

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County

Diane Schafer Goodstein, Circuit Court Judge

Volume I of II

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SC SUPREME COURT

VONDELL SANDERS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-212070

APPENDIX

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STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

COURT OF GENERAL SESSIONS
FIRST JUDICIAL CIRCUIT

CASE NO. 03-GS-38-2369,
03-GS-38-2370
03-GS-38-2371
03-GS-38-2372

STATE OF SOUTH CAROLINA

versus

VONDELL SANDERS,

DEFENDANT

TRANSCRIPT OF RECORD

DATE:

APRIL 20, 2004

BEFORE:

HONORABLE JOHN L. BREEDEN, JR., PRESIDING JUDGE

AND A JURY.

APPEARANCES:

KENT COLLINS, ESQUIRE

ASSISTANT SOLICITOR

FOR THE STATE

SAM KRAMER, ESQUIRE

PUBLIC DEFENDER

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1 DATE:

2 APRIL 20, 2004

3 THE COURT: WE'RE GOING TO PICK A
4 JURY FOR THE FIRST CASE. WILL YOU CALL THE CASE,
5 PLEASE.

6 SOLICITOR COLLINS: THE STATE CALLS
7 THE STATE OF SOUTH CAROLINA VERSUS VONDELL SANDERS,
8 INDICTMENT FOR POSSESSION WITH INTENT TO DISTRIBUTE
9 CRACK COCAINE, UNDER INDICTMENT NUMBER 2003-GS-38-2371.
10 ALSO INDICTMENT FOR POSSESSION WITH INTENT TO DISTRIBUTE
11 MARIJUANA, UNDER INDICTMENT NUMBER 2003-GS-38-2369. AND
12 INDICTMENT FOR POSSESSION WITH INTENT TO DISTRIBUTE
13 MARIJUANA WITHIN CLOSE PROXIMITY OF A SCHOOL OR A PARK
14 UNDER INDICTMENT NUMBER 2003-GS-38-2370. AND INDICTMENT
15 FOR POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE
16 WITHIN CLOSE PROXIMITY OF A SCHOOL OR A PARK, UNDER
17 INDICTMENT NUMBER 2003-GS-38-2372.

18 MR. KRAMER: YOUR HONOR, MAY I
19 APPROACH?

20 THE COURT: YES.
21 (Whereupon, a bench conference
22 is held out of the hearing of
23 the jury and the court reporter.)

24 THE COURT: ALRIGHT, LADIES AND
25 GENTLEMEN, WE'RE ABOUT TO PICK A JURY. AS I TOLD YOU

1 YESTERDAY, THE TRIAL OF A CASE BEGINS WITH THE SELECTION
2 OF A JURY, AND WE'RE GOING TO PICK A JURY IN THE CASE
3 OF THE STATE VERSUS VONDELL SANDERS. YOU'VE HEARD THE
4 SOLICITOR CALL THAT CASE, AND THAT'S THE FIRST CASE
5 WE'LL BE TRYING TODAY.

6 LET ME ASK YOU ALL SOME QUESTIONS.

7 IS THERE ANY MEMBER OF THE JURY
8 PANEL RELATED BY BLOOD OR CONNECTED BY MARRIAGE WITH THE
9 DEFENDANT, VONDELL SANDERS? MR. SANDERS, WOULD YOU
10 STAND.

11 (Whereupon, defendant stands.)

12 THE COURT: YOU MAY SIT DOWN NOW.

13 THANK YOU.

14 ANY MEMBER OF THE JURY PANEL
15 CONNECTED BY BLOOD OR RELATED BY BLOOD OR MARRIAGE, OR
16 HAVE ANY CLOSE SOCIAL RELATIONSHIP WITH MR. SANDERS? I'M
17 TALKING ABOUT EITHER YOU OR YOUR IMMEDIATE FAMILY, YOUR
18 SONS OR DAUGHTERS OR WHAT HAVE YOU, GO TO THE SAME
19 CHURCH, SING IN THE SAME CHOIR, GO TO THE SAME CIVIC
20 CLUBS OR DO ANYTHING LIKE THAT, WORK AT THE SAME
21 EMPLOYER, IF YOU HAVE ANY CLOSE RELATIONSHIP LIKE THAT.
22 IF SO, PLEASE STAND.

23 (Negative response from jury panel.)

24 THE COURT: APPARENTLY, THERE ARE

25 NONE.

1 MR. SANDERS WILL BE REPRESENTED BY
2 MR. KRAMER, OF THE PUBLIC DEFENDER'S OFFICE, SAM KRAMER.
3 MR. KRAMER, WOULD YOU STAND? MS. HINDS, WILL YOU BE
4 ASSISTING HIM?

5 MS. HINDS: YES, SIR.

6 THE COURT: AND PEGGY HINDS, BOTH
7 OF THE -- Y'ALL MAY SIT DOWN -- OF THE PUBLIC DEFENDER'S
8 OFFICE. ANYBODY RELATED BY BLOOD OR MARRIAGE OR HAVE
9 ANY CLOSE SOCIAL RELATIONSHIP THAT I JUST MENTIONED,
10 ANYTHING THAT VEIN, WITH THE SOLICITOR'S OFFICE --
11 EXCUSE ME, WITH THE PUBLIC DEFENDER'S OFFICE, OR THESE
12 TWO ATTORNEYS IN PARTICULAR? IF SO, PLEASE STAND.

13 (Negative response from jury panel.)

14 THE COURT: THERE APPEAR TO BE NONE.

15 MR. COLLINS, WILL YOU BE PROSECUTING
16 THE CASE?

17 SOLICITOR COLLINS: YES, SIR, YOUR
18 HONOR.

19 THE COURT: MR. KENT COLLINS, OF THE
20 SOLICITOR'S OFFICE WILL BE PROSECUTING THE CASE.
21 ANYBODY RELATED BY BLOOD OR CONNECTED BY MARRIAGE WITH
22 THE SOLICITOR'S -- OR WITH MR. COLLINS, HAVE ANY CLOSE
23 SOCIAL RELATIONSHIP WITH HIM, OR ANY MEMBER OF THE
24 SOLICITOR'S OFFICE TO YOUR KNOWLEDGE? IF SO, PLEASE
25 STAND.

1 (Affirmative response from jury panel.)

2 THE COURT: YES, SIR, YOUR NAME
3 AGAIN?

4 JUROR CARPENTER: RICK CARPENTER.

5 THE COURT: MR. CARPENTER, WHAT'S
6 YOUR SITUATION?

7 JUROR CARPENTER: I KNOW MR. EMORY
8 RUSH.

9 THE COURT: HE'S AN INVESTIGATOR
10 WITH THE SOLICITOR'S OFFICE.

11 JUROR CARPENTER: YES.

12 THE COURT: WOULD THE FACT THAT YOU
13 KNOW MR. RUSH PREVENT YOU FROM BEING A FAIR AND
14 OBJECTIVE WITNESS, I MEAN, JUROR IN THIS CASE?

15 JUROR CARPENTER: I WOULD HOPE NOT,
16 YOUR HONOR.

17 THE COURT: I WOULD, MYSELF. COULD
18 YOU TELL US WHETHER YOU THINK IT WOULD OR NOT?

19 JUROR CARPENTER: UNTIL I HEAR THE
20 FACTS OF THE CASE I PROBABLY COULDN'T TELL YOU WHETHER
21 I'D BE SWAYED OR NOT, I JUST HOPE THAT I WOULDN'T.

22 THE COURT: WELL, OF COURSE, HE'S
23 NOT INVOLVED IN THE CASE. YOUR KNOWLEDGE OF HIM WOULD
24 BE YOUR KNOWLEDGE OF HIM REGARDLESS OF WHAT THE
25 QUESTIONS ARE, WHAT THE CASE IS ABOUT, OR ANYTHING ELSE.

11

1 CAN YOU TELL ME WITH SOME CERTAINTY WHETHER OR NOT YOU
2 COULD BE FAIR AND OBJECTIVE, OR CAN YOU NOT DO THAT?

3 JUROR CARPENTER: I THINK I COULD.

4 THE COURT: VERY WELL, YOU MAY BE
5 SEATED. THANK YOU, SIR.

6 JUROR PARKER: YOUR HONOR, I KNOW
7 MR. RUSH ALSO.

8 COURT REPORTER: YOUR NAME?

9 THE COURT: WELL, LET ME ASK THE
10 SAME QUESTION OF YOU, MA'AM. WHAT'S YOUR NAME?

11 JUROR PARKER: ESTELLE PARKER.

12 THE COURT: MS. PARKER, WOULD THE
13 FACT THAT YOU KNOW MR. RUSH PREVENT YOU FROM BEING A
14 FAIR AND OBJECTIVE JUROR IN THIS CASE?

15 JUROR PARKER: NO, SIR.

16 THE COURT: YOU COULD STILL BE FAIR
17 TO BOTH THE PLAINTIFF AND THE -- BOTH THE STATE AND THE
18 DEFENDANT?

19 JUROR PARKER: YES, SIR.

20 THE COURT: YOU MAY BE SEATED, THANK
21 YOU MA'AM.

22 ANYONE ELSE?

23 (Negative response from jury panel.)

24 THE COURT: IS THERE ANYONE, ANY
25 MEMBER OF THE JURY PANEL WHO HAS EXPRESSED ANY OPINION

1 AS TO THE GUILT OR INNOCENCE OF MR. SANDERS HERE. I KNOW
2 YOU, FOR THE MOST PART, MOST OF YOU DON'T KNOW ANYTHING
3 ABOUT THIS CASE OR WHAT IT'S ABOUT OR ANYTHING ELSE. YOU
4 KNOW THE CHARGES, YOU KNOW WHAT MR. SANDERS HAS BEEN
5 INDICTED FOR, BUT HAVE ANY OF YOU EXPRESSED ANY OPINION
6 AS TO HIS GUILT OR INNOCENCE? IF SO, PLEASE STAND.

7 (Negative response from jury panel.)

8 THE COURT: THERE APPEAR TO BE NONE.

9 IS THERE ANY MEMBER OF THE JURY
10 PANEL WHO IS AWARE OR CONSCIOUS OF ANY BIAS OR PREJUDICE
11 FOR OR AGAINST THE DEFENDANT, OR FOR OR AGAINST THE
12 STATE OF SOUTH CAROLINA? IF SO, PLEASE STAND.

13 (Negative response from jury panel.)

14 THE COURT: THERE APPEAR TO BE NONE.

15 IS THERE ANYBODY, WITHOUT KNOWING
16 ANYTHING FURTHER THAN YOU KNOW RIGHT NOW, WHO COULD NOT
17 GIVE BOTH THE STATE AND THE DEFENDANT A FAIR AND
18 IMPARTIAL TRIAL? IF SO, PLEASE STAND.

19 (Negative response from jury panel.)

20 THE COURT: THERE APPEAR TO BE NONE.

21 LET ME ASK A FEW ADDITIONAL
22 QUESTIONS, IF I MAY. DO I HAVE A WITNESS LIST FROM THE
23 DEFENSE?

24 MR. KRAMER: THE COURT'S INDULGENCE,
25 YOUR HONOR.

1 THE COURT: VERY WELL.

2 LADIES AND GENTLEMEN, I'M GOING TO
3 READ YOU OUT A SERIES OF NAMES, A LIST OF NAMES I GUESS
4 IS A BETTER WAY OF PUTTING IT, AND THESE ARE POTENTIAL
5 WITNESSES IN THIS CASE. THEY ARE PEOPLE WHO MAY BE
6 CALLED AS WITNESSES. THEY DON'T HAVE TO BE CALLED AS
7 WITNESSES, AND IF I CALL OUT SOMEBODY'S NAME AND THEY
8 ARE NOT CALLED ULTIMATELY IN THE CASE, THAT SHOULDN'T
9 RAISE ANY INFERENCE, SHOULDN'T MEAN ANYTHING TO YOU AT
10 ALL, BUT IF THEY MIGHT BE CALLED AS A WITNESS I NEED TO
11 ASK YOU ABOUT ANY POTENTIAL CONFLICTS OF INTEREST. SO,
12 LET ME ASK YOU IF, AND IT'S THE SAME QUESTION I'VE ASKED
13 YOU ABOUT THE ATTORNEYS AND ABOUT THE DEFENDANT, AND
14 THAT IS, ARE ANY OF YOU RELATED BY BLOOD OR CONNECTED
15 BY MARRIAGE OR HAVE ANY CLOSE SOCIAL RELATIONSHIP WITH
16 ANY OF THESE PEOPLE WHOSE NAMES I'M ABOUT TO READ TO
17 YOU. AND WHEN I GET THROUGH WITH THE LIST I WILL THEN
18 ASK THAT QUESTION OF YOU OF ALL OF THESE, AND IF YOU DO,
19 STAND UP AND TELL US ABOUT IT. AND THEY ARE LYN SHIRER,
20 TIGH HAIGLER, TONY POWELL, PRESTON AVINGER, TROY
21 LIVINGSTON, JOHN COKELEY, AND MELISSA HORN. MARION
22 BROTHERS, ANN BROWN, SHARON SANDERS AND SYLVIA WRIGHT.
23 IS THERE ANY MEMBER OF THE JURY PANEL WHO HAS ANY CLOSE
24 SOCIAL RELATIONSHIP OR WHO IS CONNECTED BY BLOOD OR
25 MARRIAGE, HAVE ANY SUCH RELATIONSHIP WITH ANY OF THESE

1 PEOPLE?

2 (Affirmative response from jury panel.)

3 THE COURT: YES, SIR?

4 JUROR : TROY LIVINGSTON IS MY
5 WIFE'S FIRST COUSIN.

6 THE COURT: TROY LIVINGSTON IS YOUR
7 WIFE'S FIRST COUSIN. WOULD THE FACT THAT MR. LIVINGSTON
8 IS YOUR WIFE'S FIRST COUSIN PREVENT YOU FROM BEING A
9 FAIR AND IMPARTIAL JUROR, SIR?

