

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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SCC Court of Appeals

State of South Carolina, ...Respondent,

v.

Antonio Emerson Tate, ...Appellant.

**RECORD ON APPEAL
VOLUME III**

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1 South Carolina?

2 A Uh, he he brought, he brought 1 ounce one time, uh, he
3 he didn't like to ride with anything or, you know, do all
4 that.

5 Q But but he, but he brought that 1 ounce to your, to
6 your place ---

7 A Yes.

8 Q --- in South Carolina?

9 A Yeah.

10 Q Uh, where was that?

11 A That was at, uh, what is the name of that, they're loca
12 -- it's in, it's in, uh, Powdersville, uh, it's, uh, Wa --
13 Wadman Law, uh, Road, uh, I'm not sure the name the
14 apartments, I can't remember.

15 Q Well what town is it in?

16 A What town?

17 Q Yes.

18 A I guess it would be, I mean, it was right if you comin'
19 off of, uh, it it's Anderson County.

20 Q Okay, now were you livin' with Nate' at the time?

21 A Yes.

22 Q Now did Antonio Tate know that the drugs he was selling
23 you that you were reselling them in South Carolina?

24 A I'm pretty sure that he did, I mean, yes. I can, I
25 mean, I can't speak for him but, uh, I couldn't been ---

1 MR. ARIAIL: Objection, Your Honor, speculation.
2 THE COURT: Sustained.
3 Q Alright, and were you buying more than simply user
4 amounts from Antonio Tate?
5 A Uh, yes, sir, there's -- can I answer?
6 THE COURT: I'm s -- will you repeat the question?
7 MR. UNDERWOOD: I I asked if, Your Honor, if he was
8 buying more than just user amounts.
9 THE COURT: Yes.
10 A Just yes or no?
11 THE COURT: Yes or no.
12 A Yes.
13 Q And did Antonio Tate know that you lived in South
14 Carolina?
15 A Yes.
16 Q In the times that you met in person with Antonio Tate,
17 uh, did you ever see him wear glasses?
18 A To my knowledge no I can't, I can't remember.
19 Q Have ya ever had any dealings with Antonio Tate other
20 than drugs?
21 A I mean, he he came down and, uh, the on -- if he came
22 three times or whatnot, uh, I I had one dealin' with him, I
23 went down, I didn't pick up any drugs and, uh, I just went
24 out, played pool with him, uh, he came back to the hotel
25 where I was at and, uh, he was showin' me a car that he had,

1 uh, I've had a dealin' with him where a bought a vehicle off
2 of him that, you know, that wasn't a drug.

3 Q So you bought a car from Antonio ---

4 A Yeah.

5 Q --- Tate?

6 A Yes.

7 Q Did ya ever buy any car parts from Antonio Tate?

8 A Yes.

9 Q What were those?

10 A Uh, I bought a, uh, it was a transmission for a, uh,
11 what was it. It was a transmission for a, uh, GMC, uh, I
12 believe TrailBlazer.

13 Q Was that your vehicle?

14 A Yes.

15 Q Okay, and how did you go about gettin' that
16 transmission?

17 A Uh, I sent a boy name, uh, Chris Bishop and Nate' down
18 there to pick it up.

19 Q Okay, were you still on house arrest at the time?

20 A Yes, sir.

21 Q Okay, uh, were there any troubles with gettin' that
22 transmission?

23 A Meaning what?

24 Q Anything. I mean, did everything go smoothly?

25 A Uh, with buyin', buyin' the transmission?

1 Q Yes.

2 A Yeah, I mean, everything went smoothly with buyin' the
3 transmission, yeah.

4 Q Uh, uh, while Nate' and Chris Bishop were picking up
5 that transmission did you talk to Antonio Tate on the phone?

6 A Yes.

7 Q What was the substance of that conversation?

8 A Uh, of that particular conversation, uh, was, uh, he
9 told me that that Nate' had brought a boy down there and
10 they were startin' to ask him some funny questions about,
11 uh, wantin' to pick up some dope or whatnot and he told me
12 that he didn't trust the guy and, uh, I told him that, uh,
13 that basically that, uh, I wasn't tryin' to mess with
14 anything, that I had told him that once I went to, uh, that
15 once I made it 'til Christmas time sellin', you know, comin'
16 down there and gettin' away with drivin' back with all that
17 dope that I was do -- I wanted to be done after Christmas,
18 all I wanna do is see my little boy have a good Christmas
19 and, uh, so anyways Nate' and, uh, the boy tried to pick up
20 some dope from him while they were down there and, uh, to
21 my, to my knowledge, uh, he was gonna do it but he told me
22 he wa -- he he said I won't ---

23 MR. ARIAIL: Objection, Your Honor, hearsay.

24 Q Who who said it?

25 A Anthony Tate.

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

2 Q Okay, but was it, was it Anthony Tate or Antonio Tate?

3 A I mean, Antonio Tate.

4 Q Alright.

5 THE COURT: I don't need any comments from the gallery,
6 alright, I'm gonna have to remove you if that continues. Go
7 ahead.

8 A Thank you. Uh, so anyways, uh, he he he had agreed to,
9 uh, he he basically told me he didn't want to do it and, uh,
10 that but that he was gonna, he was gonna talk to Nate' and
11 that he was gonna do that for him. Uh, basically sum it up
12 he he told them to hold onto the money and, uh, that he was
13 to follow him and then he would call them and tell them to
14 pull over, this is my knowledge, that he would, or to my
15 remember -- my remembrance, that, uh, he said, uh, that he
16 he got them to follow them or whatever, that he would see
17 what he could do about gettin' some drugs, the what they
18 were asked for, I think it was a half a ounce or a a ounce
19 of, uh, methamphetamine and, uh, so anyways all of a sudden,
20 uh, I'm sittin' there thinkin' everything's goin' cool, they
21 picked up the transmission which was basically what I was
22 wantin' outta the deal and, uh, Nate' and the guy pushed it
23 further to go ahead and try to get some drugs from him while
24 they were down there after me and him had done agreed that
25 we were done sellin' drugs prior to that and, uh, so anyways

1 he calls me up and he said, Boy, I don't know what's goin'
2 on, he said, What's what's goin' on with your boy that's
3 with Nate', he said but, uh, he said, You need, you need to
4 ditch him and, uh, don't never bring him back, don't even,
5 don't even call me back for a while, whenever I wanna talk
6 to you, I'll call you, don't call my phone.

7 Q Alright, now, did he say why?

8 A Because he said that he was bein' tailed.

9 Q What do you mean by "tailed"?

10 A Uh, I don't know if he told me that exact date, uh,
11 whenever it was happenin' which I think he, I think he did
12 but, uh, he he he didn't explain it to me that day, he
13 explained it to me within the next week or two that whenever
14 he came through a red light that he was goin' under it while
15 it was basically turnin' red, Nate' and Chris Bishop came
16 underneath the red light while it was red and a, uh, dark
17 color Charger, I don't know if it was blue or black, with
18 tinted windows followed them through and just, ya know, he,
19 I mean, he he had already run it basically while it was
20 turnin' red, Nate' and them went under it while it's
21 completely red because they were havin' to keep up and, uh,
22 'cause they didn't know where he was goin' and, uh, a
23 Charger came on through or whatnot and, uh, he told me, he
24 said, he, you know, he told me he was like, Don't ever bring
25 the dude back down here whatever, I -- if it's gonna be

1 business like that then I can't do it no more.

2 Q Okay, and sometime after that incident were you
3 approached by law enforcement in South Carolina?

4 A Let me think. Okay, yes, sir.

5 Q Did you agree to cooperate with them and become a
6 confidential informant?

7 A Uh, I I was actually, uh, I I can't remember if it was
8 the -- I I was, I was, uh, I was -- I had two, I had
9 Anderson County, uh, Special Forces come in on me, I can't
10 remember if it was before or after that, uh, thing there, I
11 think it was, uh, after that and, uh, then, uh, I had South
12 Carolina and they didn't find anything in the house or or in
13 the apartment and then, uh, I had South Carolina Law
14 Enforcement Division, uh, come in on me and, uh, I agreed to
15 work as a confidential informant.

16 Q Alright, and was one of the agents involved with that
17 Ashley Asbill?

18 A Yes.

19 Q Okay, and that's in connection with this case?

20 A Yes, sir.

21 Q After you cooperate with law enforcement did you ever
22 go down to Atlanta working for law enforcement?

23 A Uh, yes, I went down there on attempt to, uh, on an
24 attempt to, uh, re, uh, reacquaintance myself with him
25 because we had not talked in a long time.

1 Q Okay, and did you actually end up meeting with him?

2 A Yes, I did actually end up meetin' with him. That's

3 whenever I told you that I had, uh, met with him, uh, not at

4 his place but when you got off Jimmy Carter take a right,

5 there's a, uh, there's a hotel there right there on the

6 right and, uh, I, uh, me and Nate' talked to him there and

7 we went and shoot -- shot pool with him where, uh, where I

8 used to go shoot pool with him at The Spot and then, uh, he

9 came, he came, he came back there. I believe that's the

10 order it went in, uh, and he had bought a, uh, I think it

11 was either Chrysler Newport or Chrysler Impala and, uh, he

12 was showin', I was lookin' at it, talkin' to him about buyin

13 or tryin' just to get my feet wet back where with him so

14 that maybe I could go, uh, deal with the, uh, SLED agent.

15 Q That was something to be set up for a later time?

16 A What's that?

17 Q Is that something you intend to do at a later time or

18 that day?

19 A No, we just goin' down there to get our feet wet

20 because we didn't wanna scare him off.

21 Q Now, uh, Mr. Adams, after you were approached by law

22 enforcement were you ever shown a photo lineup?

23 A Yes, sir.

24 Q How did that take place?

25 A Uh, it took place at the, uh, Southern Command Center.

1 Q Alright, and what did, uh, what did law enforcement
2 tell you when they were showing you that lineup?
3 A They just, uh, asked me if I was gonna be honest or
4 whatnot and they told me to tell the truth if I seen the,
5 uh, drug dealer that I was goin' to Atlanta to pick up my
6 meth and payments from ---
7 Q Alright, and ---
8 A --- and to circle him out.
9 Q --- alright, and were you able to identity him?
10 A Yes, sir.
11 Q Did law enforcement or anyone else indicate to you who
12 to pick?
13 A No, sir.
14 Q Alright, I'm now showing you what's marked as State's
15 Exhibit No. 4. Do you recognize that (indicating)?
16 A Yes, sir.
17 Q What is that?
18 A This here that is Antonio Tate.
19 Q Speak in the microphone, please.
20 A Um, that's Antonio Tate.
21 Q Alright, and is is that the photo lineup that you
22 completed?
23 A To my knowledge yes, sir.
24 Q Whose initials are on that photo lineup?
25 A I would assume they're mine. Uh, it looks like my

1 handwritin' and, uh, my name is Charles Javin Adams, it is
2 initialed as CJA.

3 MR. UNDERWOOD: Your Honor, at this time the State
4 seeks to admit Exhibit No. 4.

5 THE COURT: Any objection?

6 MR. ARIAIL: No objection.

7 THE COURT: Alright, it'll be so admitted.

8 MR. UNDERWOOD: Thank you.

9 (State's Exhibit No. 4, photo lineup, admitted into
10 evidence.)

11 (Whereupon, State's Exhibit No. 4 was published to the
12 jury.)

13 BY MR. UNDERWOOD:

14 Q Mr. Adams, were you ever aware that Antonio Tate had a
15 twin brother?

16 A Yes, sir.

17 Q How did you know that?

18 A He had told me.

19 Q Did you ever meet his twin brother?

20 A No, sir, I, uh, the two a them, uh, he he he was, uh, I
21 won't s -- I ain't gonna say they hate each other or whatnot
22 but, uh, they had their differences because, uh, he, uh,
23 told me that his brother had, uh, had ---

24 Q I I I'm gonna stop you there, we don't need talk about
25 that, the, but he told you that he had a twin brother?

1 A Um-hum.

2 Q And had you ever met the twin brother?

3 A No.

4 Q Alright, the person, uh, that you were buying the drugs
5 from in Atlanta is he in the courtroom today?

6 A (Pointed to the defendant.)

7 Q Uh, can you identify what clothing he's wearing.

8 A Uh, he's he's -- could you stand up, the male sittin'
9 here?

10 THE COURT: Alright, sir, if you'll stand for me,
11 please.

12 (Whereupon, the defendant stood.)

13 A That's Antonio.

14 Q And what's he wearing?

15 A Uh, looks like a blazer with a white, uh, button up and
16 a tan looking tie. Oh, excuse me, he's well dressed.

17 MR. UNDERWOOD: Okay, Your Honor, I'd ask the record
18 reflect he's identified the defendant.

19 THE COURT: It'll so reflect.

20 Q Is there any doubt in your mind that that is the person
21 that you were buying drugs from in Atlanta?

22 A Any doubt?

23 Q Yes, is there any doubt?

24 A No.

25 Q Please answer any questions the defense has.

1 MR. ARIAIL: May it please the Court.
2 THE COURT: Yes, sir.
3 CROSS-EXAMINATION BY MR. ARIAIL:
4 Q Mr. Adams, the last time you talked with law
5 enforcement was last night, is that right?
6 A Sir?
7 Q Did you talk with law enforcement last night after the
8 trial?
9 A Uh, yes, sir, I guess.
10 Q You did, you talked to 'em after this trial, right?
11 A Who do you, who do you mean?
12 Q I'm talkin' about the people seated at this
13 (indicating) table, you talked with them last night, right?
14 A Uh, I talked to them yesterday.
15 Q Right, and they told you what was testified to at this
16 trial, correct?
17 A What was what?
18 Q What people testified to at this trial, they told you
19 that, correct?
20 A What do you mean what people testified?
21 Q I'm just tellin' what people came up on that stand and
22 said you were provided information in regards to that,
23 correct?
24 A I I don't understand the question.
25 Q I'm asking you if they walked out in the ---

1 A Did they ---
2 Q --- hallway you had, you had ---
3 A --- did they te -- did they tell me what other people
4 said up ---
5 Q Yes.
6 A --- here? No.
7 Q Okay, so you hadn't any discussions about the testimony
8 here.
9 A No.
10 Q Have you had a discussion with them in regards to what
11 you should say?
12 A They told me to tell the truth.
13 Q Okay, did they tell ya exactly what they wanted you to
14 say?
15 A No.
16 Q Specific details?
17 A No, they told me whatever the defense asks to answer as
18 honestly as I could.
19 Q Whatever the defense has, how bout when the prosecution
20 says?
21 A Prosecution, I'm not, I'm not no lawyer.
22 Q Okay, so right here, sittin' here you're sayin' you
23 provide the whole truth in regards to what you, what went on
24 in this?
25 A I'm tellin' you that I provided the whole truth, uh, to

1 my knowledge of what I can ---
2 Q Right.
3 A --- remember from that far back, yeah.
4 Q Right, and you've testified in front the the grand jury
5 in South Carolina, correct, on July elev -- July 12th, 2011,
6 right? Is that a yes? You need to speak up ---
7 A Okay, I will.
8 Q --- okay?
9 A Give me a chance. I was gonna let you finish talkin'.
10 Q Okay, go ahead.
11 A Yes, sir.
12 Q Okay, how 'bout March 30, 2011, when you sat down with
13 law enforcement at Southern Area Command and provided a
14 statement, do you remember that?
15 A Yes.
16 Q Okay, and that was where you provided a statement in
17 regards to what happened with this, right?
18 A Yes, sir.
19 Q Okay, and in that statement you provided all the
20 details that you knew, all the information you had, correct?
21 A Yes, sir.
22 Q Okay, now tell me where there is any information in
23 here about a Green Dot card, where is that? Where is that?
24 A Uh, I'm not sure.
25 Q You're -- well right there (indicating), tell me.

1 A Let me read it. In here there's nothin' about a Green
2 Dot card.
3 Q And there's nothin' in there because you didn't tell
4 'em about it, right?
5 A It's because, uh, I didn't -- yeah, I didn't find it,
6 uh, relevant, it -- the question wasn't ---
7 Q You ---
8 A --- asked.
9 Q --- you didn't find it relevant that you were using a
10 Green Dot card for the -- my client to take \$500 off the
11 card to buy drugs, that's not relevant? You don't think so?
12 A Well, I thought that I had enough, they had enough
13 evidence off of what I told 'em to be honest with ---
14 Q Right, ---
15 A --- you.
16 Q --- okay, and also you didn't find it relevant to tell
17 them, uh, in regard -- well you told them you came down five
18 times total, is that correct?
19 A Today?
20 Q No, no, tell me what you told them ---
21 A Did you said today or yesterday?
22 Q I'm talki -- I'm ---
23 A I mean, yesterday at the beginnin' of post ---
24 Q Right.
25 A --- when everybody went down to the Command Center.

1 Q Right, you told them you went down five times.
2 A I can't remember, that was so far long ago.
3 Q Take a look right there (indicating) and tell me what
4 you told 'em.
5 A Here you you can read that off.
6 Q I I don't need to read it, I know.
7 A Well ---
8 Q You answered the question as to how many times you told
9 them you sold drugs or came down to get drugs from Mr. Tate
10 in Atlanta. That's what I wanna know.
11 A Okay, uh, did I write this or someone or did someone
12 else write this?
13 Q That is your information you provided to ---
14 A But did ---
15 Q --- law enforcement.
16 A --- I write it or did someone else type it?
17 Q I'm askin' the questions. This is your statement in
18 regards to it, tell me about ---
19 A To the best of my, ---
20 Q --- what you told them.
21 A --- to the best of my knowledge, yeah.
22 Q Okay, so that's five times you told 'em, correct, you
23 went down, is that right?
24 A To the best of my knowledge.
25 Q Okay, now you've testified here that you went down how

1 many times, you couldn't remember how many times you went
2 down, you went down so many times, is that right?
3 A I can't remember.
4 Q Or you can't remember. But you tell 'em five times
5 here, now you're goin' down how many times?
6 A You want me to be honest with you about sumtin'?
7 Q I want you to be totally honest. Not for me, for my
8 client, for that jury.
9 A Okay, ---
10 Q Okay, you tell.
11 A --- to be totally honest, uh, they told me that I, if I
12 could not remember exactly how much it was to go ahead and
13 and, uh, just give me the low-ball of of how many times you
14 went there because, uh, you know, or or either just a best
15 answer to the best of your ability, ya know, if, ya know, if
16 you can't remember, just say you can't remember. Well I I
17 just tried to give the best answer I could give give or
18 whatnot without, uh, feelin' like I was, ya know, over
19 dramatically lyin' or or I wasn't tryin' to lie at all, I
20 was just tryin' to get the best of the best answer I could
21 give.
22 Q So first of all, you're tellin' they told you to do
23 that, correct, and that's the ---
24 A Told me to what?
25 Q --- prosecution. To testify ---

1 A To give me the, ---
2 Q --- that way.
3 A --- to give me the best of my ---
4 Q Right.
5 A Yeah.
6 Q And then you just said you didn't wanna over
7 dramatically lie, did you just say that?
8 A You just heard me say it.
9 Q Okay, there you go. Now in regards to times that you
10 went down ---
11 A Because the reason I said that because I didn't wanna
12 get in trouble if I told ya too little of times.
13 Q Don't you think it is important to give this jury the
14 exact amount of times you went down to buy drugs?
15 A Yeah, I do.
16 Q Okay, didn't you think it was important on March 30,
17 2011, to tell them exactly how many times you went down?
18 A I can tell ya this: My nerves was tore slam up after
19 they run up in my apartment.
20 Q Well your testimony, and tell me if this changed, over
21 the March 30th time ya gave it 'til when ya went to the
22 grand jury it continues to change, doesn't it, because the
23 reason is you're not tellin' truth, is that right?
24 A No, ---
25 Q Okay.

1 A --- I'm telling the truth to the best of my ability.
2 Q To the best of my ability. Where's the Green Dot card?
3 A Ha. I got, I got some on of them in my house. I can,
4 I can, I ---
5 Q Where's the ---
6 A --- can have 'em here tomorrow.
7 Q ---Green Dot card that you used in this to buy drugs?
8 A Well no, I got some of them at my house. I got some at
9 my house if you'd like for me to bring 'em tomorrow.
10 Q I I wanna know where the Green Dot card is that you
11 used to buy drugs. Where's that one?
12 A I've got three or four of 'em because I was sendin' so
13 much you can only, you can only put -- they can only draw
14 off \$500 a day.
15 Q So you still ---
16 A So he wanted me to se -- he wanted me to se -- to send
17 multiple.
18 Q --- so you still got 'em.
19 A Do I still have them?
20 Q Yeah.
21 A Yes.
22 Q Okay, and you didn't give 'em to law enforcement?
23 A I didn't know if law enf -- I I didn't know, I I didn't
24 know if law enforcement took 'em or what.
25 Q You don't think that it's relevant to provide that to

1 law enforcement so they can say, Hey, by the way, my client
2 over here's the one usin' the Green Dot card, you don't
3 think that's relevant?
4 A But there's no proof that you can go back and prove
5 what it was spent on.
6 Q How do you know what proof there is because we don't
7 have it. You aint give it to us, right?
8 A What he do with his? Where's his Green cards?
9 Q Where are your green cards?
10 A I ain't, I ain't -- my Green cards is sittin' on my,
11 uh, desk.
12 Q Alright, now ---
13 A --- if you talkin' ---
14 Q --- you got this guy named Migo, Migo.
15 THE COURT: I can't talk to you. I can't talk to you
16 while you're testifyin', alright? If he asks you a
17 question, you need to answer that question, alright?
18 THE WITNESS: Yes, sir.
19 THE COURT: Alright.
20 THE WITNESS: May I ask you, may I ask you, uh, ---
21 MR. ARIAIL: You cannot ask me any questions.
22 THE WITNESS: Okay.
23 BY MR. ARIAIL:
24 Q Now you got this individual Migo, you know Migo?
25 A Do I know him personal?

1 Q Yeah.

2 A No, I've seen him a couple of times.

3 Q What's Migo's name.

4 A I'm sure it's not Migo.

5 Q Well what, what's his name?

6 A Uh, I'm not sure. I call, I call a lotta Migos on the

7 job site I work with Migo just ---

8 Q Are are ---

9 A --- because it's easier.

10 Q Are you referrin' to Migo as an Amigo, A-M-I-G-O?

11 A No, not as a vehicle, as in, as a, uh, as a Mexican or

12 a, uh, some type of Hispanic.

13 Q So you're usin' it as a racist term, is that right?

14 A No, sir.

15 Q Okay, now tell me where in these di -- any of these

16 statements did you say anything about Migo or Amigo or any

17 type a Mexican? You got anything in this statement? You

18 see anything?

19 A Let me see that thing. Excuse me.

20 Q You see anything about Migo in there?

21 A I'm not done readin', sir, please give me time to

22 finish it.

23 THE COURT: While he's takin' a minute to read that,

24 ladies and gentlemen, I just wanna tell ya there's somebody

25 gonna come in here in just a moment 'cause I'm havin' some

1 computer difficulties. So please don't -- I just didn't
2 want you to wonder what he was doin'. Please don't pay any
3 attention to him but rather focus your attention on the
4 testimony. If at any point it gets distractin' to ya, if
5 you'll let me know and I'll ask him to leave. Go ahead.
6 Q See anything about Migo?
7 A I don't see anything about Migo in what was wrote there
8 but I didn't write that.
9 Q Hey, well let's just do this: This is what you
10 provided, correct, this information you provided right here
11 ---
12 A Yeah.
13 Q --- is that right?
14 A Um-hum.
15 Q Okay, so tell me this: There is no Migo in there, is
16 there? Right? In this statement ---
17 A There's no Mi -- there's no Migo in that, in that right
18 there that's printed up, no.
19 Q In this statement you gave to Chad Ayers and Mr.
20 Barwick over here (indicating), correct, nothin'? Now tell
21 me also, you read this statement right now, where's it say
22 anything about Mr. Tate or Ant or Amp or anybody comin' to
23 South Carolina? There's nothin' in there, is there?
24 A No, sir, because that was talked about at a later time.
25 Q But you gave a statement about what you knew at the

1 time, right, and he allegedly come to it before then, right?
2 A Uh, ---
3 Q He'd been comin' up bringin' drugs to you and Nate' the
4 entire time, right?
5 A No, he only came three times like I said.
6 Q But he came three times before this, right, and you
7 didn't put it in here?
8 A It was asked.
9 Q It was asked but it ---
10 A I'm telling ---
11 Q --- wasn't put down ---
12 A --- you I didn't write that, I didn't, I didn't type
13 that out.
14 Q Okay, you didn't tell 'em is the reason it's not in
15 there, right?
16 A Won't -- you -- when you get, when you get one of those
17 over here to the stand you can ask them that.
18 Q And we will. Uh, now you're sittin' here right now,
19 you've pled guilty, correct?
20 A Yes ---
21 Q Is that right? And you got a cozy little deal of 3 to
22 6 years, is that right?
23 A Uh, cozy year sound -- does co -- does 3 years in
24 prison sound cozy to you?
25 Q Cozy stand -- it sounds good compared to what you were

1 lookin' at, right?

2 A Cozy sounds like a lot.

3 Q You were lookin' at trafficking 400 grams or more,

4 correct?

5 A Treat me with respect and I'll treat ---

6 Q Is that right?

7 A --- treat you with respect. Yes, sir, ---

8 Q I'm treatin' ---

9 A --- it sounds good ---

10 Q --- you with respect, ---

11 A --- it sounds ---

12 Q --- I'm just tryin' to get ---

13 A --- better, it sounds better.

14 THE COURT: Here's -- I need you to let him finish an

15 -- askin' his question. My court reporter's takin' down

16 what you're sayin'. She cannot take two, down two people.

17 Alright, go ahead.

18 Q It's a lot better than what you're lookin' at, right?

19 A I don't know.

20 Q You get ---

21 A --- I know, ---

22 Q --- come in here ---

23 A --- I know exactly what I was lookin' at.

24 Q You get to come in here right now and provide this

25 testimony ---

1 A Um-hum.

2 Q And then you're gonna walk outta here and you're

3 lookin' at 3 to 6 years, is that right?

4 A Uh, it's up to the judge. I got offered a 3 to 6, but

5 she can give me whatever she'd like.

6 Q So that whole deal is based upon your testimony here

7 today about my client, right?

8 A Oh, no.

9 Q No?

10 A No.

11 Q It's about cooperation, isn't it?

12 A Uh, cooperation not just on your be ---

13 Q Providing testimony ---

14 A --- your -- not just on your client's behalf.

15 Q Okay, so it's on others too?

16 A Oh, yes, sir.

17 Q So you're in here rattin' everybody out to get the best

18 deal, right? You wanna be the first at the trough, don't

19 ya?

20 A Are you callin' me a rat or a ---

21 Q I'm just sayin' you're the one that's tryin' to get the

22 best deal, right?

23 A Everybody tries to get ahead in life.

24 Q Okay, and so the easiest way for you to get ahead in

25 life is to provide false testimony, right?

1 A No, Jesus says to be honest.
2 Q Are you providin' false testimony?
3 A Today no, sir, I, if I am it is not on purpose, it is
4 -- I'm answerin' you to the best of my ability.
5 Q Great, and you're down from 400 grams now to 10 to 28
6 grams, right, that would ta -- that's it, first offense too?
7 That's a big drop, isn't it?
8 A I only got caught, uh, conspir -- with the conspiracy.
9 Q How much drugs were you buyin', just tell me that. You
10 went down there how many different times? How many ounces
11 did ya buy?
12 A Well over, ---
13 Q It was ---
14 A --- was well over ---
15 Q --- more than 10 to 28 grams, right?
16 A Well well over pounds.
17 Q Well over how many?
18 A Pounds.
19 Q Pounds.
20 A Throughout my money bein' spent in Atlanta to that
21 (indicating the defendant) man.
22 Q Tell me how many pounds. Give me the pounds.
23 A I I can't tell you that. I couldn't tell you how much
24 I wei -- how many pounds I weigh on the scale right ---
25 Q But you ---

1 A --- now.

2 Q --- can sit here right now and say he did it, he sold
3 it to ya, but ya can't tell me the pounds, ya can't tell me
4 the number times, ya can't give me a Green Dot card, ya
5 can't tell me Migo's name, you can't do any of that, right?

6 A He never told me Migo's name.

7 Q Tell me and that -- just give me this, I mean, this is
8 what I been lookin' for the entire case: Give me a number
9 and address for a house. Give me that, please.

10 A Okay, uh, I can tell this, that Nate' showed, uh, Chad
11 and them well because I was on house arrest, I was gon -- I,
12 you know, I didn't have a, I didn't have a license or
13 whatever ---

14 Q It goes from Nate' did this to Chad did this.

15 A Yeah.

16 Q Tell me an address, give me an address, please.

17 A I was never given an address, I don't, I don't use a,
18 uh, -- get -- can I see that ---

19 Q You don't pull ---

20 A --- piece a paper?

21 Q --- up to a house and say, Whoa, six, wow, look at
22 that, six in this? You don't do that?

23 A No, you sure don't. You you have to get somebody
24 that -- you have to get somebody to take you somewhere
25 before you know, before you know where someone's -- some

1 some -- sumtin's at unless you got a GPS.

2 Q You got no cell phone records?

3 A Oh, yeah, I got house phone records of callin', uh,

4 Ant's, ---

5 Q You got house phone ---

6 A --- Ant.

7 Q --- phone records, where are they?

8 A Someone's ---

9 Q He's got ---

10 A --- got 'em.

11 Q They're over here (indicating)? You provided your

12 house phone records to them?

13 A They -- yeah.

14 Q Okay, so I guess they'll come out in this trial, right,

15 if you provided'em, is that right?

16 A I mean, I would assume they would.

17 Q What about your cell phone records, where are they?

18 A Uh, I wasn't ever under a contract, you know, like I

19 was under like a a prepaid where it don't ha -- it it's not

20 like you have your residence and this, this, this. I I

21 think I do, I may have a couple of Verizon accounts that

22 would show my address and to where exactly I called. Uh,

23 ---

24 Q I mean, you got, you got cell phone records, I mean, so

25 where are they? You got 'em today? You provide 'em to

1 them?

2 A They got the house phone records.

3 Q Great. Great. Do you have your cell phone records?

4 Just answer the question, it's yes or no.

5 A Do I have 'em?

6 Q Yeah, did ya bring 'em today?

7 A Where's my lawyer? I'm sure he may have 'em.

8 Q Did you bring your records here today to testify?

9 A No, sir.

10 Q Okay, now tell me what's what what is the number that

11 you called to get Mr. Tate? What's the number?

12 A You think I can still remember that and as many times

13 as he changed it?

14 Q I tell you what, I think I probly could remember a

15 number that I bought pounds of methamphetamines from,

16 correct? Couldn't you remember that?

17 A Okay, uh, three year -- three years later, I'm not even

18 gonna go into debating with you. No, sir, I don't remember.

19 Q Okay, yeah, just maybe help me with this: Give me an

20 area code. You know an area code for Atlanta?

21 A Yes, sir.

22 Q What?

23 A Uh, let's see 404 ---

24 Q Okay.

25 A --- uh, 3, uh, let me think. 404 -- I may can look on

1 my phone.

2 Q Okay, now you went down and bought a car from Mr. Tate,

3 correct? You bought a car.

4 A Yes, sir.

5 Q Okay, you bought a tra -- ya had Nate' and Chris Bishop

6 to go buy a transmission, right?

7 A Um-hum.

8 Q So when'd you buy that car?

9 A I bought it?

10 Q Yeah, you went down and bought a car.

11 A No. I paid for the vehicle.

12 Q You didn't go down and pick it up?

13 A No.

14 Q Okay, now one second. Bear with me one sec. Okay, now

15 buyin' that car you didn't go down but ya paid the money

16 for, is that right? I I I thought you said in your

17 testimony you went down. That's how you met or had dealt

18 with ---

19 A I said, ---

20 Q --- Mr. Tate, right?

21 A --- I said -- I said I met with him and, uh, we looked

22 at a vehicle.

23 Q Okay, ya looked at a vehicle.

24 A Um-hum.

25 Q So you went down and did somethin' and met him at that

1 time, when was that?

