pickens High School and and I have a
24 2-year degree from North Greenville University.
25 Q. Now the the twenty-three years that you've been with

1 Pickens County Sheriff's Office, have ya always been in
2 narcotics unit rather or or, excuse me, forensic unit and
3 evidence or ---
4 A. Yes, sir.
5 Q. Okay, now, uh, what's what's the process as it relates to
6 entering and and storing, entering, storing and releasing
7 evidence?
8 A. Uh, when e -- evide -- officers bring us evidence, uh,
9 and there's three of us in my unit and we are the ones
10 responsible for storing all the evidence for the sheriff's
11 office, uh, they bring it to us, we log it in the computer,
12 uh, we log the information on paper on the property and
13 evidence forms that we use and then we secure it in our
14 evidence rooms, we also are responsible for transporting it,
15 if it needs to be analyzed, we will transport it to have
16 analysis performed.
17 Q. Okay, I'm gonna show you what's been marked for ID
18 purposes State's 10, State's 10 and 11, I'm gonna ask you if
19 you recognize those particular items.
20 A. I do.
21 Q. Okay, and and what are those, sir?
22 A. They are Pickens County Sheriff's Office property reports
23 which ---
24 Q. Okay.
25 A. --- is the form we log evidence on.

1 Q. Okay, and what particular case number is that from?
2 A. Uh, 2010-5236.
3 Q. Okay, and what subjects did that involve?
4 A. Gary Jason Griffin and Christopher Michael Simmons.
5 Q. Okay, and, uh, well did you receive evidence on that
6 particular case?
7 A. I've took evidence from the evidence room, uh, after it
8 was received by Deputy Albrecht who has already testified and
9 I transported it to Greenville to be analyzed.
10 Q. And why did you transport it to Greenville?
11 A. Because that's who did the analysis for us.
12 Q. And, Lieutenant, I'm gonna show you what's been marked
13 for ID purposes State's 16, 17, 18 and 19 and ask if you look
14 at these particular items and ask do you recognize those
15 items, sir?
16 A. Those are items that came from the package that I
17 transported to Greenville.
18 Q. Okay, and again, the process as far as you transporting
19 them to Greenville, uh, where would you get the items from?
20 A. Our evidence room.
21 Q. Okay, and, uh, once you would get it from the evidence
22 room would would those items already been sealed?
23 A. Yes, those items would have been in a sealed cu -- uh,
24 package, a heat sealed package and all I did was transport
25 that package to Greenville.

1 Q. Okay, while they were in your care, control and custody,
2 uh, was anyone allowed to tamper with those particular
3 items?
4 A. No, sir.
5 Q. Okay, and had they not been sealed before you transported
6 them, what would you have done?
7 A. Had they not been sealed before transport that would've
8 been a problem that well we may not be here today because a
9 that.
10 Q. Okay, but any rate you transported those particular items
11 to Greenville?
12 A. I did.
13 Q. Okay, and for for testing, is that correct?
14 A. That's correct.
15 Q. Okay, and at at some point did they come back into your
16 control and custody?
17 A. I did. I retrieved 'em from Greenville on May 28th
18 2010.
19 Q. Okay, now did you go to Greenville to get them or ---
20 A. I did.
21 Q. Okay, and who did you receive 'em from?
22 A. I received them from, uh, Israel Flounders who was a
23 technician in the evidence room at Greenville.
24 Q. Was there also another particular, uh, case that you were
25 involved in?

1 A. There is.

2 Q. I'm gonna show you what's been marked for ID purposes

3 State's 20, ask if you recognize that particular item.

4 A. I do. This is another Pickens County property report.

5 Q. Okay, and for what case number is that, sir?

6 A. 10-19548.

7 Q. Okay, and who was the subject in that particular, uh,

8 transaction?

9 A. Uh, Al -- I believe it was Albrie Nate' Bashaw.

10 Q. Okay, was there a date as far as the particular

11 transaction concerned?

12 A. Uh, the incident date is August 27th of 2010.

13 Q. Okay. I'm gonna show you, Lieutenant Robinson what's

14 been marked for ID purposes State's 21, I'm gonna ask you if

15 you recognize that particular item.

16 A. I do.

17 Q. Okay, and what is that, sir?

18 A. This is the evidence that corresponds to the sheet you

19 just showed me.

20 Q. Okay, and whe -- how do you have it notated on on the, on

21 the sheet, ---

22 A. Uh, ---

23 Q. --- on the property sheet?

24 A. --- the property sheet has our case number and this

25 package has our case number on it also.

1 Q. Okay, and was it just that one particular item ---
2 A. Yes.
3 Q. --- in in that particular ---
4 A. Yes.
5 Q. --- transaction?
6 A. Yes, one item.
7 Q. Okay, now did you also take that particular item to
8 Greenville?
9 A. I did.
10 Q. Okay, why was that?
11 A. To -- for the same reason to have it analyzed.
12 Q. Okay, and, uh, do you recall who you, who you gave it
13 to?
14 A. I gave it to Tabitha Fricks at the Greenville evidence
15 room.
16 Q. And again, while it was in your care, control and
17 custody, uh, did it remain in tact?
18 A. It did.
19 Q. Okay, was anyone allowed to tamper with it, alter it,
20 change in any manner?
21 A. No, sir.
22 Q. Okay, once you got it to Ms. Fricks, uh, what did she,
23 what did she do? I I guess as far as the property sheet is
24 concerned, what do ya do?
25 A. She signs the property sheet, uh, and that we did that on

1 September 23rd 2010.

2 Q. Okay, and at some point did that that same item was was
3 was listed there in State's 21, uh, did that come back into
4 your care, control and custody?

5 A. It did.

6 Q. Okay, when was that, sir?

7 A. On December 30th 2010.

8 Q. Now as as far as these partic -- these these two cases
9 are concerned, was that the extent of your involvement as far
10 as as getting the evidence out of storage, taking it to
11 Greenville for testing?

12 A. That is correct.

13 Q. Okay, and and is is it once you're notified the analysis
14 complete you then retrieve?

15 A. I retrieve the evidence and return it to the Pickens
16 County Sheriff's Office evidence room.

17 Q. Okay, and in fact, uh, as it relates to, uh, State's 21,
18 did you bring that here to the court today?

19 A. I did.

20 MR. PAULING: No further questions this time, Your Honor.

21 THE COURT: Alright, yes, sir.

22 MR. FARNHAM: Thank you, Judge.

23 CROSS-EXAMINATION BY MR. FARNHAM:

24 Q. Lieutenant, you received that from Sergeant Albrecht?

25 A. Which one ---

1 Q. Uh, ---
2 A. --- is ---
3 Q. --- the first one you ---
4 A. The first one I did I did not -- I re -- he put it in the
5 evidence room and then I retrieved it from the evidence room
6 on the day I transported it to Greenville.
7 Q. Okay, and you got it back, you turned it over to Israel
8 Flounders, is that correct?
9 A. That's correct.
10 Q. He was the last person to sign it before you took
11 possession of it again?
12 A. Uh, no, the chemist signed for it after that.
13 Q. After Israel?
14 A. After Israel. The chemist would sign it out of
15 Greenville P&E and and take it and analyze it.
16 Q. And what's that, what's that person's name?
17 A. James Armstrong.
18 Q. Okay, and when you went back up to pick it up, who turned
19 it over to you?
20 A. Uh, Israel Flounders once again was the one that brought
21 it back to me and I signed for it.
22 Q. Did did Flounders sign for it from Mr. Armstrong?
23 A. Yes.
24 Q. Okay, and where did it go after you brought it back
25 here?

1 A. After I left Greenville with it ---
2 Q. Yes.
3 A. --- I took it back to the Pickens County Sheriff's Office
4 evidence storage room.
5 Q. Who was the last one that signed for it before it got
6 here today?
7 A. Before it got here today? It has been signed out for a
8 prior court appearance by Agent Campbell but it was returned
9 to evidence and I'm the last person on the sheet before it was
10 brought ---
11 (Cross-talk.)
12 Q. You're the last person on the ---
13 A. Yes.
14 Q. --- sheet? Thank you.
15 MR. FARNHAM: That's all I have, Judge.
16 THE COURT: Alright, anything else for this witness?
17 MR. PAULING: Nothin' further from this witness, Your
18 Honor, ---
19 THE COURT: Alright, ---
20 MR. PAULING: --- thank you.
21 THE COURT: --- sir, you can step down.
22 (Whereupon, the witness left the stand.)
23 MR. UNDERWOOD: Your Honor, State calls Brett Barwick.
24 THE COURT: Alright.
25 (Whereupon, the witness came forward.)

1 BRETT BARWICK, having been first
2 duly sworn, testified as follows:

3 THE CLERK: Thank you, please be seated.

4 THE WITNESS: Thank you.

5 DIRECT EXAMINATION BY MR. UNDERWOOD:

6 Q. Agent Barwick, would you please introduce yourself to the
7 jury.

8 A. Yeah, my name's, uh, Brett Barwick, I'm a narcotics
9 officer for the Pickens County Sheriff's Office.

10 Q. And, Agent Barwick, how long have you worked in law
11 enforcement?

12 A. I've been in law enforcement for a little over thirteen
13 years now.

14 Q. And how long working narcotics?

15 A. I've been in narcotics for the last eight. Prior to that
16 I worked as a detective in our regular investigation
17 division.

18 Q. How did you get involved in this case?

19 A. Uh, early 2010, uh, I received a call from Master Deputy
20 Chris Marquis (phonetic) from the Greenville County Sheriff's
21 Office, uh, he informed me that an investigator in his unit,
22 uh, Investigator Chad Ayers, had developed a confidential
23 informant that, uh, was, uh, was aware of, uh, several persons
24 traffickin' methamphetamine in the Upstate throughout Pickens
25 and Greenville County, he thought it would be a good idea for

1 us to have a, uh, to have a meeting with this, uh, this
2 confidential informant and kinda see where that led so we
3 organized a interview at Easley Police Department, uh, with,
4 uh, Investigator Marquis, uh, Investigator Ayers, myself and
5 Lieutenant Jason Well (phonetic) from Easley PD were present.
6 Q. Alright, and following that meeting did any other
7 agencies get involved in this case?
8 A. Uh, yes. Uh, this this particular meeting let to the,
9 uh, to the beginnings of a framework that led to several
10 conspiracy investigations, uh, but once we started getting
11 into the investigation itself and saw the the the scope a this
12 we also involved, uh, SLED or South Carolina Law Enforcement
13 Division.
14 Q. And who is the lead SLED agent on this case?
15 A. Uh, that would be Special Agent Ashley Asbill.
16 Q. So who would you say were the the primary investigators
17 from the various agencies?
18 A. Uh, I'm I guess I'd list myself, Investigator Ayers from
19 Greenville County Sheriff's Office and, uh, Ashley Asbill
20 from SLED.
21 Q. Okay, now you mention that the in talking with the
22 confidential informant that you were able to identify several
23 different conspiracy groups, that ---
24 A. Yes, sir, it it started the framework that led to
25 several, several conspiracy groups.

1 Q. And without going into details, particularly the other
2 groups, what what were those different groups?

3 A. Uh, well one of which is it was beginnin' of what we're
4 here today, uh, for was was was this particular group from
5 this indictment and then there were two other, uh, particular
6 groups that, uh, had formed a, uh, a bit of a trafficking
7 conspiracy or under an umbrella but, uh, somewhere along the
8 way most a these groups had small links that kind of joined
9 back, back and forth between the two but there were still core
10 groups within this larger umbrella.

11 Q. Okay, now let's focus on this particular group. How did
12 your investigation unfold concerning this particular
13 conspiracy?

14 A. Uh, well as I said the information started with with
15 with, uh, one confidential informant let -- led us to, uh, uh,
16 some controlled purchases and, uh, interviews with other
17 confidential informants that, uh, that basically just grew and
18 and spread the conspiracy a little bit more and, uh, when
19 people would, uh, cooperate with us and and give us a
20 statement about, uh, who they were involved with and who they
21 were sellin' drugs with, it, uh, it kinda let us, let us
22 expand to where we were with with with the folks that we have
23 linked into this one now.

24 Q. And as part a the investigation, were you able to
25 determine the geographic location for the source of the

1 methamphetamine in this case?

2 A. Yes, sir. In in this, in this case our, uh, our source
3 was, uh, listed by several people as a, uh, as a guy from
4 Atlanta who we knew as Ant or Amp. Um, I had one or two
5 people early in the investigation mention the name Amp but I
6 think it's more of a annunciation issue with Ant and Amp
7 sounding very similar.

8 Q. Now as this case progressed, well first, we've heard
9 testimony about a undercover buy turned into a bust on March
10 10th 2010 involving Jason Griffin, were you involved with
11 that?

12 A. Uh, yes, sir, a little bit after the fact but I was
13 involved. Um, I I was actually at home and I live not too
14 terribly far away from the incident so when, uh, Lieutenant
15 Campbell, uh, contacted, uh, several of the agents that work
16 in our division and and told us what happened that basically a
17 controlled purchase had had turned more into a a buy/bust type
18 situation or a direct approach, because of CI safety, uh, I
19 went ahead and just jumped in my vehicle and and went there
20 and and met with the other officers.

21 Q. And when you got on the scene, uh, well first of all,
22 where was that?

23 A. Uh, it was, I forget.

24 Q. Who, do you remember whose house it was?

25 A. Yeah, it was Chris Simmons' house, I'm tryin' to

1 remember, I think it was, uh, yeah 904 Old Vinland School
2 Road, I couldn't remember the the bearings.