10 JUROR FURTICK: NO, SIR.

11 THE COURT: YOU COULD STILL BE FAIR
12 AND IMPARTIAL?

13 JUROR FURTICK: YES, SIR.

14 THE COURT: YOU MAY BE SEATED. GIVE
15 US YOUR NAME, PLEASE.

16 JUROR FURTICK: CHRIS FURTICK.

17 THE COURT: VERY WELL, THANK YOU.

18 JUROR JOHNSON: MR. MARION
19 BROTHERS.

20 THE COURT: ALRIGHT, YOU KNOW MR.
21 BROTHERS?

22 JUROR JOHNSON: YES.

23 THE COURT: WHAT RELATIONSHIP DO YOU
24 HAVE WITH HIM?

25 JUROR JOHNSON: AFFILIATION WITH HIS

1 MOTHER'S CHURCH.

2 THE COURT: YOU'RE AFFILIATED WITH
3 HIS MOTHER'S CHURCH?

4 JUROR JOHNSON: UH HUH.

5 THE COURT: WOULD THAT FACT KEEP YOU
6 FROM BEING A FAIR AND IMPARTIAL JUROR, MA'AM?

7 JUROR JOHNSON: NO, IT WOULDN'T.

8 THE COURT: AND YOUR NAME IS?

9 JUROR JOHNSON: BETTY JOHNSON.

10 THE COURT: THANK YOU, MS. JOHNSON,
11 YOU MAY BE SEATED.

12 YOUR NAME, MA'AM?

13 JUROR MIDDLETON: CYNTHIA MIDDLETON,
14 SYLVIA WRIGHT IS A CLOSE FAMILY FRIEND.

15 THE COURT: SHE'S A CLOSE FAMILY
16 FRIEND?

17 JUROR MIDDLETON: YES.

18 THE COURT: WOULD THAT FACT PREVENT
19 YOU FROM BEING A FAIR AND IMPARTIAL JUROR IN THIS CASE,
20 MA'AM?

21 JUROR MIDDLETON: NO, SIR.

22 THE COURT: YOU MAY BE SEATED.
23 THANK YOU.

24 ANYONE ELSE?

25 (Negative response from jury panel.)

1 THE COURT: HAVE YOU SHARED THESE
2 QUESTIONS WITH THE STATE?

3 MR. KRAMER: YES, I HAVE, YOUR
4 HONOR.

5 THE COURT: ANY OBJECTIONS TO ANY
6 OF THESE QUESTIONS FROM THE STATE?

7 SOLICITOR COLLINS: YES, SIR, YOUR
8 HONOR.

9 THE COURT: WOULD YOU APPROACH,
10 PLEASE?

11 (Whereupon, a bench conference
12 is held out of the hearing of
13 the jury and the court reporter.)

14 THE COURT: I'M GOING TO ASK YOU
15 SOME ADDITIONAL QUESTIONS, LADIES AND GENTLEMEN. IS
16 THERE ANY MEMBER OF THE JURY PANEL -- EXCUSE ME, ANY
17 MEMBER OF THE JURY PANEL RELATED BY BLOOD OR MARRIAGE,
18 OR A FRIEND OR ACQUAINTANCE OF A MEMBER OF ANY LAW
19 ENFORCEMENT AGENCY? IF SO, PLEASE STAND.
20 (Affirmative response from jury panel.)

21 THE COURT: ALRIGHT, I'M GOING TO
22 START ON THE RIGHT FRONT HERE. YES, MA'AM, YOUR NAME?

23 JUROR FELDER: YOU SAID BY BLOOD?

24 THE COURT: RELATED BY BLOOD OR
25 MARRIAGE OR A CLOSE PERSONAL FRIEND -- I'M GOING TO

17

1 STRIKE THE ACQUAINTANCE PART OF IT. YOU KNOW, A CASUAL
2 ACQUAINTANCE IS, I DON'T THINK, SIGNIFICANT, BUT IF
3 YOU'RE A CLOSE PERSONAL FRIEND, THAT MAY BE SIGNIFICANT.
4 AND WHAT'S YOUR SITUATION, MA'AM?

5 JUROR FELDER: WELL, DO YOU WANT ME
6 TO CALL HIS PERSONAL NAME?

7 THE COURT: I'M SORRY?

8 JUROR FELDER: DO YOU WANT ME TO
9 CALL THE OFFICER'S NAME?

10 THE COURT: I WANT YOU TO TELL ME
11 YOUR NAME FIRST.

12 JUROR FELDER: AUNT BY MARRIAGE.

13 COURT REPORTER: YOUR NAME, MA'AM?

14 JUROR FELDER: LILLIE FELDER.

15 THE COURT: MS. FELDER. AND WHAT
16 IS YOUR RELATIONSHIP, YOU'RE AN AUNT OF A POLICE
17 OFFICER?

18 JUROR FELDER: YES, SIR.

19 THE COURT: HE'S A POLICE OFFICER
20 NOW?

21 JUROR FELDER: YES, SIR.

22 THE COURT: IS HE INVOLVED IN THIS
23 CASE?

24 JUROR FELDER: NO.

25 THE COURT: ALRIGHT. WOULD THAT

1 FACT KEEP YOU FROM BEING A FAIR AND IMPARTIAL JUROR IN
2 THIS CASE?

3 JUROR FELDER: NO, SIR.

4 THE COURT: YOU COULD STILL BE A
5 FAIR JUROR IN THIS CASE?

6 JUROR FELDER: YES, SIR.

7 THE COURT: VERY WELL, YOU MAY BE
8 SEATED. THANK YOU.

9 YES, SIR, IN THE ORANGE. THAT WOULD
10 BE YOU.

11 JUROR FURTICK: WELL, I'VE GOT FOUR
12 FRIENDS THAT'S SHERIFF'S DEPUTIES.

13 THE COURT: ALRIGHT, SIR. AND ARE
14 THEY INVOLVED IN THIS CASE?

15 JUROR FURTICK: NO, SIR.

16 THE COURT: WOULD THAT FACT KEEP YOU
17 FROM BEING A FAIR AND IMPARTIAL JUROR IN THIS CASE?

18 JUROR FURTICK: NO, SIR.

19 THE COURT: YOU MAY BE SEATED.

20 COURT REPORTER: HIS NAME?

21 THE COURT: YOUR NAME AGAIN, I'M
22 SORRY.

23 JUROR FURTICK: CHRIS FURTICK.

24 THE COURT: THANK YOU, SIR.

25 YES, SIR?

2 THE COURT: MR. RIGDEN, WHAT'S YOUR
3 SITUATION?

4 JUROR RIGDEN: I'VE KNOWN MR. TIGH
5 HAIGLER FOR ABOUT TWENTY-FIVE YEARS, I CONSIDER HIM A
6 FRIEND.

7 THE COURT: DO YOU HAVE ANY CLOSE
8 SOCIAL RELATIONSHIP WITH HIM?

9 JUROR RIGDEN: SOMEWHAT.

10 THE COURT: LIKE WHAT?

11 JUROR RIGDEN: JUST SOCIAL, IN A
12 SOCIAL SETTING.

THE COURT: WOULD THAT FACT KEEP YOU
FROM BEING A FAIR AND IMPARTIAL JUROR IN THIS CASE?

15 JUROR RIGDEN: IT MIGHT, YES, SIR.

16 THE COURT: I'M WONDERING WHY YOU
17 DIDN'T STAND UP BEFORE WHEN I QUESTIONED YOU.

18 JUROR RIGDEN: WELL, I THOUGHT YOU
19 WERE TALKING ABOUT A BLOOD RELATIVE.

THE COURT: NO, SIR. ANY CLOSE
SOCIAL RELATIONSHIP WITH THEM. WELL, IF IT WOULD, THEN
WE'RE GOING TO EXCUSE YOU FROM SERVING ON THIS CASE.
YOU MAY BE SEATED.

24 YES, SIR?

25 JUROR GARVIN: KENNETH GARVIN, AND

1 I'M A CLOSE FRIEND OF A POLICE OFFICER THAT WORKS WITH
2 ORANGEBURG COUNTY SHERIFF'S DEPARTMENT, BUT I DON'T KNOW
3 IF HE'S GOT ANYTHING TO DO WITH THIS CASE. I JUST STAND
4 UP BECAUSE YOU ASKED.

5 THE COURT: ALRIGHT. WELL, AND YOU
6 SHOULD HAVE. LET'S ASSUME THAT THE ONLY PEOPLE INVOLVED
7 IN THIS CASE ARE THE ONES THAT ARE IN THIS COURTROOM
8 RIGHT NOW.

9 JUROR GARVIN: I DON'T KNOW ANY OF
10 THEM.

11 THE COURT: ALRIGHT, SIR. COULD YOU
12 STILL BE A FAIR AND IMPARTIAL JUROR?

13 JUROR GARVIN: YES, SIR.

14 THE COURT: WHAT'S YOUR NAME, SIR?

15 JUROR GARVIN: KENNETH GARVIN.

16 THE COURT: THANK YOU, SIR, YOU MAY
17 BE SEATED.

18 YES, MA'AM?

19 JUROR STACK: I'M LISA STACK AND I'M
20 RELATED TO LYNN STACK.

21 THE COURT: SHE'S NOT INVOLVED IN
22 THIS CASE?

23 JUROR STACK: NO, SIR.

24 THE COURT: CAN YOU STILL BE A FAIR
25 AND IMPARTIAL JUROR?

21

1 JUROR STACK: NO, SIR.

2 THE COURT: I DON'T KNOW LYNN STACK.

3 WHAT KIN ARE YOU TO HER?

4 JUROR STACK: THAT'S MY HUSBAND'S
5 FIRST COUSIN.

6 THE COURT: YOUR HUSBAND'S FIRST
7 COUSIN. THAT'S THE SAME RELATIONSHIP WE HAD A MOMENT
8 AGO. THANK YOU, YOU MAY BE SEATED.

9 YES, MA'AM?

10 JUROR PARKER: MY NAME IS ESTELLE
11 PARKER AND MY HUSBAND IS AN OFFICER.

12 THE COURT: AND IS HE INVOLVED IN
13 THIS CASE?

14 JUROR PARKER: NO, SIR.

15 THE COURT: MS. PARKER, COULD YOU
16 BE A FAIR AND IMPARTIAL JUROR?

17 JUROR PARKER: I FEEL LIKE I COULD
18 BE, YES, SIR.

19 THE COURT: YOU DON'T THINK THE FACT
20 THAT YOUR HUSBAND IS AN OFFICER WOULD CLOUD YOUR
21 OBJECTIVITY?

22 JUROR PARKER: WELL, I DON'T FEEL
23 LIKE IT WOULD, SIR.

24 THE COURT: YOU MAY BE SEATED.

25 THANK YOU.

1 YES, MA'AM?

2 JUROR KING: FATHER IN LAW RECENTLY
3 RETIRED AS SERGEANT FROM THE HIGHWAY PATROL.

4 THE COURT: AND WOULD THAT FACT,
5 MA'AM, KEEP YOU FROM BEING A FAIR AND IMPARTIAL JUROR
6 IN THIS CASE?

7 JUROR KING: I HOPE NOT.

8 THE COURT: YOU'D TRY TO BE FAIR AND
9 IMPARTIAL?

10 JUROR KING: YES, SIR.

11 THE COURT: DO YOU THINK YOU COULD
12 BE FAIR AND IMPARTIAL?

13 JUROR KING: YES, SIR.

14 THE COURT: YOU MAY BE SEATED.

15 COURT REPORTER: NAME?

16 SOLICITOR COLLINS: YOUR HONOR,
17 WHAT'S HER NAME?

18 THE COURT: I'M SORRY, YOUR NAME IS?

19 JUROR KING: ELIZABETH KING.

20 THE COURT: THANK YOU, MS. KING.

21 YES, MA'AM?

22 JUROR SIFLY: MY NAME IF BARBARA
23 SIFLY, AND MY SON IS A U. S. BORDER PATROL AGENT.

24 THE COURT: IS A WHAT?

25 JUROR SIFLY: U. S. BORDER PATROL

1 AGENT.

2 THE COURT: AND MS. SIFLY, COULD
3 YOU BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

4 JUROR SIFLY: YES.

5 THE COURT: YOU MAY BE SEATED.

6 THANK YOU.

7 YES, SIR?

8 JUROR GETHERS: MY NAME IS ROBERT
9 GETHERS AND I HAVE A COUSIN IN THE ORANGEBURG SHERIFF'S
10 DEPARTMENT.

11 THE COURT: IS HE INVOLVED IN THIS
12 CASE?

13 JUROR GETHERS: NO, SIR.

14 THE COURT: COULD YOU, IN SPITE OF
15 THAT, BE A FAIR AND IMPARTIAL JUROR, SIR?

16 JUROR GETHERS: YES, SIR.

17 COURT REPORTER: I DIDN'T GET HIS
18 NAME.

19 THE COURT: I COULDN'T UNDERSTAND,
20 EITHER. YOUR LAST NAME, SIR?

21 JUROR GETHERS: GETHERS.

22 THE COURT: GETHERS. G-A-T-H-E-R-
23 S.

24 JUROR GETHERS: G-E-T-H-E-R-S.

25 THE COURT: G-E-T-H-E-R-S.

1 JUROR GETHERS: YES, SIR.

2 THE COURT: I'VE SEEN IT SPELLED G-
3 E, G-E-A, AND G-A, SO I MISSED.

4 YES, MA'AM.

5 JUROR MCMAHON: MY NAME IS JUDY
6 MCMAHON, AND MY RELATIVES AND ACQUAINTANCES ARE IN
7 ANOTHER COUNTY IN LAW ENFORCEMENT.

8 THE COURT: WOULD THAT FACT, MA'AM,
9 WHATEVER RELATIONSHIP YOU HAVE IN LAW ENFORCEMENT KEEP
10 YOU FROM BEING A FAIR AND IMPARTIAL JUROR?