2 A That was at -- that was the last time I went down
3 there.

4 Q The last time you went down there, okay, so it -- you
5 didn't meet him through Wendy Lollis early on?

6 A No.

7 Q Okay, never -- did did did you go down with Wendy
8 Lollis at any time?

9 A Nope.

10 Q Okay.

11 A Chad Moore went down there with Wendy Lollis.

12 Q You went down with Chad?

13 A Yes, sir.

14 Q Okay, now you got this time you went down you said you
15 were at The Spot. Is that, is that a bar down there?

16 A Yes, sir.

17 Q Okay, and you and ---

18 A I'm not ---

19 Q --- Nate' ---

20 A --- sure that's the exact name of it but it's like
21 it's -- I don't know if it's called The Spot or just Spot or
22 whatever.

23 Q Right. Have you done -- done any control buys for law
24 enforcement in this case or at any time?

25 A In this -- durin' this case?

1 Q Yeah.
2 A Since since they first came in on me?
3 Q Yeah.
4 A Yes, sir.
5 Q So you done controlled buys, you know how they work,
6 right?
7 A Um-hum.
8 Q You do -- you go undercover, you got a wire, you got
9 audio, you got marked bills, you got, I mean, all that
10 stuff, you got law enforcement following you, correct?
11 A Um-hum.
12 Q Okay, you've done those, right?
13 A Um-hum.
14 Q Is that the way it works?
15 A Um-hum.
16 Q Okay, so in this case you went down to Georgia to do a
17 controlled buy on Mr. Tate, right?
18 A No.
19 Q Oh, you didn't?
20 A I went down -- I to -- I told you what I did earlier,
21 uh, ---
22 Q That date was -- I think it was March 2nd, is that
23 right?
24 A It may be. Uh, I got, I've got -- we've got pictures
25 also.

1 Q It was April 28th, right?

2 A I I don't know.

3 Q And you were used as a confidential informant durin'

4 that time, right? You remember goin' down, makin' contact

5 with Mr. ---

6 A Yes, sir.

7 Q --- Mr. Tate's uncle?

8 A Uh, I think Nate' went to the door.

9 Q Okay, but do you remember goin' with Nate' and ya'll

10 makin' contact at some point down there, right?

11 A Um-hum.

12 Q Okay, and ya had to go to the house 'cause apparently

13 you lost a phone number, is that right, didn't have his

14 phone number?

15 A Right.

16 Q Okay, so Mr. Mr. Tate after, ya know, his uncle calls

17 him, he calls ya up, correct?

18 A After -- after we stopped and talked to and to see if

19 he were there -- he was there, his uncle answered the door

20 and said that, uh, he didn't hardly ever see him anymore, ya

21 know, that he didn't know where he was at ---

22 Q Okay.

23 A --- and we told him who ---

24 Q And ---

25 A --- who we were -- you gonna let me finish the

1 question?

2 Q Sure.

3 A We told him who we were and, uh, that we were comin'
4 down there and to let him know that and we gave him our na
5 -- we wrote down our names and numbers to our cell phone,
6 and whatnot and, uh, told him we'd be down for a couple a
7 days, to please try to give us a holler.

8 Q And that location you went to was the same place you
9 bought dope from, right?

10 A Yes, sir.

11 Q Okay, and that's Mr. Tate's uncle's place, right?

12 A Uh, it may be in his name, I'm not sure but Mr. --
13 that's the only time I know of that his -- I'm -- that's the
14 only time I know that I've ever seen his uncle.

15 Q But but his uncle came to the door, right?

16 A Yeah.

17 Q Okay, so he was there?

18 A Correct.

19 Q Mr. Tate was not there.

20 A At the moment.

21 Q Right, okay.

22 A Right.

23 Q So then you get in contact with him and you go to, you
24 go to The Spot, is that where you went?

25 A No, we went to a a pizza place.

1 Q Okay, pizza place, then you went to The Spot.
2 A Yes, sir, ---
3 Q Okay, now durin' all this time ---
4 A --- I believe, I believe that's the way it went.
5 Q Alright, you're you're wired up I guess. You got wires
6 ---
7 A No.
8 Q --- all over ya?
9 A No, don't have a wire ---
10 Q No, you don't have a wire in this case? Why not?
11 A The the objective in in that scenario or or whatnot was
12 to do go down there and get reacquainted with him because I
13 had not bought drugs, we had done talked about, if I made it
14 'til Christmas, that I was done and or whatnot, that I I I
15 didn't, you know, I didn't wanna mess with meth anymore. So
16 anyways, uh, that I, ya know, as long as I get -- give my
17 little boy Christmas then I I just wanna be done with it, it
18 was gettin' too much of a hassle, ya know, dealin' with all
19 the meth heads or whatnot you got. Anyways so I hadn't
20 talked to him in a minute, I had, you know, I kinda lost
21 contact with him and I tried to get in tou -- contact with
22 the old numbers he had, whatever, and I couldn't get in
23 contact with him. So I ride down and, uh, with, uh, Mr.
24 Barwick and, uh, Chad Ayers and Nate'. Uh, we go down, we,
25 uh, we get a hotel to stay at while we're there, uh, I but

1 before we go and -- we go ahead and the get the hotel, we
2 leave there, we ride by just to see if he's still got a --
3 the same condo, well see if we have any luck. We knock on
4 the door or Nate' knocked on the door, she left the number.
5 So he ends up callin' his uncle said, I don't know when it
6 is I'm gonna see him. Now you say his uncle was there,
7 Tonio was not there, I ca -- I don't know, we didn't -- she
8 didn't go inside so I can't verify that she -- that he
9 wasn't inside because he called back, uh, approximately
10 about a hour and a half later if that and, uh, said that he
11 had just got through, just got back in from doin' a little
12 bit a work or whatnot and, uh, was wonderin' what was up.
13 We told him we were in town and, uh, that we just wanted to
14 say hey to him and hang out and, you know, maybe go, uh,
15 grab a beer or sumtin' like that. So basically it was to
16 get our feet back in wet because it was already agreed
17 months before that we weren't gonna do anymore drugs, I
18 didn't -- we didn't wanna just pop up and scare him off
19 about buyin' drugs right off the bat because, ya know what
20 I'm sayin', then it woulda never, it, ya know, it woulda
21 spooked him and it woulda never happened.

22 Q So you're tellin' me every other undercover job you've
23 done you've been wired up on. You've had audio, you have
24 durin' all those, correct, either pocket mics, you got
25 somethin' on ya, right?

1 A Right.

2 Q Okay, this one ya didn't have that, right?

3 A We were equipped with a phone and when we went out to,
4 uh, The Spot with him and when he came back to the hotel
5 and, uh, 'cause he was showin' me a car he was wantin' to
6 get rid of and, uh, we took pictures, Nate' took pictures of
7 me and him shooting pool at The Spot, she took po -- uh,
8 pictures of the car that he had, I think she got pictures of
9 the tag, I don't know if it's in here or not, got pictures
10 of me standin' there with him at the car to verify that I
11 did know him.

12 Q Okay, so you got all this information but you got no
13 wires, you got no audio, you got nothin' about what your
14 conversation was about, right? Ya got no drugs passin'
15 hands either, right?

16 A Then?

17 Q Right.

18 A No, sir.

19 Q This is a guy that sold you pounds upon pounds of
20 methamphetamine and you're sayin' you're not even -- ya got
21 no drugs in here. Ya'll not talkin' drugs?

22 A No, he he's smarter than that. He he's he's, uh, ---

23 Q Maybe he's just not sellin' drugs, have ya ever thought
24 a that?

25 A Uh, no, I hadn't because I bought plenty of 'em from

1 him.

2 Q And and we go into this issue in regards to this

3 identification that you've done right here (indicating), is

4 this, is that what you did? That's what you circled?

5 A (Nodded in the affirmative.)

6 Q And at no point in time have you ever met his identical

7 twin brother, right, you just said that?

8 A Correct.

9 Q Do you see his identical twin brother in the room in

10 here?

11 A Could I, could I guess?

12 Q Could ya guess?

13 A Should I guess who he might be?

14 Q Yeah, who do ya think he is?

15 A I would guess that he may maybe would be this guy

16 sittin' here (indicating) in this striped ---

17 Q Right.

18 A --- shirt.

19 Q Right. So you've never met him before, correct, never

20 seen him to this day?

21 A No.

22 Q And when did law enforcement tell you that he had an

23 identical twin brother?

24 A The law enforcement? He told me.

25 Q He told ya.

1 A I'm talkin' about Antonio.

2 Q They tell you that how to testify in regards to that

3 today?

4 A No. Actua -- actually, uh, I I kind, I kinda gave them

5 a, uh, them them a pointer that, uh, if ---

6 Q Tell me what the pointer is.

7 A The pointer I, the pointer I gave is, uh, that, uh,

8 Antonio Tate he used to be a truck driver from what he tells

9 me and, uh, he he used to to deliv -- to deliver into Tex,

10 uh, Texas, I mean, uh, Mexico or whatnot, he speaks fluent

11 Spanish and as far as I know his brother does not ---

12 Q Okay, and you have ---

13 A --- and he may ---

14 Q --- heard him talk S ---

15 A --- and he was in the military.

16 Q --- Spanish. So he's in the military, he talked

17 Spanish.

18 A That's what he told me. Oh, I heard him ---

19 Q Hey, ---

20 A --- speak Spanish.

21 Q --- but I can tell ya this right now: you can't provide

22 any figle -- physical evidence, can you, that he sells

23 drugs, can ya?

24 A Any physical evidence?

25 Q Any physical evidence: photos, audio, wires, video,

1 cell phone receipts, anything, cell phone pictures, ya can't
2 provide it, can ya, ---

3 A No.

4 Q --- 'cause ya don't have it, right? Hey, but what ya
5 do have, and tell me if this is true, you do have a deal for
6 3 to 6 years that if you provide testimony today, right?

7 A I also have, uh, that 3 to 6 deal I took, would I have
8 taken it if I wasn't buyin' drugs from that (indicating)
9 man? Would I, would I sacrifice my life goin' to prison if
10 I wasn't buyin' drugs from that man?

11 MR. ARIAIL: I have no further questions, Your Honor.

12 THE COURT: Thank you. Any redirect?

13 MR. UNDERWOOD: Very briefly, Your Honor.

14 REDIRECT EXAMINATION BY MR. UNDERWOOD:

15 Q Mr. Adams, as to the discussion about the Green Dot
16 cards, explain how that payment system worked.

17 A You could, I think you put as much as to, uh, 5 or
18 don't mark my words but like 5, think you can put up to 5 or
19 5 -- \$5,000 on one at a time maybe, maybe 10, but I think
20 five, I'm not sure, I -- or it may be 2500 on the Green Dot
21 but you can only withdraw \$500 a day off of your Green Dot
22 card, so I I go in, I buy like a, it -- I got -- I buy like
23 a card, it's got a serial number on it, I scratch the serial
24 number off, I call Amp, I tell him, Hey, uh, I got just say,
25 uh, four Green Dot cards and, uh, I'm gonna give you the pin

1 number off each one or I text him, I don't know if ya'll
2 have any of, uh, his cell phone records or not, but, uh, I
3 text him and I give him the pin number off of each of the,
4 uh, Green Dot money orders or I I think they're called
5 "Moneypaks" or sumtin' like that, anyways, he can go and
6 pick those up at a, uh, Walgreens, uh, I wanna say CVS,
7 Wal-Mart, I'm not sure exactly it -- where and all you can
8 pick 'em up but anyways so I'd call, I'd go get like \$2,000
9 worth or Nate' would and, uh, and then we'd call him and
10 then that way if we were pickin' up, if we were pickin' up
11 somethin' like 3 ounces and it weighed, uh, I I mean, and it
12 cost, uh, let's see what, just say thirt -- thirty, uh, I
13 mean, uh, what would it be, \$3800 or sumtin' like that,
14 \$3900, uh, well he could go ahead without havin' to wait on
15 a if, ya know, if he didn't have the money to cover it or he
16 didn't wanna cover it with his own money or whatever, we
17 could go ahead and call, he could have the money in hand to
18 where he could go to whoever he's gettin' it from, ya know,
19 and he could, he'd go to the place and redeem \$500 off a
20 each serial number that he has.

21 Q So he was usin' the Green Dot money to go and get the
22 drugs to give to you, is that right?

23 A Right. He would, he would load the, he would load the
24 Green Dot money on -- it's been so, it's been so long since
25 I've used Green Dot, he had -- I'm -- he had a Green Dot but

1 like all I had to do is go and and buy the PayPal or whatnot
2 or anyways, like say he has Green Dot cards and I go ahead
3 and buy the money, it's kinda like Western Union, you know,
4 I go ahead and buy it and then you go to Western Union, you
5 give them whatever information they need or whatnot: serial
6 number off of that, uh, instagram or whatever it is and then
7 you could collect the money for it, that way he would go
8 ahead and have it paid for, have it at the house or whatnot,
9 ready to hand to us and it wouldn't really be us havin' to
10 take the chance on ridin' with that much cash on us down
11 there, you know, if we get pulled over, it looks crazy, you
12 know, us havin' that much cash on, uh, he he could go ahead
13 and be sure that I guess, you know, in in the drug game you
14 get robbed or whatnot, I don't think he was a, I don't think
15 he was worried about gettin' robbed from us but he's already
16 got it paid for, he don't have to worry about goin' and
17 gettin' it with his own money and then somebody showin' up
18 and then robbin' him for it and then him bein' stuck, ya
19 know, ya know what I'm sayin', ---

20 Q Right. Now is is the Green Dot cards the only way you
21 ever paid him?

22 A No, no, we paid him cash. There was a, uh, there was a
23 incident where a, uh, where a, uh, what is his na -- Clint
24 Clint Bar -- Clint Barclay or or sumtin' like I think,
25 anyways Ne -- Nate' and Clint got pulled over on the way

1 down there and, uh, I thought Clint had a license and, uh,
2 Nate' got caught with, uh, I think \$3800 on her or \$3900 on
3 her and, uh, they, uh, they had, uh, the boy had some
4 marijuana in the car, roaches, and, uh, she got real
5 harassed about the, uh, the money that she had and he had
6 always given us a a speech to to say, ya know, if we got
7 pulled over with all that money, tell 'em that we was comin'
8 down there because we had looked in the I Wanna or whatnot,
9 we were comin' down there to buy a car or or whatever, ya
10 know, he'd always give us like a heads-up story to tell so
11 we weren't sittin' there fumblin' or whatnot and, uh, so
12 after she got caught with the, uh, the money whenever they
13 got pulled over whatever and the cop kinda harassed her
14 about it then, uh, we started kinda switchin' over to the
15 Green Dot thing after that. That way we weren't actually
16 ridin' around with a bunch a money.

17 Q Okay, and and as far as the Green Dots go, do you have
18 to give a name to get the money off the Green Dot cards?

19 A I ---

20 Q You mentioned somethin' about a pin number.

21 A My -- mines always had, my my Green Dots always had my,
22 uh, name on it but, uh, I'm not sure. You you basically
23 just fill out the information and I don't know if you have
24 to fax in, it's been so long since I've got one, I don't, I
25 don't know if you have to fax in the informa -- like your ID

1 whenever whenever you first buy one you put ---
2 Q I'm talkin' about when you take the money off, once the
3 money's put on there, take the money off.
4 A Sure y -- I'm sure that you -- I I don't know.
5 Q Okay, if you don't know that's fine. Uh, you
6 mentioned, uh, ya know, texting with Antonio Tate and
7 calling him but his numbers were changed, and how many times
8 did he change his phone number?
9 A Good Lord, uh, mul -- multiple, uh, more than, uh,
10 probly at least five if not more.
11 Q And this trip that Mr. Ariail was askin' you about
12 where, uh, or as you were working as an informant and you
13 went down to Atlanta, was that before or after the trip with
14 Chris Bishop or Antonio Tate saw the police car?
15 A That whenever I went down there as a informant?
16 Q Yes.
17 A I'm pretty sure -- I I said a while ago I think that it
18 was, uh, before but now thinkin' back on it I think it was
19 after the fact that, uh, Chris and, uh, Chris Bishop and
20 Nate' went down there.
21 Q When Chris Bishop went down there, were you and Nate'
22 informants?
23 A What -- no, we're ---
24 Q Okay, uh, you were asked about the twin brother of
25 Antonio Tate and, uh, you were directed to him in the

1 gallery today, can you tell the difference between the two
2 of 'em?

3 A I mean, they do, they do, they do look a lot alike but
4 whenever I seen him comin' in like I think two days ago, I
5 thought that it was Antonio for a split second and then I
6 looked back and I could tell that it was not him.

7 Q So you're sure that Antonio Tate, the defendant, is the
8 one you were buyin' the drugs from.

9 A Oh, yeah ---

10 Q Okay, no ---

11 A --- 'cause I I wanna say, I wanna say, uh, I I'm not,
12 I'm not positive but I wanna say his brother, uh, ---

13 MR. ARIAIL: Objection to speculation, ---

14 Q Yeah, ---

15 MR. ARIAIL: --- he doesn't know.

16 THE COURT: Sustained.

17 Q Is is the person that you bought the drugs from Antonio
18 Tate, that's what I'm askin'?

19 A Of course.

20 MR. UNDERWOOD: Alright, nothin' further, Your Honor.

21 THE COURT: Alright, anything else, Mr. Ariail?

22 MR. ARIAIL: Nothing, Your Honor.

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

24 (Whereupon the witness left the stand.)

25 MR. PAULING: State would call Albrie Nate' Bashaw.

1 but you've -- but ya'll have got to quit all this reaction
2 and all this. That's just not how it's done here, alright.
3 Uh, Mr. -- is, Mr. Underwood comin'?

4 MR. PAULING: I'm I'm next ---

5 THE COURT: You're next? Okay, good. Bring the jury
6 on back in. I'm probly sensitive to it 'cause I was a
7 family court judge, as you know, and that that's where we we
8 had that every day so.

9 (The following takes place in the presence of the
10 jury.)

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

12 THE COURT: Alright, Mr. Pauling.

13 MR. PAULING: Thank you, Your Honor. AT this time the
14 State would call Ms. Albrie Nate' Bashaw.

15 (Whereupon, the witness came forward.)

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

17 ALBRIE NATE' BASHAW, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. PAULING:

20 Q Ms. Bashaw, how you doin', ma'am?

21 A I'm doin' good, how are you doin'?

22 Q Doin' well. Just just state your full name for the
23 record.

24 A Albrie Nate' Bashaw.

25 Q Ms. Bashaw, where you from, ma'am?

1 A From Greenville, South Carolina.
2 Q Okay, did you grow up in Greenville?
3 A Yes, sir.
4 Q Uh, how old are you?
5 A I'm 28.
6 Q And where did you go to school?
7 A Went to East Side High School.
8 Q And did you graduate high school?
9 A Um, I have a GED.
10 Q And now, uh, at some point in your life did you become
11 involved in drug use?
12 A Um, yes, when I was very young.
13 Q Okay, when you say "very young", how old were you?
14 A Fifteen.
15 Q And what were you using at that particular time?
16 A Meth.
17 Q Meth, okay, who introduced you to meth?
18 A Um, my ex-boyfriend, my ex-boyfriend, go way back
19 ex-boyfriend a mine.
20 Q Okay, and at that point you were just, you were just,
21 you were just usin' meth?
22 A Yes, sir.
23 Q And at some point, uh, did you begin to to deal
24 methamphetamine?
25 A Uh, yes, sir.

1 Q Okay, about when was that?

2 A Uh, I went to prison for a little while for some

3 driving charges and I was 21, my grandmother died, came back

4 home, got my cosmetology license in North Carolina, South

5 Carolina has different alternatives to get your license so

6 waited about a year and probly about 2009.

7 Q About 2009?

8 A Um-hum.

9 Q Okay, and in fact you were actually involved in this

10 particular conspiracy, weren't you?

11 A Yes.

12 Q Okay, and in fact did you -- have you already pled

13 guilty?

14 A Uh, yes.

15 Q Did you plead guilty to trafficking methamphetamine 10

16 to 28 grams by conspiracy and, uh, trafficking

17 methamphetamine 10 to 28 grams and distribution of

18 methamphetamine?

19 A Yes, sir.

20 Q Okay, do you know what your your recommendation is?

21 A Um, three to six.

22 Q Three to six years, okay, and also in conjunction with

23 that there was a possession of meth charge that's being

24 dismissed, is that correct, ---

25 A Um, ---

1 Q --- is that your understanding?
2 A --- that's my understanding, yes.
3 Q Okay, and as part of your plea agreement it's your
4 understanding that you were, uh, continue to cooperate ---
5 A Yes, sir.
6 Q --- to include testifying truthfully?
7 A Yes, sir.
8 Q Now you said about 2009 is when you began dealing meth.
9 Well let me ask you this: Who first introduced you or or or
10 as far as dealing meth is concerned?
11 A As far as dealin' meth whoever first introduced me?
12 Q Yes.
13 A Um, a boy named Brian Stegall.
14 Q Okay, and how do you know, how do you know Brian
15 Stegall?
16 A The streets.
17 Q The streets of here in Greenville, just livin' in
18 Greenville?
19 A Um-hum.
20 Q Okay, and about when was that? I know you said 2009
21 but ---
22 A By like 2007, 2008.
23 Q Alright, and, uh, do you know who his source for for
24 methamphetamine was at that time?
25 A No.

1 Q Okay, and when you were selling, what amounts were you
2 selling?
3 A Um, ounces to quarter pounds.
4 Q Okay, so an ounce to four ounces?
5 A A ball ---
6 Q Even down to a ball?
7 A Even down to a ball, yeah.
8 Q Okay, and if you sold a ball at that time, how much
9 would you sell an 8-ball for?
10 A Three hundred.
11 Q Okay, and a an ounce?
12 A Eighteen.
13 Q Okay, 18 and that 1800 and then you were sellin' a
14 quarter?
15 A I never sold quarter pounds but, ya know, I've seen
16 quarter pounds.
17 Q Okay, okay, was Brian selling quarter pounds at that
18 time?
19 A Um, no, ounces.
20 Q Ounces, okay, ad other than Brian, uh, Stegall was
21 there anyone else that you were ---
22 A Javin Adams.
23 Q Javin Adams? Who's Javin Adams?
24 A Javin Adams is my ex-boyfriend.
25 Q Okay, okay, and where were you livin' back in 2009?

1 A Well in 2009 I had my own house, uh, in Greenville
2 until about July of 2010 I moved into an apartment with
3 Javin, ---
4 Q Okay.
5 A --- at Heritage Trace.
6 Q And what -- where ---
7 A In Heritage Trace, uh, 501B3.
8 Q Now, uh, were both you and Javin selling at that time?
9 A Uh, yes.
10 Q Okay, who was your source for methamphetamine at that
11 particular time?
12 A Amp.
13 Q When you say Amp, who are you referring to?
14 A Antonio Tate.
15 Q Antonio Tate? How did you meet him?
16 A Met him through, uh, Brian Stegall.
17 Q Okay, when and where did this meeting take place?
18 A This was 2009 December.
19 Q December of 2009? Okay, where though? Were you, were
20 you here in ---
21 A At a gas station ---
22 Q --- South Carolina?
23 A --- in Atlanta.
24 Q A gas station in Atlanta?
25 A Yes, sir.

1 Q Okay, and who who made that trip? Was it just you and
2 Brian?
3 A Um-hum.
4 Q Okay, and what happened at that particular trip? Was
5 it just a meeting?
6 A I didn't meet him, Brian did.
7 Q Okay.
8 A I mean, I seen him but Brian made the deal.
9 Q Okay, Brian made a deal with him ---
10 A Right. Correct, I never spoke with him.
11 Q You never spoke with him but you knew him as Amp?
12 A Yeah. Well I -- no, I called him Amp ---
13 Q Okay.
14 A --- other people knew him as Ant.
15 Q Okay, why'd you him Amp?
16 A Was a different name nobody knew so nobody would know
17 who he was.
18 Q When that first meeting in 2009, you weren't calling it
19 -- were you calling him Amp at that time?
20 A I didn't call him anything that time.
21 Q Okay, 'cause ya ya didn't know him, you just saw him.
22 Did you, uh, meet him at a later date after that December
23 2009?
24 A Yes, sir.
25 Q Okay, and how did that come about?

1 A Um, I went to Atlanta with Javin and met him in his
2 townhome.
3 Q Okay, and and before it got to that point, uh, how did
4 Javin know him?
5 A Monkey a/k/a Chad Moore.
6 Q Chad Moore?
7 A Yes, sir.
8 Q Okay, and ya'll called Chad Moore Monkey?
9 A Yeah.
10 Q Okay, chad Moore introduced -- did Chad Moore introduce
11 Javin to ---
12 A Yes, sir.
13 Q And now you say that, uh, you met Mr. Tate in in
14 Atlanta with Javin ---
15 A Yes.
16 Q --- okay, explain to the jury, how did all that come
17 about, why did, why did that take place?
18 A Um, he wanted me to ride down to Atlanta with him, uh,
19 maybe make himself look good, like hey, I have a dope man in
20 Atlanta, let's ride down there and get money like this so we
21 can get high. So that was how that occurred so we rode down
22 there, got some dope, brought it back to Greenville so he
23 could sell it, get money, basically go out and eat, have
24 nice thing.
25 Q Okay, and when you say you got some dope, how much dope

1 do you recall getting that particular time?
2 A Um, 3 ounces.
3 Q Okay, and who all went on that particular trip?
4 A Just me and him.
5 Q Okay, now and when about do you recall that would have
6 been approximately?
7 A Probly July -- between July 10th and July 17th of 2010.
8 Q Okay, and and how do you know between July 10th and ---
9 A 'Cuz I know that I met Javin on July 4th and we
10 officially started datin' on July 17th.
11 Q Okay, and that deal would have taken place ---
12 A Between those two ---
13 Q --- between those ---
14 A --- at that time.
15 Q Okay, and that was the first trip you went was 3
16 ounces, where did you actually meet, uh, Amp at that time?
17 A Um, if I recall right he met him at a McDonald's and
18 then followed him to his house.
19 Q Okay, to his house?
20 A To hi -- when it was in a house. It was a a townhome.
21 Q A townhome, okay, and you remember how 'bout to get
22 there?
23 A Um-hum.
24 Q Okay, and can you just tell ---
25 A I mean, I don't know by roads ---

1 Q Right.

2 A --- I know like I basically if I drive down the highway
3 and I see which exit it is I know the exit by heart. Um,
4 get off the exit you take a left, McDonald's is on your
5 right, go down the road to the stop sign, take a right, then
6 take a left ---

7 Q Okay.

8 A --- and then you go up a little ways and the townhomes
9 are on your right.

10 Q And when you met at that particular location who all
11 was there? I mean, I knew you and Javin went but when when
12 you met ---

13 A Just him.

14 Q Just him?

15 A And maybe his sister and her boyfriend and that's it.

16 Q At that first trip 3 ounces.

17 A Um-hum.

18 Q Alright, and now you came back to South Carolina?

19 A Um-hum.

20 Q Okay.

21 A Yes, sir.

22 Q Now did you make any additional trips with Javin Adams?

23 A Uh, maybe one more.

24 Q Okay.

25 A Javin got put on house arrest so...

1 Q And what happened after he got put on house arrest?
2 A After Javin got put on house arrest I continued to make
3 the trips with a boy named Norman Trebuchon.
4 Q Okay, and why was -- how, well how do you know Norman
5 Trebuchon?
6 A I know Norman through Javin.
7 Q Oh, and why was Norman goin'?
8 A Had a driver's license.
9 Q Okay, you you didn't have one at the ---
10 A I did not have a driver's license.
11 Q And Javin was on house arrest?
12 A Yes, sir.
13 Q Okay, so how would you get in contact with Amp?
14 A With Amp, um, phone calls, phone, to his phone.
15 Q Okay, at that point -- well who was calling? Was Javin
16 calling? Were you calling?
17 A Well Javin would call sometimes and I would call
18 sometimes.
19 Q Okay, and, uh, would you order up the meth right then
20 at that -- when you first made the phone call?
21 A Yes, sir.
22 Q Okay, and then if you just tell the jury then how would
23 the rest of the transaction take place.
24 A Um, we ordered whatever it was that we had cash for or
25 sometimes very, very, very rarely would he ever put anything

1 on face, call, tell him what we needed ---
2 Q Well he very rarely would he put anything on what?
3 A Face which means would he ever front, like would he
4 ever give anything without cash.
5 Q Okay.
6 A Pay, um, Javin would call or I would call, I'd schedule
7 a time that I would leave, I would call him maybe twenty
8 minutes when I started to go in the four lanes and you come
9 from Greenville to Atlanta, it kinda opens up a little bit.
10 Q This is on 85?
11 A Eighty-five, yes, sir, and, um, I let him know when I
12 was about to be there and he usually already have it there,
13 every once in a while we'd have to go other places to get
14 it.
15 Q Okay, you mentioned that that first trip with Javin
16 between July 4th and July 17th ---
17 A Yes, sir.
18 Q --- and you think maybe another trip because he got put
19 on house arrest, is that correct?
20 A He got put on house arrest so he couldn't go anywhere.
21 So I was the only one that would go except for the people
22 that we'd have to drive which was Norman Trebuchon ---
23 Q Okay ---
24 A --- drive.
25 Q --- and now when Norman Trebuchon was driving you, you

1 said you would meet at other places, what other locations
2 would you meet?

3 A Uh, one other time we met him at his home, uh,
4 sometimes we meet him at a Mc -- a what we call Del Taco,
5 Taco Bell, just wherever it was convenient for him right
6 around his house.

7 Q Okay, explain that Del Taco, Taco Bell.

8 A Well one that, one Mexican's house and then another
9 Mexican's house, one on one side a town and one on the other
10 side of town.

11 Q Okay, and now did you know those individuals names or
12 would you ---

13 A No.

14 Q --- just meet at that particular place?

15 A Correct.

16 Q Okay, now when you would go to to buy the meth, when
17 you actually get there, just explain to the jury, uh, what
18 all would happen, you just go there and you hand the money
19 over and then he'd hand you ---

20 A Well ---

21 Q --- the dope or what would happen?

22 A --- I mean, sometimes, um, I would sit and try to do
23 out -- dope out, I'd smoke a bowl, driver couldn't smoke
24 just because of you don't wanna be high drivin' back from
25 Atlanta to Greenville, um, sometimes might go get somethin'

1 to eat, uh, for the most part he was friends with him.
2 Q Why would you, why would you smoke the bowl?
3 A To make sure the dope was good.
4 Q Okay, could you tell if the dope was was good enough by
5 by by ---
6 A You could after you sat there for a few minutes, you
7 know, if the dope had any legs on it or not. What I mean by
8 legs is if it was, if it got you high or not, if you were
9 like ready to go play golf.
10 Q Could you, but could ya, could ya look at it ---
11 A Well you could, if you'd been doin' dope for a long
12 time and you seen several different kinds of dope, it's
13 improved over the years, but you can basically -- I can look
14 at a sack and tell whether it's any good or not, now -- back
15 then you could, now it's a lot harder to do I guess.
16 Q Okay, well could could -- what is flex?
17 A Flex is, uh, dope that is just like MSN. It's
18 Somethin' they feed cows and horses, it's a, some tweaker
19 has basically sat and invented a way to make fake dope.
20 Q Is it cut ---
21 A It's cut, it's cut, it's cut in a bag, yeah, ---
22 Q Okay.
23 A --- but it looks just like the dope but it's not.
24 Q Can you physically tell from the meth whether or not it
25 has cut on it?

1 A Um, usually if it's got, uh, shake on it, like it's not
2 in crystal form, it's just powder over, you can tell that
3 it's it's got cut on it, if it's not pieces. Sometimes the
4 pieces could be cut though.

5 Q And when you would do these deals, when you would
6 actually get to the location where where Amp was, uh, would
7 he usually have the dope there already? Was the meth
8 already there or ---

9 A Sometimes it would be in some -- most most of the time
10 it was.

11 Q Okay.

12 A There was no, there was no havin' to wait around or any
13 of that. It was there most of the time.

14 Q Where would he, where would he retrieve it from, where
15 would he get the dope from? If you're at his his his ---

16 A In a cabinet, um ---

17 Q In a cabinet?

18 A --- usually in his kitchen.

19 Q Okay, and now would would it already be packaged out or
20 would he have to weigh it out right then and there?

21 A Well he weighed it for me so I know exactly, ya know,
22 he usually had it weighed out already but he'd throw it on
23 the scale for me so I know what I was lookin' at.

24 Q Was it always, was it always packaged the same way?

25 A Yes, sir.

1 Q And how was that?

2 A Um, usually in a, uh, sandwich baggie, put in a

3 sandwich baggy, um, and I then -- yeah in a sandwich baggy

4 ---

5 Q And now ---

6 A --- so...

7 Q --- was there any discussion between you and Amp as to,

8 uh, what you were gonna do with that that that meth that you

9 bought from him?