3 Q. And what was your role in that investigation that night?

4 A. Uh, once I got there I just basically assisted with with
5 with locking down the scene and and and, uh, just assisted
6 Lieutenant Campbell in what he needed to further his
7 investigation. At that point in time, he had asked us to, uh,
8 to go ahead, uh, conduct a a search of the vehicle, uh, he'd
9 already, uh, placed folks in handcuffs and he found some
10 methamphetamine that fell outta the vehicle when, uh,
11 Mr. Griffin was exitin' so myself and Captain Chad Brooks
12 then, uh, searched the, uh, the Yukon that was there.

13 Q. And as a result a your search, did you find any
14 evidence?

15 A. Yes.

16 Q. Wha'd ya find?

17 A. Yes, there was a, uh, the bi -- the the largest piece a
18 evidence we found was, uh, this eyeglass piece or eyeglass
19 case that was kinda wedged down between the seat and center
20 console and it contained the, uh, the the large bag a
21 methamphetamine but there were a couple other smaller bags I
22 think and so and maybe some cocaine, stuff like that.

23 Q. And that particular bag what State's Exhibit was that?

24 A. Uh, this is, uh, State's Exhibit 19.

25 Q. Okay, is -- ho -- and how was, uh, how was that

1 methamphetamine packaged when you found it?

2 A. Uh, as it is now. It was in a, uh, plastic baggy or
3 plastic, uh, sandwich type bag and it was tied, uh, this is
4 the actual original packaging of the methamphetamine as we
5 found it, it just happened to be stored inside this harder
6 zipper case to typically find like that, it kinda keeps shards
7 from gettin' crushed.

8 Q. And you said that you found, uh, several other pieces of
9 evidence?

10 A. Uh, yes, sir, there were some other baggies in there and
11 I think, uh, this, uh, uh, this, a quantity of cocaine I think
12 was in there as well.

13 Q. And I I bring your attention to, uh, what's been marked
14 for identification State's Exhibit 16, 17 and 18, uh, they
15 should all be right there in front of you, ---

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

17 A. You got a bunch of 'em here yes, sir.

18 Q. --- by exhibit number can you state whether or not you
19 recognize those items and what they are.

20 A. Uh, yes, yes, uh, Exhibit 18 is a, uh, is a, is a plastic
21 baggy, uh, let's let's call it a little bit larger size
22 jewelry bag with marijuana leafs on it and it contains a
23 crystal substance, looks like methamphetamine which has tested
24 positive for that, this came from, uh, uh, the the Yukon, uh,
25 driven driven by Ms. Ms. Eades and occupied by, uh,

1 Mr. Simmons and Mr. Griffin. Uh, this (indicating)
2 particular, uh, piece of evidence on 16 is a plastic bag
3 corner, uh, it's got a quantity of methamphetamine in it, it
4 was tied off, it was found in Chris Simmons's pocket and this
5 (indicating), uh, Item Number 1 is, uh, gonna be the, uh, the
6 actual, well actually I should say Item number 1, it's Exhibit
7 No. 17 which is Item 1 on the evidence sheet and this is the
8 quantity of methamphetamine that was actually purchased, uh,
9 from the confidential informant from Mr. Simmons.

10 Q. And the evidence that you collected that night what did
11 you do with it?

12 A. Uh, when I, when I collected this and I placed it in a,
13 in a bag, uh, and put my signature on it and Lieutenant
14 Campbell collected it, I just found it and we keep it where
15 it's at, then Lieutenant Campbell, whoever collects the
16 evidence will come and actually take it, physically take
17 custody of it and then they'll take it to the, uh, sheriff's
18 office for P&E.

19 Q. So did you give all the, uh, illegal substances that you
20 found to Henry Campbell that night?

21 A. Yes, sir, I don't maintain any of 'em.

22 Q. You mentioned as part a your investigation you had
23 several undercover buys, uh, did you do an undercover buy on
24 Albrie Nate' Bashaw on August 27th 2010?

25 A. Yes, sir.

1 Q. Uh, please tell the jury how that came about.

2 A. Uh, that particular day I received a phone call, uh, uh,

3 informing me that, uh, a confidential informant that

4 Greenville County was was using, was, uh, using

5 Mr. Mr. Bishop, uh, he was able to do a, uh, deal with a

6 Ms. Bashaw and that originally I think they were gonna try and

7 do one in Greenville, uh, as as time went on she said, Just

8 come to my house, she lived in Easley which is within Pickens

9 County so they contacted me and I went and met with the other

10 agents and from there we did our criminal preparatory

11 activities. Investigator Jacobson from Greenville County

12 Sheriff's Office searched the CI's vehicle and, uh, searched

13 the CI, wired him with, uh, the hidden recording device, uh,

14 that belonged to Greenville County. Uh, Agent Asbill from

15 SLED provided the confidential informant with \$800 in

16 documented funds and, uh, we then, uh, followed the

17 confidential informant to the residence where Ms. Bashaw was

18 staying and, uh, where where he made a purchase of

19 methamphetamine from her and then we surveilled him back to a

20 meeting location where, uh, the process was basically

21 repeated: He was searched again, the hidden transmitter was

22 removed and, uh, he woulda turned over I think it was \$20 of

23 unspent documented funds.

24 Q. And was he able to buy any methamphetamine?

25 A. He did.

1 Q. How much did he buy?

2 A. Uh, it's 12.74 grams if memory serves.

3 Q. And who took custody a that from him?

4 A. I I did.

5 Q. And what did you do with it after that?

6 A. Uh, once I took custody a that I I took it, uh, to our

7 law enforcement center where I filled out our documentation or

8 our, uh, uh, our property report forms and turned it into, uh,

9 actually I believe that mine went to the evidence drop or the

10 evidence drop box which is a secured locked box in our

11 office.

12 Q. Okay, at this time I'd ask you to bring attention to

13 State's Exhibit 21, uh, should be right there in front of

14 you, ---

15 A. Yes.

16 Q. --- you recognize that exhibit?

17 A. I do.

18 Q. What is that?

19 A. Uh, this is the methamphetamine that was purchased from

20 Ms. Bashaw by the confidential informant on the 27th or of,

21 uh, August of 2010.

22 Q. And when you collected it did you seal that bag it's

23 in?

24 A. Uh, yes, yes, when I, oh, I put it in a, uh, it's

25 actually it goes into a a larger plastic bag, I don't know if

1 you can see here (indicating), uh, this is what I put my
2 evidence in normally and then I put my initials and the number
3 and it's goes into what's called a "heat sealed bag", uh, I
4 drop that plastic bag inside of another one and then I heat
5 sealed that and then turned that into ID and that's what gets
6 taken for testing.

7 Q. And what's the significance of a heat sealed bag?

8 A. Uh, that just shows that it hasn't been tampered with,
9 uh, ya know, once we put it in there and seal it, there's no
10 way for any individual to come along, like a Ziploc bag you
11 can open and then close, uh, ya know, without anybody knowin'
12 about it so a heat sealed bag just shows it was tampered with.

13 Q. And you you place that into evidence?

14 A. Yes, sir, that is correct.

15 Q. And what was supposed to happen to it after you put it in
16 evidence, what was its destination?

17 A. Uh, once it goes to evidence at this particular time we
18 were using Greenville County's, uh, uh, forensic lab for
19 testing so one of the ID tags would, uh, take it from our
20 facility to the Greenville County Center and where it would go
21 through their their chain as well and then it would go to the
22 lab where it was tested and then it would be returned to us in
23 the same manner.

24 Q. Now moving on, uh, so this this was an undercover buy on
25 Nate' Bashaw, did Nate' Bashaw ever become a confidential

1 informant herself?

2 A. Uh, she did.

3 Q. How did that happen?

4 A. Uh, after after some, uh, some a the transactions over
5 what happened with Ms. Bashaw, we a approached her, myself,
6 uh, Investigator Ayers and, uh, Asbill with SLED, uh, just
7 basically told her where we were in investigation and she was
8 caught up in it and then, uh, asked her if she would, if she
9 wanted to cooperate with State.

10 Q. And did she begin to cooperate that time?

11 A. She did.

12 Q. Was that prior to her being charged with this conspiracy?

13 A. Yes.

14 Q. What actions did you proceed to take with her as a
15 confidential informant and by "you" I mean the the
16 investigation team as a whole?

17 A. Uh, right, well I mean, it's, well you know, she was, uh,
18 she was debriefed and interviewed about, uh, about her past,
19 it's most her past drug transactions and things of that nature
20 and and then obviously any, uh, any anything in the future she
21 could do to, uh, to cooperate or or or to further the
22 investigation we would, we would go that route.

23 Q. And what actions did Ms. Bashaw take as a confidential
24 informant?

25 A. There there's a, there's a lotta, there's lotta stuff

1 that's happening there that ---
2 Q. Uh, uh, just ---
3 A. --- gets, uh, ---
4 Q. --- a brief summary.
5 A. Well I, as I said, she was, uh, she was, she was briefed,
6 uh, and she she provided information about about her past
7 dealings and what she's been involved in, uh, and a a little
8 later after the debriefing process, uh, she attempted to, uh,
9 to make purchases of methamphetamine for us or to re-connect
10 with her former methamphetamine source in Atlanta, uh, in
11 which one instance we actually, she actually went to Atlanta
12 to to for a meeting with this particular person.
13 Q. Again, and we'll get that in just a second.
14 A. Yes.
15 Q. Uh, was she able to successfully carry out any undercover
16 buys on other suspects in your investigation?
17 A. Uh, and she was, I can't recall which ones right off, I'd
18 probly have to look back through my, through the notes and and
19 then see which one she she had done.
20 Q. But she she did do some successful undercover buys.
21 A. Yes, sir.
22 Q. As far as, uh, this source in Atlanta, what actions did
23 you take with Ms. Bashaw, uh, to try identify and locate that
24 source?
25 A. Well there are the original, uh, the original

1 identification or attempt to indentificate -- identify, uh,
2 the source in Atlanta came before she was actually a
3 confidential informant and that was gonna be on March 2nd
4 2011.

5 Q. Is that the incident, uh, involving Christopher Bishop?

6 A. It is.

7 Q. Please tell the jury about how that attempt, uh, came
8 about.

9 A. I received a phone call from Investigator Ayers from
10 Greenville County Sheriff's Office that a confidential
11 informant that he was using is now is listed as, uh,
12 Christopher Bishop had received a call from Nate' Bashaw's
13 boyfriend and, uh, he wanted, uh, Bishop to drive Nate' down
14 to Atlanta to meet with their -- a -- the drug source and also
15 the person they've had, uh, some auto dealings or or to to,
16 uh, get a transmission for a vehicle, uh, so when Mr. Bishop
17 found this information out he contacted Investigator Ayers,
18 uh, at which point in time we tried to put together a trip
19 where we could go down there in an effort to identify, uh, the
20 person we knew as Ant.

21 Q. How much notice ahead a time did you have before that
22 was, that trip was supposed to happen?

23 A. Oh, very little. Uh, we received a call, I think we, I
24 think we were, uh, maybe maybe an hour, I mean, it it it was
25 really fast. The the Greenville County, uh, guys came down

1 to, uh, Exit 40, uh, off of Interstate 85, right there at
2 Highway 153, that's where I met them there, uh, with
3 Mr. Bishop. Uh, we had a quick conversation about, uh, what
4 he was gonna, what what his role was and we basically what we
5 wanted to do. Uh, he was, he was searched, his vehicle was
6 searched, uh, we gave him some documented funds in the event
7 that it led to somethin' else which we didn't really
8 anticipate it doin' and he was also placed a, uh, we also
9 placed a covert or hidden recorder on, uh, on Mr. Bishop. Now
10 durin' this time he was gonna have an unwitting person in the
11 vehicle with him so, ya know, we couldn't really do a whole
12 lot of other types of surveillance to his vehicle or to him so
13 we basically used a covert recorder and, uh, put it in his
14 pocket in in the hopes of getting some conversation about what
15 was gonna happen on this trip.

16 Q. Alright, were there any problems with that recorder?

17 A. Uh, originally no, uh the recorder was put, uh, was given
18 to him and the recorder itself and not not to divulge too many
19 secrets but it it'll -- it's a lighter and it looks like a
20 cigarette lighter and it works, uh, it's actual lights
21 cigarettes and do everything else but it runs off a very small
22 battery and the record time off those batteries isn't isn't a
23 tremendous amount of time so, uh, we we we put the recorder on
24 and cut it on, we've -- we did the rest of our pre-deal stuff
25 and he went and picked Ms., uh, Ms. Bashaw, uh, from an

1 apartment that was close to that location and we began to
2 following them, well it took a little bitta time and around
3 the Commerce exit, uh, we had decided to go ahead and replace
4 the battery, uh, to try and get continued life on the recorder
5 'cause we didn't wanna lose the the battery durin' the o --
6 the operation so we contacted Mr. Bishop via text message and
7 had him stop in Commerce at a convenience store where
8 Investigator Owens with Greenville County Sheriff's Office
9 went to the bathroom and swapped out the battery, uh, uh,
10 however, uh, when he did this I don't, I don't think he was
11 overly familiar with this recorder, it's very specialized, and
12 I think the battery was placed or it was placed with the
13 positive and negatives in the opposite direction so from that
14 point on we had, we had no further recordings uns --
15 unbeknownst to us, not 'til after the fact.

16 Q. And that was before they arrived in Atlanta.

17 A. Yes, that was, uh, that was -- we just had about an hour,
18 an hour, hour and a half of conversation with, uh, Ms. with
19 Ms. Bashaw and Mr. Bishop on their way and we'd stop them, uh,
20 at at a, at a, at a decent place we thought to go ahead and
21 swap the battery so we'd have a little more life on it.