11 JUROR MCMAHON: NO.

12 THE COURT: YOU MAY BE SEATED, THANK
13 YOU.

14 YES, MA'AM?

15 JUROR JOHNSON: MY SON AND A
16 BROTHER-IN-LAW.

17 THE COURT: YOU HAVE A SON AND A
18 BROTHER-IN LAW?

19 JUROR JOHNSON: YES.

20 THE COURT: THAT ARE IN LAW
21 ENFORCEMENT?

22 JUROR JOHNSON: YES.

23 THE COURT: ARE THEY INVOLVED IN,
24 THIS CASE, MA'AM?

25 JUROR JOHNSON: NO, SIR.

25

1 THE COURT: WOULD THAT FACT KEEP YOU
2 FROM BEING A FAIR JUROR AND AN IMPARTIAL JUROR?

3 JUROR JOHNSON: NO, SIR.

4 THE COURT: AND YOUR NAME AGAIN?

5 JUROR JOHNSON: BETTY JOHNSON.

6 THE COURT: THANK YOU, MS. JOHNSON.

7 ANYONE ELSE?

8 (Negative response from jury panel.)

9 THE COURT: IS ANY MEMBER OF THE
10 JURY PANEL EMPLOYED BY, RELATED BY BLOOD OR MARRIAGE TO,
11 OR A CLOSE FRIEND OF ANYONE EMPLOYED BY THE ATTORNEY
12 GENERAL OR THE SOLICITOR, OR ANY PROSECUTING ATTORNEY'S
13 OFFICE?

14 (Affirmative response from jury panel.)

15 THE COURT: YES, MA'AM.

16 JUROR MCMAHON: THE LEXINGTON COUNTY
17 SOLICITOR'S OFFICE.

18 THE COURT: IT'S THE LEXINGTON
19 COUNTY SOLICITOR'S OFFICE?

20 JUROR MCMAHON: YES.

21 THE COURT: WOULD THAT PREVENT YOU,
22 MA'AM, FROM BEING A FAIR AND IMPARTIAL JUROR IN THIS
23 CASE?

24 JUROR MCMAHON: NO, SIR.

25 THE COURT: YOU MAY BE SEATED, THANK

1 YOU.

2 MR. KRAMER: YOUR HONOR, HER NAME,
3 PLEASE?

4 THE COURT: YOUR NAME AGAIN, MA'AM?
5 MS. MCMAHON?

6 JUROR MCMAHON: JUDY MCMAHON.

7 THE COURT: IS THERE ANY MEMBER OF
8 THE JURY PANEL WHO IS AWARE OR CONSCIOUS OF ANY REASON
9 WHY THEY MIGHT NOT BE A FAIR AND IMPARTIAL JUROR IN THIS
10 CASE?

11 (Negative response from jury panel.)

12 THE COURT: THERE APPEAR TO BE NONE.
13 HAS ANY MEMBER OF THE JURY PANEL
14 EVER BEEN EMPLOYED, OTHER THOSE THAT HAVE ALREADY
15 SPOKEN, BY ANY CIVILIAN OR MILITARY LAW ENFORCEMENT
16 AGENCY? IF SO, PLEASE STAND.

17 (Affirmative response from jury panel.)

18 THE COURT: YES, SIR.

19 JUROR GARRICK: JACOB GARRICK, I WAS
20 A CITY POLICE OFFICER IN SEVENTY-TWO, SEVENTY-THREE AND
21 SEVENTY-FOUR.

22 THE COURT: AND I ASSUME BY YOUR NOT
23 STANDING UP PREVIOUSLY THAT THAT WOULD NOT BE A
24 HINDERANCE TO YOU AS FAR AS YOUR OBJECTIVITY OR BEING
25 FAIR AND IMPARTIAL?

1 JUROR GARRICK: NO, SIR.

2 THE COURT: THANK YOU, SIR.

3 YES, SIR.

4 JUROR GARVIN: I WAS A CORRECTIONAL
5 OFFICER, DOES THAT COUNT?

6 THE COURT: THAT WOULD COUNT.

7 JUROR GARVIN: IN COLUMBIA, RICHLAND
8 COUNTY.

9 THE COURT: YOU WERE A RICHLAND
10 COUNTY CORRECTIONAL OFFICER AT ONE TIME?

11 JUROR GARVIN: YES, SIR.

12 THE COURT: WOULD THAT FACT, SIR,
13 KEEP YOU FROM BEING A FAIR AND IMPARTIAL JUROR?

14 JUROR GARVIN: NO.

15 THE COURT: VERY WELL, YOU MAY BE
16 SEATED.

17 COURT REPORTER: HIS NAME?

18 THE COURT: GIVE US YOUR NAME AGAIN,
19 I'M SORRY.

20 JUROR GARVIN: KENNETH GARVIN.

21 THE COURT: I THINK I'M DOWN TO
22 NUMBER NINE. ANY MEMBER OF THE JURY PANEL OR A MEMBER
23 OF YOUR IMMEDIATE FAMILY A MEMBER OF MOTHERS AGAINST
24 DRUNK DRIVING, STUDENTS AGAINST DRUNK DRIVING, WHATEVER
25 CAV IS, WHAT IS THAT? CITIZENS AGAINST VIOLENCE, WHAT

1 IS CAV?

2 MR. KRAMER: YES, YOUR HONOR, ONE
3 OF THE ADVOCACY GROUPS, CAV, I BELIEVE, IS AN ADVOCACY
4 GROUP THAT PREVENTS VIOLENCE, VIOLENT CRIMES.

5 THE COURT: IS ANY MEMBER OF THE
6 JURY PANEL A MEMBER OF ANY OF THOSE ORGANIZATIONS OR ANY
7 SIMILAR TYPE ORGANIZATIONS WHICH HAS THEIR GOAL TO BE
8 THE PROMOTION OF LAW ENFORCEMENT? IF SO, PLEASE STAND.
9 (Negative response from jury panel.)

10 THE COURT: THERE APPEAR TO BE NONE.
11 IN THIS CASE THERE WILL BE TESTIMONY
12 FROM ONE OR MORE POLICE OFFICERS. IS THERE ANY MEMBER
13 OF THE JURY PANEL THAT THINKS THAT SIMPLY BECAUSE
14 SOMEONE IS A POLICE OFFICER THAT THEY'RE TO BE GIVEN
15 MORE CREDIBILITY THAN SOMEONE WHO IS NOT A POLICE
16 OFFICER? IF SO, PLEASE STAND.
17 (Negative response from jury panel.)

18 THE COURT: THERE APPEAR TO BE NONE.

19 THIS IS A DRUG CASE, A CASE OF
20 POSSESSION, OR ALLEGED TO BE POSSESSION WITH INTENT TO
21 DISTRIBUTE CRACK COCAINE AND MARIJUANA AND ALSO ALLEGED
22 TO, THIS TO HAVE HAPPENED WITHIN CLOSE PROXIMITY OF A
23 PARK OR SCHOOL. IS THERE ANYONE BECAUSE OF THE NATURE
24 OF THE CASE WOULD CAUSE ANY MEMBER OF THE JURY PANEL ANY
25 PROBLEM IN SITTING AS A JUROR AND BEING FAIR AND

1 IMPARTIAL IN THIS CASE?

2 (Negative response from jury panel.)

3 THE COURT: THERE APPEAR TO BE NONE.

4 I ASKED THIS, I'LL GO THROUGH THIS
5 TWELFTH QUESTION, BUT I THINK I ASKED IT BEFORE, I ASKED
6 IF ANYBODY HAD ANY CLOSE SOCIAL RELATIONSHIP OR
7 CONNECTED BY BLOOD OR MARRIAGE WITH ANY MEMBER OF THE
8 SOLICITOR'S OFFICE OR THE SOLICITORS THAT WERE,
9 ASSISTANTS THAT WERE TRYING THIS CASE, BUT I HAVE THEIR
10 NAMES NOW. SO, IS THERE ANY MEMBER OF THE JURY PANEL -
11 - I'M NOT GOING TO ASK IF YOU KNOW ANY OF THESE PEOPLE,
12 BUT HAVE ANY CLOSE RELATIONSHIP WITH ANY OF THESE PEOPLE
13 TO THE POINT THAT YOU COULD NOT BE FAIR AND IMPARTIAL
14 AS A JUROR? AND THESE ARE PEOPLE INVOLVED WITH THE
15 SOLICITOR'S OFFICE, AND THEY ARE SOLICITOR, MR. ROBBIE
16 ROBBINS, MR. KENT COLLINS, ANGELA GARRICK AVINGER, TERRY
17 WALKER, LAURA MCCANN, PANDORA JONES, RICHARD LACKEY,
18 CAROL FRICK, THOMAS SIMS, JAMES MASSERVY OR ANY MEMBER
19 OF THESE PEOPLE'S FAMILIES, ARE ANY OF YOU OR ANY
20 MEMBERS OF YOUR FAMILY RELATED TO OR CLOSE FRIENDS WITH,
21 OR HAVE ANY SOCIAL DEALINGS WITH MEMBERS OF THE
22 SUPPORTING STAFF OF THE SOLICITOR'S OFFICE SUCH AS
23 GLENDA EASTERLIN, DELL FOWLER, SAM RICHARDSON, JENNIFER
24 JACQUES, DARLENE SIMMONS, CAROLYN MIDDLETON, DOROTHY
25 WAYMERS OR JUDY HILDERBRAND? IF SO, PLEASE STAND.

1 (Affirmative response from jury panel.)

2 THE COURT: YES, MA'AM, YOUR NAME
3 AGAIN?

4 JUROR STACK: LISA STACK, AND GLENDA
5 EASTERLIN IS A FRIEND OF MINE.

6 THE COURT: AND WOULD THAT KEEP YOU
7 FROM BEING A FAIR AND IMPARTIAL JUROR?

8 JUROR STACK: NO.

9 THE COURT: THANK YOU, MS. STACK.
10 ANYONE ELSE?

11 (Negative response from jury panel.)

12 THE COURT: THANK YOU. IS ANY
13 MEMBER OF THE JURY --- THIS CASE MAY INVOLVE TESTIMONY
14 OF THE USE OF ALCOHOL OR DRUGS. DOES ANY MEMBER OF THE
15 JURY PANEL HAVE ANY MORAL OR RELIGIOUS OPPOSITION TO THE
16 USE OF ALCOHOL OR DRUGS? IF SO, PLEASE STAND. AND
17 THAT'S, OF COURSE, NOT TO SAY THAT YOU THINK IT'S THE
18 GREATEST THING IN THE WORLD, BUT DO YOU HAVE ANY STRONG
19 RELIGIOUS BELIEFS ABOUT THE USE OF ALCOHOL OR DRUGS?

20 (Negative response from jury panel.)

21 THE COURT: THERE APPEAR TO BE NONE.

22 DOES ANY MEMBER OF THE JURY PANEL
23 OR ANY MEMBER OF YOUR IMMEDIATE FAMILY OR VERY CLOSE
24 FRIEND HAVE A DRUG PROBLEM, OR HAVE HAD A DRUG PROBLEM
25 IN THE PAST? IF SO, PLEASE STAND.

1 (Negative response from jury panel.)

2 THE COURT: THERE APPEAR TO BE NONE.

3 HAS ANY MEMBER OF THE JURY PANEL
4 EVER SAT ON A JURY BEFORE? IS SO, PLEASE STAND.

5 (Affirmative response from jury panel.)

6 THE COURT: HAS ANY OF YOU STANDING
7 EVER SAT ON A JURY IN A CRIMINAL CASE BEFORE? REMAIN
8 STANDING IF YOU'VE BEEN ON A CRIMINAL CASE BEFORE?

9 (Affirmative response from jury panel.)

10 JUROR JONES: ROBBERY, THAT WOULD
11 BE CRIMINAL?

12 THE COURT: YES, MA'AM. ANY CASE
13 WHERE IT WAS THE STATE VERSUS A DEFENDANT, AS OPPOSED
14 TO A CIVIL CASE WHERE SOMEBODY IS SUING SOMEBODY FOR
15 MONEY. AND THERE ARE FOUR OF YOU. LET'S START WITH THE
16 FIRST PERSON. MA'AM, CAN YOU RECALL WHAT KIND OF CASE
17 IT WAS AN WHETHER THE VERDICT WAS FOR THE DEFENDANT OR
18 FOR THE STATE, WAS HE OR SHE CONVICTED OR ACQUITTED?

19 JUROR JONES: THE CASE WAS DISMISSED
20 AFTER WE WERE PART WAY THROUGH THE TESTIMONY BECAUSE
21 THEY PLEADED OUT.

22 THE COURT: YOU NEVER WENT THROUGH
23 THE WHOLE TRIAL?

24 JUROR JONES: NO, SIR.

25 THE COURT: WOULD THE FACT THAT YOU

1 SAT ON A CRIMINAL CASE BEFORE KEEP YOU FROM BEING A FAIR
2 AND IMPARTIAL JUROR IN THIS CASE?

3 JUROR JONES: NO, SIR.

4 THE COURT: THANK YOU, MA'AM, YOU
5 MAY BE SEATED.

6 COURT REPORTER: WHAT'S HER NAME?

7 THE COURT: GIVE US YOUR NAME,
8 MA'AM, I'M SORRY.

9 JUROR JONES: MARGARET JONES.

10 THE COURT: MARGARET JONES. THANK
11 YOU, MS. JONES.

12 THE COURT: YES, SIR?

13 JUROR DAVIS: MY NAMES IS RUSSELL
14 DAVIS, AND I'VE SIT ON JURY TRIALS FOR DUI'S IN
15 CHESTERFIELD COUNTY AND IN ORANGEBURG COUNTY -- NOT
16 ORANGEBURG COUNTY BUT HORRY COUNTY.