10 A Well Amp was fairly intelligent. So you mean like dis

11 -- what -- rephrase the question, what do you ---

12 Q Okay.

13 A --- mean discussion between?

14 Q Did he know that you were sellin' the dope, that you

15 aren't just ---

16 A Yes, yeah.

17 Q And and how did he know that? Did ya'll discuss that

18 at all or did he know if you had customers in South

19 Carolina?

20 A Yes, he knew I had customers in South Carolina.

21 Q Now as far as the deals that were taking place, did you

22 always pay him in cash?

23 A Most of the time.

24 Q Okay, most of the time. Well and the other times how

25 did you, how did you pay him?

1 A Um, sometimes -- well, most of the stuff that we had
2 were like maybe a TV or some C -- car CD players, most of
3 those were just gifts ---
4 Q Okay.
5 A --- every once in a while we'd make trades ---
6 Q Okay.
7 A --- very rarely.
8 Q Was there any other form of payment you used, I'm
9 saying that was it ---
10 A Oh ---
11 Q --- always cash?
12 A --- well I would get Green Dots sometimes and Green
13 Dot, money on a Green Dot card.
14 Q Okay, and why would you get money -- what's a, what's a
15 Green Dot card?
16 A Um, say if we didn't have all the cash, at that point I
17 knew that I'd get back to Greenville, sell somethin' real
18 quick and be able to send him through a Green Dot. A Green
19 Dot is a prepaid Mastercard basically. You can go to any
20 CVS, Walgreens and get one. You get the Green Dot card,
21 first it's just a piece of plastic, then you get online and
22 you order one, they send one to your house. So you can go
23 to a CVS and say, I wanna put this much amount on a Green
24 Dot card. Well instead of putting out -- they print out a
25 receipt, they put you a number. So if he has a Green Dot

1 card and I have a Green Dot card, then you, the receipt you
2 put it and take the money back on the card. Well I can call
3 him and say, Hey, here's the number and then that money will
4 be deposited on his Green Dot card instead of mine.
5 Q And that's how you you moved the money without actually
6 carrying it on you?
7 A Sometimes.
8 Q Sometimes.
9 A Most of the time I would carry the money on me.
10 Q Okay, now the trips that you took without, uh, Javin
11 'cause he was on house arrest ---
12 A Correct.
13 Q --- uh, what time frame was that? I mean, how long did
14 you -- were you making trips with say Norman or whoever was
15 driving you to Atlanta to meet with Amp?
16 A From August until the end of well like July, say middle
17 of July until the end of -- the last trip I remember making
18 was in January or December, December.
19 Q Okay, so make sure I've got times right. Mid, late
20 July, August 2010 until December 2010, January 2011?
21 A January 2011, yeah.
22 Q Okay, do you recall the last trip or why it was the
23 last trip?
24 A Yeah. Yes, I do.
25 Q Okay, tell the jury what what happened.

1 A The last trip that I made was with Norman Trebuchon.
2 We got pulled over comin' out of Gwinnett and we had a
3 quarter pound a dope in the car. Usually, uh, I would let
4 Amp help me wrap it up or find a place in the car to put it
5 'cause he's very intelligent with handling things like that,
6 had basically like, I listened to him as more of a mentor,
7 uh, a a good story to spin off, got pulled over, I told the
8 cops exactly what the story that I heard before I left. I
9 told him that they pulled us outta the car, they pulled me
10 and this boy out, um, I was very nervous. They search the
11 car for like forty-five minutes, pulled the car over to the
12 shoulder of the road, searched it some more, come back and
13 they told us that we're free to go. So I had got
14 comfortable with taking the trips. When you get comfortable
15 with somethin' I could sleep on um, wake up, be there, go to
16 sleep before I got home. When we got pulled over that day
17 in the car, it it scared the crap outta me 'cause I was like
18 since it's his rap. There's no way that mean what can I
19 say, it's gonna be it's mine, he's just a driver, so they
20 tell us we can leave, get off, go back, get on back on the
21 road, stop at some, um, the outlets right there, I'm not
22 sure what they're called, I know it's not Concord, it's, uh,
23 whatever outlets are that are right there between, the
24 shoppin' outlet. So we stopped there, the boy that was
25 drivin' got sick, told him c'mon, I'm I'm nervous myself, I

1 wanna get back home. So got back in the car, got pulled
2 over again for the same thing which was following too
3 closely. So when I got back home that evenin' I was like
4 I'm done, it's too much, these day to day trips, I'm
5 exhausted, I'm tired, uh, I just 'bout lost my life,
6 basically that's the way I look at it. You caught with a
7 quarter pound of dope, your time, I mean, your life's over,
8 27, I was like 26, 25-years-old at the time, I didn't have
9 any kids, my life's through, I told him I wouldn't make
10 anymore trips.

11 Q Okay, now between, uh, the time that you were goin' on
12 your own and I say "on your own" goin' without Javin with
13 Norman Trebuchon in that last trip you were talkin' about,
14 ---

15 A Yes, sir.

16 Q --- uh, how much, how much methamphetamine were you
17 getting from Amp at the time?

18 A At that time? The last trip I made?

19 Q Well ---

20 A Oh, like we'll ---

21 Q --- throughout the entire time ---

22 A --- some sometimes throughout the entire period,
23 sometimes it would be 2 ounces, sometimes it would be 3
24 ounces, sometimes it would be 4 ounces. Just dependin' on
25 how much money we would have at the time or, ya know, if if

1 we had, had to pay bills that month or if I had spent too
2 much money shoppin' or where he had spent too much, whatever
3 ---
4 Q Okay.
5 A --- ya know.
6 Q How many trips would you say you made between that
7 timeframe?
8 A Say about three times a week, two to three times a week
9 between those timeframes. So you do the math. Two to three
10 times a week would be...
11 Q But that's that that was the average amount of time you
12 were going, two, three times a week?
13 A Yes, sir.
14 Q And now who were some of the individuals that that
15 ya'll were sellin' to at that time?
16 A Um, Norman Bergholm, uh, Monkey which is Chad Moore,
17 uh, Norman had some ---
18 Q And you say, and you said Norman, is that Trebuchon
19 you're talking about?
20 A Norman Trebuchon and there's Norman Bergholm, um, I
21 sold a little bit to a girl named Amy Brock, um, couple
22 times. Other than that I really don't recall like they
23 were, uh, Chris Bishop he come through a couple times. So
24 different -- just different, Frank Ballard. There were
25 different people that would come through the house that, I

1 mean, when people hear you got dope, it's not, it's you just
2 not, it's not, it's not a hard thing to do. It sells
3 itself.

4 Q Okay, now, when you you mentioned Chris Bishop, how do
5 you know Chris Bishop?

6 A I know Chris Bishop through -- um, Chris Bishop is a
7 good friend, well he was a good friend of mine, he, I
8 thought he was a good friend, ha, he, uh, is one of my best
9 friends baby's daddy's.

10 Q Okay, and and that's just how you met, how long had you
11 known him?

12 A Um, 2005.

13 Q Okay, and so, um, you had sold to him before?

14 A Yes, sir.

15 Q Okay, and and the dope that you'd sold to to Chris
16 Bishop, where'd where did you get that dope?

17 A Atlanta.

18 Q Atlanta? From whom?

19 A Antonio Tate.

20 Q From Antonio Tate?

21 A Amp.

22 Q Amp, okay, and now you mentioned going down to or going
23 to Atlanta with, uh, with Norman Trebuchon, had you ever
24 taken any trips with Chris Bishop?

25 A Yes.

1 Q Okay, if you can explain that that particular trip to
2 the jury.

3 A I took a crip -- a trip with Chris Bishop to get a
4 motor. It was actually a transmission from Amp.

5 Q Okay, what, transmission for for what vehicle?

6 A It was a transmission for a Jimmy, I can't remember
7 what year it was.

8 Q Okay, and what happened on on that -- well well answer
9 this: Did you contact Amp, did you contact Amp about getting
10 this transmi -- how did that come about?

11 A Javin contacted Amp 'bout gettin' the transmission, I
12 usually just followed, I mean, he was my boyfriend, I
13 followed what he said.

14 Q Okay, and so what, so what happened? Once you made
15 arrangements to make the trip ---

16 A So made arrangements to make a trip, we go down there,
17 um, get in touch with Amp, Amp says, Hey, he's givin' us
18 directions to get to the, um, he's really wary for some
19 reason about meetin' me and at this time nothin' was goin'
20 on with the cops, I didn't understand why or whatever, but
21 his wife's car had a busted tire or somethin' on the side of
22 the road and so we went and picked her up, she took us to
23 the tire shop or to the ti -- the place where we get the
24 transmission at, we had to wait around for a little bit. We
25 got the transmission, we come back, meet him, and some other

1 white boy with a bunch of tattoos on the side of the road to
2 get her, uh, her tire fixed. They get her tire fixed, we
3 already had the transmission and Chris Bishop asked me if I
4 could get, uh, anything while I was down there ---
5 Q And and by "anything" ---
6 A --- but me and wasn't, uh, ---
7 Q --- what did he mean?
8 A --- well he had like, I think he said he had \$300 on
9 him ---
10 Q Well let me ask ya this: Had you, had you planned on
11 gettin' dope that day?
12 A No, no, I had not.
13 Q Okay, how is it that Chris Bishop ended up goin' with
14 you on that trip in the beginning ---
15 A Um, he had a license and he'd been hangin' out at the
16 house, we spoke loud together, uh, ---
17 Q You say "loud" what are you talkin' about?
18 A I mean, we just smoked some marijuana together 'cause
19 Chris didn't do meth so, um, this is all we planned out: We
20 needed this transmission for the car, the car was messin'
21 up. I had already got a job by this time, um, Chris is
22 like, Oh, cool, Atlanta, I'm down to go, I'll take you, da,
23 da, da, da. We never had planned on or said anything to Amp
24 about getting any dope that day, okay, so we get down there,
25 all that, um, I told Amp I was -- can I holler at you. Well

1 immediately Chris Bishop jumped outta the car and went to
2 holler at his friend for some reason, I don't why because he
3 doesn't know him so I'm like, Dude, get back in the car, uh,
4 don't talk, you don't know, you're gonna talk ---
5 Q When you say "his friend", you talkin' about this white
6 boy with the tattoos?
7 A White boy with the tattoos that was ---
8 Q Okay.
9 A --- with them and so I'm like you don't talk when you
10 don't know, I was mad basically because I feel like you
11 don't go and talk to somebody that I know -- I thought he
12 was tryin' to take take somethin' from is what I felt, um,
13 so we get back in the car, we go to the gas station ---
14 Q Well and and slow you down. What was he talkin' about?
15 What was Chris ---
16 A I have ---
17 Q --- Bishop talkin' ---
18 A --- no ---
19 Q --- about ---
20 A --- idea what he was talkin' about with the guy, ---
21 Q Okay.
22 A --- I mean, I was 'cause I was tryin' to talk Amp ---
23 Q Okay.
24 A --- and so Chris he come off with, uh, he was like, I
25 got 3 or \$400 on me, do you wanna see if your man will give

1 you somethin', and I was like, Well, shoot, I got like \$300
2 with me I'm sayin' we get a half like maybe 6 or 7 half
3 ounce by then ---

4 Q Okay.

5 A --- okay, well I asked Amp if he would go follow us to
6 the gas station because he seemed really, um, any other time
7 I'd ever been to Atlanta with Amp it always been cool, cool,
8 go out and eat maybe possibly sit around, keep -- go over to
9 his house for a minute, talk, whatever but, um, we went to
10 the gas station with me and he was like I asked him about it
11 and he was like, Man, Té, you didn't, you didn't never say
12 anything about that, ya know, and he I guess at this time
13 maybe he was tryin' to lay back a little or whatever. But
14 he was like there's somethin' about your friend.

15 Q And he was ta -- Chris Bishop?

16 A Yeah ---

17 Q Okay.

18 A --- and, uh, he never done that to me before, he never
19 kinda of sketched on me or whatever, I was like but I
20 trusted Chris so I was like no, uh, no, no, no, there's
21 there's nothin' wrong with -- there's -- no, he's just my
22 friend, he's just my friend. So I've been goin' to Atlanta
23 for years 'cause my mother used to live down there, I knew
24 Atlanta like the back of my hand. So, uh, he's like well
25 just get get in the car and follow me, so we go to follow

1 him and he's like drivin' all around, drivin' around
2 Atlanta, drivin' around Atlanta and I can't even get him to
3 answer the phone, we're like what's up, this is crazy, he's
4 never done me like this before, but he went through a yellow
5 light, we followed behind a yellow light with him, and then
6 another car car followed behind that and he called my
7 ex-boyfriend Javin at the time, he said, Tell Te all deals
8 are off, I don't know what's up with her man but they've got
9 a tail ---
10 Q Okay.
11 A --- and that's the end of that.
12 Q And so you weren't able to make a a purchase ---
13 A No, sir.
14 Q --- that particular day.
15 A No, sir.
16 Q Okay, and it was Chris Bishop who who who brought it up
17 that particular time?
18 A Yes, sir.
19 Q Now now at some point did you stop dealing with with
20 Amp entirely?
21 A Yes.
22 Q Okay, and and why was that? What happened?
23 A I mean things just started to fall apart. I mean, it
24 was, ya know, either the dope wasn't good enough or we
25 didn't, you know, Javin had somehow messed up the money, it

1 was time to go back to work, it was over, it was done. You
2 only get so much of a run when you're doin' things like
3 that.

4 Q Okay, well let me ask ya this, Ms. Bashaw: Did law
5 enforcement approach you at at at some point?

6 A Yes, sir, law, uh, SLED came into our house in March of
7 2010.

8 Q Okay, make sure I got this right.

9 A --- exactly I'm say 2010, yeah, 2011.

10 Q March of 2011?

11 A I'm thinkin'. I could be wrong. March 2010 which I
12 wanna say it was, yeah, 2011 ---

13 Q Okay.

14 A --- is when it was.

15 Q And what happened at that particular point?

16 A Um, that particular point, uh, we were no longer
17 dealin' with Amp then ---

18 Q Okay.

19 A --- okay, maybe a couple of phone calls here and there,
20 he would talk to him, Hey, what's up, how are you doin'
21 'caused the most part he was a friend.

22 Q Okay.

23 A Um ---

24 Q But when you went ---

25 A We hadn't really talked to him that much through the --

1 through, it had been a while. So that, uh, you guys had
2 come in and, uh, ---
3 Q And just just so I understand, when you say "you guys",
4 who are you speaking about?
5 A Uh, Chad Ayers ---
6 Q Okay.
7 A --- Barwick, and Ashley come in and when, uh, they came
8 in, they'd start takin' the phone records and, uh, that was
9 a wrap.
10 Q Okay, when you say it was a wrap, did you understand at
11 that point you were caught?
12 A Yes.
13 Q Okay, and did you, uh, begin to cooperate with law
14 enforcement?
15 A Yes, I agreed to cooperate with law enforcement.
16 Q And you provide them information, uh, as to your your
17 drug dealings?
18 A Yes, yes, I did.
19 Q Uh, and as part of your cooperation, uh, did you
20 participate in some some undercover deals as well?
21 A Yes, I did.
22 Q Okay, and, uh, if you, if you recall what were some of
23 those those undercover deals that you participated in?
24 A Um, there we ---
25 Q And and when I say "you", was was was Javin Adams also

1 involved in that?

2 A Um, there were a couple deals I did before Javin got
3 off of house arrest, um, to Norman Bergholm, ---

4 Q Okay.

5 A --- okay, and then there was another one too um, um,
6 Chad Moore.

7 Q Chad Moore? Okay, and now you said you weren't dealing
8 with Amp at that, you know, for sometime, law enforcement
9 comes in, you agree to cooperate, participate in some
10 undercover deals, did you ever do a an undercover deal with
11 with Amp?

12 A We tried.

13 Q And when you say you tried, tell the jury what
14 happened.

15 A Me and Jaden made a trip to Atlanta with, uh, Officer
16 Chad Ayers and Officers Brett Barwick, went to see Amp, um,
17 we told him when Javin got house arrest we said we'd go down
18 there and show him and, uh, we went to Amp, went down there
19 for the night, talked to him, seen him and tried to arrange
20 a deal we can make where we could start back workin' again,
21 basically workin' through him, gettin' some meth from him,
22 pumpin' some dope, whatever, uh, we went out to a bar,
23 chilled, went and ate pizza, all that and, uh, the time Amp
24 really didn't wanna talk about anything, said that he was
25 kinda through with it, ya know, maybe the possibility arose

1 that he felt like he could make some money off of it he
2 would contact us. There were several more times that we
3 tried to contact him but could not make contact with him.
4 Q And at the time that you you met with law enforcement,
5 uh, did you identify, uh, Amp through a photo lineup?
6 A Yes.
7 Q Okay, and, uh, you remember that process, the the photo
8 lineup, I mean, just doin' the photo?
9 A Yes, sir.
10 Q Okay, uh, did law enforcement suggest to you who you
11 should pick outta the lineup?
12 A No, no.
13 Q Do you remember what they asked ya as far as the
14 lineup's concerned?
15 A They asked me if I'd ever seen this -- well, if I, if I
16 -- they asked me if I see the six people there were, if I
17 knew any of these men ---
18 Q Alright.
19 A --- or could I pick out, excuse me, I'm sorry, could I
20 pick out An -- Antonio.
21 Q I'll show you what's been marked, show you what's been
22 marked ID purposes State's 6, Ms. Bashaw, I'm ask you if you
23 recognize that particular item.
24 A Yes, I do.
25 Q Okay, and what is that, ma'am?

1 A That is my photo lineup that I circled of Amp.
2 Q Okay, that's the photo lineup they presented you ---
3 A Yes, sir.
4 Q --- presented to you rather? Okay, and is there a date
5 on that?
6 A March 30th, 2011.
7 Q Okay, and your initials are there?
8 A Yes, sir.
9 MR. PAULING: Your Honor, at this time I'd offer
10 State's 6.
11 THE COURT: Any objection?
12 MR. ARIAIL: No objection, Your Honor.
13 THE COURT: Alright, ---
14 MR. PAULING: Okay.
15 THE COURT: --- then it'll be admitted.
16 (State's Exhibit No. 6, photo lineup, admitted into
17 evidence.)
18 BY MR. PAULING:
19 Q Now that same individual, uh, that you mentioned that
20 you'd gone several times met in Atlanta with and bought meth
21 from ---
22 A Yes, sir.
23 Q --- is that the same individual's that's in the photo
24 lineup?
25 A Yes, sir.

1 Q Okay, and that same individual, uh, do you see that
2 person in the courtroom today?
3 A Yes, sir.
4 Q Okay, and where is that person?
5 A Sitting right there (indicating).
6 Q Okay, when you say sitting right there, can you ---
7 A He's ---
8 Q --- scri -- describe him, ma'am.
9 A Yes, he's bald head, he has a mustache, he has a white
10 shirt on.
11 Q Okay, I -- can -- there any other detail about his
12 clothing, has a white shirt ---
13 A No. I mean, his face, I know who he is.
14 Q Does he have any other article of clothing on is is
15 what ---
16 A Yeah, has a tie on.
17 Q He has a tie on, okay, just ask, Your Honor, the record
18 reflect that Ms. Bashaw has indicated the defendant, Mr.
19 Antonio Tate.
20 THE COURT: So reflected.
21 Q Now, Ms. Bashaw, uh, those trips to Atlanta you, I
22 believe you mentioned, uh, his wife and some other people,
23 had had you met several of his relatives before?
24 A Yes.
25 Q Okay, had you ever met his brother?

1 A No.

2 Q Okay, is there any doubt in your mind that the person

3 you just pointed out, the defendant, Antonio Tate, is the

4 same person you dealt meth with in Atlanta?

5 A Know for a fact it is.

6 Q Okay, and that's the person you knew as Amp?

7 A Um-hum.

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

9 THE COURT: Yes, sir.

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

11 Q Ms. Bashaw, I just got just a couple more questions.

12 A Okay.

13 Q You mentioned Chris Bishop. You said you'd sold to him

14 before?

15 A Yes, sir.

16 Q Do you recall how much meth you sold to him?

17 A Um, yeah, I've sold Chris, and do you, mean you want me

18 to be pacific [sic] about the amount ---

19 Q If if you can ---

20 A --- and price?

21 Q --- recall, if if you can recall and ---

22 A I can recall sellin' him, uh, 12 grams for \$900 in a

23 driveway at Javin's grandmother's house.

24 Q Okay, and, uh, how do you recall that so well?

25 A Because I'm from Greenville. I never messed around

1 with Easley or Pickens area. There were several, I mean, to
2 me Easley and Pickens is is was a, uh, different group
3 people. I didn't know anybody from there, I met Javin he
4 was from Easley, um, when I sold dope, I sold dope in
5 Greenville so I knew who I messed with and there was just a
6 handful of a people that I did mess with and there's only a
7 handful of people that could come and have enough money to
8 spend on large amounts. Havin' large amounts of dope was
9 not a question of whether I could get it or had it, it was
10 who had enough money to buy it. I recall this incident
11 because I know that there was only two people that came to
12 Easley because most people in Greenville are afraid of 123
13 that buy dope and sell dope, they don't like the ride, they
14 don't like the Pickens cops, they don't like ---

15 Q Highway 123?

16 A Yes, sir.

17 Q Okay.

18 A I recall it being him because I remember the morning it
19 was and I know how many people had come out there to buy
20 dope from me in his grandmother's driveway and there was
21 only two other people and Chris Bishop is the only one that
22 had enough money to buy that large amount of dope.

23 Q Okay, so and and and now you said so where were the
24 diff -- different places you would have sold meth, you said
25 Greenville County ---

1 A Yes, sir.
2 Q --- Pickens County at that particular incident?
3 A Just that, yeah, just that particular ---
4 Q Okay, but but Greenville and Pickens ---
5 A Greenville, uh, Greenville mostly.
6 Q Okay, and and again, that dope that you sold to Chris
7 Bishop that 12 grams for was it \$900 ---
8 A Um-hum.
9 Q --- where did that come from?
10 A That came from Amp.
11 MR. PAULING: No further question, Your Honor.
12 THE COURT: Alright, yes, sir.
13 CROSS-EXAMINATION BY MR. ARIALL:
14 Q Ms. Bashaw ---
15 A Yes, sir.
16 Q --- uh, right when you were doing this, uh, I guess
17 identification, you looked back in the back of the room and
18 saw another gentleman seated back here, didn't ya?
19 A Yes, sir, I did.
20 Q You looked right at him.
21 A I sure did.
22 Q Okay, and that, you know who that gentleman is?
23 A That's Amp's brother?
24 Q Okay, so that's Amp's brother, he's identical twin, you
25 know that, don't ya?

1 A Yeah, he looks like, I mean, he looks like him, but
2 identical no.
3 Q Just looks like him, ---
4 A No.
5 Q --- identical.
6 Q But how do you know the individual you were dealin'
7 with down there in Atlanta was not him or Mr. Mr. Tate? How
8 do you know?
9 A Because Mr. Tate is a little bit lighter than his
10 brother.
11 Q Well, I mean, there's a lotta time gone in between
12 since ---
13 A You're right, ---
14 Q --- you saw him ---
15 A --- you're right ---
16 Q --- right? Right? A lotta things probly in your life
17 that changed too, right?
18 A Yes, sir.
19 Q Okay, so how do you know he didn't lose weight, gain
20 weight, doing anything like that?
21 A He ---
22 Q How do you know ---
23 A --- he ---
24 Q --- for certain?
25 A --- because I know for a fact that that is Amp.

1 Q Okay, now you -- you friends with Mr. Tate?
2 A Yes, sir, I was.
3 Q You call yourself a friend?
4 A Not anymore I don't.
5 Q No, and ya'll, I guess, dealt with each other over a a
6 long period of time, I guess about a year, year and a half?
7 How long do you think it was?
8 A No, not a year and a half 'bout 8 months, 9 months.
9 Q Eight, nine months, okay, so on that time how many
10 times you think you went down, dealt with him, met with him
11 ---
12 A Uh, let's see, about 20.
13 Q Twenty times?
14 A Yeah.
15 Q Twenty times, okay, and you recall -- you were actually
16 came in contact with law enforcement you just said March
17 30th, 2011, but it was far before that, correct, it was June
18 10th, 2010, you remember that?
19 A June 10th, 2010?
20 Q Yeah, June 10th, 2010, remember that?
21 A Um, I know -- could you recall it for me? I don't
22 remember that.
23 Q Well, I just, I mean, you met with Dete -- excuse me, I
24 think it was Deputy Chad Ayers at that time, you remember
25 that?

1 A Oh, the first time he questioned me?

2 Q And Deputy Chad Ayers, ya'll went to high school

3 together, didn't ya, Mauldin, is that right?

4 A No, that's not right. That's incorrect.

5 Q Where ---

6 A --- I went to Eastside High School. He went to

7 Riverside. We went to middle school together.

8 Q Middle school, but you're friends you and Detective

9 Ayers, right?

10 A Uh, I wouldn't -- and when we were younger, no, we were

11 not friends. I mean we knew each other, knew of each other,

12 but we didn't hang out in same crowds.

13 Q Okay, but ya'll knew each other, well I don't know you,

14 correct, ---

15 A Correct, ---

16 Q --- never met you?

17 A Right.

18 Q But you and him know each and have a re -- past

19 relationship, correct?

20 A No, ---

21 Q Friend relationship.

22 A --- we know each other but we do not have a friend

23 relationship.

24 Q Okay, so you met with him on June 10th, 2010, you

25 remember that, he and Investigator Barwick?

1 A Yes.

2 Q Okay, so you've told this jury, while they're sittin'
3 here listening to you, the first time you met with any law
4 enforcement officer was March 30th, 2011, you remember
5 telling 'em that?

6 A Yes, I do remember tellin' him that ---

7 Q Okay.

8 A --- in referrals to, uh, this case.

9 Q So that would be wrong, correct? You met with them in
10 regards to this case in June 10, 2010, right, 'cause that's
11 the information I've been provided about this case ---

12 A Okay.

13 Q --- that right? And actually, ya know, part of this
14 which is interesting is the last statement here is that you
15 -- read that to the jury, tell 'em what what that means.

16 A "Bashaw states that Brian Stegall introduced her to a
17 black male in Atlanta where she has made several trips to
18 purchase methamphetamine. Bashaw states that she does not
19 know the black male."

20 Q "Does not know the black male," ---

21 A Correct.

22 Q --- excuse me, "black male subject name", is what that
23 says, ---

24 A Correct.

25 Q --- right? So that means you did not know what the

1 individual, who the individual was in Atlanta, correct, on
2 June 10th, 2010?
3 A Correct.
4 Q But you sat here and testified and told this jury that
5 you knew him as, I don't know if it's Ant, Antonio Tate, or
6 Amp, is that what you ---
7 A Yes, sir, ---
8 Q --- just testified?
9 A --- that's just what I said.
10 Q What's that?
11 A Yeah, I said yes, sir.
12 Q Okay, so that was a lie, that was false information,
13 right?
14 A Right.
15 Q Okay, so and actually, the other thing too about this
16 is you said, you began, became introduce introduced to, uh,
17 I guess Mr. Mr. Tate, I think it was was it Ms. Brock, is
18 that who you said it was?
19 A Do what?
20 Q You were introduced to him by Ms. Brock? What was your
21 testimony in regards to who a -- who i -- uh, who ---
22 A I never ---
23 Q --- introduced ---
24 A --- said Ms. Brock introduced me to anyone.
25 Q Okay, how 'bout Shannon Dickerson ---

1 A That was ---
2 Q Do you know who she is?
3 A Shannon, uh, Sh -- no, I do not know who Shannon
4 Dickerson is.
5 Q So who introduced you to Ant or Amp or Antonio?
6 A Brian Stegall.
7 Q Okay.
8 A At the time I did not know his name. When I met him
9 again with Javin I knew his name.
10 Q Okay, but here's what you said: Now you've testified in
11 front of the grand jury too, correct, ---
12 A Correct.
13 Q --- the statewide grand jury, the one that indicted my
14 client seated over here (indicating), right?
15 A Yes, sir.
16 Q And they indicted him off of your testimony, right?
17 A I guess so.
18 Q Okay, that's part of the evidence, right?
19 A Right.
20 Q You remember testifyin' in fronta them that Stegall
21 introduced Bashaw to Ant, you remember that?
22 A Yes.
23 Q You remember that at that time of the introduction you
24 knew his name as Ant and I think you spelled it A-N-T?
25 A I spelled it A-M-P if I ---

1 Q Okay.

2 A --- did it. There's just Ant on there. Amp is what I

3 call him. A-N-T is what everyone else has called him.

4 Q Um, okay, so at that time you -- I, I think you said

5 and I I gotta go back is when Stegall introduced ya'll you

6 did not talk to him at that time, is that right?

7 A Correct.

8 Q Do you remember testifyin' at the statewide grand jury

9 that Stegall introduced you and ya'll had a discussion, I

10 mean, you got his name at that time, right?

11 A Well let me restate this: As an introduction he pointed

12 out to me that that was his man. I walked past him in the

13 gas station and Brian told me the rest of this ---

14 Q Okay ---

15 A --- I don't.

16 Q --- I mean, normally when you say introduce and you

17 relate to that ---

18 A I use introduce ---

19 Q --- is you have ---

20 A --- loosely. I'm sorry, I didn't mean ---

21 Q Okay ---

22 A --- introduce, I mean, I just have said ---

23 Q --- but is ---

24 A --- pointed a finger at.

25 Q --- is it kinda like you've done with all the other

1 facts, the looseness that you've had with those, is that, is
2 that kinda what we're dealin' with here, just because
3 they're simply not right, correct?

4 A No, they are right. Everything I said to this gra --
5 everything I've told you guys has been completely one
6 hundred percent true-- true. All this has been a long time
7 ago, all I've written these statements, this has been
8 corrected. At this time my life has been cleaned up since
9 then. So therefore ---

10 Q Te -- tell me a little bit about this: You have a
11 family, correct?

12 A Yes, I have a ---

13 Q You have kids?

14 A No, sir.

15 Q Okay, are you married now?

16 A No, sir.

17 Q You're not married. Okay, are you, uh, engaged?

18 A No, sir.

19 Q In a relationship?

20 A No, sir.

21 Q Okay, now have -- you've worked out a deal on your
22 case, pretty beneficial deal, is that right?

23 A I've never been promised anything.

24 Q Okay, but you you've pled guilty, correct?

25 A Correct.

1 Q And you were lookin' at trafficking 400 grams or more
2 is what you were charged with, conspiracy, right ---
3 A Correct.
4 Q --- just like my client seated over here ---
5 A Correct.
6 Q --- charged and you have somehow found a way to get
7 that down to 3 to 6 years, is that right?
8 A Correct.
9 Q Okay, so sittin' here today and your, and your
10 testimony you had to, as part of your plea agreement, had to
11 cooperate, right ---
12 A Yes, sir.
13 Q --- okay, so seated here today testifyin' on your
14 behalf you're lookin' at 3 to 6 years, right ---
15 A Correct.
16 Q --- and that's pretty beneficial to you compared to
17 what you were lookin' at, right?
18 A Correct.
19 Q Okay, so with all that, how how do we sit here and look
20 at that and say, Well she's provided us all the information
21 or is she just doing this to get the better deal? How how
22 do we look at, you've already told the jury you've lied.
23 Wait, wait, I got it, this is real easy. How -- provide me
24 some physical evidence that shows that you were in Atlanta
25 and had any type a transaction with my client? You got any,

1 you got a cell phone record, you got a gas receipt, you got
2 ---
3 A I'm sure there's cell phone records, I'm sure there gas
4 receipts, I'm sure if who went back ---
5 Q Okay.
6 A --- and Green Dotted everything I could get you your
7 information. I've tried to make a deal with Amp, okay, when
8 we went down there and that deal did not go through.
9 Q Okay, now okay, show, uh, did you bring those cell
10 phones records, you bring those gas ---
11 A Um, ---
12 Q --- receipts?
13 A --- no, I recall I sent one of the officers some
14 pictures of us but other than that, no ---
15 Q So you don't ha ---
16 A --- I don't have any ---
17 Q --- we don't have ---
18 A --- cell phone ---
19 Q --- any a that ---
20 A --- no, sir.
21 Q --- we don't have any credit card receipts, we don't
22 have anything?
23 A No, we don't.
24 Q Don't have cell phone records -- tell me, okay, it
25 it -- and I ask this repeatedly, give me a cell phone number

1 for Amp, Antonio, Ant, whatever you call him.
2 A Uh, I do have s -- I I don't know them now, but I do
3 have several piece a paper with him on there.
4 Q So sittin' here right now you cannot give me ---
5 A I cannot ---
6 Q --- the cell phone ---
7 A --- recall from two years ago. No, sir, I cannot.
8 Q And how ---
9 A Can you ---
10 Q --- much ---
11 A --- recall a phone ---
12 Q --- how ---
13 A --- number from two years ago?
14 Q I can tell you what, if I bought all this amount a
15 drugs, I probly could recall it. Could you recall how ma --
16 how much, I mean, what his number is for a guy you bought
17 all these drugs?
18 A I mean, not from two years ago, not since I moved on
19 from life and completely forgot about it.
20 Q Okay, now tell me the address for this house, condo,
21 apartment ---
22 A I never knew the address. I never GPSd him. I drove
23 there by heart.
24 Q So we've got a location but we don't have an address.
25 A We have a location but we don't have an address.