22 Q. What observations did you make, uh, after that stop
23 tryin' to change the battery with this operation?

24 A. What, I'm sorry.

25 Q. Di -- did did you actually travel to Atlanta?

1 A. Yes, yes. Uh, ---
2 Q. Uh, what took place after?
3 A. After after we swapped the, uh, we swapped the battery,
4 we got back on the road, we had several Greenville County
5 units and then, uh, my vehicle, they're they're unmarked but
6 they're typically SUVs so we try and stay spread out and and,
7 uh, and follow them there. Uh, uh, the two continued on into
8 A -- Atlanta and, uh, I think it's the Sugarloaf Parkway, they
9 took the exit there and, uh, they went down to a McDonald's in
10 that area where they stayed for about thirty minutes, uh, we
11 staged in the area around and through text messages with
12 Mr. Bishop we learned that they were waiting for, uh, Ant's
13 girlfriend to show up to meet them, to take them to his
14 location. Uh, and durin' this time we had also had, uh,
15 Investigator Ayers had conversation with a Lieutenant Brian
16 Rozier from Gwinnett County, uh, and luckily they were able to
17 spare a few guys to come out and try and help with this
18 surveillance operation, uh, the 1 --'cause it was very last
19 minute and typically, ya know, guys are busy and and luckily
20 they had a few people that could meet up with us. Uh, we did
21 have some issues, we had communications problems because we
22 were, we were away from our towers where our rad -- our our
23 radios didn't work and we were dealin' with another agency and
24 none a this was organized ahead a time so so we had to use
25 cell phones and things like that, as a matter a fact, at this

1 point in time Investigator Ayers got outta my vehicle and got
2 in the car with one of the Gwinnett County investigators and
3 we tried to to to maintain contact and follow.

4 Q. And to what extent did Gwinnett County assist in this
5 operation?

6 A. They, uh, uh, they met us that day, uh, they assisted
7 with the, uh, uh, with the rotating tail or with the, with the
8 surveillance, uh, to a, uh, to a destination and then back
9 into the city and, uh, that's that's pretty much, that was
10 pretty much the extent of of that trip with 'em. I know
11 Investigator Ayers has spoken with, uh, Lieutenant Rozier on
12 one other occasion, uh, uh, but, uh, but but very limited but
13 that very limited, uh, participation.

14 Q. And was the operation an also was successful?

15 A. Well I think it was, I mean, uh, it's it's our primary
16 goal was to learn who, uh, Ant was. At at this point in time
17 we'd interviewed several people, uh, we we had statements on
18 on methamphetamine bein' trafficked back into South Carolina
19 and we had a general location in the Atlanta area and and and
20 a street name or a nickname of Ant and and that's all we
21 really new. Uh, we had a strong conspiracy on this end but
22 where it was comin' from we didn't have a name and that's
23 what, that's what we really wanted, that was our primary goal
24 for that trip and then we we managed to get that. Our our
25 surveillance continued on from the McDonald's, uh, to a shop

1 or to a location where Mr. Bishop, uh, met with, uh, Mr. Tate,
2 they had, uh, they had some conversations there accordin' to
3 Mr. Bishop and, uh, Gwinnett County and Investigator Ayers
4 were able to link, uh, or or pull the name Antonio Emerson
5 Tate off some a the tags and some of the information at the
6 vis -- at the business we were at and that's how we obtained,
7 uh, the identification of Mr. Tate and that's how we obtained
8 the, uh, the photo that eventually led to, uh, the SLED Fusion
9 Center even -- eventually puttin' together the photo lineup
10 that we used for identification of Mr. Tate.

11 Q. And to your knowledge what was the source of that
12 photograph used in the photo lineup?

13 A. I believe it was the a, the Fusion Center had contacted
14 the, uh, Georgia De -- uh, Department of Motor Vehicles and
15 then through -- they went through their paperwork and
16 eventually sent the photo to us and then the photo lineup was
17 constructed by the Fusion Center.

18 Q. And what was the name attached to that photograph?

19 A. Oh, Antonio Emerson Tate.

20 Q. Okay. Now to your knowledge did, uh, law enforcement in
21 Gwinnett County produce any kinda file about that operation?

22 A. To my knowledge no. Uh, the only, the only thing I
23 became aware of, uh, was I I later in the, uh, as as we were
24 setting for trial I think, uh, Mr. Mills Ariail had spoken
25 with, uh, Gwinnett County and they said that, uh, and I don't

1 have this direct knowledge at all but ---
2 Q. But if you, ---
3 A. --- they ---
4 Q. --- if you don't have direct knowledge, I don't, I don't
5 want you to go into to that.
6 A. Okay, well that's ---
7 Q. To to your knowledge was there ever a file produced by
8 Gwinnett County given to your investigation?
9 A. No, no -- nothing I would, nothing I would consider that,
10 no, sir.
11 Q. Okay. In fact, did you get any paperwork from Gwinnett
12 County?
13 A. No, sir, I never did.
14 Q. Did you ever make another attempt to go down to
15 Atlanta?
16 A. Yes,
17 Q. What was the nature, a that trip?
18 A. Uh, I believe it was, I think it was April, uh, April
19 28th of 2011, it was about a month and a half after, uh, after
20 the original trip to Atlanta. Uh, at this point in time, uh,
21 Ms. Bashaw had agreed to cooperate and she was attempting to
22 work with law enforcement, also, uh, her boyfriend at the
23 time, uh, Mr. Javin Adams was also in that same situation and
24 they indicated and they they told us about their dealings with
25 Antonio Tate, the previous previous methamphetamines they had

1 purchased from him, uh, but obviously they had been out of the
2 loop with him and outta the rotation for a while and his phone
3 number had changed since they had talked to him last so they
4 didn't have a direct way a contacting at this point in time
5 but they knew where he lived, uh, so our intent on this
6 particular trip was to have Ms. Bashaw and, uh, and Mr. Adams
7 reconnect with Antonio Tate in in the hopes of eventually
8 doin' methamphetamine transaction but that trip also was
9 mainly meant for a reconnection.

10 Q. Okay, was -- were there any attempts to purchase
11 methamphetamine that day?

12 A. No, sir. No, sir, uh, the confidential informants, uh,
13 took us to, uh, Antonio Tate's house which was, uh, or or
14 condo at the time, I I I'm not sure which one you wanna call
15 it, I think it was 6711 Traflagler (phonetic) Square,
16 somethin' like that and, uh, that's where they met, uh,
17 Mr. Tate's uncle there who, a person who claims to be Antonio
18 Tate's Uncle and, uh, this person told them he doesn't live
19 here but I'll give him a message which they left their phone
20 number and then we left, uh, we went back to a hotel that was
21 close to, uh, uh, Jimmy, it was on Jimmy Carter Boulevard, uh,
22 which is where they had stayed and met before and we, uh, that
23 they had checked into the hotel, uh, with help from the State
24 and they awaited to Mr. Tate to to call back and see if he did
25 which in fact he did call.

1 Q. And after that call what happened?

2 A. Uh, after that call, uh, due to the, uh, stuff the the

3 information I think ya'll heard earlier testimony about, uh,

4 uh, uh, the the the after the, uh, after the shop and the

5 transmission talk where, uh, uh, Mr. Bishop had some c -- some

6 conversation about purchasin' methamphetamine that, uh, that

7 Mr. Tate had spotted, uh, surveillance vehicles which in fact

8 is very true, the vehicle that he saw, uh, that was seen was a

9 undercover police car that was a black Dodge Charger and, uh,

10 that happened to be a very true statement so we were aware of

11 the counter surveillance technique so we backed way off, we

12 didn't wanna be, we didn't wanna be part a this meeting, uh,

13 we just wanted them to to meet and greet, maybe see if they

14 could get back together for a connection so at that point in

15 time we took them back to the hotel or where they went, they

16 they were all back at the hotel, Investigator Ayers and myself

17 pulled off, Mr. Tate called, came and pick -- they went and

18 met for dinner, uh, Ms. Bashaw and Mr. Adams had dinner with,

19 uh, Mr. Tate at a place that was called Manhattan's Pizza

20 Restaurant, uh, and then after that they ended up goin' to a

21 place called The Spot for drinks where they they they stayed

22 in contact 'til about 1 a.m. and then then, uh, Mr. Tate

23 dropped them back off at their hotel.

24 Q. And did that trip lead to any, uh, further attempts to

25 purchase methamphetamine from Antonio Tate?

1 A. No, no, it didn't, that we -- it it was, it was a
2 situation with with the, with the surveillance spotted before
3 that it was just a little bit spooky about them and and and
4 and rightfully so so...

5 Q. Now, Agent Barwick, did you make any attempts to as part
6 a this investigation gather phone records to connect Antonio
7 Tate and the other drug dealers?

8 A. Well majority a this investigation is what's called an
9 "historical", uh, it -- we've learned about Mr. Tate's
10 identity, uh, or who he was on that trip to Atlanta on March
11 2nd 2011, majority of our drug transactions through majority
12 of our deals to majority of things that have happened, uh, had
13 already passed, uh, so much a that stuff had been been brought
14 up through, uh, uh, through our investigations with the drug
15 through deals and stuff we had here or other cases here but
16 most of it is it was already in the past, uh, is what happened
17 and due to the fact that, ya know, we knew when, just for
18 instance when Nate' and Javin met with him, he pr -- he
19 provided them with two brand new cell phone numbers so we we
20 figured he was dro -- usin' drop phones and things a that
21 nature so no, we never pursued phone records.

22 Q. Explain the term "drop phone", what do ya mean by that?

23 A. Uh, well if you were to su -- if you were subpoena my my
24 phone records, uh, I've had the same cell phone number as as
25 as most people have for for the last eight years, ya know, and

1 I'm a Verizon customer and it it's pretty easy to pinpoint
2 where that's at or you can go to, uh, the QuikTrip or
3 Wal-Mart or any a these places and buy prepaid phones or
4 TracFones, uh, with no identification of who you are, no
5 identification of where you are and, uh, just just, uh, add
6 minutes to that phone and use it as much as you want to and
7 then when you're tired a that number if you've had it for a
8 little while, you just throw it away and go pick up a new one,
9 ya know, there's no long -- there's no contract, there's no
10 tie-ins with it and a lot of our cases run into stuff like
11 that and with the number of phone numbers that popped up we
12 just, we kinda felt it was goin' that way so we never pursued.

13 Q. Now had you already made contact and obtained statements
14 from people who said they had dealt with Antonio Tate?

15 A. Yes.

16 Q. So was there a need at that point to trace phone records
17 in order to identify him?

18 A. No, not at, not at that time.

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

20 MR. UNDERWOOD: Court's indulgence, Your Honor.

21 BY MR. UNDERWOOD:

22 Q. Agent Barwick, earlier there was a an accusation that,
23 uh, during transportation for a bond hearing in Columbia that
24 Wendy Lollis and Rachel Eades had gotten together to get their
25 stories straight, were you present during that conversation?

1 A. Uh, you talkin' about the day in court or on the actual
2 trip?

3 Q. On the actual trip.

4 A. Yes, I was -- oh, actually I was present on both but
5 yes.

6 Q. Okay, and why were you present, uh, during the original
7 conversation?

8 A. Uh, myself and Special Agent Asbill from SLED were
9 actually transporting, uh, uh, Rachel and, uh, and Wendy down
10 to Columbia for their bond hearings so we transported them
11 there and we transported them back.

12 Q. Now during the, uh, previously mentioned conversation
13 between Ms. Eades and Ms. Lollis, what were they actually
14 talking about?

15 A. Uh, there was discussion about their bonds not being
16 reduced and and and and and not bein' happy about that and
17 then the discussion I think that they were alluding to earlier
18 'bout Mr. Tate was that they learned at the bond hearing, uh,
19 when Mr. Underwood was presenting information to Judge Cooper
20 that, uh, Mr. Tate had a twin brother, that it was at that
21 point in time my understanding that they learned this. Uh,
22 Mr. Underwood went on to explain that, uh, he had a twin
23 brother and Mr. Tate attempted to use his brother's identity
24 to elude police when he was, uh, when when they approached him
25 in in Georgia on our charges because once our indictments were

1 issued we issued charges for him and he, uh, tried to use his
2 brother's ID to stop being arrested, well Mr. Underwood was
3 explainin' this to the judge and during that conversation, uh,
4 Ms. Eades and them heard this and and they were talkin' about
5 that on the way back to the LEC.

6 Q. Thank you, Agent Barwick, please answer any questions the
7 defense has.

8 A. Yes, sir.

9 CROSS-EXAMINATION BY MR. FARNHAM:

10 Q. Alright, Agent, let me just understand what what you're
11 tellin' this jury. You didn't get phone records because you
12 already had statements from everybody but yet if you got phone
13 records, you'd be able to prove who this guy was and who he
14 was talkin' to, right?

15 A. Not necessarily no. I mean, it depends, as I explained
16 about drop phones that they aren't really tied to people, they
17 don't have normal cell phone records as far as that goes
18 so ---

19 Q. But you never even investigated to see, ---

20 A. --- no, ---

21 Q. --- uh, ---

22 A. --- I believe that I did not.

23 Q. --- you don't know whether Mr. Tate's just a legitimate
24 business person that they're just tryin' to blame somethin' on
25 'cause you never went any further.

1 A. Uh, I did not attempt to gain phone records.
2 Q. Okay, but that could have exonerated them or corroborated
3 what your witnesses are saying, isn't that true?
4 A. I don't know anything about exonerate or corroborate, no,
5 I mean, it's just a part of ---
6 Q. You don't know, ---
7 A. --- what ---
8 Q. --- you don't know what ---
9 (Cross-talk.)
10 Q. --- the word "corroborate" means?
11 A. Oh, sure, ---
12 Q. Okay, ---
13 A. --- but I don't ---
14 Q. --- isn't it ---
15 A. --- think that ---
16 Q. --- important ---
17 A. --- phone record ---
18 Q. --- in any police investigation ---
19 THE COURT: Right, ---
20 MR. FARNHAM: I'm sorry, Judge.
21 THE COURT: --- Mr. Farnham, if you'll ---
22 MR. FARNHAM: I'm a little ---
23 THE COURT: --- just allow, ---
24 MR. FARNHAM: --- zealous here.
25 THE COURT: --- that's alright, if you'll just allow him

1 to finish his answer, Maggie, my court reporter is the best in
2 the business but she can't take down two so...