17 THE COURT: HORRY COUNTY. DO YOU
18 RECALL THE OUTCOMES OF THOSE CASES, WERE THEY ALL ONE
19 WAY OR THE OTHER, OR WERE SOME OF THEM FOUND NOT GUILTY
20 AND SOME FOUND GUILTY, OR WHAT?

21 JUROR DAVIS: SOME OF THEM FOUND
22 GUILTY, SOME OF THEM FOUND INNOCENT.

23 THE COURT: VERY WELL. AND YOUR NAME
24 IS ROBERT WHAT?

25 JUROR DAVIS: RUSSELL DAVIS.

33

1 THE COURT: RUSSELL DAVIS. WOULD
2 THAT KEEP YOU, MR. DAVIS, FROM BEING A FAIR AND
3 IMPARTIAL JUROR?

4 JUROR DAVIS: NO, SIR.

5 THE COURT: THANK YOU, SIR, YOU MAY
6 BE SEATED.

7 YES, SIR, ON THE LEFT.

8 JUROR PAYTON: MY NAME IS ANTOINE
9 PAYTON, AND I SAT IN ON A MURDER TRIAL HERE IN
10 ORANGEBURG COUNTY.

11 THE COURT: AND WAS THE DEFENDANT
12 FOUND GUILTY OR NOT GUILTY?

13 JUROR PAYTON: GUILTY.

14 THE COURT: WOULD THAT KEEP YOU,
15 SIR, FROM BEING A FAIR AND IMPARTIAL JUROR IN THIS
16 UNRELATED CASE?

17 JUROR PAYTON: NO, SIR.

18 THE COURT: YOU MAY BE SEATED.
19 THANK YOU.

20 YES, MA'AM?

21 JUROR PARKER: ESTELLE PARKER, I SAT
22 ON A ROBBERY CASE, AND THEY WERE FOUND NOT GUILTY.

23 THE COURT: WOULD THAT KEEP YOU,
24 MA'AM, FROM BEING A FAIR AND IMPARTIAL JUROR IN THIS
25 CASE?

1 JUROR PARKER: NO, SIR.

2 THE COURT: YOU MAY BE SEATED. THANK
3 YOU.

4 YES, SIR?

5 JUROR WILKES: WILLIAM WILKES, AND
6 I SAT ON A BURGLARY CASE, AND THEY WERE FOUND GUILTY.

7 THE COURT: WOULD THAT FACT, MR.
8 WILKES, KEEP YOU FROM BEING A FAIR AND IMPARTIAL JUROR
9 IN THIS CASE?

10 JUROR WILKES: NO, SIR.

11 THE COURT: YOU MAY BE SEATED.

12 SOLICITOR KRAMER: YOUR HONOR, COULD
13 WE APPROACH?

14 (Whereupon, a bench conference
15 is held out of the hearing of
16 the jury and the court reporter.)

17 THE COURT: WHAT'S THEIR NAMES?

18 SOLICITOR AVINGER: ANGELA AND
19 MONICA THAT WORK IN THE PUBLIC DEFENDER'S OFFICE, I
20 DON'T KNOW THEIR LAST NAMES, YOUR HONOR.

21 THE COURT: IS THAT CARLA -- WHAT'S
22 THE MIDDLE?

23 MS. AVINGER : IT'S DEBORAH, ANGELA
24 AND MONICA.

25 THE COURT: ANGELA.

35

1 MR. KRAMER: YOUR HONOR, MAY I
2 APPROACH?

3 THE COURT: ALRIGHT.

4 SOLICITOR AVINGER: AND ALSO, DWAYNE
5 IS AN INTERNE IN THEIR OFFICE.
6 (Whereupon, a bench conference
7 is held out of the hearing of
8 the jury and the court reporter.)

9 THE COURT: HAS ANY MEMBER OF THE
10 JURY PANEL EVER BEEN THE VICTIM OF A CRIME, THE VICTIM
11 OF A CRIME? IF SO, PLEASE STAND.
12 (Affirmative response from jury panel.)

13 THE COURT: YES, SIR.

14 JUROR WILLIAMS: DALE WILLIAMS. I
15 HAD A PICKUP STOLE IN OCTOBER.

16 THE COURT: YOU HAD A CAR STOLEN
17 FROM YOU?

18 JUROR WILLIAMS: YES, SIR.

19 THE COURT: A TRUCK STOLEN FROM YOU.
20 WOULD THAT PREVENT YOU FROM BEING A FAIR AND IMPARTIAL
21 JUROR IN THIS CASE?

22 JUROR WILLIAMS: NO, SIR.

23 THE COURT: YOU MAY BE SEATED.

24 IS ANY MEMBER OF THE JURY PANEL
25 RELATED BY BLOOD, CONNECTED BY MARRIAGE OR HAVE ANY

1 CLOSE SOCIAL RELATIONSHIP OR CLOSE FRIENDS OF ANY OF THE
2 PUBLIC DEFENDER'S SUPPORT STAFF, INCLUDING DEBORAH
3 MARTIN, ANGELA HALL, MONICA SMOAK, OR DWAYNE MEANE? IF
4 SO, PLEASE STAND.

5 (Affirmative response from jury panel.)

6 THE COURT: YES, SIR.

7 JUROR WILKES: I KNOW DEBORAH
8 MARTIN, SHE GOES TO OUR CHURCH.

9 THE COURT: WOULD THE FACT THAT YOU
10 KNOW DEBORAH MARTIN, THAT SHE GOES TO YOUR CHURCH, SIR,
11 PREVENT YOU FROM BEING A FAIR AND IMPARTIAL JUROR?

12 JUROR WILKES: NO, SIR.

13 THE COURT: AND YOUR NAME AGAIN IS?

14 JUROR WILKES: WILLIAM WILKES.

15 THE COURT: THANK YOU, MR. WILKES,
16 YOU MAY BE SEATED.

17 THE COURT: HAS ANY MEMBER OF THE
18 JUROR PANEL OR YOUR IMMEDIATE FAMILY EVER BEEN
19 REPRESENTED BY THE PUBLIC DEFENDER'S OFFICE OR
20 PROSECUTED BY THE SOLICITOR'S OFFICE? IF SO, PLEASE
21 STAND.

22 (Affirmative response from jury panel.)

23 THE COURT: YES, MA'AM, YOUR NAME?

24 JUROR KING: MELISSA KING.

25 THE COURT: AND MS. KING, HOW DO YOU

37

1 FIT INTO THIS, WERE YOU PROSECUTED BY THE SOLICITOR'S
2 OFFICE?

3 JUROR KING: NO, SIR.

4 THE COURT: WERE YOU REPRESENTED BY
5 THE PUBLIC DEFENDER'S OFFICE?

6 JUROR KING: YOU SAID FAMILY
7 MEMBERS, CORRECT?

8 THE COURT: OR FAMILY MEMBER.

9 JUROR KING: FAMILY MEMBER, YES.

10 THE COURT: YOU HAVE A WHAT?

11 JUROR KING: A HUSBAND.

12 THE COURT: A HUSBAND WHO WAS
13 PROSECUTED BY THE SOLICITOR'S OFFICE?

14 JUROR KING: YES, SIR.

15 THE COURT: WAS HE DEFENDED BY THE
16 PUBLIC DEFENDER'S OFFICE?

17 JUROR KING: YES, SIR.

18 THE COURT: WOULD THAT FACT, MA'AM,
19 KEEP YOU FROM BEING A FAIR AND IMPARTIAL JUROR IN THIS
20 CASE?

21 JUROR KING: NO, SIR.

22 THE COURT: THANK YOU, MS. KING, YOU
23 MAY BE SEATED.

24 ANYONE ELSE?

25 (Negative response from jury panel.)

1 THE COURT: ANY FURTHER QUESTIONS
2 FROM THE STATE?

3 SOLICITOR COLLINS: YOUR HONOR, ANY
4 CLOSE PERSONAL TIES WITH ANY OF THE ATTORNEYS IN THE
5 PUBLIC DEFENDER'S OFFICE?

6 THE COURT: ANYBODY RELATED BY
7 BLOOD, CONNECTED BY MARRIAGE OR HAVE ANY CLOSE SOCIAL
8 RELATIONSHIP WITH MICHAEL CULLER, RICHARD GUSTAFSON,
9 PEGGY HINDS, CRYSTAL CHAPMAN OR ANDREW BROWN? IF SO,
10 PLEASE STAND.

11 (Affirmative response from jury panel.)

12 THE COURT: YES, SIR.

13 JUROR WILKES: I KNOW CRYSTAL
14 CHAPMAN, SHE GOES TO OUR CHURCH.

15 THE COURT: WOULD THAT KEEP YOU,
16 SIR, FROM BEING A FAIR AND IMPARTIAL JUROR?

17 JUROR WILKES: NO, SIR.

18 THE COURT: THANK YOU, YOU MAY BE
19 SEATED, MR. WILKES.

20 YES, MS. KING?

21 JUROR KING: RICHARD GUSTAFSON
22 REPRESENTED MY HUSBAND IN THAT CASE.

23 THE COURT: THAT WOULD HAVE BEEN
24 YOUR RELATIONSHIP WITH THE PUBLIC DEFENDER'S OFFICE?

25 JUROR KING: YES, SIR, AND CRYSTAL

1 CHAPMAN, I USED TO KEEP HER LITTLE GIRL AT THE DAY CARE
2 WHERE I WORK AT.

3 THE COURT: WOULD THAT KEEP YOU FROM
4 BEING A FAIR AND IMPARTIAL JUROR?

5 JUROR KING: NO, SIR.

6 THE COURT: THANK YOU, MS. KING.

7 ANYONE ELSE?

8 (Negative response from jury panel.)

9 THE COURT: ALRIGHT, LADIES AND
10 GENTLEMEN, WE HAVEN'T PICKED A JURY FROM THIS PANEL OF
11 JURORS. LET ME TELL YOU HOW WE DO THAT. IF YOUR NAMES
12 IS ANNOUNCED BY THE CLERK SHE'S GOING TO CALL SOME NAMES
13 THAT COME FROM THAT TUMBLER THAT HAS YOUR NAME IN THE
14 LITTLE CAPSULES IN THERE. WE'RE GOING TO, WHEN YOUR
15 NAME IS CALLED I WANT TO ASK YOU TO WALK DOWN HERE AND
16 STAND RIGHT HERE IN FRONT OF THIS LITTLE ROSTRUM, IF YOU
17 WILL, AND TURN AROUND AND FACE THE BACK OF THE
18 COURTROOM. AND I TELL PEOPLE, IT'S KIND OF LIKE THE
19 BAPTIST CHURCH, THEY VOTE ON YOU. I WAS A VISITOR IN
20 THE BAPTIST CHURCH AND EVERYBODY SAID MY NAME AND
21 SOMEBODY RAISED THEIR NAME AND I THOUGHT I HAD WON AN
22 ELECTION OR SOMETHING. BUT THE STATE AND THE DEFENSE
23 PASSES UPON YOU AS TO WHETHER OR NOT THEY'LL ACCEPT YOU
24 AS A JUROR. IT'S KIND OF PERSONAL, I GUESS, BECAUSE
25 YOU'RE STANDING THERE FEELING LIKE A CATTLE CALL OR

1 SOMETHING, BUT IT'S, DON'T LET THAT BOTHER YOU, IT'S THE
2 WAY IT'S BEEN DONE FOR HUNDREDS OF YEARS. AND ALL IT
3 MEANS IF THEY DON'T USE YOU AS JUROR, IT DOESN'T MEAN
4 THAT THEY DON'T THINK YOU'RE FAIR, IT DOESN'T MEAN THAT
5 THEY DON'T THINK YOU'RE INTELLIGENT, IT DOESN'T MEAN
6 THAT THEY THINK YOUR PARENTS DRESSED YOU FUNNY. ALL IT
7 MEANS IS THAT YOU DON'T MEET THE PROFILE OF THE TYPE
8 JUROR THAT THEY'RE LOOKING FOR. OBVIOUSLY, EACH SIDE,
9 AND THAT'S WHY WE HAVE AN ADVERSARIAL TYPE TRIAL, EACH
10 SIDE OF THIS TRIAL WANTS TO GET JURORS THAT THEY THINK
11 WOULD AGREE WITH THEIR VERSION OF THE FACTS OF THE CASE.
12 AND THEY HAVE THIS PROFILE OF THE TYPE PERSON THEY'RE
13 LOOKING FOR. IF THEY DON'T USE YOU IT ONLY MEANS THAT
14 YOU DON'T MEET THAT TYPE PROFILE. THEY CAN EXCUSE YOU
15 FOR VIRTUALLY ANY REASON, SO DON'T TAKE IT PERSONAL.

16 BUT IF YOU WILL, GIVE US A JURY,
17 PLEASE.

18 YOU MIGHT, WHEN YOU COME, BRING YOUR
19 PURSE OR YOUR PERSONAL BELONGINGS WITH YOU, BECAUSE IF
20 THEY SEAT YOU IT WILL KEEP YOU FROM HAVING TO GO BACK
21 AND GET IT LATER.

22 GO AHEAD.

23 CLERK: JUROR NUMBER ONE FORTY-
24 SEVEN, RUSSELL DAVIS. WE HAVE JUROR NUMBER ONE FORTY-
25 SEVEN, MR. DAVIS, WHAT SAYS THE STATE?

1 SOLICITOR COLLINS: PLEASE PRESENT

2 MR. DAVIS.

3 | CLERK: WHAT SAYS THE DEFENSE?

4 | MR. KRAMER: COURT'S INDULGENCE.

5 YOUR HONOR, PLEASE SEAT MR. DAVIS.

6 CLERK: HAVE A SEAT IN THE JURY BOX,

7	MR. DAVIS.

8 JUROR NUMBER ONE FIFTY, TAWYA NEALS.

9 WE HAVE JUROR NUMBER ONE FIFTY, MS. NEALS, WHAT SAYS THE
10 STATE?

11 | SOLICITOR COLLINS: . PLEASE PRESENT

12	MS. NEALS.

13 CLERK: WHAT SAYS THE DEFENSE?

14 | MR. KRAMER: PLEASE SEAT MS. NEALS.