1 Q Um-hum. If we don't have any cell phone, we don't have
2 any pictures, we don't have any receipts, we don't have
3 anything else, but we've got your testimony as to where you
4 went?

5 A Yes, sir, we do.

6 Q Tell me, tell me this: When you went down that time,
7 you were with, uh, I think it was Javin who the jury has
8 just seen his testimony before this ---

9 A Okay.

10 Q --- they've heard exactly what he said about this ---

11 A Okay.

12 Q --- tell me what happened when you went down for the a
13 -- control buy ya'll were tryin' to do on, uh, my client,
14 you remember that?

15 A Yes, I do.

16 Q Okay, you remember who you talked to when you went
17 there the first time?

18 A Uh, his aunt, his uncle opened the door ---

19 Q His uncle opened ---

20 A --- his, uh, ---

21 Q --- the door.

22 A --- condo, yes, sir.

23 Q And his uncle opened the door at the location where you
24 had bought drugs before, right?

25 A Yes, sir.

1 Q Okay, so after that you meet up with my client ---
2 A Yes, sir.
3 Q --- and have a long discussion in regards to him or
4 long discussion?
5 A We had a long discussion in regards to how have you
6 been, how things been with you, we went and ate pizza.
7 Q Ate pizza, acted like friends, same as last time,
8 right, same as time you bought the car from him or bought
9 the transmission, right?
10 A Correct.
11 Q Same, okay, now you're there, you have all this goin'
12 on. Now, you've been a confidential informant before,
13 right?
14 A I have been a confidential informant since all this has
15 began, yes, I have.
16 Q Okay, so you've been tryin' to do what you can to make
17 this deal better for you, right, you're lookin' out for
18 yourself?
19 A I've been tryin' -- of course, one hundred percent,
20 correct.
21 Q Right, and so the more you do the sweeter the deal it
22 is for you, right?
23 A And nobody ever said that.
24 Q Okay, now when you go into a confidential buy, you're
25 got wires, you got audio, you got video -- I mean, there's a

1 lotta different money, ya sign stuff out, ya do all that,
2 right?
3 A Um-hum.
4 Q Okay, now in this case you're goin' down to Atlanta,
5 right ---
6 A Yes, sir.
7 Q --- you're with your boyfriend, correct ---
8 A Yes, sir.
9 Q --- Mr. Adams ---
10 A Yes, sir.
11 Q --- and ya'll are going down in a car to buy drugs from
12 the the individual that's funneling the most methamphetamine
13 into South Carolina, is that right?
14 A No, I mean, I don't know if he's funnelin' the most
15 methamphetamine in South Carolina, ---
16 Q Well ---
17 A --- I never ---
18 Q --- you ---
19 A --- said that.
20 Q --- you said in your your your jur -- grand jury
21 testimony that he was the main, you were his main source of
22 income, right?
23 A He was my main source of income but ---
24 Q Okay.
25 A --- I'm sure there hun -- lots of other people in

1 Atlanta that, uh, bring dope into Greenville.

2 Q Sure but I'm just sayin' he was one that was ---

3 A Yes, sir.

4 Q --- selling the most dope that you knew of right, okay,

5 is that right?

6 A That's right.

7 Q Okay, so you were doin' that and you basically did not

8 have a wire on, you didn't have anything that would help us

9 understand what the conversations about with him, right?

10 A Correct.

11 Q Okay, so we've got ---

12 A First of all ---

13 Q --- all these wires you've done in previous cases and

14 all this information and we don't have it in this case,

15 right?

16 A Right.

17 Q Okay, you know when you went down in the car ride with

18 Chris Bishop that you had already known that you were under

19 investigation because you now told us that you had met with

20 the officers, correct?

21 A Okay, when I met with the officers and I had that, made

22 that, that was made right there, I was very, I was still on

23 drugs, I was very high, okay.

24 Q But but you were still on drugs ---

25 A I was ---

1 Q --- but you understood that they were lookin' ---
2 A Look ---
3 Q --- at you ---
4 A --- I'm not gonna argue ---
5 Q --- as buyin' drugs ---
6 A --- with you.
7 Q --- from Brian Stegall and from an individual outta
8 Atlanta, correct?
9 A Correct.
10 Q Okay, so at that time you go down, you're in the car
11 with Chris Bishop, you know you're under ---
12 A I did ---
13 Q --- watch?
14 A --- not know I was under investigation and being
15 investigated when I went in the car with Chris Bishop, no, I
16 did not 'cause I believe that all that had been said to me
17 ---
18 Q Right.
19 A --- was crap.
20 Q Well ---
21 A I just thought that that was just stuff just to scare
22 me ---
23 Q And.
24 A --- okay, I didn't believe that I was under any federal
25 indictment, ---

1 Q You're not under ---
2 A --- I mean, not federal, I mean, grand jury indictment.
3 Q Right, but you got an attorney in this case, right?
4 A Yes, sir, I do.
5 Q Okay, and that's, uh, what's his name?
6 A David Seay.
7 Q Okay, David and got discovery in this case and ya'll
8 discussed, I don't want ya to hear -- talked about what you
9 said with him but ya'll got discovery in this case, right?
10 A Yes, sir.
11 Q Did you get a copy of the audio transmission or the the
12 the wire that was done by Chris Bishop?
13 A No, um, he he has I'm sure.
14 Q He has? Did you listen to it with him?
15 A No.
16 MR. PAULING: Objection, Your Honor, we're getting into
17 conversations she woulda had with her attorney.
18 THE COURT: Alright, yes, sir.
19 MR. ARIAIL: I'm not askin' about her conversation, ---
20 THE COURT: Sustained.
21 MR. ARIAIL: --- sorry.
22 THE COURT: Alright.
23 THE WITNESS: Yeah, you are.
24 BY MR. ARIAIL:
25 Q Have you listened to the tape?

1 A No.

2 Q Do you remember on that tape that you didn't mention
3 Ant at one time on an hour and a half tape?

4 MR. PAULIN: Your Honor, I believe that's been asked
5 and answered. She said she didn't listen to it.

6 THE COURT: Alright, if she's, if she's not listened to
7 the tape, she can't answer what's on the tape and I don't
8 want her to testify to any discussions that she's had with
9 her attorney.

10 Q All right. Do do you recollect having conversations
11 with Chris Bishop on the way down?

12 A I can't recall what that phone conversation was about,
13 no.

14 Q I'm not asking you about dope, I'm bo -- askin' ---

15 A I have no ---

16 Q --- about ---

17 A --- way ---

18 Q --- an Ant, ----

19 A I don't know, ---

20 Q --- an Amp, ---

21 A --- I can't tell you a conversation that I had with
22 someone two years ago in a car. I don't remember.

23 Q Okay.

24 A Do you remember two -- con -- two, I mean, like ---

25 Q I I ---

1 THE COURT: I'll say to both of ya, please be careful
2 ---
3 MR. ARIAIL: Yeah.
4 THE COURT: --- my court ---
5 THE WITNESS: I understand, ---
6 THE COURT: Ju -- that's okay.
7 THE WITNESS: --- I apologize.
8 THE COURT: That's okay. Why don't you take a breath
9 before ya answer, okay?
10 THE WITNESS: Okay.
11 THE COURT: Uh, the court reporter can't take down both
12 of ya'll.
13 THE WITNESS: I'm sorry. I apologize.
14 THE COURT: That's okay, go ahead.
15 BY MR. ARIAIL:
16 Q So you can't recall?
17 A Repeat the question.
18 Q You can't recall sayin' Ant or any type of Amp or
19 Antonio with Chris Bishop on the way down?
20 A I do not remember ---
21 Q Okay.
22 A --- a conversation from two years ago that I had in the
23 car.
24 Q And the reason ya didn't talk about that goin' on the
25 way down is because you weren't talkin' about buyin' drugs

1 'cause you weren't gonna buy drugs, right?

2 A Correct ---

3 Q Okay.

4 A --- I ---

5 Q That's because Ant doesn't sell drugs, Antonio doesn't

6 sell drugs, right?

7 A Wrong.

8 Q Okay, now these Green Dots and, I I mean, I'm I'm goin'

9 back, you still got these Green Dots, and you got access to

10 these Green Dot cards, right?

11 A No.

12 Q Ya you don't.

13 A No, I don't, sir.

14 Q Ya you you had 'em at one time, right?

15 A Yes, sir.

16 Q You can go back and access 'em, correct?

17 A If you still have the card, correct.

18 Q Correct, okay, so at some point in time you could have

19 provided the Green Dot cards or the numbers for those cards

20 that woulda showed these transactions bein' made, right?

21 A Correct.

22 Q Okay, and you woulda shown at at ---

23 A Actually, let me restate that. I'm not sure if Green

24 Dot if they keep that on track. I don't know if they, I

25 mean, all I know it's just a receipt. I never kept the

1 receipts, I usually throw 'em out the window.

2 Q Oh, so we got receipts now with Green Dot ---

3 A No, well ---

4 Q --- cards.

5 A --- okay, receipts was by -- let me calm myself down

6 for a minute here, okay. Receipts by what I mean is when

7 you go and you give the money to the cashier at a register

8 for your Green Dot. If you have \$600 or \$400 that you elect

9 to put on this Green Dot, they give you a piece of paper

10 which is basically like a phone, like when you go and you

11 pay the bill for your phone and you put the little number in

12 your phone and your phone gets fifty minutes added to it,

13 you understand? Uh, that's kinda like what a Green Dot

14 gives you.

15 Q Okay, and there's nothin' that you got here today that

16 shows those Green Dots, that money goin' on, right?

17 A No, sir.

18 Q But you can also show, as part of those Green Dots, who

19 takes the money out, right?

20 A No.

21 Q Ya can't?

22 A No.

23 Q I thought you said in your testimony that you could say

24 the money goes in and who could take it out? Did you not

25 say that?

1 A No, I don't recall saying that.

2 Q So how do you know that you make sure that Mr. Mr. Tate
3 or Amp ---

4 A Because you called me. I mean there's -- if you get
5 this number, okay, ---

6 Q Uh-huh.

7 A --- and you call this certain person and say, Here, put
8 this number on your card and then they do that, they're the
9 one's that's gonna get the money, nobody knows this number
10 but you, okay ---

11 Q Alright.

12 A --- so if I'm callin' and I'm tellin' you to put this
13 money on the card so that you collect your debt that I owe
14 you, then that would be what it was.

15 Q Alright, now show me the cell phone records you have
16 showin' you called him and talked to him about that.

17 A I don't have any cell phone records. I don't keep cell
18 phone records, most, I mean, ---

19 Q Okay.

20 A --- I have house records.

21 Q Alright, so ---

22 A When's the last time you get a cell phone record and
23 and, I mean, I'm sure you do if you do have other than
24 praypik -- prepaid, that's what I use is prepaid phones ---

25 Q You get cell ---

1 A --- cell phones.

2 Q --- phone records when you wanna prove somethin', okay,

3 and here's a question: ---

4 A Uh-huh.

5 Q --- do you have those cell phone records to prove your

6 testimony today?

7 A No.

8 Q Okay, thank you. Now tell me 'bout, uh, Trebuchon,

9 just go through this real quick. He was a a runner I guess,

10 he was a mule? What do you call him?

11 A Trebuchon was a driver, ---

12 Q Driver, okay.

13 A --- he had a license. He was a mule, a runner,

14 somebody who went and got dope.

15 Q Basically he was drivin' you down to go get dope,

16 that's right?

17 A Yes, sir.

18 Q Okay, now where in any of this information, and I've

19 gone through it, you tell me if I'm wrong, well, did you

20 tell anybody that he was pulled over or ya'll had any issue

21 with the police?

22 A No.

23 Q Didn't tell anybody. You know, you didn't tell him

24 that you had dope in the car or might do a report ---

25 A What are you talkin' about first of all, I don't

1 understand. Did I tell anybody what?

2 Q That you were pulled over with Norman Trebuchon.

3 A Did I tell the police that?

4 Q Yeah, did ya?

5 A No, because I was tryin' to tell 'em as little as

6 possible at first.

7 Q Well I'm di -- did ya tell Detective Ayers and Mar --

8 and all these individuals that were tryin' ---

9 A Honestly ---

10 Q --- to prosecute this case ---

11 A Excuse me, me let -- let me go ahead and let you guys,

12 let the jury know somethin'. Honestly, when you're on

13 methamphetamines and you're you're not in your right state

14 of mind. You're tryin' to save your ass, you're tryin' to

15 sa -- excuse me ass, you're tryin' to save yourself, you're

16 tryin' to make everything, you're tryin' to keep as little

17 as possible until you realize how much of a situation that

18 you're in. When you realize that you're about to lose your

19 whole life and I'm 25-years-old, I have no children, you

20 realize you're about to lose everything for the next and I

21 have a cosmetology license. So, they're basically were I'm

22 about to lose everything for the rest of my life, you

23 realize how serious the situation is, you wanna help

24 yourself.

25 Q Now we've heard all these people come in and testify,

1 you're friends with Javin, you're friends with Wendy Lollis,
2 Nor -- Norman Trebuchon, you know him?
3 A I know Norman.
4 Q How 'bout Norman Bergholm?
5 A I know them.
6 Q 'How 'bout -- do you know Warren Chastain?
7 A I know who he is.
8 Q Okay, so you know all these individuals and the only
9 person that doesn't live in South Carolina and who isn't a
10 part of this friendship ---
11 A Um-hum.
12 Q --- is my client, right? Is that ---
13 A Wrong.
14 Q Is that right? He don't live in South Carolina?
15 A That's correct.
16 Q And you guys are all been sellin' drugs with each other
17 for how long?
18 A First of all, I never sold drugs to Wendy Lollis.
19 Second of all, I've never sold dur -- sold drugs to, uh,
20 Warren Chastain. So you're wrong.
21 Q Now there is one thing you did do and that is you
22 bought a car and you bought a transmission from my client
23 and knew what he looked like ---
24 A Yes.
25 Q --- before all this happened, right?

1 A Before all what happened?
2 Q Before he was arrested, correct?
3 A I also bought drugs from him before he was arrested.
4 Q Right, and here, sittin' here today you just said you
5 gotta do what's right for you, right?
6 A Yes.
7 Q You're gonna do the best thing for yourself, right,
8 because you don't wanna be 25-years-old and lookin' at a
9 lotta time, right?
10 A Correct.
11 Q So you were lookin' at a lotta time before you entered
12 in a plea agreement before you testified, right?
13 A Yes.
14 Q And walkin' outta here today, based on what you think
15 is your cooperation, you're looking at 3 to 6 years, is that
16 right?
17 A That's a possibility, yes.
18 Q It's a pretty good deal, isn't it?
19 A Yes, it is.
20 Q Alright, thank you, no further questions.
21 THE COURT: Yes, sir.
22 MR. UNDERWOOD: Briefly, Your Honor.
23 REDIRECT EXAMINATION BY MR. PAULING:
24 Q Now, Ms. Bashaw, Mr. Ariail asked you if you could tell
25 the difference between Mr. Tate and his brother, and you

1 said he was lighter, what what did you mean? Did you mean
2 weight wise or did you mean complexion?
3 A Complexion ---
4 Q Okay, so that ---
5 A --- but Amp's been locked, I mean, he's been in jail
6 for, ya know, uh, the past however long he stayed locked up,
7 So of course his skin's gettin' lighter. He's not been in
8 any sunlight.
9 Q Okay, but he's but but but that's what you meant, his
10 complexion is lighter?
11 A Yes.
12 Q Okay, now as far as the the June 10th, 2010, statement,
13 uh, do you recall why why you were at the Detention Center
14 back in June of 2010?
15 A Yes, I do.
16 Q And why was that?
17 A Pointin' and presenting, assault and battery intent to
18 kill, and malicious damage to property.
19 Q Okay, so you had an assault charge, weapons charge
20 goin' on at that particular time?
21 A Yes.
22 Q Okay, did law enforcement approach you about
23 information that you had regarding drug trafficking at that
24 particular time?
25 A Yes, Chad Ayers, as I was signing my bond, I seen Chad,

1 I knew who he was from the streets, been talkin' about a
2 very good SLED officer that knew his crap and he is around
3 and he was gonna pop everybody.

4 Q So that particular time and you you say you didn't
5 wanna give all, ya know, all this information at first but
6 at that particular time when you gave this statement, uh,
7 ---

8 A Yes, sir.

9 Q --- this is before, this was before you were involved
10 with Javin ---

11 A Yes.

12 Q --- uh, 'cause this is June 10th of 2010, isn't that
13 correct?

14 A Correct.

15 Q Okay, I believe you said that it was July 4th of 2010
16 that you and Javin met?

17 A Yes, sir.

18 Q So all of that, all this other information that Mr.
19 Ariail's saying you didn't provide, that hadn't even come
20 about yet, had it?

21 A Right ---

22 Q Okay, and so ---

23 A --- and, ya know, ---

24 Q Yes, ma'am.

25 A --- let me let you guys know somethin' and all the

1 information that was on that piece a paper at that time I
2 will be ho -- honestly, I was just tryin' to get myself
3 outta, I already signed my my bond for the ---
4 Q Let me ask you, let me ask, Mr. Bashaw, ---
5 A Go ahead, sir.
6 Q --- that statement that you gave on June 10th of 2010
7 was was was that truthful?
8 A Some of it was and some of it wasn't.
9 Q Okay, well let me ask ya this: Did you know Amp's name
10 at that time? Did you, did you know his name ---
11 A I did not ---
12 Q --- or did you know ---
13 A --- know his ---
14 Q --- Antonio Tate ---
15 A I did not know Antoni ---
16 Q How did you know ---
17 A I did not know Antonio Tate, no. I knew him but I did
18 not know his name.
19 Q Okay, and that's what you told Chad Ayers?
20 A Yes.
21 Q Bashaw states that she did not know, does not know the
22 black male subject name.
23 MR. ARIAIL: Objection, Your Honor, he's testifyin'
24 now.
25 THE COURT: Alright, let's move on.

1 Q But that was correct?

2 A Yes, sir.

3 Q Now, Ms. Bashaw, there's been a lot of questioning
4 about keeping receipts and these gas receipts and the Green
5 Dot receipts, when all this is goin' on, when you're, when
6 you're havin' these drug transactions with with Amp, ---

7 A You're tryin' to throw receipts away, you're tryin' to
8 throw anything pos -- physical evidence for the police to
9 find away.

10 Q Okay, so you wouldn't just get a shoe box and and keep
11 all that information?

12 A No.

13 MR. ARIAIL: Objection, Your Honor.

14 A No.

15 MR. ARIAIL: He's just testifyin' now, I mean, ---

16 MR. PAULING: I'm askin' ---

17 THE WITNESS: No.

18 MR. PAULING: --- her a question.

19 MR. ARIAIL: It's a leading question.

20 THE COURT: It's a leading question, I'll sustain that.

21 BY MR. PAULING:

22 Q Why didn't you keep those receipts?

23 A Because when you're sellin' drugs you don't wanna keep
24 anything, kinda books, receipts, you don't wanna keep
25 receipts, books, or anything that have anything to do with

1 you and Green Dot cards to Atlanta, Georgia. If you get
2 caught with stuff like that, that's very incriminating
3 evidence. Why would I keep anything to do with stuff like
4 that?

5 Q Let me ask ya this, Ms. Bashaw: You had car -- did you
6 have car issues at some point regarding the transmission?

7 A Yes.

8 Q Was there no other auto body shop in in South Carolina
9 you could go to?

10 A Of course there was ---

11 Q Well why'd ---

12 A --- Midland LKQ.

13 Q --- well why'd ya go to Atlanta?

14 A We went to Atlanta because our dope man had a good deal
15 on a transmission, okay, and we could come down there and
16 get it.

17 Q Who was your dope man?

18 A Amp, Antonio ---

19 Q And ---

20 A --- Tate.

21 Q --- and so when you went to get that transmi -- that
22 transmission -- so you went, you went to him to get that
23 transmission because you had another relationship with him?

24 A Yes.

25 Q And that relationship was what?

1 A Selling, buying dope from him.

2 Q Now as far as Chris Chris Bishop is concerned, you were
3 questioned on cross-examination that you didn't go there to
4 buy dope that day.

5 MR. ARIAIL: Objection, Your Honor, he's still leading.
6 I mean, he's he's testifying for her.

7 THE COURT: Sustained.

8 MR. PUALING: I'll rephrase, Your Honor.

9 THE COURT: Thank you.

10 BY MR. PAULING:

11 Q Had Chris Bishop been to Atlanta before with you ---

12 A No.

13 Q --- to meet, to meet Amp?

14 A No.

15 Q Had never been there before with you ---

16 A Never.

17 Q --- with you and Javin?

18 A Never.

19 Q Okay, so when you left South Carolina to go to Atlanta
20 why, with Chris Bishop, why did you go?

21 A I went to get a transmission from my dope man.

22 Q And how did it come up that ya'll -- you were gonna try
23 to buy dope?

24 A Chris said, Nate', um, you think that you can get some
25 shit, some dope while we're down here, I said, I don't know,

1 I'll have to ask him, I hadn't -- 'cause usually it's not
2 something that I just it pop up on, I wouldn't just pop up
3 in Atlanta and say, Hey, buddy, how ya doin', can I get
4 somethin' from you. It be something that I would ask, you
5 know, turn on the phone, but the only thing that had been
6 discussed that day was a transmission. Now we got down
7 there and Chris had a little bit extra money and so did I,
8 he said, Hey, I need to make some extra money in Greenville,
9 do you think that, uh, you could say somethin' to, oh, your
10 buddy and see if he will get us some dope and I said sure.

11 Q And was it typical for you to make the phone call to
12 Amp before you traveled to Atlanta?

13 A Yes.

14 Q Did you ever have the situation where you just pop up
15 on him and ---

16 A Uh ---

17 Q --- ask for dope?

18 A --- no. Well we went down there with, um, we went down
19 there with the officers ---

20 Q Okay, well I'm talkin' about the rela -- when when it
21 was just ---

22 A Oh no.

23 Q --- you and Javin and Amp before you were involved with
24 law enforcement did you ever have a situation ---

25 A No, we ---

1 Q --- where you'd just pop ---
2 A --- never just ---
3 Q --- up on ---
4 A --- pop up at someone's house and ask for dope from
5 another state.
6 Q Had you known Chris Bishop was cooperatin' with law
7 enforcement at that particular time, would you have even
8 talked to Amp about that?
9 MR. ARIAIL: Objection, Your Honor, he still asked a
10 leading ---
11 A No ---
12 MR. ARIAIL: --- question.
13 A --- never.
14 THE COURT: Alright, sustained.
15 BY MR. PAULING:
16 Q Ms. Bashaw ---
17 A Yes, sir.
18 Q --- what has has your cooperation entailed? Has it
19 just been testimony?
20 A My cooperation for against Amp?
21 Q In this investigation.
22 A Investigation. It's been testimony, it's been, uh,
23 wear wires, it's been doin' work for them, trying to help
24 ---
25 Q Try to help you mean when you say wire, do you mean

1 undercover deals?

2 A Yes, sir.

3 Q Okay, have you been truthful today?

4 A Yes, I've been one hundred percent honest.

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

6 THE COURT: Alright, anything else?

7 MR. ARIAIL: Yeah, if could just real quick.

8 RE CROSS EXAMINATION BY MR. ARIAIL:

9 Q Uh, I thought you just told this jury earlier that you

10 had already lied so that couldn't mean you were truthful,

11 right? Right?

12 A Right.

13 Q Okay, so when you went down to buy drugs with Chris

14 Bishop, excuse me, when you went down to buy the

15 transmission with Chris Bishop from you said, are you saying

16 you didn't talk about drugs in any way on your way down?

17 A No.

18 Q Okay, and do you remember ---

19 A No, no, no, wait, wait, wait. Did I talk about drugs

20 to Chris Bishop on the way down there, yes, we did discuss

21 drugs.

22 Q Okay, so now we've discussed drugs down there, not

23 until when we got ---

24 A We weren't ---

25 Q --- down there.

1 A --- we weren't discussin' drugs to buy down there, we
2 were just discu -- discussing drugs on the way there ---
3 Q You remember sayin', Hey, ---
4 A --- in general.
5 Q --- there's a black dude every time I been down here 50
6 to 75 times? Do you remember sayin' that?
7 A No, I don't.
8 Q Okay, you said, "Dude is on a whole nother level," you
9 remember sayin' that?
10 MR. PAULING: I object. I be -- I don't know what he's
11 reading from, but she's already testified she didn't ---
12 A I don't.
13 THE COURT: Hold on one second. And she's already
14 testified what ---
15 MR. PAULING: That she ---
16 THE COURT: --- I'm sorry?
17 MR. PAULING: --- didn't hear any audio. I mean, I
18 don't know what he's reading from.
19 THE COURT: Alright.
20 MR. ARIAIL: I ---
21 THE WITNESS: I haven't ---
22 MR. ARIAIL: --- I ---
23 THE WITNESS: --- heard the audio.
24 MR. ARIAIL: --- I'm simply askin' if she said -- made
25 these statements on the way down with Chris Bishop, I'm not

1 askin' ---

2 THE WITNESS: I can't recall the whole conversation ---

3 THE COURT: All right. I'll allow her to answer as to

4 her conversation with him. Of course, if she says she's not

5 heard any audio ---

6 MR. ARIAIL: Right.

7 THE COURT: --- she can't if she's heard herself.

8 BY MR. ARIAIL:

9 Q But those type of statements you hadn't, you don't

10 remember?

11 A No.

12 Q Okay, now when -- the the first time my guess where --

13 you were in Atlanta with Chris Bishop, you went to the shop,

14 is that where you went? When when was the first time you

15 saw Mr. Tate?

16 A First time I saw Mr. Tate is when we took his wife back

17 to her car which was on the side of the road with a busted

18 out tire, I can't remember exactly what it was. Something

19 was wrong with the car, I think she had a flat tire.

20 Q Did you go to, uh, the shop at any time after that?

21 A No.

22 Q So you've never been to the shop.

23 A No.

24 Q Where'd you get the transmission from?

25 A The shop.

1 Q But ya just said ya didn't go to the shop.

2 A We went to the shop when he -- when I called him and I

3 told him I got down there, ok, his wife was on the side of

4 the road with a busted tire, I'm tryin' to remain calm here

5 'cause you're gettin' really -- okay, we, I've already told

6 you this. His wife was on the side of the road with a

7 busted tire, he said, Can -- she can show you where the shop

8 is blah, blah, blah, this is what I recall, this has been a

9 long time ago, what year was that? Do you rem -- can you

10 even tell me what time of year that was?

11 Q When'd you go to the shop?

12 A I went to the shop after we picked his wife up.

13 Q Okay, and you got the transmission and no drugs were

14 exchanged, right?

15 A No drugs were exchanged.

16 Q Okay, and you've heard and we -- you just testified

17 that you had this information on these Green Dot cards and

18 all this information, you had so at one point in time,

19 right?

20 A Yeah.

21 Q And you said why keep the receipts, well why do you

22 think you need to keep the receipts?

23 A Why would I keep the receipts?

24 Q Do ya think it would be helpful to prove that what

25 you're testifyin' to today is the truth?

1 A Okay, well, I never intended on being caught, okay. I
2 never intended on getting caught. So why would I keep
3 receipts to catch myself up?

4 Q You coulda simply told law enforcement, law enforcement
5 how to get that information, right? They can subpoena it,
6 correct?

7 A I don't understand what you're talkin' about.

8 Q You coulda gotten their help to get that information,
9 right?

10 A How after I've already thrown everything away?

11 Q By callin' the companies that monitor the stuff: Green
12 Dot company, Verizon ---

13 A Do you think ---

14 Q --- AT&T ---

15 A --- Green Dot company, do you think Ve -- okay, call
16 Verizon and see if you can get. This what I know for a
17 fact. Can you call Verizon and see if you get prepaid, uh,
18 cell phone records? I don't think that you can.

19 Q Okay, the the the point is you didn't do that, correct?
20 Thank you. No further questions.

21 THE COURT: Anything else for this witness?

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

23 THE COURT: Ma'am, you can step down.

24 THE WITNESS: Thank you.

25 (Whereupon, the witness left the stand.)

1 THE COURT: You got another witness for us?

2 MR. UNDERWOOD: Yes, Your Honor. State calls -- I'm

3 sorry.

4 THE COURT: Oh, I'm just standin'.

5 MR. UNDERWOOD: Alright, Your Honor, State calls

6 Charles Norman Trebuchon.

7 THE COURT: Ladies and gentlemen, if anybody needs a

8 break before the end you let me know but as I said yesterday

9 now if you wanna stand, stretch your legs a little bit, go

10 right ahead.

11 THE COURT: C'mon forward and be sworn, sir.

12 (Whereupon, the witness came forward.)

13 THE BAILIFF: Put your hand on the Bible, raise your

14 right hand.

15 CHARLES NORMAN TREBUCHON, having been

16 first duly sworn, testified as follows:

17 THE COURT: Thank you. Be seated, please.

18 DIRECT EXAMINATION BY MR. UNDERWOOD:

19 Q Mornin', Mr. Trebuchon.

20 A Mornin'.

21 Q Please introduce yourself to the jury, tell 'em a

22 little bit about who you are, where you're from.

23 A I'm Charles Trebuchon from, uh, I'm from Easley, South

24 Carolina.

25 Q Have you lived in this area your whole life?

1 A Uh, yes, sir.

2 Q How far'd you go in school?

3 A I graduated from high school. I went to Greenville

4 Tech, graduated and, uh, got certified IN HVAC.

5 Q And how did you get involved with drugs?

6 A Uh, pretty much, I mean, my parents did drugs and one

7 time I just, uh, I'm I'm doin' drugs for a long time.

8 Q What what's a long time?

9 A I mean, since, uh, probly about 15 or 16, just kind --

10 not hard core 'til about 18 though ---

11 Q And ---

12 A That's all.

13 Q --- how old are ya now?

14 A Uh, I'm 30.

15 Q When'd ya start doin' more hard core drugs?

16 A Uh, probly 'bout 18, ni -- 18, 19.

17 Q What kinda drugs were those?

18 A I smoke, uh, really just meth and, uh, cocaine.

19 Q You know Javin Adams?

20 A Yes, sir.

21 Q How do you know him?

22 A I've known him, uh, pretty much, uh, since I was a

23 little kid, we went to school together, my parents were

24 friends, stuff like that.

25 Q Did ya ever have any involvement with him concerning

1 methamphetamine?

2 A Yes, sir.

3 Q What was that?

4 A I, pretty much -- uh, well, I mean, we we did it
5 together, you know, a long time too but pretty much, uh, he
6 got on house arrest a while back and, uh, needed me to, uh,
7 you know, help him out with sumtin', uh. He he didn't have
8 a driver's license, couldn't leave and I was, uh, drivin'
9 for him.

10 Q And where were you living at the time?

11 A Uh, at the time I was livin' at 210, uh, right right
12 before that, uh, 210 Bedford Road at Easley at my grandma's
13 house, she had just died, but directly after that I moved in
14 with him.

15 Q So you -- with with him being Javin Adams?

16 A Yes, sir.

17 Q Who else lived there?

18 A Uh, hold on a minute, Nate' Nate' and, uh, his son.

19 Q What period a time is this we're talkin' about when you
20 started, uh, bein' involved with him and drugs?

21 A Man, uh, I don't, I don't -- I'm sayin' that's gonna
22 be, uh, I don't, I don't re -- uh, know like the exact, I
23 know it was, uh, summer time 'cause -- you need like exact
24 month and stuff or...