3 MR. FARNHAM: Sorry about that ---
4 (Cross-talk.)

5 THE WITNESS: Sorry court reporter.

6 THE COURT: Go ahead.

7 BY MR. FARNHAM:

8 Q. Mr. Tate on the day that you sent some people down there
9 was the the shop that they sent him to was an auto body shop
10 that he sells parts of cars, correct?

11 A. Uh, I'm not for certain the whole, the whole nature a the
12 business but I do believe it is some type of auto shop, yes.

13 Q. Okay, in fact, uh, Bashaw bought a transmission from him
14 at one point, isn't that true?

15 A. I believe that's what they were doin' on this trip, it
16 was either exchanging or pickin' up a transmission, some type
17 of auto, uh, ---

18 Q. Okay, ---

19 A. --- some type a automotive part as well.

20 Q. --- an and a year before that didn't you learn that
21 Bashaw had actually bought a -- purchased a car from Mr. Tate?

22 A. Um, I don't recall, that may be correct but I don't
23 recall that right off, I'd have ---

24 Q. Alright.

25 A. --- to look back and see.

1 Q. In fact, you you've, uh, your entire investigation has
2 painted Mr. Tate as some kind of a kingpri -- pin drug lord
3 throughout this whole conspiracy, isn't that true?
4 A. Uh, no, sir, our investigation just shows what the
5 witnesses have stated and what we turned up.
6 Q. Alright, well you just testified that you were there for
7 the bond hearing where Mr. Joshua Underwood made
8 representations to the Court, isn't that true?
9 A. Yes.
10 Q. Okay, and didn't he tell the judge at that time when they
11 set Mr. Tate's bond that he was a Mexican cartel contact, that
12 he was afraid that he would leave the country and they ---
13 A. I ---
14 Q. --- wanted a high bond for him because a that reason?
15 A. --- I don't recall if if he, if he said specific Mexican
16 cartel, uh, or not but yeah, I mean, Mr. Tate was the highest
17 person on our, on our chain or on our, ---
18 Q. Right.
19 A. --- uh, on on our conspiracy.
20 Q. Are you saying that Mr. Underwood didn't represent to the
21 Court that he was afraid that Mr. Tate would leave the
22 country?
23 A. Oh, yeah, I I'm not, I'm not sayin' that, I just don't
24 remember him say -- sayin' specific he was, uh, ya know, MS-13
25 or ---

1 Q. They were afraid that ---
2 A. --- any Mexican cartel.
3 Q. --- he was gonna go to Mexico, isn't that right? You
4 never heard that.
5 A. I don't remember that right off, no.
6 Q. Okay, did you investigate whether or not Mr. Tate even
7 has a passport?
8 A. No, I have no idea if he ---
9 Q. You haven't even know.
10 A. --- has a passport.
11 Q. Would you be surprised to know that he never had a
12 passport?
13 A. Uh, no, sir.
14 Q. So then how can you and your, and your associates in your
15 investigation make those kind of allegations if ya haven't
16 even investigated the facts?
17 A. I believe you -- I don't believe our border's very
18 secure, sir.
19 Q. Ya know you need a passport to leave the country now,
20 don't you?
21 A. Uh, legally.
22 Q. Mr. Tate has no criminal history, isn't that true?
23 A. I'd have to look at his NCIC ---
24 (Cross-talk.)
25 Q. You'd know what the -- we're in front of the jury, if you

1 had this man on some kinda serious felony charges or, uh, any
2 type of thing that would impeach his character, you'd be
3 tellin' these people about it, you have that ability to check
4 out his entire criminal history.

5 A. It -- that would be presented to the jury at the
6 appropriate time. I'm I'm aware of where I am and I don't
7 remember if he's got much a criminal history or not, ---

8 Q. You don't know ---

9 A. --- have to look at it.

10 Q. --- whether he's got a felony on his record? Are you
11 tryin' to tell me you've investigated this man for all these
12 years, you don't know whether he has a felony on his record?

13 A. The last time I looked at Mr. Tate's NCIC was years ago,
14 this case is quite old; as a matter of fact, we -- it is, it
15 is substantially older so ---

16 Q. The fact ---

17 A. --- I'd have to look back ---

18 Q. --- of it is he's, ---

19 A. --- at it.

20 Q. --- he has nothing more than traffic tickets, isn't that
21 true?

22 A. I don't know.

23 Q. You don't know?

24 A. Correct.

25 Q. Now doesn't it surprise you that a a bunch of self-

1 proclaimed convicted felons who are dealing drugs all through
2 this state are pinpointing all their activity on some guy with
3 no criminal history that's down in Atlanta and you haven't
4 been able corroborate one thing that they've said?

5 A. I believe every person that we have spoken with has
6 individually identified Mr. Tate by photo lineups.

7 Q. Yeah, well let's talk about your photo lineup. You've
8 got one photo lineup where Mr. Tate's identified as the third
9 person on the front row, correct?

10 A. Yes, the photo lineup was cro -- uh, was constructed by
11 the SLED Fusion Center and that's the only one that we, uh, we
12 obtained.

13 Q. And and you've asked the question of all these different
14 individuals who are known to know each other, have been
15 friends and con con -- colleagues for years, that call, that
16 contact each other all the time and you showed them those
17 lineups on different dates throughout a year's period, isn't
18 that true, or more?

19 A. Uh-uh, it it could be, uh, more than a year's, uh, period
20 or not but I don't know exactly. All these folks, a lot of
21 'em do know each other but I don't think all of 'em do as far
22 as speakin' on a regular basis and stuff like that but there
23 is connection between the two, between all of 'em certainly.

24 Q. Well they were talkin' to each other even when they were
25 in jail, weren't they?

1 A. Um, there was conversation.

2 Q. I read, I read your summaries of your investigative
3 reports where you were listening in on them calling Bashaw
4 herself and she was laughing 'bout how you weren't -- she
5 wasn't even gonna be able to be caught by you all, right, you
6 remember that in your investigative summaries?

7 A. No, I didn't write investigative summary that contained
8 the phone record. I've ---

9 Q. No.

10 A. --- never listened to jail phone calls in any of these
11 cases, ---

12 Q. You have not?

13 A. --- this one, uh-uh,

14 Q. Are you fa -- are you familiar that Mr. Ayers has?

15 A. Uh, I I know that Greenville County I know they do
16 that, ---

17 Q. Okay, ---

18 A. --- on occasions.

19 Q. --- so these people are talking to each other in the
20 jail, how hard was it for them to say, Hey, I got a photo
21 lineup they showed me and and we got this guy Tate that's in
22 position three on the front row? You use the same photo
23 lineup for everybody, didn't you?

24 A. Uh, yes, it was the same photo lineup.

25 Q. With him in the exact same position each time.

1 A. That would be the same photo lineup, yes.

2 Q. Okay, how reliable can that be over a period of a couple
3 years where the same picture's shown to all these different
4 individuals?

5 A. Well the photo lineups were shown when we approach
6 people or or or they were confidential informants. At the
7 time when we first approached people, no one knew who the
8 other people were in the investigation, they didn't know, uh,
9 ya know, we were still using these, a lotta these people to,
10 uh, to, uh, in attempts to buy other purchase from other
11 people involved so they didn't know each other as far as bein'
12 involved in this conspiracy or know each other bein' involved
13 in this case, they they were all independent of each other,
14 uh, until the actual, uh, indictments are issued, until
15 everyone's actually arrested so they wouldn't be talking
16 about, uh, they shouldn't be talking about or wouldn't be
17 talkin' about this amongst each other because they wouldn't,
18 one person would know it and the next person will know it but
19 they, each person would not know that the other one knew.
20 Does that make, uh, even ---

21 Q. You can't hon ---

22 A. --- they were approached at different times.

23 Q. --- you can't honestly know what these individuals were
24 talking about over a 2-year period, some had been arrested in
25 March of 2010, others got arrested in, uh, the summer of 2010,

1 others got arrested in 2011.

2 A. Yeah, as I said the people were ---

3 Q. You're showin' these pictures throughout the whole

4 period.

5 A. Excuse me, I was finished.

6 Q. I wasn't finished with my question.

7 A. Oh, I'm sorry, please continue.

8 Q. You were finishing -- you were showing this picture

9 throughout the whole investigation for all these people are

10 talking amongst each other, wouldn't it have been more

11 reliable to have shi -- shifted the pictures around so that he

12 wasn't in the same position each time?

13 A. As I've stated, uh, ---

14 Q. Yes or no?

15 A. --- people were, uh, people ---

16 Q. Answer ---

17 A. --- were ---

18 Q. --- my question ---

19 A. --- arrested ---

20 Q. --- first, sir. Wouldn't it be more reliable, yes or no,

21 for the picture to have been moved around on the page rather

22 than the same position throughout the 2-year period?

23 A. The timing that we showed photographs to people, other

24 other people didn't know that other folks were involved or

25 indicted. When we approach someone and they became a

1 confidential informant or they agreed to cooperate, that
2 knowledge was between us and them and no one else and we we
3 gave expressed and, uh, ya know, warnings for them to make
4 sure that they keep this between themselves and their ability
5 to cooperate because it does them no good for someone else in
6 the community to learn that they're working with us if in fact
7 they may end up buyin' drugs from somebody or doing something
8 else in the community so when we approach and we talk with
9 people, it's between us and them and then that's where it
10 stays and now one would know that they are linked in this
11 conspiracy, are all tied into this together until the actual
12 arrest date, not the arrest, individual arrest date, say for
13 instance if someone gets a a drug charge and they go, they go
14 to the LEC and you may talk to 'em there and that drug charge
15 could become part a this conspiracy but the actual arrest when
16 everyone's indicted on the, on the conspiracy case, that's
17 when everybody knows that everybody's involved and by then
18 people have all seen the photo ID or photo lineup and have
19 identified the person.

20 Q. You're you're relying on an honor system with people that
21 are known criminals, sir, you can't be sure what they're
22 talking about, what they're not talking about, whether one
23 person, say Griffin told, uh, Lollis that he saw lineup of a
24 guy and that it it's Tate and he's in Row 3, ---

25 THE COURT: That a question?

1 Q. --- that's subjective, that's just your ---
2 THE COURT: Is that ---
3 Q. --- subjective ---
4 THE COURT: --- a question?
5 Q. --- o -- yes, sir.
6 THE COURT: Alright.
7 THE WITNESS: I'm I'm sorry, I don't ---
8 BY MR. FARNHAM:
9 Q. That's just your subjective opinion, you don't know that
10 for a fact, do you?
11 A. That they have, uh, that they, no, spoke, no, I do not
12 know for a fact that they did not speak.
13 Q. Okay. Now, uh, I'm confused about this Bishop situation.
14 Uh, I understood from your direct testimony that you're saying
15 that you used Bishop to as a confidential informant in a bust
16 on Bashaw in August of 2010?
17 A. Uh, August 27, 2010 he was a confidential informant on a
18 controlled purchase for her, yes.
19 Q. Okay, but you were interviewing her in June of 2010,
20 weren't you?
21 A. I believe we to -- um, that's probably about right for
22 the first time we spoke with her.
23 Q. Okay, now if -- did she know that he was the CI that
24 busted her in 2010?
25 A. No.

1 Q. She didn't.

2 A. No, wait, uh, no, wait, back up and let me hear that --

3 your question one more time.

4 Q. You arrested her in August of 2010, correct?

5 A. Uh, I'm not sure when I arrested her, that was the deal

6 date was August 27, 2011 ---

7 Q. And you you did ---

8 A. --- or ---

9 Q. --- a controlled, ---

10 A. --- 2010, I'm sorry, ---

11 Q. --- did a controlled ---

12 A. --- that was a control purchase.

13 Q. Was a controlled purchase. He was the CI, correct?

14 A. Correct.

15 Q. Okay, when did you arrest her on those charges?

16 A. I am not sure.

17 Q. Okay, 'cause the the question I have is if he was the CI

18 that got her implicated in August of 2010 then why was he

19 concerned about her being with him in the spring of 2011 when

20 they drove down to Atlanta to try to talk to Mr. Tate?

21 A. What do ya mean concerned by?

22 Q. Well, uh, you heard his testimony, you were, you were in

23 court when he testified, correct?

24 A. Yes.

25 Q. Didn't he say he was concerned about wearin' a wire

1 around her because he didn't want her to know he was a CI?

2 A. Oh, yeah, yeah, he didn't know -- she didn't know he was

3 a confidential informant.

4 Q. Okay, now in both of the attempts that you sent people

5 down to try to do a controlled buy with Mr. Tate, you got no

6 evidence that he was involved tryin' to sell drugs, correct?

7 A. Well, uh, to back up to that the, uh, the primary goal of

8 the first trip was to, uh, gain the identification of

9 Mr. Tate.

10 Q. That's not what I'm asking you, ---

11 A. Yeah, well ---

12 (Cross-talk.)

13 Q. --- I'm asking you whether or not you obtained any

14 information to show that he was involved in selling drugs.

15 A. No, sir, you asked me in both attempt to control

16 purchases do we not ob -- obtain any information and my my

17 response to that is the first trip was primarily to identify

18 Mr. Tate, uh, and the second trip was to link up, uh, Javin

19 wasn't Nate' Bashaw with Mr. Tate for hopefully for a a deal

20 in the future but would I have liked to have done a controlled

21 purchase or somethin' along those lines, sure, ---

22 Q. Um-hum.

23 A. --- but that that that that was the purpose of the trips

24 and and to your answer what you're getting to is no, we did

25 not obtain any drugs from Mr. Tate on our trips to Atlanta.