[illegible]

16	JURY BOX.

17 JUROR NUMBER ONE O EIGHT, RONNIE

18 SCOTT. WE HAVE JUROR NUMBER ONE O EIGHT, MR. SCOTT,

19 WHAT SAYS THE STATE?

20 SOLICITOR COLLINS: PLEASE PRESENT

21 MR. SCOTT.

22 CLERK: WHAT SAYS THE DEFENSE?

23 MR. KRAMER: PLEASE EXCUSE MR.

24	SCOTT.

25 CLERK: EXCUSED BY DEFENSE.

1 JUROR NUMBER EIGHTY-SEVEN, LOUISE
2 NETTLES. WE HAVE JUROR NUMBER EIGHTY-SEVEN, MS.
3 NETTLES, WHAT SAYS THE STATE?

4 SOLICITOR COLLINS: PLEASE PRESENT
5 MS. NETTLES.

6 CLERK: WHAT SAYS THE DEFENSE?

7 MR. KRAMER: PLEASE EXCUSE MS.
8 EXCUSE.

9 CLERK: YOU'RE EXCUSED BY THE
10 DEFENSE.

11 ~~PLEASE EXCUSE MR. WILLIAMS.~~ JUROR NUMBER ONE FORTY-NINE,
12 ELIZABETH KING. WE HAVE JUROR NUMBER ONE FORTY-NINE,
13 WHAT SAYS THE STATE?

14 SOLICITOR COLLINS: PLEASE EXCUSE
15 MS. KING.

16 CLERK: YOU'RE EXCUSED BY THE STATE:
17 JUROR NUMBER ONE FORTY-FIVE, WENDY
18 WILLIAMS. WE HAVE JUROR NUMBER ONE FORTY-FIVE, MR.
19 WILLIAMS, WHAT SAYS THE STATE?

20 SOLICITOR COLLINS: PLEASE PRESENT
21 MR. WILLIAMS.

22 CLERK: WHAT SAYS THE DEFENSE?

23 MR. KRAMER: PLEASE EXCUSE MR.
24 WILLIAMS.

25 CLERK: YOU'RE EXCUSED BY THE

1 DEFENSE.

2 JUROR NUMBER SEVENTY-ONE, STEVEN
3 KIZER. WE HAVE JUROR NUMBER SEVENTY-ONE, MR. KIZER,
4 WHAT SAYS THE STATE?

5 SOLICITOR COLLINS: PLEASE PRESENT
6 MR. KIZER.

7 CLERK: WHAT SAYS THE DEFENSE?

8 MR. KRAMER: PLEASE SEAT MR. KIZER.

9 CLERK: YOU MAY HAVE A SEAT IN THE
10 JURY BOX.

11 JUROR NUMBER TWENTY-ONE, RICKIE
12 CARPENTER. WE HAVE JUROR NUMBER TWENTY-ONE, MR.
13 CARPENTER, WHAT SAYS THE STATE?

14 SOLICITOR COLLINS: PLEASE PRESENT
15 MR. CARPENTER.

16 CLERK: WHAT SAYS THE DEFENSE?

17 MR. KRAMER: PLEASE EXCUSE MR.
18 CARPENTER.

19 CLERK: YOU'RE EXCUSED BY THE
20 DEFENSE.

21 JUROR NUMBER SEVENTY, HENRY KELLER.

22 THE COURT: WHAT'S THAT NAME AGAIN?

23 CLERK: HENRY KELLER. I DON'T THINK
24 HE'S HERE.

25 THE COURT: HENRY KELLER? HENRY

1 KELLER?

2 CLERK: JUROR NUMBER ONE THIRTY-
3 NINE, TIMOTHY WOLFE. WE HAVE JUROR NUMBER ONE THIRTY-
4 NINE, MR. WOLFE, WHAT SAYS THE STATE?

5 SOLICITOR COLLINS: PLEASE PRESENT
6 MR. WOLFE.

7 CLERK: WHAT SAYS THE DEFENSE?

8 MR. KRAMER: PLEASE SEAT MR. WOLFE.

9 CLERK: YOU MAY HAVE A SEAT IN THE
10 JURY BOX.

11 JUROR NUMBER ONE FOURTEEN, LISA
12 STACK. WE HAVE JUROR NUMBER ONE FOURTEEN, MS. STACK,
13 WHAT SAYS THE STATE?

14 SOLICITOR COLLINS: PLEASE PRESENT
15 MS. STACK.

16 CLERK: WHAT SAYS THE DEFENSE?

17 MR. KRAMER: PLEASE EXCUSE MS.
18 STACK.

19 CLERK: YOU'RE EXCUSED BY THE
20 DEFENSE.

21 JUROR NUMBER THIRTY-EIGHT, KENNETH
22 GARVIN. WE HAVE JUROR NUMBER THIRTY-EIGHT, MR. GARVIN,
23 WHAT SAYS THE STATE?

24 SOLICITOR COLLINS: PLEASE PRESENT
25 MR. GARVIN.

45

1 CLERK: DOES THE DEFENSE CHALLENGE
2 FOR CAUSE?

3 MR. KRAMER: NO. PLEASE SEAT MR.
4 GARVIN.

5 CLERK: YOU MAY HAVE A SEAT IN THE
6 JURY BOX, MR. GARVIN.

7 JUROR NUMBER THIRTY-SIX, CHRIS
8 FURTICK. WE HAVE JUROR NUMBER THIRTY-SIX, MR. FURTICK,
9 WHAT SAYS THE STATE?

10 SOLICITOR COLLINS: PLEASE PRESENT
11 MR. FURTICK.

12 CLERK: DOES THE DEFENSE CHALLENGE
13 FOR CAUSE?

14 MR. KRAMER: NO. PLEASE SEAT MR.
15 FURTICK.

16 CLERK: YOU MAY HAVE A SEAT IN THE
17 JURY BOX.

18 JUROR NUMBER FORTY-TWO, JANICE
19 GINERTS. WE HAVE JUROR NUMBER FORTY-TWO, MS. GINERTS,
20 WHAT SAYS THE STATE?

21 SOLICITOR COLLINS: PLEASE PRESENT
22 MS. GINERTS.

23 CLERK: DOES THE DEFENSE CHALLENGE
24 FOR CAUSE?

25 MR. KRAMER: NO, WE DO NOT.

1 CLERK: YOU MAY HAVE A SEAT IN THE
2 JURY BOX.

3 JUROR NUMBER ONE THIRTY, LENELL
4 VOID. WE HAVE JUROR NUMBER ONE THIRTY, MR. VOID, WHAT
5 SAYS THE STATE?

6 SOLICITOR COLLINS: PLEASE PRESENT
7 MR. VOID.

8 CLERK: DOES THE DEFENSE CHALLENGE
9 FOR CAUSE?

10 MR. KRAMER: NO. PLEASE SEAT MR.
11 VOID.

12 CLERK: YOU MAY HAVE A SEAT IN THE
13 JURY BOX.

14 JUROR NUMBER ONE O SEVEN, RICHARD
15 SANDERS. WE HAVE JUROR NUMBER ONE O SEVEN, MR. SANDERS,
16 WHAT SAYS THE STATE?

17 SOLICITOR COLLINS: PLEASE EXCUSE
18 MR. SANDERS.

19 CLERK: YOU'RE EXCUSED BY THE STATE.

20 JUROR NUMBER SIXTY-ONE, LASALLE
21 JACQUES. WE HAVE JUROR NUMBER SIXTY-ONE, MR. JACQUES,
22 WHAT SAYS THE STATE?

23 SOLICITOR COLLINS: PLEASE PRESENT
24 MR. JACQUES.

25 CLERK: DOES THE DEFENSE CHALLENGE

1 FOR CAUSE?

2 MR. KRAMER: NO, WE DO NOT. PLEASE
3 SEAT MR. JACQUES.

4 CLERK: YOU MAY HAVE A SEAT IN THE
5 JURY BOX.

6 JUROR NUMBER ONE FORTY, ANNIE
7 WRIGHT. WE HAVE JUROR NUMBER ONE FORTY, MS. WRIGHT,
8 WHAT SAYS THE STATE?

9 SOLICITOR COLLINS: PLEASE EXCUSE
10 MS. WRIGHT.

11 CLERK: EXCUSED BY THE STATE.

12 JUROR NUMBER ONE ELEVEN, BARBARA
13 SIFLY. WE HAVE JUROR NUMBER ONE ELEVEN, MS. SIFLY, WHAT
14 SAYS THE STATE?

15 SOLICITOR COLLINS: PLEASE PRESENT
16 MS. SIFLY.

17 CLERK: DOES THE DEFENSE CHALLENGE
18 FOR CAUSE?

19 MR. KRAMER: NO, WE DO NOT, PLEASE
20 SEAT MS. SIFLY.

21 CLERK: YOU MAY HAVE A SEAT IN THE
22 JURY BOX.

23 JUROR NUMBER ONE FIFTY-TWO, WILLIE
24 PRALEAUX. WE HAVE JUROR ONE FIFTY-TWO, MS. PRALEAUX,
25 WHAT SAYS THE STATE?

1 SOLICITOR COLLINS: PLEASE PRESENT
2 MS. PRALEAUX.

3 CLERK: DOES THE DEFENSE CHALLENGE
4 FOR CAUSE?

5 MR. KRAMER: NO, PLEASE SEAT MS.
6 PRALEAUX.

7 CLERK: YOU MAY HAVE A SEAT IN THE
8 JURY BOX, MS. PRALEAUX.

9 JUROR NUMBER FIFTY-FOUR, HARRISON
10 HODGES. WE HAVE JUROR NUMBER FIFTY-FOUR, MR. HODGES,
11 WHAT SAYS THE STATE?

12 SOLICITOR COLLINS: PLEASE EXCUSE
13 MR. HODGES FROM THE TRIAL OF THIS CASE.

14 CLERK: YOU'RE EXCUSED BY THE STATE.

15 JUROR NUMBER NINETY-FOUR, EMMA
16 PERKINS. WE HAVE JUROR NUMBER NINETY-FOUR, MS. PERKINS,
17 WHAT SAYS THE STATE?

18 SOLICITOR COLLINS: PLEASE PRESENT
19 MS. PERKINS.

20 CLERK: DOES THE DEFENSE CHALLENGE
21 FOR CAUSE?

22 MR. KRAMER: NO, PLEASE SEAT MS.
23 PERKINS.

24 CLERK: YOU MAY HAVE A SEAT IN THE
25 JURY BOX, MS. PERKINS.

1 THE COURT: ONE ALTERNATE?

2 SOLICITOR COLLINS: YES, SIR.

3 MR. KRAMER: THAT'S FINE.

4 THE COURT: OR WILL YOU BOTH WAIVE

5 AN ALTERNATE?

6 SOLICITOR COLLINS: NO, YOUR HONOR,

7 WE DO NOT WAIVE.

8 MR. KRAMER: NO, WE WANT ONE.

9 THE COURT: ONE ALTERNATE.

10 CLERK: WILL THE STRIKES BE ONE AND

11 TWO?

12 THE COURT: ONE AND TWO.

13 CLERK: JUROR NUMBER TWENTY-FOUR,

14 CHARLES COULTER. WE HAVE JUROR NUMBER TWENTY-FOUR, MR.

15 COULTER, WHAT SAYS THE STATE?

16 SOLICITOR COLLINS: PLEASE EXCUSE

17 MR. COULTER.

18 CLERK: YOU'RE EXCUSED BY THE STATE.

19 JUROR NUMBER NINETY-ONE, ANTOINE

20 PAYTON. WE HAVE JUROR NINETY-ONE, MR. PAYTON, DOES THE

21 STATE CHALLENGE FOR CAUSE?

22 SOLICITOR COLLINS: NO.

23 MR. KRAMER: WHAT SAYS THE DEFENSE?

24 MR. KRAMER: PLEASE EXCUSE MR.

25 PAYTON.

1 CLERK: YOU'RE EXCUSED BY THE
2 DEFENSE.

3 JUROR NUMBER THIRTY-SEVEN, JACOB
4 GARRICK. WE HAVE JUROR NUMBER THIRTY-SEVEN, MR.
5 GARRICK, DOES THE STATE CHALLENGE FOR CAUSE?

6 SOLICITOR COLLINS: NO, WE DO NOT.

7 CLERK: .WHAT SAYS THE DEFENSE?

8 MR. KRAMER: PLEASE EXCUSE MR.
9 PAYTON.

10 CLERK: YOU'RE EXCUSED BY THE
11 DEFENSE.

12 JUROR NUMBER SIX, LILLIE BAMBERG.
13 WE HAVE JUROR NUMBER SIX, MS. BAMBERG, DOES THE STATE
14 CHALLENGE FOR CAUSE?

15 SOLICITOR COLLINS: NO, WE DO NOT.

16 MR. KRAMER: DOES THE DEFENSE
17 CHALLENGE FOR CAUSE?

18 MR. KRAMER: NO, WE DO NOT, MADAM
19 CLERK.

20 CLERK: YOU MAY HAVE A SEAT IN THE
21 JURY BOX.

22 THE COURT: ANY OBJECTIONS TO THE
23 SELECTION OF THE JURY BY THE STATE?

24 SOLICITOR COLLINS: NONE, YOUR
25 HONOR.

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1 THE COURT: ANY BY THE DEFENSE?

2 MR. KRAMER: THE COURT'S INDULGENCE,
3 YOUR HONOR. WE HAVE NO OBJECTION, YOUR HONOR, TO THE
4 JURY AS CONSTITUTED.

5 THE COURT: VERY WELL.

6 LADIES AND GENTLEMEN OF THE JURY,
7 THOSE OF YOU NOT SELECTED, PLEASE, YOU'RE EXCUSED NOW,
8 PLEASE CALL BACK THAT MAGIC NUMBER AFTER SIX THIS
9 AFTERNOON. YOU'LL BE GIVEN YOUR FURTHER INSTRUCTIONS
10 THEN. THANK YOU VERY MUCH.