25 Q To the best that you can remember.

1 A I'm I'm gonna say about two years ago maybe, uh, it was
2 like towards the summertime. Uh, I know, right I stayed
3 with it for about two months and I know right after I went
4 to court I went on house arrest, and I know I started that
5 in October so ---
6 Q Okay.
7 A --- I'd say.
8 Q Now when when you got involved with doin' this, is this
9 when Javin was on house arrest?
10 A Correct, yeah.
11 Q Okay, how did you get involved with working with him
12 and methamphetamine?
13 A Uh, he knew pretty much as he was, uh, sellin' dope
14 and, uh, he was sellin' methamphetamines and, uh, that's
15 some -- whoever was helpin' him out before, that I don't
16 know the, I don't really know the situation, uh, he just, he
17 knew I didn't have a job, needed some money and he, uh, gave
18 me opportunity to -- asked me if I wanted a job and work
19 there to do that to make some money.
20 Q Alright, now what exactly did you do for Javin?
21 A Just, uh, all I did was, uh, got in the car and, uh,
22 drove down, drove just drove to 85 or drove 85 to Georgia,
23 uh, and, uh, you need the whole thing I guess ---
24 Q What about this: When you went to Georgia, did you go
25 by yourself?

1 A Uh, not first, uh, at first I went with, uh, Nate'.
2 Q Nate', that's Nate' Bashaw?
3 A Yeah.
4 Q And why were you going with Nate'?
5 A Beca -- uh, because, uh, she was, uh, she knew him and
6 I guess she knew the person where we were goin' to to get
7 the the methamphetamines like cuz I didn't know him or
8 anything like that, I was just drivin', oh, because she
9 didn't have a driver's license to go.
10 Q Okay, so so you drove for her since she didn't have a
11 license?
12 A Correct.
13 Q Alright, do you remember where in Georgia you went?
14 A Uh, yeah, uh, let's see, uh, I think I know you go, uh,
15 I think it was Peachtree exit maybe or Peach sumtin',
16 sumtin' like that, uh, was a condo, a little little
17 apartment, you know. I went to, uh, I went with her I went
18 there but I've been to sev -- to a couple different places.
19 You know, I went to a house one time too but with her mostly
20 it was, uh, a little apartment, ya know, you go upstairs but
21 I couldn't tell you what road or nuttin' like that. I mean
22 I don't know much about Atlanta, and I know I got -- it's
23 real close to to Gwinnett County 'cause I'm sayin' I got
24 pulled over the first time I went down there like directly
25 when I left there and it was still in Gwinnett County.

1 Q Alright, tell me about that ---
2 A I got ---
3 Q --- how'd you get pulled over?
4 A --- I got pulled over for followin' too close is what
5 they said and, uh, I had 4 ounces in the car then and, uh,
6 it got searched, everything but they didn't find nuttin' so
7 and that was it.
8 Q Was Nate' with you at that time?
9 A Yeah, yeah, yeah. Yeah, she gave a fake name and stuff
10 so they didn't know not necessarily, I I don't know,
11 whenever they run her name. So...
12 Q Okay, but you weren't -- the dope wasn't found?
13 A No, no, it just -- they didn't.
14 Q Were there any other times you got pulled over?
15 A No.
16 Q Now when you were goin' to to Georgia, did you know
17 where you were goin' or did Nate' tell you where to go?
18 A Uh, she, uh, until we pretty much like road for road,
19 ya know, she told me what exit we went where we were goin'.
20 Q Did she ever give you an address?
21 A No, no, no.
22 Q Was it kind of a turn-by-turn?
23 A Kinda, yeah, pretty much, yeah and then, you know,
24 you'd call like after, uh, after that, uh, I'd call, uh,
25 when I got down there and found out what, you know, what the

1 deal was, sometimes you have to wait, go to the mall,
2 whatever, you know, stuff like that.

3 Q And how many times did you drive -- well how often did
4 you drive Nate' down to Georgia to pick up dope?

5 A I'd say, uh, I mean, at least a dozen, I mean, half a
6 dozen to a dozen like with her and I went by myself a few
7 times but I'd say, you know, around a dozen, twelve, sumtin'
8 like that.

9 A Who was actually -- when you were going down with Nate'
10 ---

11 A Um-hum.

12 Q --- who was actually making the drugs transactions?

13 A That that was her her and him and then, I mean, I just
14 sit in the livin' room on the couch and they'd go in the
15 kitchen. I had nuttin', I didn't do, you know, did none of
16 that. Like I tried, you know, I mean, the fir -- when I wa
17 -- when I was goin' with her, I I I think I tried some a
18 couple times but most of the time I wouldn't even do any of
19 it so, ya know, drive back and I wouldn't be so nervous or
20 whatever drivin' back. So, but they'd go in the kitchen and
21 do all that, I didn't.

22 Q Now what about, uh, when you went down without Nate',
23 were you by yourself or was someone else with you?

24 A No, I was by myself.

25 Q Were you going on your own or you going for ---

1 A No ---
2 Q --- someone else?
3 A --- it was, uh, for for Javin. It was his money, his
4 car.
5 Q And how many times did you go down by yourself?
6 A I wanna say twice.
7 Q Now when you were going with Nate', do you know how
8 much dope she was buying each time?
9 A Uh, usually, yeah, uh, usually almost -- I think the
10 first time it mighta been, uh, mighta mighta been a ounces,
11 I can't, I I don't swear that 'cause I really don't know,
12 you know, it's been a while, like I said, I was doing a
13 lotta drugs but most the time it was, uh, 4 ounces.
14 Q Usually 4 ounces?
15 A Yeah.
16 Q And that's when you were with Nate'?
17 A Yeah, it was ---
18 Q How would ---
19 A --- it was, it was 4 ounces with me too, I never got no
20 more than 4 ounces.
21 Q Do you remember how much you were payin' for 4 ounces?
22 A Uh, wanna say, uh, wanna say either 3900 or 5900. It
23 mighta been 5900 though, it's been a while.
24 Q Do you know -- well who was supplying the the drugs
25 down in Atlanta?

1 A Um, that would be, uh, some, uh, I don't know,
2 Spanish-speaking Mexicans or but like they, you know what
3 I'm sayin'? Which -- who like ---
4 Q Who did you actually ---
5 A --- well who who handed me drugs ---
6 Q Yeah, ---
7 A --- I mean, who ---
8 Q --- who handed it to you?
9 A That would be, uh, An -- uh, Antonio, uh, Ant is what
10 they ---
11 Q What ---
12 A --- call him.
13 Q --- what did you know his name as?
14 A Ant.
15 Q And when you got the drugs, was it actually directly
16 from him hand to hand?
17 A Correct, yeah, yes.
18 Q Do you know where he got the drugs?
19 A A Mexican is all I know is, you know.
20 Q Did you ever see any of these Mexicans?
21 A No, I didn't.
22 Q How did you know he was gettin' it from them?
23 A Uh, 'cause, uh, he talked Spanish a lot on the phone,
24 uh, and, uh, it was just pretty much like -- well, one time
25 I think this first or second time when I, when I went down

1 there we went and saw him, uh, we drove to somewhere and
2 there was the first Mexican and it was all Mexicans in the
3 apartment complex I was at. So I just kinda figured, you
4 know, that's ---
5 Q Now in all the times that you went down to Atlanta, was
6 it ever your money that was buying drugs?
7 A No.
8 Q Did Javin pay you to go down there?
9 A Yeah.
10 MR. ARIAIL: Objection ---
11 A Yes, sir.
12 MR. ARIAIL: --- Your Honor, he's still leading.
13 THE COURT: Overruled, go ahead.
14 Q Did did he pay you to go down there?
15 A Yes, he did,
16 Q How did he pay you?
17 A Uh, first he, uh, at first it was, uh, he was just
18 givin' me, uh, dope and, uh, and then givin' me dope but,
19 you know, he said I wasn't really sellin' it like that and I
20 couldn't make no money, wouldn't help me out, I was just
21 really lookin' to get out so he started payin' me cash after
22 that ---
23 Q Okay, so you said you weren't sellin', were you a a
24 dealer?
25 A No, I mean, well I I was tryin' to be but livin' with

1 Javin, you know, when they're sellin' 4 and 8 ounces every
2 day or two it's kinda hard sellin', ya know, drugs 'cause
3 they're sellin' 'em all. So...

4 Q So the the drugs that he gave you what did you do with
5 'em?

6 A I did 'em, uh, ---

7 Q So you were using the drugs?

8 A Yes, sir.

9 Q Do you know of anyone else that was goin' down to
10 Atlanta to pick up dope from Ant?

11 A Uh, like drivin' likewise or, I mean, I don't know,
12 I've heard, I mean, I I know that like you mean when I left,
13 when I went to house arrest it was Michael Parker and
14 another guy that was drivin' and before that it was another
15 guy. But other than that really -- I mean, I know there's a
16 lot of guys, as you can see all these people comin' up here,
17 there's just a lotta people goin' down there, you know, but
18 I don't, I couldn't just sit here and tell you I know they
19 did 'cause I don't know, I mean, I just know what we were
20 doin'.

21 Q And do you know a guy named Chad Moore?

22 A Yep.

23 Q How do you know him?

24 A Uh, that's, uh, that's how Javin met, uh, Ant but I've
25 known him a little bit longer than that, I've known from,

1 you know, just we living around each other but, uh, and, uh,
2 he was, uh, let's, see he stayed at J -- right when he got
3 outta jail is when we went to jail that's when Javin started
4 goin' or talkin' to Ant or whatever but then when he got
5 outta jail he came and stayed with Javin for a little while
6 so...
7 Q And do you know somebody named Norman Bergholm?
8 A Yeah.
9 Q How do you know him?
10 A Um, also, uh, Javin, um, ya know, he was another person
11 that we was just includin' myself of, just, yeah, he would
12 come and get dope or we would use his money or Javin would
13 use his money, you know, to go and sellin' dope, just in
14 sellin' dope.
15 Q And so are you sayin' that, you say "use his money" ---
16 A Well no, ---
17 Q --- what do you mean by that?
18 A --- I I told him -- you need to rephrase that. Uh, he
19 would just go, he would buy dope, you know, and then, you
20 know what I'm sayin, he was just gettin' a lotta the, half
21 of what we would get some most of the time he would get it
22 or ---
23 Q So he was buyin' it ---
24 A --- but he was buyin' from Ja -- yeah, Javin and he
25 wasn't goin' to Atlanta or there, I mean, as far as I know,

1 I mean ---

2 Q So at the time you were there he was buying directly
3 from Javin?

4 A Correct.

5 Q Okay, have you ever seen Ant come to South Carolina?

6 A Yes, I have.

7 Q When was that?

8 A Uh, he brought a, like it's been, let's see, he bought
9 a car -- no, I I tell you I, he come once, uh, once one
10 night 'cause I, one time when I was down there I took a girl
11 out, this girl I driving in a car, okay well I left her down
12 there and she stayed with him and spent the night when I
13 come back or me take him back and then, uh, he brought her
14 back the next day and stayed at, uh, Javin's apartment with
15 us and, uh, uh, then he went back and, uh, I thought they
16 try -- I went and got a car from him one time. But well now
17 he's come, I wan -- yeah, I wanna say he come to South
18 Carolina one time. He stayed, he stayed the night or no,
19 yeah, he stayed the night at Javin's but he brought that
20 girl back, Christy, down there.

21 A Did he, did he ever bring any drugs to South Carolina?

22 A That time he did, yeah.

23 Q How much did he bring?

24 A It woulda been, uh, I wan -- I wanna say, I don't know
25 why but I wanna say just a ounce.

1 Q And where did he bring it to?

2 A To just straight to the apartment, uh, ---

3 Q Javin's apartment?

4 A Yes, sir.

5 Q And where was that? What town was that apartment in?

6 A Um, it's in Powdersville right off 85.

7 Q In in Anderson County?

8 A Yeah, yes, sir. Matter of fact I'm sure I think he

9 even took ounce back 'cause it wasn't any good or sumtin'.

10 Q The same ounce or a different ounce?

11 A No, the same ounce. Sometimes it didn't have no legs

12 on it, it wasn't really good, so I think he took it book.

13 Q Now, Mr. Trebuchon, do you remember -- when was the

14 last time that you went down to Atlanta to pick up drugs?

15 A The last time would be, uh, it was right before I went

16 to court, uh, hum, I mean, I mean, I I really, I -- it's

17 gonna be I would say right right before October, uh,

18 whatever year that was all that.

19 Q Well let me ask ya this question, and you said go to

20 court, is that when you got put on house arrest?

21 A Yes, sir.

22 Q Is that the reason why you stopped going?

23 A Yes, sir. Yeah, yeah, that's why.

24 Q Alright, now when you got off of house arrest at that

25 point were you still involved with Javin in buying and

1 sellin' drugs?

2 A The whole time -- well, see, well now the last time I
3 went to Atlanta, uh, when I come back me and him we al -- we
4 already started havin' problems and, uh, I didn't, I pretty
5 much kinda robbed Javin when I went back, I didn't give him
6 all his drugs. So we kinda had a fallin' out for a little
7 while but, uh, I was still pretty much somebody would still
8 bringin' Mi -- Michael was, that guy, the other guy that was
9 drivin' was still bringin' me drugs while I was on house
10 arrest, yeah, but other than just like personal, you know,
11 just here and there buyin', you know, get some drugs, that
12 was it and ---

13 Q It was just for your personal use?

14 A Yeah, 'cause he was there really for for a little
15 while, he was a little mad 'cause I owed him a lotta money.

16 Q After that did you end up, uh, talkin' with law
17 enforcement about your involvement?

18 A Yes, I did or no -- yes, I did, yeah. I'm tryin' to
19 figure out if that was before but that would be -- no.

20 Q Do do you remember in December of 2011 ---

21 A Oh, okay, yes, yes, yeah. Yeah, when I got ar -- yeah,
22 when I got arrested in, uh, yes, sir, I did, ---

23 Q And ---

24 A --- that was the second time I talked to him about, uh,
25 August or they had questioned me about all that.

1 Q Alright, and -- did -- at that time in December of
2 2011, did you give information to law enforcement?
3 A Uh, yes, I did, I just, uh, I at that -- I looked at a
4 lineup on -- yeah, I did.
5 Q Alright, and while you were there did they show you a
6 photo lineup?
7 A Correct.
8 Q How did, how did they present this photo lineup to you?
9 A Pretty much they just, uh, well they, uh, they arrest
10 me on another charge but, uh, they took me up or they took
11 me there and showed me the lineup and, uh, or they just
12 showed me a piece a paper right there and, uh, asked me, uh,
13 asked me, uh, if I recognize anybody on that piece -- on
14 that lineup and, uh, at that point I was like, you know,
15 what am I bein' charged for 'cause I still, you know, I
16 didn't know, I I still, I aint been charged with like all
17 this, this stuff, it's just for sumtin' else, buy anyway
18 they had already to me before, anyway I just -- they asked
19 me about the pictures and, uh, they was -- if I knew one of
20 'em and one of 'em was Ant and that was all, you know, ---
21 Q Now did ---
22 A --- so...
23 Q --- did did you make any markings on that photo lineup
24 ---
25 A Yes.

1 Q --- to indicate who was Ant?
2 A Yes, I did.
3 Q Did you initial it?
4 A Yes, I did.
5 Q Showing you State's Exhibit No. 5, do you recognize
6 that?
7 A Yes, sir.
8 Q What is it?
9 A That's the same paper they showed me that day, ---
10 Q Alright, and are those ---
11 A --- when I was there.
12 Q --- are those your initials on it?
13 A Correct, yes, they are.
14 MR. UNDERWOOD: Your Honor, at this time seek admission
15 of State's 5.
16 THE COURT: Any objection?
17 MR. ARIAIL: No objection, Your Honor.
18 THE COURT: Alright, be so admitted.
19 (State's Exhibit No. 5, photo lineup, admitted into
20 evidence.)
21 (Whereupon, Exhibit No. 5 was published to the jury.)
22 BY MR. UNDERWOOD:
23 Q Thank you, Mr. Trebuchon, please answer any questions
24 defense has.
25 A All right.

1 THE COURT: Mr. Ariail.
2 MR. ARIAIL: Thank you, Your Honor, may it please the
3 Court.
4 THE COURT: Yes, sir.
5 CROSS-EXAMINATION BY MR. ARIAIL:
6 Q Mr. Trebuchon ---
7 A Yes, sir.
8 Q --- you just indicated that you, I think it's one of
9 these right here, that you're, uh, identification?
10 A Yes, sir.
11 Q So you signed that and, uh, Mr. ---
12 A I didn't sign it, I initialed it but, yeah.
13 Q You did that on 12/9/2011?
14 A Yes, sir.
15 Q And that was done and Mr. Ta -- are you I guess was in
16 position three, is that it right there, is that ---
17 A Yes, sir.
18 Q --- the one? You, uh, you know he has an identical
19 twin brother?
20 A Uh, I I -- no, I didn't know that.
21 Q You didn't know that. Have you ever dealt with his
22 twin brother?
23 A No, sir, but, I mean, no, sir.
24 Q You see anybody in the courtroom today that looks like
25 his twin brother?

1 A Yeah, that man right there (indicating) does ---
2 Q That ---
3 A --- without a beard but I'm sayin' when that -- he has,
4 you know, he always had a big 'ol beard that hung. So
5 that's ---
6 Q Alright ---
7 A --- it's a a big difference.
8 Q --- but you don't know that his brother Anthony ---
9 A Well, I mean ---
10 Q --- has a beard at one time, right?
11 A Yeah, I you're correct. You're right.
12 Q Okay, so, ya know, you're not one hundred percent sure
13 that this man right here ---
14 A Well, I mean, he's got a -- go ahead, I'm sorry.
15 Q Well let's just say if he's got a beard, you're not one
16 hundred percent sure that this is Ant Antonio Tate, right?
17 A Correct.
18 Q Uh, you're not one hundred percent sure that's the man
19 you bought drugs from, right, or got drugs from, right ---
20 A I mean ---
21 Q --- one hundred percent?
22 A Well, I mean, I don't know, does that dude speak
23 Spanish?
24 Q I I'm just askin' ---
25 A Yes, sir.

1 Q --- you're sittin' here right now, if you're askin' ---
2 A No, no, ---
3 Q --- me ---
4 A --- I'm not, you're right, I'm not hundred percent no
5 way.
6 Q That's all I need. Thank you. Um, it -- when you went
7 down with I think -- when we just heard from Ms. Nate'
8 Bashaw, ya'll are good friends, right?
9 A No.
10 Q Not really?
11 A No, sir, not at all.
12 Q Okay.
13 A I ride with her for a lot of, I mean a bunch of
14 methamphetamines last I -- where all that happened, I mean,
15 we kinda -- I was worried about even seein' 'em here to be
16 honest.
17 Q Okay.
18 A --- today, you know.
19 Q Okay. You don't have any connection with them anymore?
20 A Nope.
21 Q Okay, um, where are you, where are you -- are you
22 employed now?
23 A Uh, yes, sir, I am.
24 Q Okay, and, uh, you hadn't had any involvement, have
25 you, have you met with law enforcement about your testimony

1 today?

2 A Uh, just briefly a while ago here, uh, but that's it.

3 Q When was that?

4 A A while ago, they just -- oh, law -- I don't know, is
5 he a law enforcement, I mean I don't know.

6 Q Any of these gentlemen seated right here (indicating).

7 A Yeah, yes, sir, he just -- well, I met with him a while
8 ago just ---

9 Q Di ---

10 A --- to go over my, what I wrote a long time ago. It's
11 been two years ago.

12 Q Can you tell me which one you're point to?

13 A This guy right here (indicating).

14 Q The gentleman that just did the ---

15 A Yes, sir.

16 Q --- questioning ---

17 A Yes, sir.

18 Q --- Mr. Underwood?

19 A Yes, sir.

20 Q So when'd you talk to him?

21 A Uh, five minutes ago.

22 Q Five minutes ago before you came in the courthouse --
23 courtroom?

24 A Before that, yeah.

25 Q Did ya'll talk about what's happened here?

1 A No, a thing, he just showed me a piece a paper, wanted
2 to make sure that that was correct that I I didn't have no
3 discrepancies about what I wrote and what I signed.
4 Q Okay. Now in regards to that and you've, I think you
5 did a statement previously, is that the -- what ya'll went
6 over?
7 A That's correct.
8 Q Is this the document right here (indicating) you did it
9 on December 9th, 2011, is that it? See if you remember
10 that.
11 A Yes, sir, ---
12 Q Okay.
13 A --- that's what I just looked at.
14 Q Okay, so you looked at this and went went over it?
15 A Yep.
16 Q Now in this document I think you said you go down,
17 you're with Ms. Bashaw who we heard, who sat on the stand
18 here and testified ---
19 A Uh-huh.
20 Q --- um, and in this you don't provide any information
21 about being pulled over, do you?
22 A No, I mean, not at, not at all.
23 Q Okay, but you went down there, you made ---
24 A That ---
25 Q --- a trip and got pulled over, is that right?

1 A That was the very first trip, yes, sir.
2 Q That you just got pulled over one time, right?
3 A Yeah, the first trip.
4 Q First trip.
5 A Well, no, I got pulled over actually on the -- when I
6 got, after I got pulled over and they didn't find the drugs
7 then, I went to the, uh, Converse outlets, threw up in the
8 trash can 'cause I thought I was about to go to jail for the
9 rest of my life, come outta there and got pulled over again.
10 Q Okay, and they didn't find any drugs in the ---
11 A Same ---
12 Q --- car.
13 A --- thing. Nah, he left. He just wrote me a warning
14 ticket and he let, let me go.
15 Q Did you have any drugs in the car at that time?
16 A I had 4 ounces of meth in the car under the backseat.
17 Q In the backseat and they couldn't find it.
18 A Nah, I I mean, nah.
19 Q Okay, and that that time ya'll went down, that was the
20 only time you got pulled over?
21 A Yeah.
22 Q Okay, now you've been down and and I think -- so how
23 many times you think you've been down to Atlanta?
24 A 'Bout, you know, a dozen, a good, I mean, about a
25 dozen, I don't -- give give or take you know.

1 Q You know any of these exits you're gettin' off of? I
2 think you said the Peachtree exit was one.

3 A Yeah, always and uh, I know, uh, 'cause there's a mall
4 right there, you know what I'm sayin', we always went and
5 ate at Chick-Fil-A or some kinda place but that was one. He
6 had a house that I went to where his wife and his kids were
7 at and another one somewhere but I can't, you know, I know
8 it was Peachtree exit and it was always 'cu I always had to
9 call him every time I came back, let him know we was out at
10 Gwinnett County at a certain exit, and I can't tell you now,
11 but, ya know, it's been a while now.

12 Q What's his wife's name, did you meet her?

13 A Uh, no, I probly -- I don't know, I ---

14 Q You said wife and kids there, what what ---

15 A There was ---

16 Q --- kids?

17 A --- kids there, yeah, there was kids there and ---

18 Q How many kids?

19 A I don't know. I mean, I counted like I think two come
20 and got off the school bus maybe.

21 Q Okay. Do you, do you know where -- so they're gettin'
22 off the school bus ---

23 A Right.

24 Q --- when you're there?

25 A Yeah, yeah, they just got outta school.

1 Q Where where was this place that you were s ---
2 A This is when I went and picked up a car from him. I
3 drove Javin's car down there and got another car and took
4 back to Javin, a white Chevrolet sumtin'.
5 Q Okay, so you did a a transfer of a car for Javin too?
6 A Yeah.
7 Q Okay, so you go that car and you went to a house?
8 A A car and the, uh, Ant -- yeah, it was his, yeah, it
9 was his wife's house and kids.
10 Q Wife and kids, you know was that the same location
11 where you were goin' to pick up the drugs?
12 A No, that's the only time, one and only time I ever went
13 to that pl -- that that place, ---
14 Q Okay ---
15 A --- that ---
16 Q --- and ---
17 A --- that ---
18 Q --- was anybody with ya at that time?
19 A No, I was by myself.
20 Q Okay, so you you went to another loca -- you know what
21 exit that's on or location?
22 A No, I just -- they always had to call and just he'd
23 tell me where to go. He actually he met me I think at a
24 store, a convenience store down the street or sumtin'.
25 Q So, we got a wife, we got kids, people are livin' in

1 that house ---
2 A Correct, nice house. Two-story house, uh, ---
3 Q Two-story house ---
4 A --- very nice house, yeah, nice neighborhood.
5 Q Well you -- but we can't ha -- you don't have an
6 address?
7 A I'm I'm not from -- I'm from Easley, man, I don't know.
8 Q Well, I mean, I understand but do you think it would be
9 important to tell this jury ---
10 A Right, yeah ---
11 Q --- the address ---
12 A --- I mean, I do.
13 Q --- of the house of a kno -- or of an alleged dealer?
14 A Correct, but that's -- well, I mean, I don't know that
15 -- I I gue -- I guess, I mean, address, I mean, people sell
16 drugs at parkin' lots every day, right?
17 Q Yeah, yeah, but but we're -- you're goin' to a house
18 from what I ---
19 A I don't ---
20 Q --- understand ---
21 A --- I mean, I don't know the address, sir.
22 Q Okay, but, I mean, this where I'm goin' with this is
23 that you're goin' to an apartment and nobody's at this
24 apartment and, you know, we've heard this trap house or ---
25 A Yeah, ---

1 Q --- this ---
2 A --- you understand it was trap spot ---
3 Q Yeah, trap spot, whatever, I mean, that could be used
4 as a trap spot, right, ---
5 A Not the ---
6 Q --- so ---
7 A --- house where the kids was at.
8 Q Well that's what I'm sayin' so ---
9 A That's why he didn't -- correct, only reason I met her
10 was 'cause it was about a car too and I can't remember
11 exactly where I was at, it was the only time and like I
12 don't know, I went to one garage, uh, sat in the car, and he
13 talked, hung out whatever for a minute, uh, his kids come
14 through, that's why I I remember the kids is because the
15 kids come through the garage and then we didn't do the -- ya
16 know, then he handed me the dope and a matter a fact, I
17 don't know, I I think he might have put it, hid it in the
18 car for me or somethin' but it was his car that I was takin'
19 to Javin, Javin was gonna but there was a kid there.
20 Q Right, but I mean ---
21 A I don't know the house ---
22 Q --- but we have a residence and we ---
23 A I ---
24 Q --- coulda looked up the address, we coulda seen who
25 owned the house?

1 A Why would we do that?
2 Q But it would prove that you went to meet ---
3 A Oh, oh, oh, ---
4 Q --- the individual ---
5 A --- I understand ---
6 Q --- you're ---
7 A --- I understand ---
8 Q --- sayin' is a known drug dealer, right?
9 A Correct ---
10 Q Right?
11 A --- I coulda, yeah.
12 Q Okay, I mean, we coulda verified that, right?
13 A Yes, sir. Yes, sir.
14 Q Okay, and to your knowledge you don't know what that
15 address is ---
16 A Uh-uh.
17 Q No? Okay, you do -- you don't even know where the the
18 the the place there was an apartment you were pickin' drugs
19 up, do you know that a --
20 A I could take you to it, uh, ---
21 Q But you can't tell me an address.
22 A No, sir, couldn't.
23 Q Now you also got this phone, I guess you got his phone
24 number too or phone number, is that right?
25 A I had it, yeah ---

1 Q Ya had it?
2 A Yeah.
3 Q You know who that number is?
4 A Couldn't tell ya now, it's been ---
5 Q You get ---
6 A --- how long it's been.
7 Q You got any phone records?
8 A I mean, I'm sure I can get if you pull 'em off from my
9 phone company. You know, Verizon Wireless, two years ago or
10 whatever it would be.
11 Q So it be two years, we'd pull those up, but you didn't
12 bring 'em today?
13 A No, I mean, I don't -- heck, I don't know what -- I
14 have trouble rememberin' yesterday, I don't know, I don't
15 even know the correct -- no, I don't got my phone records.
16 Q So you just told the jury you have trouble rememberin'
17 what happened yesterday, is that right? I mean, that ---
18 A That's right, I did say that, sir.
19 Q Okay, so how can you remember what happened three years
20 ago if you're havin' trouble rememberin' what you're doin'
21 yesterday?
22 A Got me on that one, sir.
23 Q Okay. Now you have a criminal record too, correct?
24 A Yes, I do.
25 Q And it's for financial transaction card fraud, is that

1 right?
2 A Yes, sir.
3 Q And that's four counts, is that correct?
4 A Yes, sir.
5 Q Well okay.
6 A That's a long time ago though yes, sir, got that.
7 Q You bear with me one second.
8 A Alright.
9 Q Thank you. No further questions.
10 THE COURT: Anything else for this witness?
11 MR. UNDERWOOD: Nothing further, Your Honor, we ask he
12 be excused.
13 THE COURT: Alright, sir, you can step down.
14 (Whereupon, the witness left the stand.)
15 THE COURT: Do you have any objection to him -- his
16 being excused?
17 MR. FARNHAM: No, Your Honor.
18 MR. ARIAIL: No.
19 MR. UNDERWOOD: Uh, Your Honor, at this time the State
20 calls Warren Chastain.
21 (Whereupon, a discussion was held off the record.)
22 (Whereupon, the witness came forward.)
23 THE BAILIFF: Put your left hand on the Bible, raise
24 your right hand.
25 WARREN BRENT CHASTAIN, having been

1 first duly sworn, testified as follows:
2 DIRECT EXAMINATION BY MR. UNDERWOOD:
3 Q Afternoon, Mr. Chastain, could you please state your
4 full name for the record?
5 A Warren Brent Chastain.
6 Q How old are you?
7 A Twenty-nine.
8 Q How far'd you go in school?
9 A GED.
10 Q How'd you first get involved usin' drugs?
11 A Uh, through friends.
12 Q What kinda drugs did you start off using?
13 A Marijuana and pills.
14 Q Did you ever start to use anything else?
15 A Meth.
16 Q When'd you start usin' meth?
17 A Uh, I was 18.
18 Q And you say you're 29 now?
19 A Yes, sir.
20 Q Have you been using meth pretty much that whole time?
21 A Yes, sir.
22 Q Did you ever get involved with selling methamphetamine?
23 A Yes, sir.
24 Q How'd you get involved with selling methamphetamine?
25 A At first I got involved with sellin' it to have enough

1 to do and then I saw money in it so I just kept on goin'.

2 Q So you started out gettin' just enough to buy your own

3 drugs?

4 A Yes, sir.

5 Q And then you started to make money after that?

6 A Yes, sir.

7 Q Now when you use meth, what method do you use to do it?

8 A I smoke it.

9 Q Is that the only method you use?

10 A Yes, sir.

11 Q Would you consider yourself an addict?

12 A Yes, sir.

13 Q Now, Mr. Chastain, you've been in trouble with the law

14 before, is that right?

15 A Yes, sir.

16 Q Uh, have you been convicted, uh, for distribution of

17 meth before ---

18 A Yes, sir.

19 Q --- and also for trafficking in?

20 A Never trafficking.

21 Q Okay, but you've been convicted for distributing

22 distributing meth before?

23 A Yes, sir.

24 Q And you've also had possession of other controlled

25 substances before?

1 A Yes, sir.

2 Q And, in fact, you were indicted by the State grand jury
3 on a meth trafficking conspiracy, is that right?

4 A Yes, sir.

5 Q Is that the same conspiracy involving Antonio Tate or
6 is that a different conspiracy?

7 A I I'm not sure.

8 Q Alright, uh, the the people that you were indicted with
9 in your particular group ---

10 A It's not ---

11 Q --- do you remember any of their names?

12 A Yes, sir.

13 Q Who are they?

14 A It's Adrian Hernandez, Philippe Sandoval, Gordo,
15 Rosario, Nevel Martinez, Jason Griffin, and Kim Rushton.

16 Q Okay, and did you ever have dealings with Jason Griffin
17 as far as methamphetamine?

18 A Yes, sir.

19 Q Okay. Uh, now as far as that indictment, uh, have you
20 already pled guilty?

21 A Yes, sir.

22 Q And did you plead guilty to a lesser charge?

23 A Yes, sir.

24 Q And what's your understanding of the offer that you
25 were given, that ---

1 A Uh, ---
2 Q --- what you pled to?
3 A -- that it -- I was pleadin' to second offense
4 traffickin', uh, twenty-eight to a hundred grams and with a
5 State recommendation of twelve to fifteen.
6 Q And who's gonna be ultimately responsible for what your
7 sentence is, is it the State or is it the Court?
8 A I don't understand.
9 Q Okay. Is the State, me, am I the one that's gonna
10 sentence you or am I just making a recommendation?
11 A A recommendation.
12 Q Alright, who's the final decision up to?
13 A I believe it would be the judge.
14 Q Now do you understand that if you had been convicted of
15 the original charge you would have have faced a lot more
16 punishment?
17 A Yes, sir.
18 Q Uh, and it's your understanding that the recommendation
19 is for 12 to 15 years?
20 A Yes, sir.
21 Q Okay, but there's no promise of 12 to 15?
22 A Right.
23 Q What kinda deals did you have with Jason Griffin and
24 methamphetamine?
25 A I would, uh, buy or sell, be either from Jason.