1 Q. And you never have.

2 A. Well those were the only trips.

3 Q. Okay, and even though you've got Mr. Griffin stating that

4 he's going down there three times a week and buying ounces at

5 a time which indicates that Mr. Tate should have a tremendous

6 quantity of drugs in his possession, correct?

7 A. I would think he would have ready access to drugs, yes.

8 Q. Okay, there's been no finding of any drugs either in any

9 of his houses, his, uh, premises, his cars, on his possession

10 at any time, isn't that true?

11 A. Uh, not not -- I don't -- not that I'm aware of. We

12 haven't searched his houses, his vehicles or anything else.

13 Q. And don't don't you think that was prudent you're tryin'

14 to find the guy who's being the biggest source of drugs in in

15 South Carolina and you don't go search his house?

16 A. Well there again you have to go obtain a search warrant,

17 uh, for somebody's house and and, uh, that's in Georgia, we

18 didn't, we didn't or weren't able to do that or didn't do

19 that.

20 Q. You had a cooperative effort going with Detective Rozier

21 of the Gwinnett County Police Department, isn't that true?

22 A. Well he did assist us on surveillance operation.

23 Q. Okay, and isn't it true what ya haven't told this jury is

24 at the conclusion of almost a year of investigation with

25 Gwinnett County they closed their file on Mr. Tate because

1 they found no drug activity, isn't that right?

2 A. No, sir.

3 Q. They didn't close their file on him showi -- saying that

4 they ---

5 A. I ---

6 Q. --- found no evidence that he was involved in this?

7 A. --- I have, I am unaware of any investigation that

8 Gwinnett County put into Investigator Tate as far as what my

9 term of an investigation is. The only information we had

10 available is that, uh, Investigator Rozier received a tip that

11 Mr. Tate was involved in drug trafficking.

12 Q. Did that tip come from your office?

13 A. No, I I don't know where it came from but, uh, this was

14 when we first contacted him and Investigator Rozier said, told

15 us that he did about, uh, I think it was, uh, ran a few tag

16 numbers and spotted a house or two a his and that was it. He

17 said if he had any type of file it was a few miscellaneous

18 notes in another folder somewhere, it was not an investigation

19 on his point, that's what he told me.

20 Q. He did tell you though that he closed his investigation

21 because he found no activity on Mr. Tate's part that was

22 suspicious, isn't that true?

23 A. No, that is not true, that I ---

24 Q. What I ---

25 A. --- what I told you was ---

1 (Cross-talk.)

2 Q. Did he tell any other person in your investigation

3 that?

4 A. Not that I'm aware of. His conversation with us was if

5 he had any information on Mr. Tate at all other than the the

6 anonymous tip that he had it was, uh, it was simply he had a

7 few tag numbers and an address in a file folder and he doesn't

8 even know where that was. He said he moved offices and he

9 doesn't even know if he lost it.

10 Q. What what's one a the first indications of a person

11 that's receiving a lotta benefit from major drug sales, what

12 do ya look for?

13 A. I'm sorry, as in?

14 Q. When you see a person who's an an alleged drug kingpin

15 selling mass amounts of, uh, methamphetamine on a weekly basis

16 for \$1,000 to \$2,000 an ounce, which I understand from your

17 investigative notes is the average price in this, in this

18 conspiracy, what's one of the things you would expect to find

19 from a person doing that kinda quantity of drugs?

20 A. Well as it and I work at Pickens County and we

21 investigate a lot of methamphetamine cases there and majority

22 of the people we investigate methamphetamine, even mid-level

23 dealers, uh, and even higher have very little to no assets,

24 uh, if that's what you're getting at. Most of ---

25 Q. What about, ---

1 A. --- the people we ---
2 Q. --- what about ---
3 A. --- deal with ---
4 Q. --- a main kingpin drug dealer ---
5 A. Sure, he can, ---
6 Q. --- selling ---
7 A. --- he can ---
8 Q. --- thousands of dollars a week, what did, what did you
9 expect him -- what would you expect to find that he would have
10 in his possession?
11 A. Uh, he could certainly could have assets.
12 Q. Okay, did you ever check on Mr. Tate's assets to see
13 whether he had an extraordinary, uh, amount of wealth beyond
14 his means from ---
15 A. No.
16 Q. --- a guy that had an auto body shop?
17 A. No, sir, I I haven't looked into Mr. Tate's finances.
18 Q. Would you be surprised to know that he only had a small
19 home?
20 A. No, sir.
21 Q. He drove a car that was a 2002 durin' the time a this
22 investigation.
23 A. That there were couple vehicles we'd seen durin' that
24 time but no, that wouldn't surprise me.
25 Q. That, in fact, that 2002 was the newest vehicle he had,

1 isn't it, he had another car that was a 1985.

2 A. That could be.

3 Q. Okay, so you didn't see any of the outlayings of a person

4 who's supposedly receiving thousands of dollars a week from

5 drug sales, did ya?

6 A. Well there again I ---

7 Q. Yes or no sir, just answer my question, you can explain

8 it all you want.

9 A. Yes, well ---

10 Q. Did you find anything to indicate that he was receiving

11 thousands of dollars a week in drug sales?

12 A. I didn't look.

13 Q. Okay, so you haven't ---

14 A. He were, ---

15 Q. --- done a thorough investigation, ---

16 A. --- we are, ---

17 Q. --- have you?

18 A. --- we are a South Carolina agency, several of 'em here,

19 we don't live within close proximity to Mr. Tate in Georgia.

20 He was never under long term surveillance or anything else

21 from our agency. I don't know what Mr. Tate has as far as he

22 could have a bunch a money buried in his back yard, he could

23 have none, I don't know how he gets his finances.

24 Q. So essentially the bottom line here is you're relying on

25 a group a people that all live up here who are telling you

1 that he's the guy that supplies them all their drugs and yet
2 that's the only evidence you've got.

3 A. That is a, that is a substantial portion of our case,
4 yes, of the ---

5 Q. What else ---

6 A. --- people who bought ---

7 Q. --- is a part a your ---

8 A. --- from ---

9 Q. --- case, what else do ya have? What do you -- give me
10 one example of something that corroborates any of the story
11 that these people have told this jury.

12 A. The continuity between the, uh, between the
13 individuals.

14 Q. All that know each other? Let let me ask ya this: If
15 they all got together and decided they wanted to pin it on
16 somebody that they knew wasn't a threat to them because you've
17 had people in this conspiracy during your investigation have
18 gotten killed, correct?

19 A. Excuse me?

20 Q. Wasn't there a dealer that they were all dealing with
21 that got killed durin' the course a this investigation?

22 A. Not that I'm aware of, no.

23 Q. Some Mexican guy?

24 A. Not durin' the course of our investigation no, sir.

25 Q. Okay, I'll ask that further on.

1 A. Yeah, I mean, somebody else may have knowledge of it but
2 I haven't heard of anybody bein' killed in our
3 investigation.

4 Q. If they all decided to get together and just pin it on
5 some guy that's outta state and and, uh, allege that he's
6 their main source a supply and you've got nothing else to
7 corroborate their story, doesn't that concern you a bit that
8 they are possibly just not telling you the truth?

9 A. As we we talked about, the nature of our investigation,
10 uh, the timing of people bein' approached and the consistency
11 of it and I feel comfortable in where we are in our
12 investigation, I feel very confident the information that's
13 bein' put forward is very truthful.

14 Q. So you're asking, uh, you're askin' this jury essentially
15 to make a decision based on all these people being truthful.

16 A. I'm askin' this jury to to judge this case with their
17 common sense, to judge this case as objective of what they
18 learned over the course of their lives and make a
19 determination on the facts as we put in front of 'em, that's
20 all I want 'em to do. If they find him guilty, uh, they
21 should, they should vote guilty and if they find him not
22 guilty, they should vote him not guilty, that is what --
23 that's all we can ask of any jury and I -- it -- ya know,
24 I ---

25 (Cross-talk.)

1 Q. But as far as you giving them the tools they need to make
2 an evaluation of this man's innocent or guilt, a man who has
3 no criminal history, you haven't given them enough, have you,
4 to corroborate any of these people's testimony other than what
5 they're saying as a group.

6 Q. I feel we will; in fact, I feel we have, I feel we will.
7 This trial's not over and there are plenty more people to
8 testify than myself.

9 MR. FARNHAM: That's all I got, Judge.

10 THE COURT: Alright, any redirect?

11 MR. UNDERWOOD: Very briefly, Your Honor.

12 REDIRECT EXAMINATION BY MR. UNDERWOOD:

13 Q. Agent Barwick, the photo lineups that were shown to the
14 various individuals in this case, ---

15 A. Um-hum.

16 Q. --- were any a those individuals with each other when
17 those lineups were shown?

18 A. Uh, no, everything -- ev -- everyone was done
19 independently of each other.

20 Q. In fact, the photo lineups for Nate' Bashaw and Javin
21 Adams they were on the same day, weren't they?

22 A. Yes.

23 Q. And were the two of them separated and separately shown
24 these lineups?

25 A. Yes, we separated the two of 'em at Greenville County

1 Southern Command, uh, at one point in time we sat down with,
2 uh, I can't remember which one we -- who I talked to first but
3 we presented the photo identification, they identified
4 Mr. Tate, we finished our interview, we moved them to another
5 room then we brought in, uh, the the other person and we did a
6 identification at which point in time they picked out Mr. Tate
7 as well and they never spoke to each other in between the two.
8 Q. Is there any evidence that the various co-conspirators
9 got together to pin this all on someone else?
10 A. No, sir, I've I've seen no no evidence that that would
11 lead me to believe that all these people got together and
12 randomly picked somebody and and and and no, sir.
13 Q. Now, uh, on cross, uh, Mr. Farnham mentioned that you
14 actually did an interview with Nate' Bashaw in June of 2010
15 before the controlled purchase, is that accurate?
16 A. I think that's right. I think Investigator Ayers and
17 myself spoke to her at Greenville County Detention Center
18 briefly.
19 Q. And at that time did she agree to become a confidential
20 informant?
21 A. She did not.
22 Q. So did she remain a target a the investigation?
23 A. She did.
24 Q. Is it, is it a common practice for high-level drug
25 dealers to hide assets in other people's names?

1 A. Uh, uh, certainly.

2 Q. And is it common practice for high-level dealers to keep

3 large amounts of drugs and drug money immediately on their

4 person?

5 A. I'm sorry, is it what?

6 Q. Uh, oh, I'll rephrase it. Are you familiar with the term

7 "drop house" -- I'm sorry, "trap house"?

8 A. Yes, sir.

9 Q. What is that?

10 A. A trap house is is typically where, uh, where drugs are

11 sold and somebody else owns the place and people set up there

12 and they, the people come and buy drugs from it but it's not

13 associated with the person who's actually sellin, ---

14 Q. So is it go ---

15 A. --- that's ---

16 Q. I'm sorry, go ahead.

17 A. Oh, I'm sorry and if referrin' to stash house, uh, you

18 know, heard that term as well where people have hidden places

19 where they keep assets or somethin' like that and you may have

20 a a or keep drugs, ya know, so instead a keeping it at your

21 place where you primarily live they'll have what's called a

22 "stash house" where they'll they'll put pounds a dope or

23 there'll put a lotta money in this house to somebody else's

24 name and lock it up and that's where it stays and I've heard

25 that term and I I know that it's used.

1 Q. Now, Agent Barwick, that you were asked about Mr. Tate
2 not having any prior convictions other than a traffic ticket,
3 I'm now handing you copy of Mr. Tate's rap sheet, you take a
4 moment and review that ---
5 A. Sure.
6 Q. --- and it's several, several pages.
7 (Whereupon, the witness examined the document.)
8 A. Alright.
9 Q. Okay, in addition to driving under suspension charge, was
10 he also convicted of violating his probation?
11 A. Uh, yes, he was.
12 Q. And I specifically ask you to look to Page 4 ---
13 A. Um-hum.
14 Q. --- under cycle 3, what was Antonio Tate convicted of?
15 A. Uh, giving false name, address, birthday to law
16 enforcement, false information to police.
17 MR. UNDERWOOD: Nothing further, Your Honor.
18 THE COURT: Alright, anything else for this witness?
19 MR. FARNHAM: Nope.
20 RECROSS-EXAMINATION BY MR. FARNHAM:
21 Q. He has no felonies, only misdemeanor charge, correct?
22 A. Uh, I don't -- I didn't see anything that indicated that,
23 I'm not sure false information I don't think that's felony
24 so ---
25 THE COURT: Alright.

1 A. --- not sure.
2 THE COURT: Anything else?
3 MR. FARNHAM: Oh, ---
4 (Cross-talk.)
5 MR. UNDERWOOD: Nothing further ---
6 THE COURT: Oh, I'm sorry, yes, sir.
7 BY MR. FARNHAM:
8 Q. He's never had any drug-related offenses in his entire
9 career, isn't that true?
10 A. I did not see one on that sheet, ---
11 Q. Thank you.
12 A. --- that's true..
13 REDIRECT EXAMINATION BY MR. UNDERWOOD:
14 Q. Is it fair to say that everybody has to get arrested for
15 something the first time before they can have a record?
16 A. Is very true.
17 MR. UNDERWOOD: Nothing further, Your Honor.
18 THE COURT: Alright, thank you. Alright, sir, you can
19 step down.
20 THE WITNESS: Thank you, Your Honor.
21 (Whereupon, the witness left the stand.)
22 MR. UNDERWOOD: Your Honor, I know we're kinda pressed
23 for time, we have, uh, two short witnesses, one of whom has
24 availability issue, can we kinda try to ---
25 (Cross-talk.)