11 CLERK: IF YOU WILL, PLEASE STAND
12 AND RAISE YOUR RIGHT HAND.
13 (Whereupon, the jury is duly
14 sworn and impaneled.)

15 CLERK: YOU MAY BE SEATED.

16 THE COURT: MR. FURTICK, I'M GOING
17 TO ASK, IF YOU WILL, PLEASE, TO SERVE AS THE FOREPERSON
18 OF THIS JURY. YOU'RE SITTING IN THE FOREMAN'S SEAT
19 THERE, AND I THINK YOU'LL MAKE A GOOD FOREPERSON.

20 LET ME TELL YOU WHAT YOUR DUTIES AND
21 RESPONSIBILITIES ARE OTHER THAN THAT OF A NORMAL JUROR,
22 AND THEY ARE THAT YOU WILL ACT AS THE SPOKES PERSON FOR
23 THE JURY. IF THE JURY HAS ANY QUESTIONS THEY WISH TO
24 BRING TO THE COURT'S ATTENTION OR TO ASK THE COURT THEY
25 WILL FIRST ASK THAT QUESTION OF YOU, YOU WILL RELAY IT

1 TO THE COURT IN THE PRESENCE OF THE OTHER JURORS. THE
2 SAME WAY WITH ANY QUESTIONS, WITH ANYTHING YOU WISH TO
3 BRING TO THE COURT'S ATTENTION, THAT'S THE ROUTE THAT
4 IT WILL GO.

5 YOU WILL ALSO ACT AS THE PRESIDING
6 JUROR. THAT MEANS THAT ONCE THE JURY HAS HEARD ALL OF
7 THE EVIDENCE IN THE CASE, YOU'VE HEARD THE ARGUMENTS OF
8 COUNSEL IN THE CASE, YOU'VE HEARD THE COURT'S
9 INSTRUCTIONS TO YOU ON THE LAW THAT'S APPLICABLE TO THE
10 CASE, AND YOU RETIRE TO YOUR JURY ROOM TO DELIBERATE
11 YOUR VERDICT, YOU WILL BE THE PERSON TO PRESIDE OVER
12 THOSE DELIBERATIONS, MAKING SURE THAT EACH AND EVERY
13 JUROR HAS A FULL AND COMPLETE OPPORTUNITY TO EXPRESS
14 THEIR VIEWS ON EACH AND EVERY ASPECT OF THE CASE.

15 AND THIRDLY, YOU WILL WRITE THE
16 VERDICT FOR THE JURY, WHATEVER THE JURY'S UNANIMOUS
17 VERDICT IS, AND YOUR VERDICT MUST BE UNANIMOUS. YOU
18 WILL BE THE ONE TO WRITE THAT ON A FORM THAT WILL BE
19 PROVIDED FOR YOU.

20 OTHER THAN THAT, THOSE ARE A LITTLE
21 EXTRA ORDINARY DUTIES, BUT OTHER THAN THOSE THREE DUTIES
22 YOURS ARE THE SAME AS ANY OTHER JUROR.

23 I'M GOING TO GIVE YOU A LITTLE BIT
24 OF A PRELIMINARY CHARGE OR EXPLANATION OF WHAT WE'RE
25 GOING TO DO IN THIS CASE AND THEN I'M GOING TO ALLOW YOU

1 TO GO LUNCH, REMINDING YOU NOT TO TALK ABOUT THIS CASE
2 WITH ANYONE OR ALLOW ANYONE TO TALK TO YOU ABOUT IT,
3 INCLUDING YOUR FELLOW JURORS, BECAUSE ANY DISCUSSION
4 PRIOR TO THE APPROPRIATE TIME, WHICH IS AFTER YOU'VE
5 HEARD ALL THE EVIDENCE IN THE CASE AND THE ARGUMENTS OF
6 COUNSEL AND THE JUDGE'S INSTRUCTIONS, ANYTHING PRIOR TO
7 THAT WOULD BE A PREMATURE DELIBERATION, AND WOULD BE A
8 VIOLATION OF YOUR OATH. SO, DON'T TALK ABOUT. WE'RE
9 GOING TO LET YOU GO TO LUNCH AFTER I GIVE YOU THIS
10 LITTLE PRELIMINARY CHARGE, AND THEN YOU'LL COME BACK AND
11 WE WILL GET INTO THE TRIAL OF THE CASE. THERE ARE SOME
12 LEGAL MATTERS, -- AND IN THIS CHARGE I'LL TELL YOU THAT
13 YOU ARE THE JUDGE OF THE FACTS OF THE CASE, AND THE
14 COURT -- IF I REFER TO MYSELF AS ME, OR THE COURT OR THE
15 JUDGE, ALL THREE OF THOSE ARE INTERCHANGEABLE TERMS -
16 - I'M IN CHARGE OF THE LAW OF THE CASE. I'M THE JUDGE
17 OF THE LAW, YOU'RE THE JUDGE OF THE FACTS. I CAN'T
18 COMMENT ON THE FACTS, I CAN'T SUGGEST TO YOU WHAT THE
19 FACTS OF THE CASE MAY BE, AND YOU CAN'T INVADE THE
20 COURT'S PROVINCE OF BEING THE JUDGE OF THE LAW.

21 AND IN BEING THE JUDGE OF THE LAW,
22 WHEN WE TAKE UP LEGAL MATTERS, MATTERS THAT ARE STRICTLY
23 LEGAL MATTERS WE HAVE TO DO THAT OUTSIDE OF YOUR
24 PRESENCE BECAUSE IF YOU WERE PRIVY TO THE CONVERSATIONS
25 AND THE ARGUMENTS OF COUNSEL IT MIGHT PREJUDICE YOU IN

1 YOUR JOB OF BEING THE JUDGE OF THE FACTS OF THE CASE.
2 SO SOMETIMES DURING THE TRIAL I MAY HAVE TO SEND YOU
3 BACK TO THE JURY ROOM WHILE WE TAKE UP A MATTER OF LAW
4 OUTSIDE OF YOUR PRESENCE. IT'S NOT A TIME OUT, IT'S NOT
5 TO FUSS AT YOU, IT'S JUST TO AVOID YOUR BEING HERE WHILE
6 WE DISCUSS IT.

7 AND THERE ARE SOME LEGAL MATTERS WE
8 HAVE TO TAKE UP BETWEEN NOW AND AFTER LUNCH, AND IF I
9 EXCUSE YOU NOW, AS SOON AS I FINISH THIS LITTLE BLURB
10 I'M GOING TO GIVE YOU, WE CAN DO THOSE LEGAL MATTERS
11 OUTSIDE OF YOUR PRESENCE AND GIVE YOU A VERY LONG TIME
12 FOR LUNCH. SO, THAT'S WHAT I INTEND TO DO.

13 THE SOLICITOR, LADIES AND GENTLEMEN,
14 WHO IS THE PROSECUTING OFFICER FOR THE STATE, WILL
15 APPEAR BEFORE YOU IN WHAT'S KNOWN AS AN OPENING
16 STATEMENT. THAT'S THE FIRST THING THAT'S GOING TO
17 HAPPEN WHEN WE COME BACK. THESE OPENING STATEMENTS ARE
18 ALLOWED UNDER OUR PROCEDURE, AND HE WILL EXPLAIN TO YOU
19 PROBABLY WHAT THE INDICTMENT SAYS. AND AN INDICTMENT
20 IS THE CHARGING DOCUMENT. AND HE WILL TELL YOU ABOUT
21 THE CHARGES THAT ARE AGAINST THE DEFENDANT. AND WHAT
22 THE SOLICITOR SAYS IN HIS OPENING STATEMENTS --- AND
23 HE'LL ALSO TELL YOU, OUTLINE HIS CASE FOR YOU. WHAT HE
24 SAYS IS IMPORTANT BUT IT'S NOT EVIDENCE IN THE CASE.

25 THAT STATEMENT WILL BE FOLLOWED BY

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1 AN OPENING STATEMENT BY THE DEFENSE. THE DEFENSE IS
2 GOING TO OUTLINE THEIR CASE TO YOU, OR TELL YOU WHAT
3 THEY WANT TO TELL YOU IN THIS OPENING STATEMENT. AGAIN,
4 WHAT THEY HAVE TO SAY IS IMPORTANT, WHAT THE DEFENSE
5 COUNSEL HAS TO SAY IS IMPORTANT, BUT IT'S NOT EVIDENCE
6 IN THE CASE. IN FACT, NOTHING THAT AN ATTORNEY SAYS IS
7 EVIDENCE IN THE CASE. NOW, OF COURSE, THAT'S NOT TO SAY
8 THAT WHAT THEY HAVE TO SAY IS NOT IMPORTANT, IT'S JUST
9 NOT EVIDENCE IN THE CASE AND CAN'T BE CONSIDERED BY YOU
10 AS EVIDENCE IN THE CASE.

11 EVIDENCE IN ANY CASE COMES FROM
12 THREE SOURCES, AND THREE SOURCES ALONE, EVIDENCE COMES
13 FROM SWORN TESTIMONY FROM THE WITNESS STAND. IT COMES
14 FROM ANY PHYSICAL ITEMS, ANY EXHIBITS, GRAFTS, CHARTS,
15 REPORTS, DOCUMENTS, THINGS, PISTOLS OR WEAPONS, ANYTHING
16 THAT'S TANGIBLE THAT COMES INTO EVIDENCE AND IS ALLOWED
17 INTO EVIDENCE THE BY COURT, THAT'S THE SECOND SOURCE OF
18 EVIDENCE IN A CASE. THE THIRD SOURCE OF EVIDENCE IN A
19 CASE IS STIPULATIONS. NOW THAT'S A FANCY WORD WHICH
20 BASICALLY MEANS AGREEMENT. SOMETIMES THE PARTIES, THE
21 STATE AND THE DEFENSE WILL STIPULATE SOMETHING, THEY'LL
22 SAY, JUDGE, WE STIPULATE THAT, FOR INSTANCE, THIS
23 DOESN'T HAVE ANYTHING TO DO WITH THIS CASE, BUT FOR
24 INSTANCE, THEY'LL SAY, WE STIPULATE THAT IT WAS RAINING
25 ON THE NIGHT OF DECEMBER THE TWENTY-SEVENTH OF NINETEEN

1 FORTY-TWO. WELL, THEN, THAT'S A FACT YOU DON'T HAVE
2 WORRY YOUR HEAD ABOUT, IT'S CONCLUSIVE ON THAT POINT.
3 AND OBVIOUSLY, IT MUST HAVE SOME BEARING ON THE CASE OR
4 THEY WOULDN'T BE STIPULATING TO ANYTHING THAT DIDN'T
5 HAVE ANY BEARING ON THE CASE, BUT THEY AGREE TO A FACT
6 OR SET OF FACTS AND IT'S CONCLUSIVE ON THAT POINT. SO,
7 YOU DON'T HAVE TO DELIBERATE ABOUT THAT. THAT'S, FOR
8 PURPOSES OF THIS TRIAL, ANYTHING THEY STIPULATE TO OR
9 AGREE TO IS A FACT. AND THOSE, SOMETIMES YOU HAVE
10 STIPULATIONS, SOMETIMES YOU DON'T HAVE STIPULATIONS IN
11 A CASE. AND IF THERE ARE ANY, OF COURSE, THE COURT WILL
12 BRING THOSE TO YOUR ATTENTION. USUALLY YOU DON'T, BUT
13 THERE ARE SOME CASES WHERE YOU HAVE STIPULATIONS.
14 USUALLY, THE FACTS OF A CASE COME FROM THE TESTIMONY AND
15 THE EXHIBITS IN THE CASE.

16 NOW, GETTING ON WITH IT, ONCE YOU'VE
17 HEARD THE OPENING STATEMENTS OF BOTH THE STATE AND THE
18 DEFENSE, THAT WILL BE FOLLOWED BY THE PRESENTATION OF
19 THE EVIDENCE IN THE CASE, THROUGH SWORN TESTIMONY,
20 THROUGH THE INTRODUCTION OF EXHIBITS, AND THROUGH ANY
21 STIPULATIONS THAT MAY COME ABOUT.

22 AFTER YOU'VE HEARD THE, THE EVIDENCE
23 IN THE CASE AND HAVE BEEN PRIVY TO THE INTRODUCTION OF
24 THE EXHIBITS AND WHAT HAVE YOU, THE ATTORNEYS WILL THEN
25 APPEAR BACK BEFORE YOU IN WHAT'S CALL THE CLOSING

1 ARGUMENTS, SOMETIMES CALLED A SUMMATION, AND THEY WILL,
2 UNLIKE THE OPENING STATEMENTS, IT WON'T BE SIMPLY A
3 STATEMENT OF WHAT THEY INTEND TO DO, THEY WILL ARGUE TO
4 YOU THE FACTS OF THE CASE AND TELL YOU WHY YOU OUGHT TO
5 AGREE WITH THEIR VERSION OF THE FACTS OF THE CASE,
6 USUALLY BY POINTING OUT SOME OF THE EVIDENCE. SUCH AND
7 SUCH SHOWED THIS, OR WHEN HE DID THAT, SO AND SO, AND
8 SO AND SO. AND AGAIN, WHAT THE ATTORNEYS SAY IN THEIR
9 CLOSING ARGUMENTS IS IMPORTANT BUT IT'S NOT EVIDENCE IN
10 THE CASE. AGAIN, NOTHING THE ATTORNEYS SAY IS EVIDENCE.