1 Q Do you know where he was gettin' that meth from?
2 A Yeah, I believe I do, yes, sir.
3 Q Alright, was he always gettin' it from the same place?
4 A No, sir.
5 Q Okay. Have you ever -- well, let me put it to you this
6 way: Obviously you were using meth, how exactly did you get
7 involved with selling it? Who introduced you to selling it?
8 A A friend a mine, Ronnie Sweet.
9 Q And how did that come about?
10 A Uh, he just made it available and I knew people who
11 done it.
12 Q After that did you eventually find other sources to get
13 methamphetamine to resell?
14 A Yes, sir.
15 Q Have you ever left South Carolina to get
16 methamphetamine?
17 A Yes, sir.
18 Q Where did you go?
19 A Somewhere toward on the outside of Atlanta.
20 Q And were you goin' there to see somebody that you knew?
21 A No, sir, I would ride with, uh, somebody I knew down
22 there to see somebody that he knew.
23 Q And who who was it you were riding with?
24 A Brian Stegall.
25 Q And where did he take you?

1 A Uh, to a Waffle House first and then to a motel room.
2 Q What happened -- well when you got to the Waffle House,
3 who was there?
4 A Uh, Antonio.
5 Q Alright, and that -- you indicated the defendant
6 Antonio Tate?
7 A Yes, sir.
8 Q What what's he wearing?
9 A What was he -- I don't ---
10 Q No, what's he wearing right now?
11 A Uh, the white shirt and the tie.
12 Q Okay. Is that the same individual that you met with in
13 Atlanta?
14 A Well yes, sir, I -- who come and ate with me and Brian.
15 Q Okay. What happened after you got there at that Waffle
16 House?
17 A Uh, me and -- we ate and him and Brian talked, I went
18 and sat in the truck and me and Brian went to a motel room.
19 Q And where was that motel room?
20 A Uh, Super 8 I believe.
21 Q Okay, was it nearby?
22 A Yeah, it was close by.
23 Q What happened at the hotel room?
24 A Uh, me and Brian set there and we was waitin' on
25 somebody to come by.

1 Q Who were you waiting for?
2 A Uh, as far I know it was Antonio and some other guy.
3 Q Do you remember what the other guy looked like?
4 A He was Hispanic.
5 Q What happened when Antonio and the Hispanic guy got
6 there?
7 A Uh, him and Brian went in the bathroom and, uh, I had
8 done gave Brian my money that I was usin' to purchase meth
9 with and they come out and, uh, him and the Hispanic guy
10 left and Brian gave me what I bought.
11 Q And what did you buy?
12 A Uh, two ounces.
13 Q Of what?
14 A Meth.
15 Q Do you know how much Brian bought?
16 A No, he had his money plus somebody else's money.
17 Q Okay, but what was your share of what was bought?
18 A Two ounces. I bought 2 ounces for twenty-six hundred
19 dol -- \$1300 a piece.
20 Q So for \$1300 an ounce you bought 2 ounces?
21 A Yes, sir.
22 Q And you got those 2 ounces that day?
23 A Yes, sir.
24 Q What did you do with those 2 ounces?
25 A Brought 'em back to Greenville.

1 Q What did you do with 'em in Greenville?
2 A Broke 'em down and sold 'em.
3 Q Who'd you sell 'em to, do you remember?
4 A It's a variety of people I ---
5 Q Okay, all in the Greenville area?
6 A Yes, sir, Greenville, Pickens area.
7 Q So both in Greenville and in Pickens?
8 A Yes, sir.
9 Q Did you ever go back to Atlanta?
10 A No, sir.
11 Q Other than court appearances have you seen the
12 individual, uh, Ant that you bought the meth from?
13 A Have I seen him since then?
14 Q Yes.
15 A No, sir, I -- well I seen him, he come to, uh, Pickens
16 one time when I was at someone's house when he got there.
17 Q Whose house was it?
18 A Uh, Jason Griffin.
19 A Alright, and so you saw him at Jason Griffin's house,
20 do you remember when that was?
21 A No, sir.
22 Q Do you know if he brought any meth with him on that
23 trip?
24 A No, sir, I have -- I don't know.
25 Q Okay. Are there any other occasions that you've seen

1 him?

2 A No, sir.

3 Q When was it that you went to that Waffle House in
4 Atlanta and met with Ant to buy meth, do you remember when
5 that was?

6 A No, I was, uh, I guess it was during ya'lls
7 investigation 'cause I was dealin' with Melva mostly and,
8 uh, uh, that cheaper price then come to me as Brian brought
9 it to me and said, Look, I can get ya this for this if
10 you'll just ride with me.

11 Q Okay, so at that time you were dealing with, uh,
12 Maldonada Martinez ---

13 A Yes, sir.

14 Q --- and that's a a different conspiracy indictment
15 'cause you had a better price to go to Atlanta?

16 A Right, but I didn't like the the quality or what you
17 had to go through to to to get it and so I never went back.

18 Q What do ya mean what you had to go through to get it?

19 A Like, uh, as far as him havin' to, I, like I had to
20 give, first of all, I had to give Brian my money without me
21 seein' what I was gettin' to start off with and then, uh, we
22 had to go get a hotel room and wait for somebody to to come.

23 Q And is that, is that normally what you like to do when
24 you ---

25 A No, sir, ---

1 Q --- use?
2 A --- that's not what I like to do. I like to be able to
3 go and look at what I'm buyin', if I like it, give the money
4 and get it and go.
5 Q So is is the defendant here in court today, Antonio
6 Tate, the person you bought that meth from?
7 A Well I bought it from Brian Stegall who I believe got
8 it from him.
9 Q Did did you see, did you see him ---
10 MR. ARIAIL: Objection, Your Honor, asked and answered.
11 He's already gone through this,
12 MR. UNDERWOOD: I haven't ---
13 THE COURT: What's your ---
14 MR. UNDERWOOD: --- even ---
15 THE COURT: --- ques ---
16 MR. UNDERWOOD: --- asked the question yet, Judge.
17 THE COURT: Okay, what, I'm not sure what your question
18 is either..
19 BY MR. UNDERWOOD:
20 Q I I'm just gonna ask did you ever see them go somewhere
21 alone together?
22 A Yes, sir.
23 Q And then after that did Mr. Stegall have the drugs?
24 A Yes, sir, Stegall, he told me that he got it from him
25 but as far as seein' I can't ---

1 Q Okay, but they they were alone together and then he ---
2 A Yes, sir.
3 Q --- came back with the drugs.
4 A Yes, sir.
5 MR. UNDERWOOD: Nothing further, Your Honor.
6 THE COURT: Alright, Mr. Ariail.
7 MR. ARIAIL: Yes, Your Honor.
8 CROSS-EXAMINATION BY MR. ARIAIL:
9 Q Uh, you said they were alone, there was a, I guess you
10 said a Mexican there too, correct?
11 A Right.
12 Q Do you know that Mexican's name?
13 A No, sir.
14 Q But he went with 'em too, correct?
15 A Yeah, they all three went in the bathroom of the hotel
16 room.
17 Q Okay, so you don't know what was goin' on, what
18 happened there, you don't know where Brian got that? You
19 don't if he got it ---
20 A Right ---
21 Q --- from them ---
22 A --- now.
23 Q --- or if he -- you were in a different room, correct?
24 A Correct.
25 Q How long were ya in that different room?

1 A Uh, four or five minutes.

2 Q Okay. Now I -- it it -- have you had any conversations
3 with any other co-defendants in this case?

4 A Uh, no, not ---

5 Q It's just ---

6 A --- about ---

7 Q --- this ---

8 A --- this case.

9 Q Not about this case. Well you ---

10 A Well yes, we, uh, I've to 'em, yes.

11 Q You talked to another co-defendant back ---

12 A Yeah.

13 Q --- here?

14 A Yes, sir.

15 Q And did ya'll talk about that it was not Mr. Tate that
16 they were tryin' to, ya know, and convict here, that he was
17 bein' wrongfully charged?

18 A No, uh, I I made the statement in the, in the holdin'
19 cell that, uh, I've never personally bought dope from Mr.
20 Tate and that, uh, uh, I I didn't know too much I could
21 testify on 'cause I never personally and I didn't see him
22 buy the dope from him.

23 Q Who else was back there with ya, just who was the other
24 co-defendant that was back there?

25 A Norman.

1 Q Norm Bergholm.
2 A Yes, sir.
3 Q Okay. Uh, now did ya'll talk about a a Mexican Eddie?
4 A I believe Norman mentioned Mexican Eddie.
5 Q Okay, so you have Norman talked about Mexican Eddie,
6 was there any discussion, have you ever bought anything from
7 Mexican Eddie?
8 A No, I never.
9 Q Okay. Have you had any discu -- so you had a
10 discussion back here with, uh, Norman in regards to a
11 Mexican Eddie and did he talk about Mr. Tate about what he
12 believed about the, uh, whether or not he was, ya know,
13 shoulda been charged with this or whether or not he sold
14 drugs?
15 A No, to be honest when when Mr. Tate left it opened up,
16 when he was there he was talkin' to Mr. Tate, when Mr. Tate
17 left the cell, he was sayin' that, uh, that he did, he got
18 dope from Antonio, he got dope from here, he got dope from
19 wherever he could get it from at that time.
20 Q Okay. Now in regards to goin' down with Brian Stegall,
21 Brian Stegall's the one that you basically I guess only one
22 you dealt with, you've been down there one time with him?
23 A Right.
24 Q Okay, so no other involvement with anybody else?
25 A Goin' to Atlanta?

1 Q But you can't say for certain right now which one it
2 is?

3 A That really is is ---

4 Q Is that, I mean, I'm just sayin', you you just said I
5 couldn't tell which one. So, tell me you can't say for a
6 hundred percent certainty that it was which one it was,
7 right?

8 A Right.

9 Q Okay, no further questions. Thank you.

10 THE COURT: Any redirect?

11 MR. UNDERWOOD: Nothing further of this witness, Your
12 Honor.

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

14 (Whereupon, the witness left the stand.)

15 THE COURT: Alright, we've probly come, we've probly
16 just a little bit ahead of schedule from what we expected,
17 we've got, uh, let's go ahead and break for lunch now. I'm
18 gonna ask you to be back in your jury room at 2:15. So if
19 you'll be back at 2:15. That'll give you an extra few
20 minutes maybe to run an errand or sumtin' at lunch if you
21 can, uh, and please don't discuss the case with anyone,
22 thank you.

23 (The following takes place outside the presence of the
24 jury.)

25 THE COURT: Alright, scheduling wise, I told 'em we're

1 a little ahead, I don't know if we are or not actually, we
2 just a little ahead of what I thought. Uh, what ya think?
3 How we goin'?

4 MR. UNDERWOOD: Uh, I think we're actually right where
5 we want to be, Judge.

6 THE COURT: Okay.

7 MR. UNDERWOOD: Uh, I've got about maybe about another
8 four witnesses, maybe five, probly four.

9 THE COURT: Are they short witnesses you think?

10 MR. UNDERWOOD: Uh, one of them, at least one will
11 definitely be short. Uh, I don't expect any of them to be
12 particularly long.

13 THE COURT: This last witness, I'm not tryin' to be
14 patronizin' in any way to either side, this last witness
15 that was the clearest examination that either side did on
16 him, it went like clock work, uh, so, I mean, you know, for
17 both sides, I say that both so just bear that in mind. Uh,
18 alright, and still any thoughts, uh, any thoughts from
19 ya'lls side, I don't want to you tip your hand on trial
20 strategy but ---

21 MR. ARIAIL: We're gonna discuss with Mr. Tate our
22 client at ---

23 THE COURT: That's fine.

24 MR. ARIAIL: --- just to figure out where we're goin'

25 ---

1 MR. ARIAIL: I was just tellin' 'em that. I wanted to
2 let you know that to make sure that it -- we moved right
3 away, he asked if he could move and we said, No we'll get
4 over there and we went to the other side ---

5 THE COURT: Good.

6 MR. ARIAIL: --- of the restaurant.

7 THE COURT: Well I really appreciate it ---

8 MR. ARIAIL: Yeah.

9 THE COURT: --- of course you handlin' that way and I
10 knew you, that's the way you'd handle it so, ---

11 MR. UNDERWOOD: Thank you.

12 THE COURT: --- uh, if ya'll don't have any concerns,
13 I'm just not even gonna say anything to him, alright.

14 MR. ARIAIL: Thank you.

15 THE COURT: Bring the jury back in.

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

17 (The following takes place in the presence of the
18 jury.)

19 THE COURT: Hope you all had a good lunch. We're ready
20 to begin?

21 MR. PAULING: We are, Your Honor.

22 THE COURT: Yes, sir.

23 MR. PAULING: At this time the State will call Larry
24 Gambrell.

25 (Whereupon, the witness came forward.)

1 THE BAILIFF: Left hand on the Bible and raise your
2 right hand.
3 LARRY ANTHONY GAMBRELL, having been first
4 duly sworn, testified as follows:
5 Q How ---
6 THE COURT: Yes, sir.
7 DIRECT EXAMINATION BY MR. PAULING:
8 Q --- how you doin', Mr. Gambrell?
9 A Alright.
10 Q Can you please, uh, state your full name for the
11 record?
12 A Larry Anthony Gambrell.
13 Q And if you could, sir, tell the jury where you're
14 originally from.
15 A From Easley, South Carolina.
16 Q Okay, and, Mr. Gambrell, if if you could you're a
17 little soft spoken, can you just speak up a little bit so
18 everybody in the jury can hear you ---
19 THE COURT: And I apologize, we had the microphone on
20 mute ---
21 MR. PAULING: Oh ---
22 THE COURT: --- so...
23 THE WITNESS: From Easley, South Carolina.
24 THE COURT: Okay.
25 BY MR. PAULING:

1 Q Okay. Now how long have you, have you lived in Easley?
2 A All my life really.
3 Q All your life. How old are you, sir?
4 A Thirty-two.
5 Q Thirty-two years old. And did you go to school in
6 Easley?
7 A Yes, sir.
8 Q Okay. Where'd you go to high school?
9 A Easley High School.
10 Q Okay, did ya graduate from high school?
11 A No, sir.
12 Q Okay, why is that?
13 A I had a, had a son.
14 Q You have a child?
15 A Yeah.
16 Q Okay, so ya had to drop out?
17 A Yes, ma'am -- yes, sir.
18 Q Did you ever get your GED?
19 A No, sir.
20 Q Okay. Now, uh, Mr. Gambrell, at at some point in your
21 life did you become involved with, uh, drugs?
22 A Yes, sir.
23 Q Okay, with using drugs?
24 A Yes.
25 Q Okay, and and at what point was that? How old were you

1 at that time?

2 A Hmm, 'bout 26.

3 Q Uh, twenty-six?

4 A Yeah.

5 Q Okay, oh, well let me ask ya this: Obviously you're in
6 an orange jumpsuit, uh, where are you currently housed?

7 A I'm in SC -- um, Ridgeland, South Carolina. I'm in
8 SCDC.

9 Q You're in SCDC?

10 A Yeah.

11 Q Okay, for what?

12 A Distribution.

13 Q Distribution of what?

14 A Meth.

15 Q Okay, and now, uh, what what type of sentence are you
16 doin"? How long of a sentence did you get?

17 A I got 10 suspended to 18 months and 3 years probation.

18 Q Okay, well now is that related to this particular
19 investigation or or another ---

20 A No, it was another investigation.

21 Q Now you said you first started usin' drugs when you
22 were 26 ---

23 A Yes.

24 Q --- okay, and who who was that with? How did you get
25 introduced to ---

1 A I had a friend, um, Stan Griffith.
2 Q Stan ---
3 A Griffith.
4 Q --- Griffith?
5 A Yeah.
6 Q Okay, and where where'd you know Stan from?
7 A I mean, I've known him really all my life, I mean,
8 pretty well we's nephews -- was friends with nephew, uh, he
9 introduced me to a guy named Calvin Keys ---
10 Q Okay.
11 A --- and that's I I started sellin' meth when when I got
12 introduced to Calvin.
13 Q Calvin Keys, where was, where was Calvin Keys livin' at
14 that time, was that in Easley?
15 A No, uh-uh, it was, uh, in at Liberty, whatever, down
16 towards Pendleton ---
17 Q Okay ---
18 A --- yeah.
19 Q --- and again this woulda been around the time you you
20 said 26 years ---
21 A Yeah 26, 27.
22 Q Okay, so at six, seven years ago ---
23 A Um, ---
24 Q --- around that time? Now how much were you using at
25 that particular time?

1 A At, I mean, at that particular time I was, I was
2 sellin' more than I was usin' but, I mean, you got the, I
3 mean, about a gram a day or sumtin'.
4 Q Okay. You would use a gram a day so were you, were you
5 sellin' to keep up your habit or ---
6 A No.
7 Q --- you was just sellin' to make money?
8 A Yes, sir.
9 Q Okay, and, uh, how long approximately did you deal with
10 Calvin Keys?
11 A Probly two years.
12 Q About two years?
13 A Yeah.
14 Q Alright, and at some point you s ---
15 A That he went to prison.
16 Q Okay. Did you have a -- find another source, uh, for
17 methamphetamine?
18 A Yes, sir.
19 Q And who was that?
20 A Wendy Lollis.
21 Q Okay, and how do you know Ms. Lollis?
22 A Uh, used to be my best friend, she, she knew my best
23 friend Paul Simon.
24 Q Okay, you knew her through Paul Simon or was Wendy your
25 best friend?

1 A No, no, Paul, uh, Wendy was Paul's girlfriend.
2 Q Okay, alright. And so how how long have you known Paul
3 Simon?
4 A Twenty, twenty years.
5 Q And now when you started dealin' with, uh, Wendy
6 Lollis, what was the arrangement you all had as far as as
7 dealing meth?
8 A For me to, me to take her to to Atlanta and I'd come
9 back and she'd either give me an 8-ball or \$200 or...
10 Q Okay. Why why would you take her to Atlanta?
11 A 'Cuz that's where she'd get it at.
12 Q Okay, now when you first started dealing with Wendy,
13 did she tell you right off the bat who her source was?
14 A No, sir.
15 Q Okay. About what time did you start, when I say about
16 what time, year, month did you start dealing with Wendy
17 Lollis or about how many years ago was it?
18 A It was back around 2010.
19 Q Okay. Uh, do you remember what time of the, what what
20 time of the year, was it ---
21 A It's ---
22 Q --- Spring, Summer?
23 A --- summertime.
24 Q Okay. Where was, where was Wendy livin' at that time?
25 A Um, right across from Pickens courthouse.

1 Q Right across from Pickens Pickens County courthouse?
2 A Yes.
3 Q Okay, was -- who was she livin' with?
4 A Her pop.
5 Q Okay. And now, uh, when you were first dealin' with
6 Wendy, how much meth would you you purchase from her?
7 A A quarter ounce, half an ounce.
8 Q Quarter ounce or half ounce?
9 A Yeah.
10 Q Do you remember what Wendy was chargin' you for a
11 quarter ounce?
12 A Five hundred dollars.
13 Q Five hundred dollars?
14 A Um-hum.
15 Q And you remember for half ounce?
16 A Uh-uh, 7.
17 Q Seven hundred dollars, okay, okay, and at some point
18 did you learn who her source was?
19 A Yes, sir.
20 Q Okay. And again, how did that come about?
21 A Some -- they got me -- she got me to take her to
22 Atlanta and to pick up some dope and ---
23 Q On that first trip to Atlanta, who all went?
24 A Uh, me and Paul went the first trip.
25 Q Okay, and, uh, did you, did you buy any meth that

1 particular day?

2 A No.

3 Q Okay, and if you could explain to the jury when you and
4 Paul went, uh, to Atlanta where did this, where did you meet
5 and and what happened once you got there?

6 A Uh, we met at a at a little apartment and, uh, we
7 went inside or whatever and and the dope, got off got took
8 off toppa the refrigerator with the scales and baggies ---

9 Q Okay, I'm I'm gonna have to slow ya down. When you
10 went to Atlanta, do you remember about what exit you got off
11 of or or where it was?

12 A Uh, Exit 99 I think at that time.

13 Q Okay. You went to an apartment?

14 A Yes, sir.

15 Q Okay. Before you left South Carolina, was there, was
16 there any communication with whoever you were going' to see?

17 A Yeah, Paul Paul had talked on the phone.

18 Q Okay, and once you got there you went to an apartment?

19 A Yes, sir.

20 Q Can can you describe it or the area?

21 A I mean, it wasn't, it wasn't no no dealin' apartment
22 like like in the ghetto or whatever. I mean ---

23 Q And when you got there, uh, to the apartment, what
24 happened, who all was there?

25 A Just me, Paul, and Ant.

1 Q Okay, and at that particular time, uh, did you know him
2 as Ant? How did it come about? Did you know his name?
3 A No, not at that time.
4 Q Okay, you -- but you just knew him as Ant?
5 A Um-hum.
6 Q How was that?
7 A I mean just 'cause Paul, Paul telling me, I mean.
8 Q Okay. Now, uh, once you got there, explain to the jury
9 how the deal took place.
10 A Uh, we went in and and got -- he he put it on toppa the
11 refrigerator, got the scales and and the dope down, and
12 weighed it out and gave it to us, made made us try and stuff
13 over there.
14 Q Where'd he get the dope from?
15 A Outta the cabinet above the top of the refrigerator.
16 Q Okay, and, uh, when you try -- how did, how did you try
17 it? Did you smoke it? Did you shoot it? What did you do?
18 A I snorted it and Paul snorted it.
19 Q Okay. And you remember how much you got that
20 particular time?
21 A I wanna say 2 ounces.
22 Q And, uh, did you go straight back to South Carolina?
23 A Yes.
24 Q Okay. And once you got back, was was all that, was all
25 that dope for you, the 2 ounces -- I mean, excuse me, for

1 Paul ---
2 A Yeah, ---
3 Q --- the 2 ounces?
4 A --- Paul and me.
5 Q Okay. Did they just need you to drive at that point?
6 A Yeah, they didn't have no license ---
7 Q Okay.
8 A --- didn't have a car.
9 Q Okay, and now that was the first time and, again, what
10 what time frame during 2010 was that?
11 A It was in the summertime..
12 Q Summertime?
13 A Yeah, beginnin' of summer.
14 Q Beginnin' of the summer. Now did you have any other
15 trips to Atlanta?
16 A Yes, sir.
17 Q How many other times did you go?
18 A Probly five or six more times.
19 Q And on those particular occasions who went with you?
20 A Uh, most the time well me and Paul went and a couple
21 times it was me, Wendy, and Chad Moore.
22 Q And the times it was, uh, you and Wendy or you and
23 Paul, how much, how much, uh, meth were you getting?
24 A Two to four ounces.
25 Q Two to four ounces? Do you remember what what, uh, you

1 would, you would be charged for a quarter pound?

2 A No, I remember it was like 12, \$1300 a piece. Well ---

3 Q Okay, 1300 an ounce?

4 A Yeah.

5 Q Okay. Now these other occasions that you went, uh,

6 where did these deals take place, was it always the same

7 location?

8 A No.

9 Q You mentioned this apartment at first?

10 A Yes, sir. No, no, wasn't never the same, it's uh,

11 actually, we -- I think we went to that apartment just once.

12 Q The first time?

13 A Yeah.

14 Q Okay, and the other occasions where did you go?

15 A Uh, it was one time behind a Waffle House in the

16 apartments.

17 Q Now that Waffle House that you spoke of, was that off

18 of the the same exit as the, uh, ---

19 A Yeah, it was like, it was off the same exit, it just

20 wasn't as far.

21 Q Okay, it was behind the Waffle House?

22 A Yes, sir.

23 Q And where else would, would you meet?

24 A Exit 101.

25 Q Okay, where off of Exit 101?

1 A In some nice apartments.
2 Q Okay, nicer than the first apartment that you mentioned
3 ---
4 A Um-hum.
5 Q --- off Exit 99?
6 A Um-hum.
7 Q Okay, and at those apartments how did the deals take
8 place or that apartment how did the deals take place?
9 A Uh, we walked in the kitchen and Ant got the dope and
10 put it on the scales and weighed it and gave it to us.
11 Q Now the the times that you met, was the dope always
12 ready, was it always there?
13 A Yeah, it was always there.
14 Q Okay, or you you, did you have to wait on it ---
15 A No.
16 Q --- at any time?
17 A No, sir.
18 Q And now you mentioned Chad Moore, who's Chad Moore?
19 A Another 'nother friend of ours, I mean ---
20 Q Okay. How did it could come about that Chad Moore went
21 with you to Atlanta?
22 A 'Cuz he was, he was takin', I think he was takin' 'bout
23 4 ounces back because it had been bad.
24 Q Okay, that was the reason he went the ---
25 A Yeah, ---

1 Q --- the first time with you?
2 A Yeah.
3 Q Okay. And what happened? Was -- did he -- was he able
4 to exchange the the meth?
5 A Yes.
6 Q And when you would go to Atlanta and meet with Ant,
7 how, 'bout how long did these these these deals take place?
8 A Well, I mean, no more than about an hours time. I
9 mean, the last time I went we we pretty much stayed at his
10 house that that whole nice night 'cause we got pulled over
11 in about two o'clock in the morning' on the way down there,
12 Gwinnett County.
13 Q Alright, well explain that last time, why why was it
14 the last time?
15 A Uh, it's 'cause, I mean, I, too close for me, I mean,
16 when I got pulled over on the way down there.
17 Q Okay, who who was goin' with you on that particular
18 trip?
19 A Paul.
20 Q So it was you and Paul Simon?
21 A Um-hum.
22 Q Okay, did you call ahead or did Paul call ahead like
23 ---
24 A Yes.
25 Q --- before? Okay, and what happened as you were going,

1 uh, to Georgia?

2 A Got pulled over for speeding in Gwinnett County.

3 Q Okay, and well did you have any, did you have any meth

4 in the car at that time?

5 A No, we didn't have no meth, had, uh, I wanna say \$5,000

6 dollars maybe.

7 Q Five thousand dollars? Why'd ya have \$5,000?

8 A 'Cuz we was goin' to see Ant.

9 Q Okay, to do what?

10 A Get get some meth.

11 Q How much?

12 A Four ounces to or three and a half, sumtin' like that.

13 Q Three and a half, three and a half ounces, quarter

14 pound?

15 A Yeah, I don't remember exactly.

16 Q Okay, well did you continue on to Atlanta?

17 A Yes, sir.

18 Q Okay. Who'd you meet with once you got there?

19 A Ant.

20 Q Okay, and did you get meth at that time?

21 A Yes.

22 Q Okay, and did you then return to South Carolina?

23 A Yeah, when it got daylight.

24 Q When it got daylight, okay. Why did, why did you spend

25 the night?

1 A It was 'cause police, uh, told us, um, well they pretty
2 much didn't believe our story from the start and they told
3 me they better not catch me coming back that way so ---
4 Q You're talkin' about when you first got stopped on the
5 way to Georgia?
6 A Yes ---
7 Q Okay.
8 A --- 'cause we had had the money on me.
9 Q Okay, they saw, they saw how much money you had?
10 A Um-hum.
11 Q Okay, and so that was, that was the reason that was the
12 last time that you actually drove?
13 A Yes, sir.
14 Q Okay. Although you weren't driving any longer for for
15 Paul Simon, uh, did you stay in contact with ---
16 A Um-hum.
17 Q --- Wendy and Paul?
18 A Yeah.
19 Q Did you continue to get meth ---
20 A Yeah.
21 Q --- from them?
22 A Yeah, a few more times.
23 Q Okay, and do you know who their source was those times?
24 A I mean, it's ---
25 MR. ARIAIL: Objection, Your Honor.

1 MR. PAULING: I said--
2 MR. ARIAIL: He has no foundation for that.
3 THE COURT: I'm sorry, will you repeat your question.
4 Q Do you know who their source for methamphetamine was?
5 MR. ARIAIL: I ---
6 THE COURT: If he knows I'm gonna allow him to answer
7 it but he'll -- and I'll allow you to, of course, fully
8 cross him on how he knows that.
9 MR. PAULING: Okay, can I, can I repeat the question?
10 THE COURT: Yes, please.
11 BY MR. PAULING:
12 Q Did you stay in contact with Wendy and Paul?
13 A Yes, sir.
14 Q Did you continue to get meth from them?
15 A Yes, sir.
16 Q Do you know who their source was for the meth you were
17 getting from them?
18 A Um ---
19 Q Do you know? If you know.
20 A No, I mean, I'm not a, I aint a hundred percent sure,
21 ---
22 Q Okay, ---
23 A --- I ---
24 Q --- that's that's fine. Now, uh, at some point did you
25 speak with law enforcement regarding any knowledge you had

1 regarding, uh, Wendy Lollis ---
2 A Yes, sir.
3 Q --- okay, uh, and and her drug transactions?
4 A Um-hum.
5 Q And do you recall, uh, being provided a a photo lineup?
6 A Yes.
7 Q And, uh, do you recall how that how how that took
8 place, I'm sayin' and law enforcement doin' the photo lineup
9 with you?
10 A Yeah, uh, uh, Brett Barwick put 'em in the yard and
11 then, I mean, showed me the, I mean, I agreed to work with
12 him and he showed me the pictures and I I picked, I picked,
13 uh, Ant out and put my initials up under it.
14 Q Okay. I show you, Mr. Gambrell, what's been marked
15 States' ID No. 3, I ask you if you recognize that particular
16 item, sir.
17 A Yes, sir.
18 Q Okay, is that the -- well what is that?
19 A That's Ant.
20 Q Okay. Is that the photo lineup that Brett Barwick
21 showed you?
22 A Yes, that's phone lineup, I dated and put my initials
23 down.
24 Q Okay. Your initials is AG ---
25 A Yes.

1 Q --- Anthony Gambrell?
2 A Yes, sir.
3 Q Okay, and did he suggest to you who you should point
4 out?
5 A No.
6 Q Okay, and the person -- well did you, other than
7 signing, did you circle it or circle a number and picture
8 ---
9 A Circle, ---
10 Q --- a number and picture?
11 A --- cir, uh, circled 3 ---
12 Q Okay.
13 A --- the number 3.
14 Q Okay, and that's the individual you knew as Ant?
15 A Yes, sir.
16 MR. PAULING: Your Honor, at this time I'd offer
17 State's 3 into evidence.
18 THE COURT: Any objection?
19 MR. ARIAIL: No objection, Your Honor,
20 THE COURT: Alright, then it'll be so admitted.
21 (State's Exhibit No. 3, photo lineup, admitted into
22 evidence.)
23 BY MR. PAULING:
24 Q And at -- so and at that time you provided law
25 enforcement the information ---

1 A Yes.

2 Q ~~---~~ that that you had at that time?

3 MR. PAULING: I have no further questions, Your Honor.

4 THE COURT: Alright. Yes, sir.

5 MR. ARIAIL: Thank you, Your Honor. May it please the

6 Court.

7 THE COURT: Yes, sir.

8 CROSS-EXAMINATION BY MR. ARIAIL:

9 Q Mr. Gambrell, tell me a little bit about you, when you

10 went down I think one time in your car on you got pulled

11 over, is that right?

12 A Yes.

13 Q Okay, and that was you you got a date on that?

14 A Uh, no, sir, I didn't get no tickets.

15 Q No tickets?

16 A No, I don't remember the date, it was in the

17 summertime.

18 Q Summertime, it was you and Paul, is that it?

19 A Ye -- yes, sir.

20 Q Okay, ya'll two goin' down and Paul and you went down I

21 guess how many times together?