1 THE COURT: Very short?
2 MR. UNDERWOOD: Yes, Your Honor.
3 THE COURT: Okay, alright.
4 MR. UNDERWOOD: Your Honor, the State calls Tabitha
5 Fricks.
6 (Whereupon, the witness came forward.)
7 (Whereupon, a discussion was held off the record.)
8 TABITHA FRICKS, having been first
9 duly sworn, testified as follows:
10 THE CLERK: Thank you, please be seated.
11 DIRECT EXAMINATION BY MR. UNDERWOOD:
12 Q. Good afternoon, Ms. Fricks, could you please introduce
13 yourself to the jury.
14 A. My name is Tabitha Fricks.
15 Q. And what do you do for a living?
16 A. I work at the Greenville County Department of Public
17 Safety the Forensic Division Property and Evidence section.
18 Q. And what do ya do there?
19 A. Basically my duties are, uh, the care, custody and
20 control of all evidence that comes through our department.
21 Q. And what are the normal procedures for how you take in,
22 handle and return evidence?
23 A. Uh, we have a open counter where the officers come and
24 make their submissions to us and then we sit it at our desk
25 and process evidence through for storage.

1 Q. And are you also responsible for taking things to the lab
2 for testing?
3 A. I do not take them, I I hold them until the lab comes to
4 check them out for testing.
5 Q. Okay, so you hold it, someone from the lab comes to you
6 and takes it ---
7 (Cross-talk.)
8 A. Correct.
9 Q. Okay.
10 (Whereupon, a discussion was held off the record.)
11 (Property report marked State's Exhibit No. 20 for
12 identification.)
13 BY MR. UNDERWOOD:
14 Q. Alright, I'm now showing you what's been pre-marked as
15 State's Exhibit No. 20, could you please take a moment review
16 that document.
17 (Whereupon, the witness complied.)
18 Q. Alright, who's signatures appear on that document? What
19 do those signatures mean?
20 A. The first signature is for Tony Robinson and it states
21 that he's taken the evidence to Greenville and then my
22 signature follows saying that I'm holding it for storage at
23 Property and Evidence.
24 Q. And are there any other signatures on there?
25 A. There are. The next one is for James Armstrong and he's

1 checked it out for the lab.

2 Q. Okay, who's James Armstrong?

3 A. He is oh, an a a crime lab analyst.

4 Q. And do you recognize those signatures of those

5 individuals?

6 A. I do.

7 Q. Are you familiar with their signatures?

8 A. Yes, I am.

9 Q. Do those all appear to be valid?

10 A. Yes.

11 MR. UNDERWOOD: Your Honor, at this time the State would

12 seek to admit Exhibit 20 into to evidence.

13 THE COURT: Any objection?

14 MR. ARIALL: No objection, Your Honor.

15 THE COURT: Alright, thank you, sir.

16 (State's Exhibit No. 20, property report, admitted into

17 evidence.)

18 BY MR. UNDERWOOD:

19 Q. Can you please indicate on Exhibit 20 what evidence does

20 that deal with.

21 A. A crystal substance.

22 Q. Uh, are th -- is there any other identification as to

23 what case that goes to?

24 A. There is. There's a case number at the top, ---

25 Q. And what's ---

1 A. --- there's ---
2 Q. --- that?
3 A. --- actually two.
4 Q. What what is the -- what are the two case numbers?
5 A. The first one is for Pickens County Sheriff's Office,
6 it's 2010-19548 and then an 11 number that we issue it when it
7 comes to our Greenville County and it's 11-2010-332.
8 Q. Now I'm gonna ask you to look at State's Exhibit 21, do
9 you recognize this (indicating) exhibit?
10 A. I do.
11 Q. What is that?
12 A. This is the package that, uh, goes with the property and
13 evidence sheet.
14 Q. And did you actually handle that evidence?
15 A. I did.
16 Q. Who handled it before you?
17 A. Tony Robinson when he had brought it to Property and
18 Evidence.
19 Q. Alright, and once you got that evidence what did you do
20 with it?
21 A. I I check it in, I put it in a envelope for storage and I
22 put it in our vault, it's a secured storage until, uh,
23 somebody from the lab comes to check it out for testing.
24 Q. Alright, when you received that evidence was it already
25 sealed?

1 A. It was.
2 Q. Did you break that seal?
3 A. I do not.
4 Q. Who had that evidence immediately following you?
5 A. James Armstrong.
6 Q. Alright, when you gave it to him, was that package still
7 sealed?
8 A. It was.
9 Q. I'm now gonna show you State's Exhibits 10 and 11, you
10 review those, please.
11 (Whereupon, the witness complied.)
12 Q. And what are those documents?
13 A. They are another set of property and evidence forms.
14 Q. And what cases, case numbers do those reference?
15 A. The Pickens County Sheriff's Office number is 2010-5236,
16 then our case number is 11-2010-119.
17 Q. And whose signatures appear on those documents?
18 A. Tony Robinson and he transported it to Greenville for
19 testing, immediately following is Israel Flounders who was a
20 former employee of Property and Evidence and then after Israel
21 would be James Armstrong.
22 Q. And are you familiar with all those individual
23 signatures?
24 A. Yes, I am.
25 Q. Do all of those signatures appear valid?

1 A. They do.

2 Q. And is that on, uh, both sheets?

3 A. Yes, sir, it is.

4 MR. UNDERWOOD: Alright, Your Honor, at this time I would

5 ask that State's Exhibits 10 and 11 be admitted into evidence.

6 THE COURT: Any objection?

7 MR. FARNHAM: No.

8 MR. ARIAIL: No objection, Your Honor.

9 THE COURT: Alright then.

10 (State's Exhibit Nos. 10 and 11, property reports,

11 admitted into evidence.)

12 BY MR. UNDERWOOD:

13 Q. Now to your knowledge what was the procedure for -- well

14 what items of evidence does that form refer to?

15 A. On the first sheet there looks like there's six items:

16 The first item's a crystal substance, the second item is also

17 crystal substance, the third looks like it's crystal residue

18 substance, the fourth is white powder substance, the fifth is

19 tablets, the sixth is tablets. On the second sheet Item 7 is

20 a crystal substance and Number 8 is also a crystal substance

21 and also contains some tablets.

22 Q. I would now ask you to look at State's Exhibits 16

23 through 19, take a moment please examine those four exhibits.

24 (Whereupon, the witness complied.)

25 Q. Alright, how do those four exhibits correlate to those

1 property sheets you just examined?

2 A. They all match to their specific nu -- item number.

3 Q. Okay, so according to the records each a those four items

4 was submitted to Greenville County, uh, for testing?

5 A. Correct.

6 Q. And to your knowledge were any of those items tampered

7 with in any way before they went to the lab for testing?

8 A. Not that I'm aware of.

9 Q. What's the policy at the Department of Public Safety for

10 any evidence bags for for suspected drugs that are not

11 properly sealed?

12 A. It has to come in sealed, if it is not sealed, we return

13 it to the agency and it will not get tested until it is

14 properly sealed.

15 Q. Uh, what safeguards are there to make sure that those

16 seals are not, uh, prematurely broken while in your custody?

17 A. Uh, we only have access to four, uh, full-time employees,

18 it is under a swipe card and key entry and our vault, uh, only

19 the full-time people have access to the vault.

20 Q. Uh, on those heat sealed bags, if they were broken open,

21 would it be immediately apparent?

22 A. Yes.

23 Q. Thank you, please answer any questions the defense has.

24 THE COURT: Mr. Ariail.

25 MR. FARNHAM: We have no questions, Judge.

1 THE COURT: Alright.
2 MR. ARIAIL: No questions, Your Honor.
3 THE COURT: Alright, thank you, ma'am, you can step down.
4 THE WITNESS: Thank you.
5 (Whereupon, the witness left the stand.)
6 MR. UNDERWOOD: Your Honor, the State calls James
7 Armstrong.
8 THE COURT: Okay.
9 (Whereupon, the witness came forward.)
10 JAMES ARMSTRONG, having been first
11 duly sworn, testified as follows:
12 THE CLERK: Thank you, please be seated.
13 MR. UNDERWOOD: Uh, Your Honor, I believe Mr. Ariail and
14 I have just discussed I believe they're willing to stipulate
15 that the list of materials are in fact methamphetamine.
16 THE COURT: Alright, is that ---
17 MR. ARIAIL: Correct, Your Honor.
18 THE COURT: --- correct?
19 MR. ARIAIL: That's fine, Your Honor.
20 THE COURT: Alright then it'll be so stipulated, ---
21 MR. UNDERWOOD: Your ---
22 THE COURT: --- that ---
23 MR. UNDERWOOD: --- Honor, in that case, uh, we do not
24 need -- oh, ---
25 THE COURT: Oh, that's fine.

1 (Whereupon, a discussion was held off the record.)
2 MR. UNDERWOOD: Uh, Your Honor, at at this time the State
3 would like to admit Exhibit 16, 17, 18, 19 and 21 into
4 evidence.
5 THE COURT: Alright, any objection?
6 MR. ARIAIL: No objection, Your Honor.
7 THE COURT: Alright, they'll be so admitted.
8 (State's Exhibit No. 16, Item Number 2 drugs; State's
9 Exhibit No. 17, Item No. 1 drugs; State's Exhibit No. 18, Item
10 No. 7 drugs; State's Exhibit No. 19, Item No. 8 drugs and
11 State's Exhibit No. 21, methamphetamine, admitted into
12 evidence.)
13 MR. UNDERWOOD: Your Honor, in that case, uh, we can
14 excuse Mr. Armstrong.
15 THE COURT: Alright, thank you, sir, for bein' here.
16 THE WITNESS: Thank you.
17 (Whereupon, the witness left the stand.)
18 THE COURT: Ladies and gentlemen, let's talk for just a
19 brief moment about what a stipulation is. A stipulation is an
20 agreed upon, uh, fact by the attorneys, in fact you take that
21 as a fact in this case, uh, that is not a fact that you will
22 have to decide when you are finding facts and the stipulation
23 in this case is that these, uh, that, uh, these exhibits, uh,
24 were tested and are in fact methamphetamine, alright.
25 Alright, anything else we need to take up before excusin'.

1 the jury for today?

2 MR. UNDERWOOD: Not today, Your Honor, thank you.

3 THE COURT: Alright. Anything, Mr. Ariail?

4 MR. ARIAIL: Nothing, Your Honor.

5 THE COURT: Alright then, ladies and gentlemen, thank you
6 so much for your attention for today, I know we kind of worked
7 a little hard to try to get some some things in but I
8 appreciate it so much, uh, and I told ya I'll sound like a
9 broken record, please don't discuss this case with anyone.
10 Let's begin tomorrow morning at 9 a.m., thank you so much.

11 (The following takes place outside the presence of the
12 jury.)

13 THE COURT: Alright, let's talk about tomorrow a little
14 bit. How many more witnesses does the State anticipate?

15 MR. UNDERWOOD: Let's see, Your Honor, the State
16 anticipates, Your Honor, about nine or ten more witnesses.

17 THE COURT: Goodness. Alright, do you think any a
18 those'll be lengthy?

19 MR. UNDERWOOD: Uh, a couple of 'em probly will, several
20 of them will be rather short.

21 THE COURT: Alright. Alright. Mr. Ariail without
22 tipping your hand on any trial strategy, what do you
23 anticipate for the length of your case? Do you have any ideas
24 at this point?

25 MR. ARIAIL: I would not s -- uh, just the discussions

1 we've had not lengthy, um, but we're gonna discuss that a
2 little more tonight ---
3 THE COURT: Sure.
4 MR. ARIAIL: --- in regard to it but I don't think it'll
5 be, should be tremendously long.
6 THE COURT: Okay, alright. Okay.
7 MR. FARNHAM: Do do they think that their witnesses are
8 still gonna go into the afternoon, I'd like to know that part.
9 THE COURT: Well you -- and ---
10 (Cross-talk.)
11 MR. UNDERWOOD: I think it it may go into early
12 afternoon, Your Honor.
13 THE COURT: Early afternoon, alright.
14 MR. FARNHAM: Okay.
15 THE COURT: Does that help ya'll for plannin' purposes?
16 MR. ARIAIL: Yes.
17 THE COURT: Mr. Tate, let's talk preliminarily about
18 this. You have three excellent attorneys sittin' at your
19 table and I know good and well that they've talked to you
20 about this a good bit. I am not going to ask you at this
21 point whether or not you intend to testify in the trial of
22 this case, we're not to that point, I just want you to start
23 thinkin' about it, uh, and I want you to have enough time with
24 your attorneys over the evening, uh, to to make that decision
25 'cause it sounds like that decision might come maybe early

1 afternoon tomorrow, uh, so if you will discuss that with your
2 attorneys, have as much time as you need, uh, with them, ask
3 them the questions you need to ask them but ultimately while
4 you wanna rely on their counsel and their wise judgment in
5 this case that decision has to be yours and yours alone, you
6 understand?