11 ONCE THEY HAVE COMPLETED THEIR
12 CLOSING ARGUMENTS, THE ATTORNEYS HAVE, THEN THE COURT,
13 THE JUDGE WILL THEN INSTRUCT YOU IN THE LAW THAT'S
14 APPLICABLE TO THIS CASE. AND AFTER I DO THAT, THEN YOU
15 WILL RETIRE TO YOUR JURY ROOM TO DELIBERATE YOUR
16 VERDICT.

17 THAT'S GENERALLY HOW THE TRIAL IS
18 GOING TO GO. I LIKE TO SAY IT'S DIVIDED UP INTO FOUR
19 PHASES, OPENING STATEMENTS, THE PRESENTATION OF THE
20 EVIDENCE, CLOSING ARGUMENTS, AND THE JUDGE'S
21 INSTRUCTIONS TO YOU ON THE JURY -- ON THE LAW. IF YOU
22 SAY YOUR DELIBERATIONS IS A PHASE, THEN IT'S FIVE PHASES
23 OF A TRIAL. THAT'S GENERALLY WHAT WE'RE GOING TO DO.

24 LET ME TELL YOU THAT YOUR VERDICT
25 IN THE CASE, AS IN ALL CASES, MUST BE A UNANIMOUS

1 VERDICT OF ALL TWELVE JURORS. ALL TWELVE OF YOU MUST
2 AGREE ON THE VERDICT WHICH YOU'RE AUTHORIZING THE
3 FOREPERSON TO WRITE FOR YOU. THE LAW REQUIRES THAT YOUR
4 DECISION BE REACH SOLELY UPON THE COMPETENT EVIDENCE IN
5 THE CASE, THAT'S THE SWORN TESTIMONY, THE EXHIBITS, AND
6 ANY STIPULATIONS THAT MAY COME ABOUT, TOGETHER WITH, OF
7 COURSE, THE INSTRUCTIONS ON THE LAW BY THE COURT.

8 THE TRIAL JURY IS THE SOLE AND
9 EXCLUSIVE JUDGE OF THE FACTS OF THE CASE AND THE COURT
10 IS THE JUDGE OF THE LAW. I, AS THE TRIAL JUDGE, HAVE
11 THE RESPONSIBILITY TO INSTRUCT YOU IN THE LAW THAT'S
12 APPLICABLE TO THAT CASE AND IT'S YOUR DUTY AS JURORS TO
13 ACCEPT AN APPLY THAT LAW PRECISELY AS THE COURT STATES
14 IT TO YOU.

15 NOW, I'VE TOLD YOU, AND I TELL YOU
16 AGAIN, THE CHARGES IN THIS INDICTMENT ARE POSSESSION
17 WITH INTENT TO DISTRIBUTE CRACK COCAINE, POSSESSION WITH
18 INTENT TO DISTRIBUTE SCHEDULE ONE, TWO OR THREE DRUGS,
19 IN THIS CASE, MARIJUANA, POSSESSION WITH INTENT TO
20 DISTRIBUTE MARIJUANA WITHIN PROXIMITY OF A SCHOOL OR A
21 PARK, AND POSSESSION WITH INTENT TO DISTRIBUTE CRACK
22 COCAINE WITHIN PROXIMITY OF A SCHOOL OR A PARK. NOW,
23 MR. SANDERS HAS BEEN CHARGED IN THESE INDICTMENTS WITH
24 THOSE FOUR OFFENSES.

25 NOW, TO THESE INDICTMENTS HE HAS

1 PLED NOT GUILTY, WHICH PLACES UPON THE STATE THE BURDEN
2 OF PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE
3 DOUBT. NO PERSON CHARGED WITH COMMITTING A CRIMINAL
4 OFFENSE IN THIS STATE IS REQUIRED TO PROVE HIMSELF
5 INNOCENT. I CHARGE YOU THAT IT IS A VITAL AND IMPORTANT
6 RULE OF THE LAW OF EVIDENCE THAT A DEFENDANT IN A
7 CRIMINAL TRIAL, NOT MATTER HOW GREAT OR SERIOUS MAY BE
8 THE OFFENSE WITH WHICH HE IS CHARGED, MUST ALWAYS BE
9 PRESUMED INNOCENT UNTIL HIS GUILT HAS BEEN PROVEN BEYOND
10 A REASONABLE DOUBT. NOW, THAT'S CALL THE PRESUMPTION OF
11 INNOCENCE. NOW, THIS PRESUMPTION OF INNOCENCE REMAINS
12 WITH THE DEFENDANT AT ALL TIMES, FROM THE MOMENT OF HIS
13 INITIAL ARRAIGNMENT AND THROUGHOUT THE TRIAL, AND UNTIL
14 THE JURY HAS, UPON THE TESTIMONY AND EVIDENCE PRESENTED,
15 REACHED A VERDICT OF GUILTY BEYOND A REASONABLE DOUBT,
16 FOR IT IS THE SOLEMN DUTY OF THE JURY, IF NOT CLEARLY
17 CONVINCED OF HIS GUILT BEYOND EVERY REASONABLE DOUBT TO
18 THE CONTRARY, TO FIND THE DEFENDANT NOT GUILTY. ON THE
19 OTHER HAND, IF THE STATE HAS PROVEN TO YOUR SATISFACTION
20 THE GUILT OF THE DEFENDANT BEYOND EVERY REASONABLE
21 DOUBT, IT WOULD THEN BE YOUR SOLEMN DUTY TO FIND THE
22 DEFENDANT GUILTY.

23 SO, THE BURDEN OF PROOF IS UPON THE
24 STATE TO ESTABLISH BY THE EVIDENCE TO YOUR SATISFACTION
25 THE GUILT BEYOND A REASONABLE DOUBT OF THIS DEFENDANT

1 HERE ON TRIAL FOR THE CRIMES THAT I'VE JUST MENTIONED
2 TO YOU.

3 NOW, AGAIN, I'M GOING TO ALLOW YOU
4 AT THIS TIME TO BE EXCUSED TO GO HAVE YOUR LUNCH. WE'RE
5 GOING TO TAKE UP SOME MATTERS THAT WILL TAKE US PROBABLY
6 DOWN TO ABOUT ONE O'CLOCK. PLEASE BE BACK IN YOUR JURY
7 ROOM -- WOULD YOU SHOW THEM, MADAM CLERK -- MADAM
8 BAILIFF, WHERE THE JURY ROOM IS SO THEY'LL KNOW WHERE
9 TO REPORT AFTER LUNCH. BE BACK IN YOUR JURY ROOM AT
10 TWO:THIRTY, AND WE'LL COMMENCE THE TRIAL OF THE CASE AT
11 THAT TIME. AGAIN, I REMIND YOU NOT TO DISCUSS THE CASE
12 WITH ANYONE, INCLUDING YOUR FELLOW JURORS, OR ALLOW
13 ANYONE TO DISCUSS THE CASE WITH YOU.

14 YOU MAY BE EXCUSED TO GO TO LUNCH.
15 IF YOU WILL, GO WITH THEM AND THEY WILL SHOW YOU WHERE
16 THAT JURY ROOM IS.

17 (Whereupon, the jury
18 leaves the courtroom.)

19 THE COURT: ALRIGHT, FOLKS, IF
20 THERE'S NOTHING ELSE, WE'LL STAND ADJOURNED, OR EXCUSE
21 ME, AT EASE UNTIL -- YES, SIR?

22 SOLICITOR COLLINS: MAY I APPROACH,
23 PLEASE?

24 THE COURT: YES, SIR.
25 (Whereupon, a bench conference

1 is held out of the hearing of
2 the jury and the court reporter.)

3 (Recess)

4 MR. KRAMER: GOOD AFTERNOON, YOUR
5 HONOR.

6 THE COURT: GOOD AFTERNOON.

7 MR. KRAMER: MAY IT PLEASE THE
8 COURT.

9 THE COURT: YES, SIR.

10 MR. KRAMER: WE'RE HERE, YOUR HONOR,
11 FOR OUR PRETRIAL MOTIONS IN THE CASE OF THE STATE VERSUS
12 VONDELL SANDERS. THE FIRST MOTION, YOUR HONOR, I'D LIKE
13 TO ADDRESS TO THE COURT IS A MOTION TO SEQUESTER THE
14 STATE'S WITNESSES.

15 THE COURT: GRANTED.

16 MR. KRAMER: THANK YOU, YOUR HONOR..

17 THE COURT: SEQUESTER YOURS AND
18 SEQUESTER THE DEFENSE.

19 SOLICITOR COLLINS: YES, YOUR HONOR.

20 MR. KRAMER: MY SECOND MOTION, YOUR
21 HONOR, IS, I WOULD LIKE TO MAKE A MOTION TO SUPPRESS ANY
22 IN COURT IDENTIFICATION OF MR. VONDELL SANDERS.

23 THE COURT: ALRIGHT.

24 MR. KRAMER: YOUR HONOR, I'D ALSO
25 LIKE TO MAKE A MOTION AT THIS TIME TO EXCLUDE ANY NON-

1 PRODUCED EVIDENCE THAT THE STATE HAS NOT GIVEN ME.

2 THE COURT: THAT MOTION IS GRANTED.

3 MR. KRAMER: YES, SIR, YOUR HONOR.

4 SOLICITOR COLLINS: YOUR HONOR,
5 THERE IS A QUESTION, THERE WERE SOME PHOTOS THAT WE
6 TALKED ABOUT THIS MORNING THAT WE WERE GOING TO LET MR.
7 KRAMER OBSERVE, AND ALSO A FEW EXHIBITS, IF HE'D LIKE
8 TO OBSERVE THEM AT THIS POINT.

9 THE COURT: I'M SORRY, I'M LOSING
10 YOU.

11 SOLICITOR COLLINS: THERE WERE SOME
12 THINGS FOUND, THERE WERE SOME PHOTOS TAKEN AT THE CRIME
13 SCENE, YOUR HONOR, AND ALSO, I THINK HE HAS SOME PHOTOS
14 AS WELL THAT I HAVE NOT HAD A CHANCE TO LOOK AT, THAT
15 HE INTENDS TO INTRODUCE. AND I HAVE SOME EXHIBITS THAT
16 WERE FOUND AT THE HOUSE.

17 THE COURT: DO YOU HAVE ANYTHING YOU
18 HAVEN'T GIVEN HIM?

19 MR. KRAMER: I HAVEN'T SEEN THESE
20 CANS UNTIL TODAY, YOUR HONOR.

21 THE COURT: WELL, GIVE HIM ALL OF
22 THAT STUFF.

23 SOLICITOR COLLINS: OKAY, YOUR
24 HONOR. UNDER RULE FIVE AND BRADY, CONTINUE DUTY TO
25 DISCLOSE, YOUR HONOR, I HAVE NOT SEEN THESE THINGS UNTIL

1 TODAY, I WOULD NOTE THAT FOR THE RECORD.

2 THE COURT: DO YOU WANT TO MOVE TO
3 EXCLUDE THEM?

4 MR. KRAMER: YES, SIR, YOUR HONOR.

5 THE COURT: I'LL HEAR YOU.

6 SOLICITOR COLLINS: THEY WERE
7 LISTED IN THE REPORT, YOUR HONOR. SO, HE WAS ADVISED
8 OF THE PRESENCE OF THEM. I JUST PHYSICALLY CAME INTO
9 THE ACTUAL ITEMS THIS MORNING.

10 THE COURT: BUT YOU KNEW ABOUT THEM?

11 MR. KRAMER: YOUR HONOR, WHAT THE
12 STATE IS SAYING IS THAT BECAUSE THEY WERE LISTED IN A
13 REPORT, THAT I SHOULD HAVE CAME TO HIM.

14 THE COURT: THAT'S RIGHT.

15 MR. KRAMER: AND I'M SAYING HERE,
16 YOUR HONOR, THAT I DID NOT SEE THIS EVIDENCE UNTIL
17 TODAY.

18 THE COURT: ALRIGHT, SIR, I DENY
19 YOUR MOTION TO EXCLUDE IT. BUT YOU HAVE IT NOW, DIGEST
20 IT, DO WHAT YOU WANT TO DO WITH IT.