22 A Probly four, five.

23 Q Four or five. And Ya'll went by yourself without Wendy

24 Lollis, is that right?

25 A Yes, sir.

1 Q Is that right?
2 A Yes.
3 Q Okay, though -- and you also went with Wendy Lollis on
4 other occasions, is that right?
5 A Yes, sir.
6 Q Okay, when you got pulled over that time you goin' down
7 with Paul, uh, you said you slept there --
8 A No, I didn't say nothin' 'bout sleepin'.
9 Q Didn't sleep, you stayed the day, stayed ---
10 A Yeah.
11 Q --- the night. Where'd you stay?
12 A At the apartment with him, with Ant.
13 Q The apartment?
14 A Yeah.
15 Q Where was the apartment?
16 A It was off of Exit 101.
17 Q Okay, what what type, I mean, where you -- can you tell
18 us ---
19 A Well ---
20 Q --- where it ---
21 A --- it was a nice, it was a nice apartment complex.
22 Q Nice apartment complex?
23 A Yeah.
24 Q Was it, uh, uh, who else was at this apartment?
25 A I want, I want, I wanna say, I mean, maybe his sister

1 was there, I mean, I don't know, we we really didn't see
2 nobody else there just me, Ant, and Paul.
3 Q Paul but you ---
4 A Yeah.
5 Q --- said the sister might be there?
6 A She may, I mean, there there was, there was a lady
7 there but, I mean, it -- we didn't get introduced or nuttin'
8 to her.
9 Q Okay, you got an address or anything like that?
10 A No, I didn't keep an address.
11 Q Okay, so you got any addresses for these locations that
12 you went to?
13 A No, sir.
14 Q I mean, I'm try' to figure out how ya'll find these
15 places when ya had no addresses. Is that, I mean, ---
16 A I had a GPS in my car at that time.
17 Q So ya have GPS, so you had to put a G -- an address in
18 the GPS, right, don't just put Norcross ---
19 A No, I ---
20 Q --- Georgia.
21 A --- I might not ever put a address in GPS. I just, I
22 mean, I maybe added the first time but, I mean, and and it's
23 not, I mean, that's three years and I don't remember the
24 address.
25 Q Okay, so I I don't -- I didn't really follow that but

1 basically what you're sayin' is ya didn't have an address,
2 you can't provide me an address today, right?
3 A No, I can't.
4 Q Okay, now did you call Mr. Tate?
5 A I didn't personally, no.
6 Q Okay, so you don't have any cell phone records or
7 anything like that.
8 A No, sir.
9 Q Okay. Now ya call, I think you keep sayin' Ant, is
10 that A-N-T, I just wanna make sure of that?
11 A Ant, Amp A-M-P, A-N-T.
12 Q Well now now you're changin' and you said Ant for the
13 whole entire time durin' your direct examination ---
14 A Uh, ---
15 Q --- A-N-T, is that right?
16 A Yeah.
17 Q Okay, so you've said and you remember you gave a a
18 statement to police on August 5th and August 10th two
19 thousand, uh, August 12th, 2011, you remember that?
20 A Um-hum.
21 Q What did you, what did you say in that statement the
22 individual's name was, do you remember?
23 A Uh ---
24 Q I mean, wanna read that and refresh your memory?
25 That's your statement, isn't it?

1 A From Amp.
2 Q Say that again.
3 A Amp, A ---
4 Q How do ---
5 A --- M-P ---
6 Q --- you spell that?
7 A A-M-P.
8 Q A-M-P.
9 A Yeah.
10 Q Okay, and that's different what you been just
11 testifyin' to right here in fronta this jury, correct?
12 A Yeah, it's one letter off.
13 Q What's that?
14 A It's one letter off.
15 Q There's actually two letters off, right? A-N-T is how
16 you spell Ant.
17 A Yeah.
18 Q Okay, A-M-P is what you put in your statement, correct?
19 A Yes.
20 Q Okay. Now you have done a photo lineup in this case,
21 right, I think we just put that out here, is that correct?
22 A Yes.
23 Q This right here (indicating) and you put that --
24 basically did that with Investigator Barwick, right?
25 A Yes.

1 Q Apparently did it at your house or at some location, is
2 that what you just said?
3 A Yeah, my driveway at the house.
4 Q I mean, how how was it done, explain to me how you
5 ya'll discuss this.
6 A Uh, I mean, he had me kinda pick him outta a photo
7 lineup.
8 Q So he asked you to co -- pick who out, I mean, how did
9 it go? Did he say, Hey, pick the guy you been dealin' with
10 down in Atlanta, right?
11 A Yeah.
12 Q Sumtin' like that? Okay, did you know that Mr. Tate
13 has an I -- identical twin brother?
14 A No.
15 Q You you don't know that?
16 A Uh-uh.
17 Q So ya didn't know that at the time you were doin' it,
18 ya didn't know that at the time you you were doin' this
19 right here?
20 A Uh-uh.
21 Q Okay. Do you see the gentleman in the back of the room
22 right here (indicating) seated in the black shirt?
23 A Um, ---
24 Q Do you see him?
25 A Yes.

1 Q Do you see Mr. Tate seated at this (indicating) table
2 over here? Are you a hundred percent certain, now that
3 you've seen identical twin, that that was the man you dealt
4 with when you were in Atlanta, one hundred percent certain?
5 A Yeah, by the mustache, I mean, but ---
6 Q The mustache?
7 A Yeah. No, I can't, I ain't gonna say I'm a hundred
8 percent.
9 MR. ARIALL: I have no further question. Thank you for
10 bein' honest.
11 THE COURT: Any other questions for this witness?
12 MR. PAULING: None from the State, Your Honor.
13 THE COURT: Alright, sir, you can step down.
14 THE WITNESS: Thank you.
15 MR. UNDERWOOD: Your Honor, the State calls Norman
16 Bergholm.
17 THE COURT: Alright.
18 (Whereupon, the witness came forward.)
19 THE BAILIFF: Put your left on the Bible, raise your
20 right hand, please, sir.
21 NORMAN VICTOR BERGHOLM, IV having been
22 first duly sworn, testified as follows:
23 THE CLERK: Thank you, please be seated.
24 THE BAILIFF: Make sure you speak up.
25 THE WITNESS: Alright.

1 DIRECT EXAMINATION BY MR. UNDERWOOD:
2 Q Good afternoon, Mr. Bergholm.
3 A How you doin'?
4 Q Alright, thank you. Uh, could you please introduce
5 yourself and state your full name?
6 A My name's Norman Victor Bergholm the fourth.
7 Q Okay, and where are you from?
8 A I'm from Pickens, South Carolina.
9 Q How long have you lived in the South Carolina area ---
10 A Uh ---
11 Q --- the Pickens area I should say?
12 A --- I'd say most of my life. I I've moved around a
13 little bit when I was younger but as far as the older part
14 of my life I've lived here since I was 12, 13.
15 Q How old are you?
16 A I'm 33-years-old.
17 Q And I see you're you're in a, uh, orange jumpsuit, are
18 you currently doin' prison time?
19 A No, sir, I'm doin' just county time waitin' on all this
20 to process.
21 Q Okay ---
22 A Oh, yes, sir, I am doin' prison time. I'm doin' prison
23 time in Iowa.
24 Q Okay, but you were temporarily transported here?
25 A Yes, sir, ---

1 Q Alright.

2 A --- I'm sorry.

3 Q What were you convicted of in Iowa?

4 A Uh, felony eluding.

5 Q Okay. Do ya have any other felony convictions?

6 A Yes, sir, uh, I have a felony, uh, a conviction of

7 distribution of meth and, uh, I have ABHAN, assault and

8 battery of a high and aggravated nature.

9 Q And were you also charged in this case?

10 A Yes, sir.

11 Q And have you already pled guilty?

12 A Yes, sir.

13 Q Have you been sentenced yet?

14 A No, sir.

15 Q As part of your guilty plea, did you plea to lesser

16 charges?

17 A No, sir.

18 Q Well you were charged with trafficking 400 grams or

19 more, is that ---

20 A Oh, yes, sir, and, uh, I think I was gettin' my charge

21 dropped to a twenty-eight to, I mean, twenty-eight to a

22 hundred.

23 Q Okay, and and that's a lesser included offense?

24 A Yes, sir.

25 Q Alright. And did you also plead guilty to a couple

1 distribution charges?

2 A Yes, sir.

3 Q Alright. What's your understanding of the State's

4 offer that you pled guilty to?

5 A That as long as, uh, I tell my story the way it's

6 supposed to be told, the truth, ya know, that, uh, I'll get

7 a recommendation of 15 to 18 years.

8 Q And is is that based on your testimony being truthful?

9 A Yes, sir.

10 Q Has anyone from the State told you what the truth is?

11 A No, sir.

12 Q Alright, just that you need to tell the truth?

13 A That's it.

14 Q Okay. Mr. Bergholm, how did you get involved with with

15 drugs?

16 A Uh, after my wife split up with me, uh, in 2000 I

17 started dabblin' a little bit in drugs, uh, got introduced

18 to methamphetamines and from there I started usin'

19 methamphetamines and started sellin' methamphetamines, uh,

20 for some Mexicans and and then I got in trouble, went to

21 prison for it, then I got back out, I didn't wanna mess with

22 it at first and then I had a place to live, my rent was

23 runnin' low, didn't have no other means of money, I resorted

24 back to it.

25 Q Now who is it that got you involved with selling?

1 A Uh, in -- involved in sellin' to begin with?
2 Q Yes.
3 A It's a Mexican lady named Angel, I don't know her last
4 name, she was from Hendersonville.
5 Q How long ago was that?
6 A That was, uh, I don't wanna quote her but between 2000
7 and 2004, ya know, it was somewhere around in there.
8 Q And after you got outta prison, did you get involved
9 with sellin' meth again?
10 A Yes, sir.
11 Q How'd you get involved that time?
12 A Uh, I met up with a another Mexican named Mexican Eddie
13 and I starting dealin' with him and then, uh, a Javin Adams,
14 well I knew Javin Adams and, uh, he, uh, was gettin' some
15 meth and I started dealin' with him for 'cause he was givin'
16 it to me a little bit cheaper and then, uh, I just kept on
17 goin' from there.
18 Q Okay, now you mentioned someone named Mexican Eddie.
19 A Yes, sir.
20 Q To your knowledge does he have anything to do with
21 Antonio Tate?
22 A No, sir, I know he doesn't.
23 Q Okay. How do ya know Javin Adams?
24 A Uh, well back before I went to prison, uh, the first
25 time I met him over at a guy named Jason Agnew's house and,

1 uh, I talked to him a couple times, and then I met up again
2 with him afterwards, after I got outta prison he come over
3 to the apartment with, uh, Chad DeWayne Moore and, uh, I
4 dealt with him a couple times there and then after that ---
5 Q You said you "dealt with him", what do you mean?
6 A Just like s -- I sold him somethin', he sold me
7 somethin', ya know, just somethin' small, somethin', ya
8 know, like a half 8-ball here, a half-8 ball there, and then
9 it just started elevatin' after that.
10 Q And when you say "somethin'", what are you talkin'
11 about?
12 A Methamphetamines.
13 Q Okay, so you would sell back and forth between the two
14 of you, you and Javin?
15 A Yes, sir.
16 Q What about Chad Moore, was he -- how was he involved?
17 A Chad Moore, he's always been around I guess, uh, he's,
18 uh, he was always, he was either bringin' some in or wantin'
19 some, he's just like the rest of us I guess, uh, there's a
20 little tight circle of us, uh, ---
21 Q When you say it's a "little tight circle", who you
22 talkin' about?
23 A Well I'd guess I'd say me, uh, I messed with Chad
24 'cause he was goin' back and forth to Atlanta and I messed
25 with Javin and Nate', they was goin' back and forth to

1 Atlanta, and they messed with me because when they couldn't,
2 they didn't have, I had my connection here which was Mexican
3 Eddie before I ever went down to Atlanta.

4 Q Now you talked about a few moments ago initially you
5 and Javin Adams were selling 8-balls back and forth.

6 A Yeah, sumtin' like that.

7 Q Did that ever escalate?

8 A Uh, only after he started goin' to Atlanta he come to
9 me with a business proposition. Uh, he told me that he
10 could get an ounce for me for 12 to 1400 and and if I sent
11 him with the money and I told him, I said, I didn't know, I
12 wanted him to go get some, bring it back, let me look at it
13 first. He got, he went and got some and, uh, brought it
14 back and let me look at it. It looked good so I started
15 sendin' him with some money down there, uh, to whenever he
16 said he was goin' to Atlanta and then started where where
17 I'd get an ounce or more from him.

18 Q And roughly when -- what time period was that?

19 A That was, uh, I would say October, uh, September,
20 August, September of 2010.

21 Q And how many times would you give Javin money to go to
22 Atlanta to get dope?

23 A At least once a week.

24 Q And how much each time?

25 A I would usually get 2 ounces a week.

1 Q And when did you stop getting meth through Javin?
2 A I would say it would be somewhere around November or
3 December of 2010 because, uh, we had a fallin' out and I
4 started, uh, I made, I had Mexican Eddie on the side who I
5 was goin' to and I knew a a guy named Amp, I didn't know, I
6 called him Amp, I didn't know his name, uh, I called him, I
7 tried to talk to him 'cause I knew that's who where Javin
8 was goin' through and I knew his phone number and I ---
9 Q How how did you meet Amp?
10 A I met him at Javin's apartment at Javin's birthday
11 party.
12 Q And how did you, how did you get to know him better?
13 A I'd just call him on the phone.
14 Q How did you get his number?
15 A Uh, actually Javin called me one day and said that he
16 needed a phone and I had a phone and my bro -- well not my
17 brother but one of my friends named Scotty Bo and we had
18 three phones in a name and I told Javin that I would give
19 him that phone and he could give it to Amp and Amp could use
20 that phone as long as he wanted to and he could just knock
21 it off whatever I got from him ---
22 Q Okay ---
23 A --- for the bill.
24 Q --- was that a prepaid phone?
25 A No, sir, it was a Verizon paid phone, like a plan

1 phone.

2 Q Is that the number that you called him on?

3 A Yes, sir.

4 Q Did you ever, other than at Javin's apartment, did ya

5 ever meet with Ant in person?

6 A Uh, in, I'm not gonna say Atlanta but on Exit 101 and

7 Exit 107 and 111, Exit 111 I met with him. I met with him

8 one time. He was in a truck and we met at a hotel, in the

9 parkin' lot of a hotel on Exit 101 and then we met at a

10 McDonald's on Exit 101 and we met at a, uh, a Waffle House

11 on Exit 103 I think and we met at for the fourth time it was

12 on Exit 111 at a shoppin' mall type place, I don't know

13 exactly where it was. I only met with him four times.

14 Q But that was down in Georgia?

15 A Yes, but in South Carolina the only time I ever talked

16 to him was at Javin's apartment one time.

17 Q Okay, now which one of those trips to Georgia was the

18 first time you went to see him?

19 A Uh, whi -- which which exit did I go to?

20 Q Yeah, whi -- which which one of those locations was

21 first time?

22 A 101 ---

23 Q Okay.

24 A --- to the hotel. It's like -- I cannot remember the

25 name of the hotel, it's a tall hotel, and I pulled in and he

1 pulled up in a, I wanna say it was a cream colored older
2 model truck with like a orange or burgundy stripe on it, I
3 can't remember the model or nothin' in the truck, but I was,
4 I was in my Pontiac and, uh, he pulled up there and he
5 dropped it off with me.

6 Q When you say he dropped it off with you ---

7 A He dropped meth off with me, the meth I come -- I
8 bought a ounce from him the first time I went down there,
9 \$1400.

10 Q Alright, once he gave you the meth, uh, did you test
11 it?

12 A No, uh, I didn't test it, I -- it was wrapped up as a
13 package to where I guess you could bring it back safely and
14 not have to worry about it.

15 Q What do ya mean?

16 A Well, you know, you sometimes, you, if you get pulled
17 over or sumtin', ya know, you might have drug dogs or
18 whatever and you and if it's not packaged right then you
19 could possibly get the drug dog to hit on it, ya know. So
20 so what some people will do is they wrap it up in, uh,
21 cellophane and then they'd take and wrap it up in some
22 pepper, cayan pepper or sumtin', then wrap it back up a
23 little bit more. That way if sumtin' did happen then they,
24 all the dog could smell is the pepper and it would throw off
25 their scent.

1 Q Okay, is that how it was packaged when you ---
2 A Yes, sir, ---
3 Q --- got it?
4 A --- all four times.
5 Q And what did you do with that ounce once you got it?
6 A I would -- he -- one time I put it in my lap. The
7 other three times I hid it.
8 Q Okay, and where'd you go with it?
9 A I went back to South Carolina and I went to my place
10 and I would open it up and test it and then then get rid
11 of it.
12 Q What do ya mean by "get rid of it"?
13 A I would sell it.
14 Q Okay, where were you sellin' it?
15 A I was sellin' it just all through Pickens and
16 Greenville.
17 Q So both Pickens and Greenville?
18 A Yes, sir.
19 Q Who were you sellin it to, you remember?
20 A Just a bunch a different people. I mean, I could name
21 a list so long and I just, just different users, ya know,
22 just people that worked at restaurants, people that like
23 waitresses and stuff and then friends that I knew and then
24 people that play guitar and stuff would come over and get
25 some.

1 Q What amounts were you selling?

2 A At first I was just sellin' little amounts like I'd

3 sell like fifties, hundreds.

4 Q Now when you say fifties and hundreds, what do you

5 mean?

6 A A gram, half gram.

7 Q Okay, so just user amounts?

8 A User amounts, yes, enough to make somewhere I could do

9 mine, ya know, just...

10 Q Okay, and what about the next trip, where was that?

11 A That was in, that was in a E -- a Exit 103 I believe.

12 I wanna say it was this, as a matter a fact, I know exactly

13 where it was. It was at I pulled up at the Home Depot,

14 yeah, I think it was the Home Depot and, uh, he called me

15 and told me to meet him at Home Depot, he pulled up at a

16 Home Depot parkin' lot, and I got it from him at the Home

17 Depot parkin' lot.

18 Q How much did ya buy that time?

19 A I bought 2 ounces. I paid 1200 a piece for 'em.

20 Q And what did ya do with with those 2 ounces?

21 A I did the same thing. I put 'em up and I carried 'em

22 back a cross state lines and I distribute 'em among my

23 friends.

24 Q What about the third time?

25 A The third time I met him at an American Waffle House,

1 he said his uncle, I remember talkin' to him, he said his
2 uncle owned a chain of Waffle Houses or somethin', thought
3 that was pretty cool but I remember waitin' on him for a
4 minute and he -- or ended up eatin' at a Waffle House, we
5 went inside a Waffle House, he told me, he pointed -- he did
6 a sale like this: I went to a bathroom, got it from him
7 inside a bathroom and then I went back to my table, paid for
8 my orange juice 'cause all I got was an orange juice and I
9 went back out, got in the car and left.

10 Q Okay, and how much did you buy that time?

11 A Two ounces.

12 Q And you said you met with him one more time?

13 A Yes, sir.

14 Q Uh, where was that?

15 A It was in a shoppin', it was in a shoppin' center
16 somewhere, I don't know exactly it -- where it was. There
17 was movie plaza there, there was a, it -- I know it was
18 rainin' that night and me and my wife had to wait for I
19 don't know eight, nine hours down there in the parkin' lot
20 waitin' on him to keep, just waitin' on him to call me back.
21 I already put some money in a bankin' account for him and,
22 uh, I was waitin' and I waited and waited and waited and
23 finally he ta -- called me and told me to pull up at a
24 McDonald's and I pulled up at at McDonald's and I got it
25 from him at a McDonald's and then when I got it back to the

1 house I open it up and half of it was no good.
2 Q Alright, how much total, uh, stuff did ya buy that
3 time?
4 A That that time probly a little over an ounce of actual
5 stuff.
6 Q I mean, in in total. What's the total stuff that you
7 bought?
8 A Are you talkin' about, I bought two ou -- I was
9 supposed to get 2 ounces.
10 Q Alright, and then you said half of that was bad?
11 A Half of it was bad, yeah, and I never went back to him
12 again.
13 Q Okay, the the ounce that was good, what did ya do with
14 that?
15 A I sold it.
16 Q What did ya do with the ounce that was bad?
17 A I got rid, I just threw it away, couldn't do nothin'
18 with it.
19 Q Now you mentioned your wife, did your wife go with you
20 every time?
21 A No, sir.
22 Q How many times did she go?
23 A She went with me that last time because she was like,
24 Where you goin', I said I I was gonna go for a ride. I
25 never let her know where I was goin' 'cause I didn't want

1 her involved in none of this and, uh, so when we, I said,
2 I'm just goin' for a ride, then I told her, I said, Let's go
3 down to Commerce to the outlet. So I took her to Commerce
4 to outlet, bought her a few things and then I rode down and
5 told her I was just gonna go ride, and then we set down
6 there, waited for a while. I I finally told her what I was
7 doin' and so we come back after that but that's the only
8 time she ever went with me.

9 Q Was she happy with ya about ---

10 A No, no, we're actually divorced now.

11 Q Okay, and where is she now?

12 A Uh, she's livin' in Easley workin' at a Subway or
13 somethin'.

14 Q Okay, but that's the only time that she was involved?

15 A Yes, and she wasn't, she didn't wanna know nothin'
16 about it then either so, yeah.

17 Q Now now on that last trip how much did you pay for
18 those 2 ounces?

19 A I paid 1200 a piece.

20 Q Piece.

21 A Yeah.

22 Q Since that time have you had any other contact with,
23 uh, and what what was it that you called the source down in
24 Atlanta, what was that?

25 A A-M-P, Amp.

1 Q And have you come in contact with him since?
2 A Ooh, what do ya mean?
3 Q Since that that fourth time that you went to buy dope
4 from him, have you talked to him since?
5 A Have I talked to him since, no.
6 Q Do you remember meeting with law enforcement in June of
7 2011?
8 A Yes, sir.
9 Q At that time did you provide information about your,
10 uh, dealings with methamphetamine?
11 A Yes, sir.
12 Q At that time do you remember being showed a photo
13 lineup?
14 A Yes, sir.
15 Q How did that happen?
16 A Uh, they, uh -- ya'll -- well the SLED was askin' me if
17 I could point the person out in a, in a lineup and or a
18 picture and I told 'em yeah. They showed me a a a paper, I
19 think it had six to eight pictures on it, they made me
20 circle the one I thought was the one I went down to and put
21 my initials by it.
22 Q Okay, now you said they made you, did they tell who you
23 to pick?
24 A No, they did not tell me who to pick.
25 Q Alright, what exactly did they tell you?

1 A They told me can't, they asked me could I identify the
2 man that I bought that methamphetamines from.
3 Q Were ya able to identify the man you bought
4 methamphetamine ---
5 A I circled the picture that I bought from the man I
6 bought methamphetamines from.
7 Q Now showing you State's Exhibit No. 8, do you recognize
8 that (indicating)?
9 A Yes, sir.
10 Q What is that?
11 A That's the man I bought methamphetamines from ---
12 Q Alright, is ---
13 A --- that's the guy I called Amp.
14 Q Okay, is is this the photo lineup that you were shown?
15 A Yes, sir.
16 Q Are your initials on that?
17 A Yes, sir.
18 Q Are you the one that that circled the individual?
19 A Yes, sir.
20 Q And that's the individual that you were buying
21 methamphetamine from?
22 A Yes, sir.
23 Q And what did you know his name as?
24 A As Amp, A-M-P, that's it, I didn't know his real name.
25 I didn't actually learn the name of the guy until I got

1 locked up in South Carolina here this time.

2 MR. UNDERWOOD: Your Honor, at this time I offer

3 State's Exhibit No. 8 into evidence.

4 THE COURT: Any objection?

5 MR. ARIAIL: No objection, Your Honor.

6 THE COURT: Alright.

7 (State's Exhibit No. 8, photo lineup, admitted into

8 evidence.)

9 (Whereupon, the exhibit was published to the jury.)

10 BY MR. UNDERWOOD:

11 Q Thank you, Mr. Bergholm. Please answer any question

12 the defense has.

13 THE COURT: Mr. Ariail.

14 MR. ARIAIL: Thank you, Your Honor. May it please the

15 Court.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION BY MR. ARIAIL:

18 Q Mr. Bergholm, when you did this photo lineup at

19 6/20/2011 did you know that Mr. Tate had a identical twin

20 brother?

21 A No, sir.

22 Q Okay. Do you -- have you ever met his identical twin

23 brother?

24 A No, sir, not to my knowledge.

25 Q Okay, so you see the gentleman that's seated back at

1 the courtroom in the black shirt ---
2 A Yes, sir.
3 Q --- it looks like -- that's his brother. Are you
4 sittin' here today and at the time you did this can you say
5 for one hundred percent certainty that that was the man you
6 were dealin' with?
7 A I gotta tell the truth, I can't.
8 Q Okay.
9 A But I can say the man in that picture right there is
10 the man I bought methamphetamines from.
11 Q Okay, but you can't tell us for certain who it is?
12 A Between him ---
13 Q The man sittin' next to me over here (indicating).
14 A (The witness nodded in the negative.)
15 Q Okay, that was a no?
16 A No, sir, I can't.
17 Q Okay. Now, the one way we could figure this all out
18 and sort it all out is you gave three Verizon cell phones
19 ---
20 A I had three Verizon cell phones, I had one, and my wife
21 had one and I gave one to Javin Adams and he gave it to
22 Antonio Tate.
23 Q Okay, and you registered that under the name of Scotty
24 Pope, correct?
25 A Yes, sir.

1 Q So that was, I mean, how'd ya come up with the name
2 Scotty Pope ---
3 A Uh, ---
4 Q --- begin with?
5 A --- my friend Scotty Pope had the phones and he went to
6 prison, he told me to finish off his contract.
7 Q Okay, so you gave one of those phones under the name of
8 Scotty Pope to whoever you were dealin' with down in
9 Atlanta, is that right, or did Javin ---
10 A No, I I gave it to Javin Adams 'cause at the time I
11 wasn't goin' down to Atlanta. I was dealin' with Javin
12 Adams.
13 Q But but you had said I think it was ya met Amp or Ant
14 or whoever in Powdersville ---
15 A Yes, sir ---
16 Q --- met him through ---
17 A --- I met ---
18 Q --- Javin Adams.
19 A Met him through Javin Adams at Javin Adams' apartment.
20 Q Javin Adams then gave him a phone after ya'lls
21 conversation so you could keep in touch with him, right?
22 A So I -- so, no, so Javin can keep in touch with Amp,
23 ---
24 Q Okay.
25 A --- the guy known as Amp.

1 Q Okay, so you had that number, Javin had that number and
2 ya'll called that number?
3 A Yeah, I was told never to call that number by Javin and
4 so I never wanted to call that number. It was just under
5 the understandin' I, everytime I, everytime I got sumtin' I
6 was knocking \$200 off my bill ---
7 Q Okay.
8 A --- from Javin.
9 Q Right, but this was a, this was a registered phone
10 number that you can get the cell phone numbers from,
11 correct?
12 A Yes, sir.
13 Q You can see how many times it was called?
14 A Yes, sir.
15 Q Okay. Do ya have those numbers here today?
16 A No, sir, I don't have the numbers here ---
17 Q You have the ---
18 A --- today.
19 Q --- you have those numbers, right?
20 A No, I don't have 'em off the top of my head, no, sir.
21 Q You remember testifyin' to the grand jury?
22 A Yes, sir, I remember testifyin' to the grand jury.
23 Q You remember tellin' the grand jury that you had these
24 numbers and these cell phone records at your home?
25 A Yes, sir, in a black book.

1 Q In a black ---
2 A By the time ---
3 Q --- book.
4 A --- I, by the time I got outta jail my house was
5 robbed. There was nothin' else left in my home period.
6 Q Okay, you can go to Verizon and get those still, can't
7 ya?
8 A Not me because I'm not Scotty Pope.
9 Q Okay, well then you can get somebody to get some help,
10 you can ---
11 A Scotty ---
12 Q --- get law enforcement, correct?
13 A If they wanted to go, I -- they can get Scotty Pope,
14 he's down at Kirkland, uh, Correctional Institute and I can
15 guarantee that he would, he'd be more than happy to get them
16 phone records for me.
17 Q Great, and that woulda shown who was dealin' with that
18 phone, and who had that phone, you could triangulate that
19 and figure out where the cell phone towers and all that are,
20 couldn't ya?
21 A Uh, I don't know, I'm not a ---
22 Q Okay ---
23 A --- I don't know about all that.
24 Q --- but that woulda helped try to figure out if the
25 right man's on trial today ---

1 A Yes, sir, ---
2 Q --- correct?
3 A --- yes, it would.
4 Q Okay. Now ya also said ya had a book I think of all
5 the transactions that you had done, correct?
6 A Yes, sir.
7 Q Call it your, I think you just call it your black book?
8 A Yes, sir.
9 Q Okay, now that black book would have the transactions
10 you did with I guess all individuals you sold drugs to,
11 right?
12 A Yes, sir.
13 Q Okay, where's that black book?
14 A Like I said, my house was robbed when I got out. I was
15 incarcerated for three and a half months and by the time I
16 got out everything in my house was gone.
17 Q And they stole everything including ---
18 A Everything.
19 Q --- the black book?
20 A They stole everything includin' my clothes, everything.
21 The only thing that was left in my house was the trash bags.
22 Q And that black book would included in there when you
23 got dope, whatever from ---
24 A It would include ---
25 Q --- what?

1 A --- everything yes, sir.
2 Q Everything.
3 A Yes, sir.
4 Q Okay. Now say you went down I guess one time with your
5 wife, ex-wife now ---
6 A Yes, yes, sir.
7 Q What's her name?
8 A Her name's Jennifer Nichol Bergholm or now it's White.
9 Q Jennifer White?
10 A Yes, sir.
11 Q Okay, and she's in Easley, ---
12 A Yes, sir.
13 Q --- okay, and she can I guess corroborate that you went
14 down, right?
15 A Yes.
16 Q Okay, and then I I call off, side sumtin' about putting
17 money in an account.
18 A Yes, sir.
19 Q So who was puttin' money in an account?
20 A I put money in an account one time. It was, uh, it
21 definitely wasn't an Antonio Tate name, it was a different
22 name, I couldn't -- it's -- I can't even tell ya the name no
23 more 'cause it's been so long since this happened.
24 Q Okay, well let's just go through this. You're puttin'
25 money in an account and somebody's withdrawin' that money,

1 right?

2 A Yes, sir.

3 Q Okay, so, uh, how -- where was that account? What --

4 at a bank?

5 A It's at Bank of America.

6 Q Bank of America. You got an account set up, you're

7 puttin' dope money into that and it's bein' takin' out when

8 you get your drugs, right?

9 A That was only one time yes, sir.

10 Q One time?

11 A Yes, sir.

12 Q Okay, so ya did it one time and when was that? That

13 was around -- when was the time you went down with her?

14 A I wanna say it was in January.

15 Q January two thousa ---

16 A Yeah, 2011.

17 Q '11, okay, so that money woulda been taken out by

18 somebody and somebody'd have to sign for it, right?

19 A Yes, sir, I was, uh, I would assume so.

20 Q So I I I'm tryin' to figure out how you you put money

21 in an account, you designated it for an individual, correct?

22 A Yes, sir.

23 Q And who was that individual?

24 A That individual was just the person that the guy named

25 Amp told me on the phone to put it on this account and when

1 I got down there I will be alright. So when I put the money
2 in the account, I drove down there, I was alright.
3 Q Okay, or who's -- who who was the guy, I mean, what's
4 the name?
5 A The guy's name?
6 Q Yeah.
7 A I didn't know the guy's name.
8 Q You did wha -- ya know, what name did ya put down?
9 A I don't -- it wasn't a guy's name. It was a woman's
10 name.
11 Q Okay, I'm I'm not tryin' to be difficult here but what
12 was the name?
13 A I don't remember the name ---
14 Q Okay, so you don't remember ---
15 A --- it's been so long ---
16 Q --- a name that you put on an account to drop drug
17 money into so they could withdraw it?
18 A No, sir, I don't.
19 Q Okay. Uh, now these locations that you went to, ya got
20 any addresses to -- for the apartment or anything like that?
21 A Didn't go to no apartment.
22 Q You didn't go to an apartment?
23 A No, sir.
24 Q Thought you said one time you went to an apartment.
25 A I went to a hotel.

1 Q Hotel.

2 A Yes, sir.

3 Q Okay, and this hotel, what was the name of the hotel?

4 A I think it was Hampton Inn I ---

5 Q Hampton Inn.

6 A --- I believe. I cannot remember. I can tell ya it

7 was about 16 stories high, it was nighttime.