7 THE DEFENDANT: (Nodded in the affirmative.)

8 THE COURT: Alright, then very well, he nodded in the
9 affirmative. Yes, sir.

10 MR. FARNHAM: Could I ask you one question before you
11 leave?

12 THE COURT: Certainly.

13 MR. FARNHAM: If if the -- what time do you think you
14 would break for lunch 'cause that's gonna affect when we ---

15 THE COURT: I probably ---

16 MR. FARNHAM: --- have our witnesses.

17 THE COURT: --- will break for lunch about 12:45 tomorrow
18 and I I would think I'm gonna run on 'bout the same schedule
19 we did yesterday 12:45 until about 2:15 unless there's any,
20 uh, will be the break unless there's any, uh, you know, real
21 pressing need to do it differently ---

22 MR. FARNHAM: Okay, ---

23 THE COURT: --- is that, ---

24 MR. FARNHAM: --- thank you, Judge, appreciate it.

25 THE COURT: --- that works out?

1 MR. FARNHAM: Yes.
2 THE COURT: Alright, good. Okay, be in recess until
3 9 a.m. ---
4 (Cross-talk.)
5 THE COURT: --- tomorrow mornin'.
6 MR. ARIAIL: Thanks.
7 THE COURT: Thank you,
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STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE)

The State,)
) TRANSCRIPT OF RECORD
-vs-) 2011-GS-47-07
)
Antonio Emerson Tate,)
) May 28, 29, 30 and 31, 2013
Defendant.) Greenville, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, JUDGE; and a jury

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

CURTIS A. PAULING, ESQUIRE
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Attorneys for the Defendant

Margaret A. Woods
Circuit Court Reporter

VOLUME TWO

1 MR. UNDERWOOD: We are, Your Honor, ---
2 THE COURT: You are?
3 MR. UNDERWOOD: --- but we're fine.
4 MR. PAULING: We're fine.
5 THE COURT: Okay, ---
6 MR. PAULING: We're fine.
7 THE COURT: --- alright.
8 (Whereupon, a discussion was held off the record.)
9 (The following takes place in the presence of the
10 jury.)
11 THE COURT: Good mornin', ladies and gentlemen, I hope
12 you had a good evenin'. Uh, if I don't have another chance
13 to say this to you in this trial, I hope I will but if I
14 don't, thank you again so much, on behalf of these attorneys
15 and myself I wanna thank you for your service. Uh, the
16 bailiffs have said ya'll have been a pleasure to work with
17 so far this week and I can assure you they don't always say
18 that but, uh, but and and I can't tell ya how much that
19 means to me that you've been so nice and so easy to deal
20 with for them because they, uh, they certainly sometimes
21 have to deal with a lot from from folks and ya'll have been
22 great.
23 Uh, I wanna tell you little bit about our schedule uh,
24 'cause I I'm just somebody I always wanna know what's gonna
25 happen next. Uh, we are -- these attorneys have been

1 workin', they are even cutting down some things and tryin'
2 to do some things to get this case a little condensed, it's
3 gonna be a little bit longer than we thought it would, uh,
4 we are hoping to finish testimony by the end of today.
5 There is something I want to talk, I want you all to talk
6 about on your next break and, madam foreperson, if you'll
7 lead the discussions on this, and that is if we needed to go
8 to 5:30 or 6:00 this evenin', don't don't think we'll have
9 to at this point but if we were to, is that gonna cause a
10 huge problem for anybody? If it, if it is we we are at your
11 disposal and we'll stop when we need to stop and and resume
12 tomorrow mornin' but if we can we would love, uh, we'd love
13 to have that little extra give time there just in case, ya
14 know, somethin' runs a little bit longer. Don't need to
15 know now, ya'll think about it, uh, at your next break,
16 alright?

17 Yes, sir. You ready to proceed?

18 MR. UNDERWOOD: Yes, Your Honor, State calls Javin
19 Adams.

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

22 THE BAILIFF: Put your left hand on the Bible, and
23 raise your right hand and face left.

24 (Whereupon, the witness came forward.)

25 CHARLES JAVIN ADAMS, having been

1 first duly sworn, testified as follows:
2 DIRECT EXAMINATION BY MR. UNDERWOOD:
3 Q Mornin', Mr. Adams.
4 A How you doin'?
5 Q Could you please introduce yourself to the jury and
6 state your full name?
7 A Charles Javin Adams.
8 (Whereupon, a discussion was held off the record.)
9 THE COURT: Perfect, thank you.
10 Q And, Mr. Adams, how old you?
11 A I'm 32-years-old.
12 Q Where are you from?
13 A I'm from Easley, South Carolina.
14 Q Lived in this area your whole life?
15 A Uh, yes, sir, most of my whole life.
16 Q How far did you go in school?
17 A I went, I made it to the twelfth grade but I did not
18 graduate.
19 Q Did you get your GED?
20 A No, sir, I didn't. I went to, uh, I went to a, uh,
21 went to Brashier Campus at Greenville Tech and took weldin'.
22 Q When did you first get involved with drugs?
23 A Uh, I got involved with drugs back at a early age, you
24 know, I started smokin' pot, uh, probly around say
25 15-years-old, sumtin' like that and, uh, started out just,

1 uh, just usin' pot and then it progressed to a, a little
2 bitta cocaine and, uh, drinkin and then, uh, I got caught
3 with a, uh, distribution charge of cocaine and I quit doin'
4 cocaine and, uh, then, uh, meth got introduced around and I
5 started doin' meth but, uh, it was mainly just a weekend
6 drug or whatnot whenever I was usin' it. I have always kept
7 a job most of my life and just been like, you know, social
8 type usin' drugs on the weekends.

9 Q And when did you actually start using meth?

10 A Meth woulda been, uh, right around 2001 I believe,
11 2002. I think.

12 Q And how long did you use meth?

13 A Uh, from that time, uh, until I got busted with, uh,
14 this case here or, or I'd say, uh, indictment with this case
15 here for, uh, I'd probly say that I used it every, every
16 weekend up until, uh, up until whenever I met Ant or, uh,
17 Antonio Rhodes and, uh, I did s -- a buddy Chad Moore a
18 favor and, uh, went down there and picked up some drugs and
19 it ---

20 Q Okay, and we'll get to that in ---

21 A Okay.

22 Q --- a second. Uh, when did you stop using meth?

23 A When'd I stop?

24 Q Yes.

25 A Uh, I stopped after the indictment when whenever,

1 whenever I got this charge or whatnot. I s -- quit for
2 about nine or ten months and, uh, I didn't use any and, uh,
3 then I slowly fell back victim to it and I used here and
4 there like I might would use, uh, once every three months
5 as, you know, opposed to doing it very hard core whenever I
6 was sellin' or whatnot, whenever I was getting it in from
7 Atlanta, but, uh, I've been clean and sober for, uh, let's
8 see, right at about seventy days now. Uh, I've completed a,
9 uh, rehab for -- Christian Rehab Facility.

10 Q When, when did you do that rehab?

11 A I did it from, uh, the 5th of, uh, the 5th of, uh, I
12 mean, I, I completed it 25th ---

13 Q Of ---

14 A --- of ---

15 Q --- this month?

16 A Of -- yes, sir.

17 Q Okay, and how how long was that program?

18 A It was a, uh, it was a 2-month program.

19 Q Was that inpatient or outpatient?

20 A It was a outpatient, ---

21 Q Okay.

22 A --- it was also voluntary.

23 Q And did you successfully complete that rehab?

24 A Yes, sir.

25 Q Do you feel any different now that you've gone through

1 rehab?

2 A I feel a hundred percent better, uh, feel the best I've
3 felt in about fifteen years. Uh, I've grown spiritually
4 with God. Uh, it was a Christian-based facility and, uh,
5 yeah, I feel, I feel a whole lot better, a whole lot, uh,
6 more clean minded, you know, and where I can make better
7 thoughts and, uh, to where I can maybe move my life forward
8 and do it better.

9 Q Now, Mr. Adams, you mentioned you were indicted in this
10 case. Have you already pled guilty?

11 A Um, I have pleaded, I pleaded guilty in the case I
12 believe and, uh, and they accepted my, my guilty plea but,
13 uh, haven't been sentenced in the case yet.

14 Q And as part of your pleading guilty, you actually
15 entered into an agreement, plea agreement, with the State,
16 is that right?

17 A Sir?

18 Q You actually entered into a plea deal with the State,
19 is that right?

20 A Yes, sir.

21 Q And as part of that you pled guilty to lesser charges
22 than you were originally facing?

23 A Yes, sir.

24 Q Alright, and as a result of that, you're looking at
25 a -- is it fair to say you're looking at a recommendation of

1 3 to 6 years?

2 A Yes, sir.

3 Q And if you had been convicted of the original charges,
4 you would been facing a significant amount more time?

5 MR. ARIAIL: Objection, Your Honor, we believe it's
6 leading.

7 MR. UNDERWOOD: It's just preliminary matters, Your
8 Honor.

9 THE COURT: I, I, I'm gonna allow him to ---

10 MR. ARIAIL: Okay.

11 THE COURT: --- sorta lead through this part, uh, and,
12 of course, allow you come back on cross with it, ---

13 Q What ---

14 THE COURT: --- let's move on.

15 Q --- what's your understanding of the agreement?

16 A My understanding of the agreement is that, uh, my plea
17 bargain offer was, uh, for 3 to 6 years and, uh, that I
18 don't ha -- I necessarily don't have to get 3 or 6, it's
19 whatever the judge, uh, orders me to do, ya know, I'm not
20 promised anything.

21 Q Alright, as far as meth is concerned, what was your
22 relationship to Albrie Nate' Bashaw?

23 A Uh, at first we were friends, uh, for a couple weeks
24 and then we became boyfriend and girlfriend and, uh, we
25 ended up movin' in with each other and, uh, we were just, we

1 never got married but we were boyfriend and girlfriend and,
2 uh, I mean, I, I guess that's what you would call it.

3 Q And were you using meth at this time?

4 A Yes, sir, I was usin' meth.

5 Q Was she?

6 A Yes, sir.

7 Q Did you use it together?

8 A Yes, sir.

9 Q Were you selling meth at that time?

10 A Yes, sir.

11 Q Was she helping you sell it?

12 A Yes, sir.

13 Q How did you initially become involved with selling
14 methamphetamine?

15 A Uh, in the beginnin'?

16 Q Yes, in the beginning.

17 A In the beginning, uh, I had got, uh, uh, I was datin' a
18 a girl previous to Nate', Albrie Nate' Bashaw and, uh, I
19 started just usin' it here or there and then basically I
20 just sold little bits like maybe a 8-ball, two 8-balls a
21 week which would be, uh, 7 grams a week, you know, if I sold
22 two 8-balls a week and, uh, basically just to support my
23 habit and then, uh, whenever I went into, uh, sellin' it,
24 whenever I started goin' to Atlanta, I was actually doin',
25 uh, a guy named Chad Moore, we used to be I thought buddies

1 and, uh, he had messed some money up. He he was actually
2 goin' down to Atlanta and, uh, getting drugs from Antonio
3 Tate, uh, I was gonna get -- do him a favor and go down
4 there and help him purchase the drugs or whatnot and he was
5 gonna pay me back the money. Uh, it kinda ---
6 Q And how do you know Chad Moore?
7 A Uh, I I've known him from, uh, just he, he grew up in
8 the same town I grew up in or whatnot and, uh, I can't
9 remember exactly how I met him but we became pretty good
10 friends. He used to come over and, uh, with one of my
11 previous girlfriends and we'd cook out stuff on the weekends
12 and everything before he was really sellin' meth and, uh,
13 only thing he did was drink and stuff at the time and I
14 thought we were real good friends and then he got messed up
15 with the meth thing and he, uh, he I seen he was doin' real
16 good and, uh, he had a lot, he had a lotta money or whatnot
17 and then he messed it all up with, uh, drugs or whatnot so I
18 was gonna try to help him get back on his feet. I promised
19 him whenever I sold my house that I would go down to Atlanta
20 for him and, uh, help him pick up some drugs so that he
21 could get back on, you know, get back on hi -- he asked me
22 basically could I help him out whenever I sold the house and
23 I told him, yeah, I'd help him go down there and see if he
24 could get back on his feet and get the money he has saved up
25 back in the, you know, saved up ---

1 Q And ---
2 A --- and then to answer ---
3 Q Well I'm sorry ---
4 A --- to answer your question how I got sellin' then ---
5 Q Yes.
6 A --- was, uh, he messed the money up that I went down
7 there and paid, you know, I went down there and picked up 4
8 ounces and, uh, I paid \$5,000 for it and he he got it
9 actually from him and, uh, I was kinda in control of the
10 drugs or whatnot, I'd give him a ounce or two at a time at
11 -- off a that purchase, he ended up owing money and then he
12 talked me into goin' back again, he owed -- ended up gettin'
13 more in debt with me and, uh, he talked me one third time
14 into, uh, goin' back down there and he promised that if I go
15 down one more time he'd get all my money back and, you know,
16 that everything would be good and we wouldn't have to go
17 anymore and, uh, so he called and ordered some more drugs
18 from Antonio Tate and, uh, he actually didn't show up the
19 mornin' we were supposed to go and, uh, Anto -- he had used
20 my phone the way down there the first time because his cell
21 phone went dead on the first deal that I went down there
22 with him and, uh, I guess his phone was cut off or whatnot
23 so Antonio called my phone because Chad had used my phone
24 'cause his was dead the first time we went down there and,
25 uh, he he asked me, he said have you talked -- is this the

1 boy that came down here with Chad, I said, yeah, and, uh, he
2 basically told me, he said, Well look, Chad's messin' up, I
3 can't get in touch with him, I'm -- I've already ordered the
4 drugs, uh, you need, you know, I can't just send them back,
5 you know, I I can't just -- I I've already got 'em, I can't
6 just take 'em back, I gotta take the money back. He was
7 like, You need to get in touch with him and, uh, see if you
8 can get in touch with him. I tried comin' up with him, got
9 up and tried to get in touch with Chad Moore and, uh, I
10 couldn't get in touch with him. I called him back to let
11 him know I couldn't get in touch with him, he told me, he
12 said, Well, he said, I'll tell you what, he said, you can
13 come down here and go ahead and get the 3 ounces that he
14 ordered, he said, But you come down here by yourself this
15 time and don't bring him back, you can start dealin' with
16 me, don't bring Chad back, he's been messin' up his money.
17 Q Okay, now prior to dealing with Chad Moore did you know
18 Antonio Tate?
19 A Did I know him personally?
20 Q Yes.
21 A I had heard of him, uh, through two or three other, uh,
22 people that went to him ---
23 Q But his ---
24 A --- or supposedly went to him.
25 Q Is when you went down from Atlanta with Chad Moore the

1 first time you'd actually met him?