8 Q So we got a Waffle House, we got a Home Depot, we got a

9 now a hotel ---

10 A The motel was the first place, yes, sir.

11 Q --- hotel, we got all public areas ---

12 A Yes, sir.

13 Q --- that have video pretty much, right?

14 A Yes, sir.

15 Q And you got any video today to show that you did any

16 transactions with the man seated over here next to me?

17 A No, sir, I don't.

18 Q Okay. You think that'd be helpful to have 'em if you

19 doin' drug deals, be able to corroborate 'em?

20 A I mean, I'm not law enforcement. I I wouldn't want no

21 videos of me personally took.

22 Q You went through your record a little bit I think. I

23 think I got kinda lost in that. Tell tell me you had

24 indicated that you were, you'll bear with me one second,

25 said you'd been, uh, I guess you had manufacturing charge

1 that you pled guilty to?

2 A Yes, sir.

3 Q Okay, and you had an assault and battery of a high
4 aggravated nature ---

5 A Yes, sir.

6 Q --- you said? Now you you did get charged with a
7 filin' a false police report too, correct, convicted of
8 that?

9 A Uh, when I was 16 I think I did, ---

10 Q Sixteen ---

11 A --- sixteen yes, sir, ---

12 Q --- but you didn't tell ---

13 A --- but it fel -- it wasn't a felony. They said did I
14 have any felonies that I, that I, uh, pleaded to ---

15 Q Uh ---

16 A --- and that I ---

17 Q --- and you said conviction.

18 A --- been convicted for, I -- that wasn't a felony that
19 I got convicted for, sir, I'm sorry for, uh, if it
20 displeases you up. I did when I was younger, I gave my
21 brother's license as an ID and, uh, then my brother got in
22 trouble for it and I told 'em that I would, uh, take the
23 blame for it so the police come and I went and gave the
24 police a statement sayin' it was me, yes, sir.

25 Q Okay, so you you got convicted of that, right?

1 A Yes, sir.

2 Q Okay, and you didn't tell that to the jury, right, ---

3 A It wasn't a ---

4 Q --- when you were here at the beginning ---

5 A --- felony, sir. That wasn't the question asked.

6 Q Okay. Did ya tell that to the jury spefi --

7 specifically in your direct examination?

8 A No, I didn't ---

9 Q Okay.

10 A --- 'cause it wasn't the question asked, sir.

11 Q Did ya also tell -- okay, well let's give this one: Did

12 ya also tell the jury that you were convicted of a half mile

13 charge, which means that you basically have drugs within a

14 half mile of a school?

15 A I had eight distributions of methamphetamines, eight

16 distributions of methamphetamines within the proximity of a

17 school zone. That was what I got convicted for, yes, sir,

18 my ---

19 Q But ya told them ya had a distribution, ya didn't tell

20 ---

21 A They dropped ---

22 Q --- 'bout the half mile char ---

23 A --- they dropped, they dropped it down to a, they

24 dropped it down to a PWID.

25 Q And -- are you saying that you were not convicted of

1 havin' drugs within a half mile of a school?
2 A Yes, sir, I was.
3 Q Okay, you didn't tell that to the jury, did ya?
4 A Uh, no, sir it was part of the PWID.
5 Q That's all I have. Thank you, sir.
6 A Yes, sir.
7 THE COURT: Any other questions for this witness?
8 MR. UNDERWOOD: Nothing further, Your Honor.
9 THE COURT: Sir, you can step down.
10 THE WITNESS: Okay, thank you.
11 THE COURT: Thank you.
12 (Whereupon, the witness left the stand.)
13 THE COURT: Yes, sir.
14 MR. UNDERWOOD: Your Honor, the State calls Chad Moore.
15 THE COURT: Alright.
16 (Whereupon, a discussion was held off the record.)
17 (Whereupon, the witness came forward.)
18 THE BAILIFF: Left hand on the Bible, raise your right
19 hand.
20 CHAD DEWAYNE MOORE, having been first
21 duly sworn, testified as follows:
22 THE CLERK: Thank you, please be seated.
23 (Whereupon, a discussion was held off the record.)
24 DIRECT EXAMINATION BY MR. UNDERWOOD:
25 Q Good afternoon, Mr. Moore, could you please state your

1 full name for the record?

2 A Chad DeWayne Moore.

3 Q Alright ---

4 THE COURT: You could just scoot up just a little bit.

5 I think you're tall and it's kinda hard for you to get your

6 knees under there. How's that?

7 THE WITNESS: That better.

8 THE COURT: Yeah, let let's see.

9 BY MR. UNDERWOOD:

10 Q Okay, Mr. Moore, if you could, just make sure you speak

11 up so that mic can catch ya, okay.

12 A Chad DeWayne Moore.

13 Q Thank you.

14 THE COURT: Thank you, perfect.

15 Q And how old are you, Mr. Moore?

16 A Uh, thirty-six.

17 Q How far'd ya go in school?

18 A The eleventh grade.

19 Q Where are you from?

20 A I'm from Easley.

21 Q Have you lived there most of your life?

22 A Yes, sir.

23 Q How'd you first get involved with drugs?

24 A Uh, I just got introduced to 'em through friends I

25 guess.

1 Q How old were ya at the time?

2 A Well I first smoked marijuana probly around like 15 or

3 so, but as far as methamphetamines I was 28 I think, 28 or

4 29.

5 Q How'd you get introduced to methamphetamines?

6 A Uh, just through friends and people really, I'm not --

7 I don't remember exactly who.

8 Q Okay. Did you start off just using methamphetamine?

9 A Yeah, I started off just usin'.

10 Q Alright, how did, how did you use it? What was your

11 method of choice?

12 A Basically just like eat it ---

13 Q You'd eat it?

14 A --- or snorted it.

15 Q And what what kinda methamphetamine did you use? Was

16 it was it Ice, was it Crank?

17 A Yeah, Ice.

18 Q Ice?

19 A Yeah.

20 Q Now, Mr. Moore, you've been convicted of several crimes

21 in the past, is that right?

22 A Yes.

23 Q And I just wanna go over that briefly with you. Were

24 you convicted of, uh, was back in the nineties, of, uh,

25 using a vehicle without permission, uh, obtaining property

1 under false pretenses, accessory to a felony and a, uh,
2 non-violent burglary charge?

3 A Yes, sir.

4 Q And then in 2008 were you arre -- or convicted of a
5 larceny, failure to stop for a blue light, and possession of
6 meth?

7 A Uh, yes, sir.

8 Q And you were charged in this case as well, weren't you?

9 A Yes, sir.

10 Q Alright, have you already pled guilty?

11 A Uh, yes, sir.

12 Q Okay, are you still waiting to be sentenced?

13 A Yes, sir.

14 Q Now as part of your plea, did you plead guilty to a
15 lesser charge than what you were originally charged with?

16 A I think I pled guilty to a lesser charge.

17 Q And that was, that was a a trafficking charge of a
18 lower weight than 400 grams ---

19 A Yes, I think the weight was dropped down, yeah.

20 Q And did ya also plead guilty to a couple distribution
21 charges?

22 A Yes, sir.

23 Q What's your understanding of the recommendation you're
24 are supposed to get?

25 A Uh, I think it's 18 years.

1 Q And that's just a recommendation?

2 A Yes, sir.

3 Q In the end is that gonna be up to the judge to
4 determine?

5 A I would assume so, yeah, I would assume.

6 Q Um-hum. Now, Mr. Moore, how did you get involved with
7 selling methamphetamine?

8 A Well I s -- just started out usin' and it, well it just
9 got to be expensive, ha.

10 Q Okay, and when you say "got to be expensive", what did
11 you do to support your habit?

12 A Well, I mean, I had worked but, I mean, after a while
13 that don't, that don't do it. So, I mean, so I started
14 basically sellin' so I wouldn't have to pay for it.

15 Q So you were sellin' to support your habit?

16 A Right.

17 Q Who introduced you to selling?

18 A I think at the beginnin' Wendy Lollis.

19 Q And how did she introduce you to sellin' meth?

20 A I mean, that's who I was -- I'd gotten mine from. So
21 it was like basically just...

22 Q So was she your supplier?

23 A Yeah.

24 Q Okay. Alright, did you sell meth for her?

25 A No, I sold it for myself basically.

1 Q Did did you buy it from her and then ---
2 A I ---
3 Q --- sell?
4 A --- bought it from her, yeah, in the beginning, yeah.
5 Q When was that you started buyin' from Wendy Lollis?
6 A Was probably around sometime in the, maybe the
7 beginnin' or the middle part of 2010.
8 Q Do you know Jason Griffin?
9 A Yes.
10 Q How do you know him?
11 A Well, uh, Wendy introduced me to Jason.
12 Q What were your -- what was your relationship with
13 Jason?
14 A Uh, that's who I started buyin' bigger quantities of
15 meth from was Jason.
16 Q How much would you buy from Jason?
17 A I guess I -- up to a quarter ounce sometime I guess,
18 maybe a little more, maybe a little less.
19 Q And when when did you start buyin' quarter ounce
20 amounts from Jason?
21 A I guess close probly around about the same time around
22 the middle part or near the end of 2010 or so.
23 Q And you said about quarter ounce at a time, how often
24 would you buy from him?
25 A Once, maybe twice a week maybe ---

1 Q For how long?
2 A --- sometimes once a ---
3 Q How many weeks?
4 A --- month. Maybe for a month or two.
5 Q Okay, so you're buyin' a quarter ounce from Jason
6 Griffin once or twice a week for about a month, is that
7 right?
8 A Yes, sir.
9 Q Okay. Now did ya ever find out who Jason and Wendy
10 were getting their dope from?
11 A Uh, yes.
12 Q How did you find out?
13 A Uh, they, uh, introduced me to a guy.
14 Q Alright, how did you get introduced to him?
15 A Well they -- over the phone to begin with.
16 Q Okay, and and who did that?
17 A Well Jason and Wendy like together basically.
18 Q And did you eventually meet their source, their
19 supplier?
20 A Yes.
21 Q Where did you meet him?
22 A Uh, at his apartment.
23 Q And where is that?
24 A Uh, in Atlanta.
25 Q Do you remember his -- did, excuse me, did he tell you

1 his name?

2 A He didn't tell me his name at the time, no. I think he
3 went by a nickname Ant.

4 Q Is that A-N-T like the little insect ant?

5 A Yeah.

6 Q Okay, and do you remember when that was that you first
7 met him?

8 A I think around probly the end part of 2010.

9 Q And when you went down to meet him, did you go by
10 yourself?

11 A No, I went with, uh, Wendy I think the first time.

12 Q And did ya buy any meth from Ant at that time?

13 A Yes.

14 Q How much?

15 A I think I bought one ounce.

16 Q You remember how much you paid for it?

17 A Well prices change but, I mean, roughly probly a
18 thousand to \$1200.

19 Q What did you do with that ounce?

20 A I come back and sold it.

21 Q Where'd you sell it?

22 A To just -- to other people that I used to use with.

23 Q Was it at Georgia, in South Carolina?

24 A South Carolina.

25 Q Do you remember where in South Carolina? Just, a a

1 around people that I knew. They just call and I'd ---
2 Q Is this around ---
3 A --- meet 'em at their house ---
4 Q --- where you live? Where were you livin' at the time?
5 A I was livin' in Easley.
6 Q So was it in that area?
7 A Yes.
8 Q Okay. Is that the only time you ever went down to
9 Atlanta to meet Ant?
10 A I went down there maybe two or three other times.
11 Q And how much meth would you buy on each of those times?
12 A Uh, right under an ounce, Uh ---
13 Q So about an ounce each one of those times?
14 A Yes.
15 Q Okay. Do you remember how much you were payin' for it
16 those other times?
17 A Uh, probly around 12, maybe 1300 I think.
18 Q So, in in total, about how many times did you go to
19 Atlanta to meet Ant?
20 A Four or five times I say total.
21 Q Okay, and each time, how much did you buy?
22 A An ounce.
23 Q Did you always go to the same place?
24 A Uh, yes, all except for once.
25 Q Alright, and where -- the majority of the times, where

1 did you go?

2 A To an apartment.

3 Q And where was that apartment?

4 A It was in Atlanta, I mean, I don't know the address..

5 Q Do you remember how to get there?

6 A I don't remember exactly what exit it was off of

7 roughly, uh, maybe about Exit 101 or somethin' like that.

8 Get off 101 and take a left, a bridge that goes back across

9 the highway, and there's a McDonald's, take a right there,

10 uh, either two or three lights down you take a left and

11 about a mile out that road or two there's some apartments on

12 the right.

13 Q And that's where you went the majority of the five

14 times you went?

15 A Yes.

16 Q Where was the other place you went?

17 A Uh, some townhouse, uh, off exit somewhere between 101

18 and 105 I would say.

19 Q And do you know whose townhouse it was?

20 A No, uh ---

21 Q When you got, when you would get to Atlanta to buy

22 meth, how did the deal go down?

23 A I would just come to an apartment and and he'd show it

24 to me and I would just weigh, make sure it weighed right,

25 I'd give him the money and leave.

1 Q Okay, so how long would you be there each time?
2 A Not very long, twenty minutes or so.
3 Q Did you ever test the meth ---
4 A No.
5 Q --- before -- were there any other locations that you
6 met him at?
7 A I met him at a store I think one time.
8 Q Okay, and where was that?
9 A It was like around that neighborhood where the
10 apartment was, right around the area.
11 Q You said a store, what kind of a store?
12 A It was a store that had like a sports bar or sumtin'
13 hooked onto the side of it.
14 Q I mean, was it like a department store, what ---
15 A No, it's like a convenience store thing.
16 Q Okay. Were there other people there at the time?
17 A Uh, he had a friend with him, I don't know who it was,
18 I never met him before.
19 Q You remember what the friend looked like?
20 A No.
21 Q Was it just you, him, and a friend in the store?
22 A Yes.
23 Q Okay. Was the friend the guy who owned or running the
24 store or was that were there other -- was there an employee
25 there?

1 A I think he was the guy runnin' the store.
2 Q Okay, what he, what did he look like?
3 A He was a f -- a foreign, a foreign guy. I mean I'm not
4 sure what nationality he was.
5 Q Okay, and did you do the deal right there in the store?
6 A Yes.
7 Q What part of the store?
8 A Uh, cooler I think.
9 Q Did you ever take anyone else down to Atlanta to meet
10 Ant?
11 A Uh, yes, I think I took Javin Adams.
12 Q How do you know Javin?
13 A I think he went to school with my younger brother.
14 Q And who's that? Who who's your brother?
15 A Brad Moore.
16 Q Okay, do you have any other brothers?
17 A Yes, got an older brother, David.
18 Q Prior to taking Javin to Atlanta, did you ever have any
19 meth dealings with Javin?
20 A I had previously sold him sumtin', yeah.
21 Q Okay. How did it come about that you introduced Javin
22 to Ant?
23 A Javin had some money he wanted to spend that I didn't,
24 basically I didn't have enough to to give him.
25 Q Didn't have enough what to give who?

1 A Enough meth to give him for what money he had.
2 Q Oh, yeah, that's, I'm not tryin' to put words in your
3 mouth but are are you saying' that you didn't have enough
4 meth to give for what Javin wanted?
5 A Right.
6 Q Okay, so he had more money than you had meth?
7 A Right.
8 Q Okay, and is that why you introduced him to Amp?
9 A Yeah.
10 Q And how did you make that introduction?
11 A Uh, I just called him and told him I had a guy that I
12 was wantin' to bring with me, asked him would it be okay.
13 Q Him being Amp?
14 A Yes.
15 Q I'm sorry is it, is it Amp or Ant?
16 A Well, I think at first I mistook what what the people
17 call him. I I knew him at first as Amp for a while.
18 Q Okay, so at the first it was Amp and then Ant?
19 A Yes.
20 Q Okay, so so you called called Ant and told him that you
21 were bringing Javin?
22 A Yes.
23 Q Okay, and how did that introduction go?
24 A I mean, I guess, I mean, it went fairly well, I mean,
25 no no problems.

1 Q And when you took Javin down there, did you buy any
2 meth?
3 A Yes.
4 Q Alright, did he buy any meth?
5 A Yeah.
6 Q How much did you buy?
7 A I think I bought an ounce and I'm not sure exactly, I
8 don't recall exactly how much Javin bought.
9 Q Do you know if he bought the same or more than you?
10 A I think he probably bought more.
11 Q Now did Ant know that you lived in South Carolina?
12 A Yes.
13 Q Did he know that you were selling the meth that you
14 bought from him?
15 A I would assume.
16 Q Were were you buying user amounts from him?
17 A No, no.
18 Q Did you ever -- have you ever seen Amp in South
19 Carolina?
20 A No.
21 Q What kind of -- can you describe the quality and type
22 of meth that you were gettin' from Amp?
23 A Well, I mean, it was, it was fine, I didn't have any, I
24 mean, not ev -- nobody ever complained about it I don't
25 guess.

1 Q Okay, and why did you stop going to Atlanta to buy from
2 him?
3 A Well he he said he was stoppin'. I don't know. He
4 acted real funny sometimes, ha, when you called him, he said
5 he was stoppin', uh, a preacher had given some him some type
6 of revelation about some girl and ---
7 Q Okay, so he, but he broke it off?
8 A Yeah.
9 Q He broke off the relationship?
10 A Yeah.
11 Q Mr. Moore, did you eventually meet with law enforcement
12 and give them information about your dealings with Mr. Tate?
13 A Uh, yes, they come and spoke with me.
14 Q Alright, and do you remember roughly when that was?
15 Does September 2011 sound about right?
16 A Yeah, uh, sometime two -- in 2011, yah.
17 Q And did you give them information about your dealings?
18 A Yes.
19 Q At that time did they show you any photographs or photo
20 lineups?
21 A Yes, they did.
22 Q How did that take place?
23 A I think I was in the county on an unrelated charge and
24 they come and asked me if I could identify a photo lineup.
25 Q Okay, and when they showed you a photo lineup, did they

1 indicate to you, uh, who you should pick?
2 A No.
3 Q Alright, and did anyone else suggest to you who you
4 should pick?
5 A No.
6 Q Did you know in advance they were gonna show you a
7 lineup?
8 A No.
9 Q And were you able to recognize anyone in the photo
10 lineup that they showed you?
11 A Yes.
12 Q Who did you recognize?
13 A Uh, Amp.
14 Q And where'd you recognize him from?
15 A From meeting him in Atlanta, yeah.
16 Q Did you put any markings on that photo lineup to show
17 ---
18 A I ---
19 Q --- who it was you picked?
20 A I think I put my initials on there.
21 Q I'm showing you what's been marked as State's Exhibit
22 No. 9. Do you recognize that?
23 A Yes, sir.
24 Q What is that?
25 A That's a picture of Amp.

1 Q Is it, is it a picture of just him?
2 A No, it's six people.
3 Q Okay, is this the photo lineup that law enforcement
4 showed you?
5 A Yes.
6 Q Are your initials on there?
7 A Yes.
8 Q Is anyone anyone's picture circled?
9 A Yes.
10 Q And who did the circling?
11 A I did.
12 Q Alright, and is that the person you know as Amp that
13 you bought drugs from?
14 A Yes.
15 MR. UNDERWOOD: Your Honor, at this time seek admission
16 of State's 9.
17 THE COURT: Any objection?
18 MR. ARIAIL: No objection, Your Honor.
19 THE COURT: Be so admitted.
20 (State's Exhibit No. 9, photo lineup, admitted into
21 evidence.)
22 (Whereupon, State's Exhibit No. 9 was published to the
23 jury.)
24 BY MR. UNDERWOOD:
25 Q Thank you, Mr. Moore. Please answer any questions the

1 defense has.

2 MR. ARIAIL: Thank you, Your Honor, please the Court.

3 CROSS-EXAMINATION BY MR. ARIAIL:

4 Q Mr. Moore, you were, uh, guess you did this photo
5 lineup, do you know, remember when you did this?

6 A Uh, sometime around the middle or the end part of 2011.

7 Q Okay, and you did that before, I guess, you were
8 incarcerated that time or you were out?

9 A I was incarcerated, yes.

10 Q Okay, did you get out after that or ---

11 A Yes.

12 Q How'd you get out?

13 A I made bond.

14 Q You made bond. So you were out for sometime after
15 that. Do you have any discussions with any of the
16 co-defendants at that time period about this lineup,
17 anything about it?

18 A No, no. I think I called, uh, Ant and told him.

19 Q You called Ant and told him?

20 A Yeah.

21 Q Okay, did you call any of the other co-defendants and
22 talk about this?

23 A Not that I recall, no.

24 Q Not that you recall. But you're you're friends with
25 all these individuals like Javin, Adams, Nate'?

1 A Friends?
2 Q Friends?
3 A No.
4 Q Co-workers?
5 A Acquaintances.
6 Q I mean, drug dealers together?
7 A I know them.
8 Q Okay, so you're acquaintances with them and you've
9 dealt drugs with him, right?
10 A Right.
11 Q Okay, Wendy, Nate', Jason Griffin, Wendy Lollis, is
12 that right, those individuals right there?
13 A Yes.
14 Q Okay. Now they've all been named in this just like you
15 have, right?
16 A Yes.
17 Q Okay, ya'll are all doin' drugs together, sellin' drugs
18 together in the same circle, right?
19 A Yes, we know each other.
20 Q Okay. Now as part of this too, your brother is David
21 Moore, right?
22 A Yes.
23 Q David Moore was the one that introduced Wendy Lollis to
24 Mr. or Tate, Ant, Amp, whoever it was, right?
25 A I have no idea.

1 Q You don't know?
2 A No.
3 Q But you're saying your brother didn't introduce you to
4 Amp to Ant?
5 A I have seen my brother twice in the last 15 years, ---
6 Q Okay ---
7 A --- no.
8 Q --- so you and your brother didn't have any discussions
9 in regards to that?
10 A I've seen him twice in the last ---
11 Q Right.
12 A --- 15 years.
13 Q Now you say that Wendy Lollis was the one that
14 introduced you to Ant, A-N-T, right?
15 A Correct.
16 Q Okay. You remember givin' a statement to police on
17 January 12th, 2011? You remember givin' that?
18 A I remember, yes ---
19 Q Okay ---
20 A --- sir.
21 Q --- you remember statin' that Jason Griffin was the one
22 that told -- introduced you to to Amp, A-M-P? You wanna
23 take a look?
24 A Yes, I see.
25 Q Okay, is that that's what you told law enforcement,

1 right?

2 A Yes.

3 Q Well that's not what you told this jury today, correct?

4 A No, it is. I said Jason and Wendy Griffin, I mean,

5 Jason Griffin and Wendy Lollis.

6 Q So you're now saying that you told this jury Wendy

7 Lollis and Jason Griffin were the ones that introduced you?

8 A That's what I just previously said, yeah.

9 Q Okay, but ya also previously said his name was A-N-T

10 too, correct?

11 A Yes.

12 Q Okay, and now you're sayin' it's Amp, is that right?

13 A I said that's when I first knew him as, Amp.

14 Q Okay. Now you went down to this apartment, you have --

15 we got no address, no location, I mean, you don't -- you

16 can't tell us exactly what the address is, can you?

17 A No.

18 Q Can you provide us anything showin' any transaction

19 occurred, any money, any receipts, anything like that?

20 A No, I've never got a receipt, sir.

21 Q Okay, why why is that funny?

22 A I don't know of anybody that's ever bought any drugs

23 and got a receipt.

24 Q Well at -- they might get receipts in regards to credit

25 cards where they used at gas stations in that vicinity or

1 other type of, uh, things that mighta done while they're
2 down there? You got any of those receipts?
3 A I wasn't down there for anything else.
4 Q Alright, you didn't have to get gas?
5 A No.
6 Q Okay. You don't have any cell phone records even
7 though you made phone calls to Ant or Amp or whoever it is,
8 correct, you don't have any of those, do you?
9 A Why would I want cell phones records?
10 Q To prove that who you were dealin' with, show you made
11 the call, to basically tell this jury that you're tellin'
12 the truth today, you don't have that, do ya?
13 A Uh, you asking me and I'm telling you, you know, what
14 else you want me to do?
15 Q I just want you to tell me if you got your cell phone
16 records today.
17 A No, I don't have any cell phone records. I don't ---
18 Q Okay.
19 A --- make a habit of keepin' cell phone records.
20 Q You coulda gotten law enforcement to get those for you,
21 correct?
22 A You coulda got 'em to get 'em.
23 Q Correct. Now you know, uh, when you did this, did you
24 know that Mr. Tate had an identical twin brother?
25 A No, I didn't.

1 Q Did did you know right now when I just told ya? Do you
2 know he has an identical twin brother?
3 A I found out today, yeah.
4 Q Well who told ya today?
5 A I heard it in the holdin' cell from Norman Bergholm.
6 Q Norman Bergholm and you were downstairs talkin' 'bout
7 this?
8 A Talkin' about what?
9 Q Talkin' about this case.
10 A No, he mentioned the fact that he had a twin brother.
11 Q Okay, so when was that?
12 A I said earlier down in the holdin' cell.
13 Q So was that before or after he testified?
14 A Before.
15 Q Before. So how did he hear about it?
16 A I did not ask him.
17 Q So what'd ya'll discuss in regards to him havin' a trin
18 -- twin brother?
19 A We didn't discuss anything, it was a statement that was
20 made.
21 Q Okay, well what ---
22 A It wasn't a discussion.
23 Q So basically ya'll just made a statement that, Hey,
24 he's ---
25 A I thought you made ---

1 Q --- got a twin brother?
2 A --- the statement did I know that Ant had a twin
3 brother.
4 Q Okay, and you're sayin' right now ya didn't know it.
5 A I didn't know at the time. That's when I became aware
6 of it.
7 Q Okay, what else did ya'll discuss 'bout this case down
8 there?
9 A Just basically how some people seem to be gettin' more
10 time than others and ---
11 Q Right, some people are gettin' more times than other,
12 correct?
13 A Correct.
14 Q And you were lookin' at a substantial amount of time,
15 correct? You're lookin' at trafficking 400 grams, right,
16 you are?
17 A Yes.
18 Q Okay, and you cut a deal to get a lesser sentence,
19 right?
20 A No, matter a fact my plea went up, huh, didn't go down,
21 it went up.
22 Q So trafficking 400 grams down to trafficking
23 twenty-eight to a hundred grams, you're saying that went up?
24 A My plea went from 15 to 18 years to straight 18 years.
25 Q Okay, but you were looking at between 7 and 30 years,

1 correct?

2 A I would, again, I would assume I'm not sure exactly
3 what it carries.

4 Q Eighteen's better than thirty, isn't it?

5 A Yeah, by my math, sure.

6 Q Okay, so you're gettin' a a reduction based upon
7 testifyin' today, cooperatin'?

8 A No, I, that wasn't, that was just what the offer was.
9 It wasn't no stipulation.

10 Q Okay, and and that plea agreement says you gotta
11 cooperate and you will get a recommendation of 18 years,
12 right? Correct?

13 A I would assume if that's what it says.

14 Q Okay. You've read it, correct?

15 A Yes.

16 Q You've signed it?

17 A Yes.

18 Q Okay. Now sittin' here right now lookin' at this
19 individual, Mr. Tate, who you've identified through here,
20 you see the gentleman sittin' in the back of the Court right
21 there (indicating)?

22 A Yes.

23 Q You've seen that's his twin brother. Now sittin' here
24 right now can you say with a hundred percent certainty that
25 Mr. Tate, who's seated next to me, was the gentleman you

1 were dealing with?

2 A Yes.

3 Q You can say with a hundred percent?

4 A Yes.

5 Q Okay. Thank you. No further questions.

6 THE COURT: Any redirect?

7 MR. UNDERWOOD: Nothing, Your Honor.

8 THE COURT: Sir, you can step down.

9 (Whereupon, the witness left the stand.)

10 MR. UNDERWOOD: Your Honor, may may we approach?

11 THE COURT: Yes.

12 (Whereupon, a bench conference was held off the

13 record.)

14 THE COURT: Ladies and gentlemen, we're gonna take a

15 short break. Please don't discuss the case with anyone and

16 just I think there was some concerns about goin' too late

17 this evenin', I do not anticipate we'll be doin' that. I I

18 don't think that's gonna be an issue with us at all,

19 alright?

20 (The following takes place outside the presence of the

21 jury.)

22 THE COURT: Let's be in recess for about ten minutes.

23 (Whereupon, a recess was taken.)

24 THE BAILIFF: Remain seated, court is now in session.

25 THE COURT: Alright, ya'll ready to bring the jury back

1 in?

2 MR. UNDERWOOD: And can I have about twenty seconds,
3 Judge ---

4 THE COURT: Sure.

5 MR. UNDERWOOD: --- I just wanna check my exhibit -- my
6 exhibits are admitted, that's all.

7 THE COURT: Of course.

8 (Pause.)

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

10 MR. UNDERWOOD: Ready, Your Honor.

11 THE COURT: Alright, give us just a minute. We got to
12 treat a wound here.

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

14 THE COURT: Alright, ready? Alright.

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

16 (The following takes place in the presence of the
17 jury.)

18 THE COURT: Yes, sir.

19 MR. UNDERWOOD: Thank you, Your Honor, State calls
20 Ashley Asbill.

21 (Whereupon, the witness came forward.)

22 ASHLEY ASBILL, having been first duly
23 sworn, testified as follow:

24 THE CLERK: Thank you, please be seated.

25 THE COURT: Thank you, there you go.

1 DIRECT EXAMINATION BY MR. UNDERWOOD:

2 Q Good afternoon, Agent Asbill.

3 A Good afternoon.

4 Q Would you please introduce yourself to the jury, tell
5 'em your name, who you are, where you work?

6 A Uh, my name is Bronson Ashley Asbill and I work for the
7 State Law Enforcement Division.

8 Q And what do you do at -- is that also known as SLED?

9 A Also known as SLED.

10 Q What's your position at SLED?

11 A I'm a senior agent.

12 Q How long have you worked with SLED?

13 A Uh, twenty years.

14 Q And in what, in what different capacities?

15 A I've worked in the region. I've also worked in the
16 violent crimes section and I've also worked in the narcotics
17 and vice section.

18 Q Uh, tell the jury a little bit about your your training
19 and background and experience in narcotics investigations.

20 A I've been doing, uh, narcotic, narcotics types
21 investigations probly for a little over twenty years. Uh, I
22 started out with the City of Clinton Police Department, uh,
23 left there and went to the South Carolina ABC Commission and
24 we did some narcotics work. It was related to locations
25 that had, uh, alcohol and beverage license and then we went

1 to SLED in '93 and pretty much been doing this type of work
2 ever since.

3 Q You have any special training in narcotics
4 investigations?

5 A I've been to, uh, a lotta schools, uh, trainin'
6 seminars throughout the years.

7 Q How did you get involved in this case?

8 A Uh, Investigator Ayers with the, uh, Greenville County
9 Sheriff's Office had called me and indicated that he had an
10 informant, uh, that wanted to, uh, relay information about
11 drug dealin', uh, that related to Pickens and Greenville
12 County.

13 Q And did -- after meeting with that informant, did the
14 case expand?

15 A It did.

16 Q How so?

17 A Uh, when you meet with an informant, basically what
18 you're doing is interviewin' the informant and findin' out
19 to what level narcotics dealing they're in, uh, people that
20 they are buyin' from, the people they're also selling to.
21 They're more interested in people they're buyin' from
22 because you wanna naturally work your way up to 'em to, uh,
23 bigger dealers.

24 Q And did the investigation have any kind of, uh, code
25 names?

1 A Yes. Well once the, uh, investigation began, uh, it
2 was 2010 January, uh, initiation was written up and that
3 initiation, uh, in September basically, uh, makin' it a
4 grand jury case, and it was, uh, labeled "Operation Ice
5 House".

6 Q And what's the significance of that name?

7 A Uh, Ice House was just a a, I guess a name that we can
8 all put the the cases that are related to this operation up
9 under and it's easily identifiable.

10 Q And does the term "Ice House" have anything to do with
11 "Ice", the nickname for meth?

12 A It it does, it -- when we came up with a name of "Ice"
13 methamphetamines.

14 Q How many different groups did the investigation
15 eventually involve?

16 A It eventually involved three different conspiracies.

17 Q And was the conspiracy we've been dealing with
18 throughout this trial one of those three conspiracies?

19 A That's correct, the Atlanta conspiracy.

20 Q And if we can kinda focus now at this point just to how
21 the investigation led to that conspiracy. How did the
22 investigation develop once it was initiated?

23 A Once it was initiated we took the informant that
24 Investigator Ayers had and we begin to make, uh, controlled
25 purchases of methamphetamines from individuals that, uh,