2 A Yes.

3 Q Okay, so after this time you were just discussing, uh,
4 about 3 ounces, did you actually go down to Atlanta and get
5 those 3 ounces?

6 A That -- the third time, ---

7 Q Yes.

8 A --- whenever he told me I could come get 'em?

9 Q Yes.

10 A Yes.

11 Q Okay, how much did you pay for those?

12 A I believe I paid, let's see, it was, uh, it it was, um,
13 I wanna say 14 or 1500 an ounce, I think it was, uh, 1400 an
14 ounce or 1500 an ounce and for each ounce that you bought,
15 uh, the price came down 50 bucks so, uh, that woulda been --
16 I know, I know for four of 'em I paid, uh, 5,000 which would
17 be 1250 so, uh, three of 'em will be 1250, it be 13, 13,
18 thir -- I guess it was like 39, uh, \$3900.

19 Q And is that the last time that you dealt with Antonio
20 Tate?

21 A No, uh, I went down there a few more times and, uh,
22 then shortly afterwards, uh, when I say a few more times, I
23 probly went down there I don't know around maybe five to ten
24 more times or sumtin' like that. I had a court date comin'
25 up at that time and, uh, I got put on house arrest and I

1 took Nate' down there with me, one of the, uh, other times
2 that I went, you know, down there after the, I went with
3 Chad twice, third time I went by myself and then, uh, I went
4 down there with, uh, Nate' after that, ya know, Albrie Nate'
5 Bashaw and, uh, whenever I went down there with her, they
6 actually started talking and, uh, he he said that he had
7 seen her down there before with somebody else that he had
8 knew from down there and, uh, I'd ask him if it was cool if
9 if, uh, I brought her, if if I had a chic ride with me and,
10 uh, he didn't really like the idea but but she came anyways
11 but, uh, so anyhow, I basically introduced them. I told him
12 I was like, you know, I'm I'm probly gonna get house arrest
13 outta the deal that I'm gettin' for court, yeah, on this
14 court case I'm about to have to go to, I said, if I'm gonna
15 be able to continue goin' and bein' able to spend money, I'm
16 gonna have to find somebody I can trust to come down here
17 and she's the only person I trust sendin' down here with
18 5,000 at a time and, uh, whenever he met up with her or
19 whatnot down there whenever I went, she -- he, uh, he agreed
20 that he would let her keep comin' or whatever because he
21 said that he had recognized her from a a previous person
22 named Brian Stegall that he knew.

23 Q And so at some point did you begin sending Nate' down?

24 A Yes.

25 Q And she would go without you?

1 A Well she had to, I was on house, I I was on house
2 arrest.
3 Q Was she going by herself?
4 A No, she was -- she would get a driver, um, she, uh, she
5 got Norman, uh, Trebuchon to take her down there.
6 Q Okay, when you say "driver", what what what exactly
7 does that entail?
8 A That intends a, uh, legal driver with a license.
9 Q Was Norman Trebuchon actually buying any dope or is he
10 just driving?
11 A I mean, I don't know who actually handed him the money,
12 I'm I'm assure that probably Nate handed him the money but,
13 uh, he went in for the whole that he walked inside for the
14 deal or whatnot and and, uh, and then dro -- drove her back
15 ---
16 Q Okay.
17 A --- but he actually did go down there by hisself, I'm
18 not sure if it was just once or twice but not not over five
19 or six, ten times. I I can't really remember but, uh, I know
20 that he did go down there and purchase it on his own for me
21 and bring it back.
22 Q But he was doing that for you?
23 A Yes.
24 Q Okay.
25 A Well for the two of us.

1 Q Okay, but, I mean, he wasn't doing it completely on his
2 own, he was doing that in conjunction with you?
3 A None of the money was his,
4 Q Okay, how many times in total would you say that you
5 sent Nate', Norman Trebuchon or any combination thereof to
6 Atlanta to pick up drugs?
7 A Uh, to be honest with you, uh, I'm not exactly sure, I
8 mean, ---
9 Q Well let me ask ya this way: What was the frequency,
10 how often were you sending them?
11 A Uh, probably about two to three times a week, sumtin'
12 like that.
13 Q So two to three times a week. How how long of a period
14 of time we talkin' about? When did you first start going
15 down to Atlanta?
16 A When did I?
17 Q Yeah, when did you first start goin' down.
18 A Let's see, um, end of June.
19 Q Of what year?
20 A Off, that woulda been, what, 010?
21 Q Okay, so June 2012 is when you first start goin' down
22 ---
23 A I think ---
24 Q When ---
25 A --- I think that's right.

1 Q --- when did you stop goin' down to Atlanta or sending
2 people to Atlanta?
3 A Oh, uh, I only went from June or on -- either me or or
4 other people that I knew only went from, uh, June until,
5 let's see, sometime right around, uh, December or January
6 ---
7 Q Of -- so December 2010, ~~-----~~
8 A --- of the following year.
9 Q --- January 2011? Okay, and during that time period
10 from June 'til January, how often were you, Nate' or Norman
11 workin' together going to Atlanta? How many times a week?
12 A Uh, I mean, it it varied, you know, uh, sometimes it
13 would only be two times a week and then, uh, sometimes it
14 would be three, sumtin' like that.
15 Q So two, three times a week for that whole time span?
16 A No. Whenever I went?
17 Q In in general, if you need to break it down, break it
18 down.
19 A Whe -- whenever I went, I I went, I I tried to go every
20 other day so from whatever time it was from, uh, the end of,
21 uh, June I think or I think it was the end a June, uh, until
22 the time I got put on house arrest I think that I went down
23 there, uh, about three to four times that tried to go, uh,
24 probly like three or four times a week I think. I can't, I
25 can't remember, it's been a long time since this case.

1 Q Okay, and when you went down there on your own, how
2 much meth did you purchase from Antonio Tate?

3 A Uh, I got 4 ounces or I got 3 ounces whenever I went on
4 my own that one time, I got 4 -- to be honest with ya I
5 can't remember because, I mean, I considered it all my own,
6 you know, I mean, I had people that whenever it got back I
7 distributed to.

8 Q But, I mean, how how much did you get from, total how
9 much did you get from Antonio Tate each visit?

10 A When I went?

11 Q Yes.

12 A I know for a fact the first three that I I got, uh, I I
13 I know that I got 11 and then, uh, I can't remember exactly
14 how many times I went after that and how many ounces I
15 bought at a time.

16 Q What's the smallest amount that you bought?

17 A I wanna say the smallest amount I bought was a a ounce
18 or maybe two and then he fronted, uh, me a ounce. I think
19 the least I ever got was like maybe maybe only had the money
20 for one or one and a half and then he or two and then he
21 would front me the the, uh, front me a ounce there towards
22 the end.

23 Q Okay, so what's the largest amount when you were goin'
24 down there personally what's the largest amount that you
25 were getting at a time?

1 A Quarter pound.
2 Q Quarter pound, so that's 4 ounces?
3 A Four ounces, four hundred, uh, four hundred and
4 forty-eight grams.
5 Q Now ---
6 A No, I'm s -- I'm sorry, a hundred and twelve grams.
7 Q At a time?
8 A Yes.
9 Q Okay, now when you started sending Nate' and Norman,
10 how much were they picking up for you per time?
11 A I mean, it varied on on what I collected from that
12 what, you know, like I I was on house arrest, I couldn't
13 chase anybody down for money. I fronted it out to a lotta
14 people, ya know, and, uh, it just, whatever, whatever -- I
15 tried to at least get 2 or 3 but, I mean, I I wanted to get
16 4 but if the case was I didn't have the money back in time
17 to where whenever I was out, I'd go and spend whatever money
18 I have which would be at least 2, like 2 to 3 I think,
19 that's my, I mean, that's my recollection today. It's, like
20 I said, it's been, it's been a while since.
21 Q Okay, and that's fine. Now when you went down to
22 Atlanta personally, where did you go to meet with Ant?
23 A Uh, talkin' about whenever I bought bought by ---
24 Q Where ---
25 A --- myself?

1 Q --- where where did you go the first time?
2 A The first time I -- we went to his, uh, condominium,
3 uh, a apartment or whatever you would call it, it's off of
4 Jimmy Carter Boulevard and, uh, when you get up goin' down
5 85 South, uh, you get off on, uh, Jimmy Carter Boulevard I
6 think, you take a left ov -- back over the top of 85 and
7 there's a McDonald's there on the right, you take a right,
8 go to the end of that road, take a left, second street on
9 the right and then it's the second or I believe the second,
10 uh, set of apartments on the left.
11 Q Is that the only place you met with him?
12 A Uh, to to actually get the dope?
13 Q Well in -- at all. I mean, did you meet him any other
14 places?
15 A No, I used to go to a cl -- a bar called "The Spot", I
16 think it's called "The Spot" ---
17 Q And ---
18 A --- and ---
19 Q --- how many times ---
20 A --- it's ---
21 Q --- did you meet there?
22 A --- like a poolro -- it's like a poolroom, uh, and, uh,
23 and a bar and, uh, I probly went there with him I say at
24 least a dozen times or or or at least a half a dozen time.
25 Q Did you ever meet him at any other places?

1 A Uh, let me think. I met him at McDonald's right up the
2 street where I was talkin' about when you get off of 85 and
3 go back across top of, uh, Jimmy Carter Boulevard. Uh,
4 there's a, uh, there's a, when you get off right there at
5 the Jimmy Carter, I think it's Jimmy Carter Boulevard, you,
6 uh, when you get off, instead of taking a left and goin'
7 back over across 85, you take a right, there's a hotel right
8 there on the right, uh, I met him there but, uh, no no drugs
9 were purchased, uh, I just talked to him, to him there.

10 Q Okay, where did you actually do the drug deals?

11 A Usually at his house, ---

12 Q Like how ---

13 A --- I mean, at his ---

14 Q --- did he have a place on Jimmy -- off Jimmy Carter
15 Boulevard?

16 A Yes, sir.

17 Q Okay, how would the the typical deal go down?

18 A Uh, basic ---

19 Q How'd it get arranged?

20 A --- ba -- basically I would call over the phone and
21 tell him I was comin' and and what I, what I was wantin'
22 and, uh, whenever I got there it was usually there, that was
23 whenever I went, then it turned to into, uh, Nate' would
24 have to, uh, ride, uh, to like a Waffle House or, uh, let's
25 see, where e -- where else that she went. You'd have to ask

1 Nate' on on for her, for her to tell you where ---
2 Q I I ---
3 A --- where else ---
4 Q --- was just ---
5 A --- she ---
6 Q --- askin' about the times that you went where did ya
7 go and how did tho -- the deal actually take place.
8 A The -- it, I mean, one -- two two of the times, let's
9 see, I think one time it was already, two times it was
10 already there and then, uh, the, uh, third time a, uh, a
11 migo brought it in.
12 Q What do you mean due mean by ---
13 A When when I say "a migo", uh, he he brought in, he come
14 in with a backpack on and, uh, he he looked like a delivery
15 guy like I don't know if it was Chinese or pizza, I'm pretty
16 sure like a Chinese delivery guy and, uh, he he brought it
17 in and handed it to him and it was in the bag there.
18 Q Why do you call him amigo?
19 A Uh, ---
20 Q Was that his name?
21 A No, not amigo, just call him migo.
22 Q Migo, M-I ---
23 A Mi ---
24 Q --- G-O?
25 A M-I-G-O. Why do I call him that?

1 Q Yes.

2 A Because, uh, Antonio Tate, he he said, you know, he'll
3 say, I'll have my migo come over here.

4 Q Okay, now how 'bout the times that you sent someone
5 else to get dope for ya, how did -- how were those deals
6 arranged?

7 A At first it started off they would just bring cash down
8 there, you know, and he would, he would go ahead, I'd call
9 and let him know what I, what I wanted, he he would be like,
10 Okay, let me call and make sure, and, uh, then he'd call
11 back and he'd say c'mon and then, uh, they would go, they
12 would go down there and they would pay cash, then it turn
13 into, uh, to where we like to do like a little system where
14 we would pay with the, uh, I don't know if anybody's
15 familiar with a, uh, Green Dot card but, uh, sometimes I
16 would go ahead and put money onto a Green Dot card and then
17 he he could, I could call him, give him the pin number or
18 whatever and he could take off \$500 at a time per day off of
19 it so that way if he, ya know, if they needed to have the
20 money or whatever up front then, uh, it be there, ya know,
21 without havin' to wait for me to get all the way there.

22 Q Now how did you get in touch with Antonio Tate to set
23 up the deals?

24 A Call him. Uh, ---

25 Q Did he ever ---

1 A --- he, uh, he he had cell, he had a cell phone and,
2 uh, when I met him and stuff and then, uh, I got a deal with
3 this, uh, with this other guy and, uh, he had some nice cell
4 phones he had just ordered 'em and, uh, his dad co-signed
5 with him or whatnot, they were real nice phones, and I asked
6 Ant if he wanted one and, uh, he told me yeah so, uh, I got
7 the phone hooked up, ya know, I went and got the phone, uh,
8 maybe I ga -- I gave him one of the phones that I had went
9 and had hooked up 'cause I had two, I was gonna keep two of
10 'em and he liked it, he wanted to keep one so, uh, I let him
11 get that phone or whatever and I think he may have went and
12 just got the number changed but, uh, mostly just callin' on
13 the phone.

14 Q So durin' the time that you've known Antonio Tate, has
15 he changed phone numbers?

16 A Oh, yeah.

17 Q More than once?

18 A Yes.

19 Q Okay, have ya ever met with Antonio Tate in South
20 Carolina?

21 A Yes.

22 Q How many times?

23 A I believe he only come to my apartment, uh, maybe about
24 three times.

25 Q Uh, did you ever do any drug transactions with him in