21 MR. KRAMER: THANK YOU, YOUR HONOR.
22 YOUR HONOR, MY NEXT MOTION IS FOR RELIEF OF COUNSEL. I
23 HAD PREVIOUSLY MADE THIS MOTION, YOUR HONOR, I BELIEVE,
24 IN MARCH. THE COURT DENIED IT. I RENEW MY REQUEST FOR
25 RELIEF BASED ON THE FOLLOWING, YOUR HONOR: MY CLIENT,

1 VONDELL SANDERS, HAS A SISTER, A DORIS SANDERS, WHO
2 LIVES IN NEW YORK CITY, STATE OF NEW YORK, TELEPHONE
3 NUMBER IS [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED]. SHE HAS RETAINED AN ATTORNEY, A JOSEPH
5 LEDWICH, WHO IS A LICENSED ATTORNEY IN THE STATE OF NEW
6 YORK. HIS NUMBERS ARE SEVEN-ONE-EIGHT TWO-SEVEN-SIX
7 SIX-SIX-FIVE-SIX AND NINE-ONE-SEVEN SEVEN-TWO-THREE SIX-
8 SEVEN-SIX FOUR. IT'S MY UNDERSTANDING THAT THIS
9 ATTORNEY, JOSEPH LEDWICH, HAS PROVIDED LEGAL ADVICE
10 WITHOUT MY KNOWLEDGE CONCERNING CRIMINAL ACTION IN THIS
11 CASE. HE HAS ALSO ADVISED MY CLIENT, YOUR HONOR, WITHOUT
12 MY KNOWLEDGE UNTIL RECENTLY, MY CLIENT INDICATED TO ME
13 THAT HE HAS SPOKEN TO MR. LEDWICH TELEPHONICALLY. I
14 DON'T KNOW WHAT TRANSPIRED IN THAT, I HAD NO KNOWLEDGE
15 THERE WAS OUTSIDE COUNSEL BEING EMPLOYED TO GIVE LEGAL
16 ADVICE IN THIS CASE, YOUR HONOR. I BELIEVE THAT IF THE
17 FAMILY HAS FINANCIAL RESOURCES, YOUR HONOR, TO HIRE
18 OUTSIDE COUNSEL, AND AS I STATED IN MARCH, YOUR HONOR,
19 THERE WAS A NUMBER INVOLVED FOR THE BOND HEARINGS THAT
20 APPROXIMATED, I BELIEVE, THIRTEEN THOUSAND DOLLARS IN
21 CASH FOR TWO BONDS, THAT MR. SANDERS IS NOT INDIGENT,
22 HAS THE FINANCIAL RESOURCES FOR PRIVATE COUNSEL, AND HE
23 SHOULD NOT BE REPRESENTED BY THE PUBLIC DEFENDER'S
24 OFFICE BASED ON HIS LACK OF INDIGENCY AND HIS PHYSICAL -
25 - HIS FINANCIAL RESOURCES, YOUR HONOR, THAT EVEN IF HE

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1 SAYS HE DOESN'T HAVE AND HIS FAMILY IS MAKING THOSE
2 RESOURCES AVAILABLE TO BOND HIM OUT, TO ALSO HIRE
3 OUTSIDE COUNSEL. AND I HAVE NO IDEA WHAT THIS OTHER
4 LAWYER IN NEW YORK, WHO IS NOT LICENSED TO PRACTICE IN
5 SOUTH CAROLINA, HAS TOLD MY CLIENT OR ADVISED HIM TO DO
6 IN THIS CASE. ALL I KNOW, YOUR HONOR, IS, IT COULD
7 HAMPER MY CLIENT'S DECISION ON WHETHER TO ACCEPT
8 CERTAIN CONDITIONS THAT I DISCUSSED WITH HIM, COULD
9 AFFECT HIS DECISIONS IN THE MATTER OF THIS TRIAL, YOUR
10 HONOR, AND I NOTE FOR THE RECORD THAT ACCORDING TO WHAT
11 I'VE -- WHO I'VE SPOKEN TO, DORIS SANDERS, MY CLIENT,
12 THERE HAS BEEN CONSULTATION WITH THIS ATTORNEY OUTSIDE
13 OF MY KNOWLEDGE. AND SO, AT THIS POINT, YOUR HONOR, -

14 --

15 THE COURT: THAT'S THE LAWYER THAT
16 YOU INDICATED IN CHAMBERS WITH THE SOLICITOR PRESENT -

17 --

18 MR. KRAMER: YES, SIR.

19 THE COURT: --- THAT'S NOT LICENSED
20 TO PRACTICE IN SOUTH CAROLINA?

21 MR. KRAMER: YES, SIR, YOUR HONOR.

22 THE COURT: WELL, IT'S MY
23 UNDERSTANDING, MR. KRAMER, THAT ONE'S INDIGENCY IS BASED
24 ON HIS ABILITY TO HIRE A LAWYER, NOT HIS FAMILY'S
25 ABILITY TO HIRE A LAWYER. HIS FAMILY APPARENTLY HAS

1 HIRED A LAWYER THAT CAN'T COME INTO THIS COURT AND
2 REPRESENT HIM, AND HE'S CHARGED IN THIS COURT. WHETHER
3 HE'S LISTENING TO THAT LAWYER, PAYING ATTENTION TO THAT
4 LAWYER, OR HEEDING HIS ADVICE OR NOT, I CERTAINLY DON'T
5 KNOW.

6 I WILL TELL MR. SANDERS THAT THIS
7 IS YOUR ATTORNEY RIGHT HERE THAT'S REPRESENTING YOU IN
8 THIS CASE.

9 I DENY YOUR MOTION TO BE RELIEVED
10 AS COUNSEL.

11 IF YOU'RE INDIGENT YOU HAVE A RIGHT
12 TO BE REPRESENTED BY THE PUBLIC DEFENDER, AND IF YOUR
13 FAMILY -- THEY MIGHT WANT TO PROVIDE HIM WITH A NEW YORK
14 LAWYER BUT NOT A SOUTH CAROLINA LAWYER, I DON'T KNOW
15 WHAT THEIR ABILITIES ARE GIVINGS ARE. BUT SUFFICE IT
16 TO SAY THIS, THE NEW YORK LAWYER CAN'T HELP YOU, MR.
17 SANDERS. HE'S NOT HERE, HE CAN'T PRACTICE IN THIS COURT.
18 I BELIEVE I WOULD TAKE ADVICE FROM THE LAWYER THAT CAN
19 HELP YOU, THE ONE THAT HAS BEEN APPOINTED TO REPRESENT
20 YOU AND WHO IS GIVING HIS TALENTS AND HIS TIME AND HIS
21 EFFORTS TO REPRESENT YOU. I WOULD HEED HIS ADVICE. HE'S
22 THE ONE THAT HAS TO STAND BEFORE THE COURT, AND NOT MR.
23 LEDWICH IN NEW YORK. IN FACT, HE CAN'T STAND BEFORE THE
24 COURT, I MEAN, HE CAN'T PRACTICE IN THIS COURT.

25 SO, WITH RESPECT, I DENY YOUR

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1 MOTION, MR. KRAMER. YOU'RE A GOOD LAWYER, YOU'RE
2 APPOINTED TO REPRESENT THIS PERSON, AND WE'RE READY TO
3 GO TO TRIAL.

4 MR. KRAMER: THANK YOU, YOUR HONOR.
5 YOUR HONOR, THE NEXT MOTION I WOULD REQUEST IS TO
6 SUPPRESS THE SEARCH WARRANT THAT WAS ISSUED IN THIS
7 CASE, YOUR HONOR. I HAVE, FOR THE COURT'S INFORMATION,
8 SUBPOENAED MAGISTRATE JUDGE PEGGY DAVIS TO BE PRESENT
9 IN COURT TO TESTIFY. I WAS INFORMED THAT SHE WOULD NOT
10 BE AVAILABLE UNTIL TWO:THIRTY, YOUR HONOR, SO I DON'T
11 KNOW IF THE COURT WISHES TO WAIT UNTIL TWO:THIRTY, BUT
12 HER TESTIMONY MAY BE IMPORTANT TO THE COURT IN DECIDING
13 WHETHER TO SUPPRESS THE WARRANT BECAUSE OF THE TIME IT
14 WAS ISSUED AND THE VERACITY AND CONDITIONS AND
15 RELIABILITY THAT IT WAS ISSUED UNDER.

16 THE COURT: WHO IS THE PERSON?

17 MR. KRAMER: MAGISTRATE JUDGE PEGGY
18 DAVIS, YOUR HONOR, WHO IS AT THE ORANGEBURG SUMMARY
19 COURT. SHE'S THE MAGISTRATE WHO ISSUED THE SEARCH
20 WARRANT.

21 THE COURT: WELL, WE'LL WAIT UNTIL
22 SHE GETS HERE. SHE'S COMING AT TWO:THIRTY?

23 MR. KRAMER: THAT'S WHAT I WAS, I
24 UNDERSTOOD FROM HER OFFICE, YOUR HONOR.

25 THE COURT: ALRIGHT, SIR, WE'LL WAIT

1 UNTIL TWO:THIRTY TO DO THAT ONE. WHAT'S ANOTHER ONE?

2 MR. KRAMER: I WOULD LIKE TO
3 PROCEED, YOUR HONOR, WITH, THEN, A JACKSON V. DENO
4 HEARING ---

5 THE COURT: ALRIGHT.

6 MR. KRAMER: --- ON A STATEMENT THAT
7 WAS MADE ALLEGEDLY BY MY CLIENT AS PART OF THE
8 ORANGEBURG COUNTY SHERIFF'S OFFICE SELECTIVE ENFORCEMENT
9 DIVISION INVESTIGATIVE REPORT DATED OCTOBER SEVENTEENTH,
10 TWO THOUSAND THREE, CASE NUMBER TWO ZERO ZERO THREE,
11 ZERO TWO SEVEN SIX FIVE FIVE. INVESTIGATOR LYN SHIRER.

12 THE COURT: ALRIGHT, YOU MAY
13 PROCEED.

14 SOLICITOR COLLINS: I CALL
15 INVESTIGATOR LYN SHIRER.

16 THE COURT: PLACE YOUR LEFT HAND ON
17 THE BIBLE AND RAISE YOUR RIGHT, PLEASE, SIR.

18 (Whereupon, Witness Lyn Shirer
19 is duly sworn.)

20 THE COURT: BE SEATED, PLEASE.

21 (NOTE: Blank lines on this page do not indicate any
22 part of record has been omitted. Headers on testimony
23 pages and hard page breaks between testimony are now
24 required by the Court. See next ensuing page for
25 sequential continuation of record.)

DIRECT, IN CAMERA - LYN SHIRER BY SOL. COLLINS

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DIRECT EXAMINATION, IN CAMERA, OF LYN SHIRER

BY SOLICITOR COLLINS:

Q. PLEASE STATE YOUR NAME FOR THE RECORD, SPELLING
YOUR LAST NAME?

A. LYN SHIRER, S-H-I-R-E-R.

Q. WHERE ARE YOU EMPLOYED AT, MR. SHIRER?

A. ORANGEBURG COUNTY SHERIFF'S OFFICE.

Q. WHAT IS YOUR POSITION THERE?

A. INVESTIGATOR.

Q. ON OCTOBER SEVENTEENTH, TWO THOUSAND AND THREE, DID
YOU HAVE A CHANCE TO GET -- GO TO THE HOUSE OF MR.
VONDELL SANDERS AT [REDACTED]?

A. BELLINGER, YES, SIR.

Q. YOU WERE THERE, WHAT WERE YOU THERE FOR?

A. A SEARCH WARRANT.

Q. DID YOU EXECUTE THE SEARCH WARRANT?

A. YES, WE DID.

Q. OKAY. AND YOU ARRESTED MR. SANDERS, IS THAT
CORRECT?

A. YES, WE DID.

Q. OKAY. HE WAS ACTUALLY IN YOUR CUSTODY AND YOU
ARRESTED HIM ---

A. YES, SIR.

Q. --- ON A SERIES OF CHARGES. DID HE MAKE A
VOLUNTARY WAIVER OF HIS RIGHTS?

DIRECT, IN CAMERA - LYN SHIRER BY SOL. COLLINS

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1 A. YES, SIR, HE TALKED WITH US.

2 Q. OKAY. HE DID. WHO ADVISED HIM OF HIS RIGHTS?

3 A. MYSELF AND TONY POWELL.

4 Q. OKAY. WHO ACTUALLY READ HIS RIGHTS TO HIM?

5 A. I DID.

6 Q. OKAY. LET ME GO OVER THIS WITH YOU. DID YOU ADVISE
7 HIM THAT HE HAS A RIGHT TO REMAIN SILENT?

8 A. YES, I DID.

9 Q. DID YOU ADVISE HIM THAT ANYTHING HE'D SAY COULD AND
10 WOULD BE USED AGAINST HIM IN A COURT OF LAW?

11 A. YES, I DID.

12 Q. OKAY. THAT HE HAD A RIGHT TO TALK TO A LAWYER AND
13 HAVE ONE PRESENT WITH HIM WHILE HE WAS BEING
14 QUESTIONED?

15 A. YES, I DID.

16 Q. AND IF HE COULD NOT AFFORD TO HIRE A LAWYER, THAT
17 ONE WOULD BE APPOINTED TO REPRESENT HIM BEFORE ANY
18 QUESTIONING, IF HE WISHED?

19 A. YES, SIR.

20 Q. AND THAT HE COULD DECIDE AT ANYTIME TO EXERCISE
21 THOSE RIGHTS AND NOT TO ANSWER ANY QUESTIONS OR
22 MAKE ANY STATEMENTS?

23 A. YES, SIR.

24 Q. OKAY. DID YOU ASK HIM IF HE UNDERSTOOD THOSE
25 RIGHTS AS YOU EXPLAINED THEM TO HIM?

DIRECT, IN CAMERA - LYN SHIRER BY SOL. COLLINS

71.

1 A. YES, SIR.

2 Q. OKAY. AND HAVING HIS RIGHTS IN MIND, DID HE WISH
3 TO TALK TO YOU, DID YOU TELL HIM THAT?

4 A. YES, SIR.

5 Q. DID HE SAY, YES, HE DID WISH TO TALK TO YOU?

6 A. YEAH, HE TALKED WITH US.

7 Q. DID YOU MAKE HIM ANY PROMISES, THREATS, OR USE ANY
8 COERCIVE MANNER TO ---

9 A. NO, SIR.

10 Q. --- TO GET HIM TO MAKE THIS STATEMENT?

11 A. NO, SIR.

12 Q. OKAY. WHAT WAS THE STATEMENT THAT HE MADE?

13 A. WE WERE TALKING TO HIM, ALSO THE FEMALE WAS
14 PRESENT. WE WERE IN THE, HE WAS ON THE COUCH RIGHT
15 NEXT TO THE FRONT DOOR, THE FEMALE WAS PRESENT
16 THERE ALSO, IT'S THE KITCHEN AND DEN WERE TOGETHER.
17 AND WE WERE TALKING TO HIM, AND I ACTUALLY ADVISED
18 HIM WHAT WAS FOUND IN HIS ROOM AND ALL THAT. AND
19 HE ADVISED THAT HE HAD -- WE WERE TALKING TO THEM
20 ABOUT, ABOUT THE FEMALE, AND HE SAID THAT SHE WAS
21 JUST OVER THERE HAVING RELATIONS WITH MR. SANDERS.

22 MR. KRAMER: I OBJECT, YOUR HONOR,
23 THIS IS HEAR SAY ---

24 THE COURT: SUSTAINED.

25 MR. KRAMER: --- RIGHT NOW IN THE

DIRECT, IN CAMERA - LYN SHIRER BY SOL. COLLINS 72

1 COURTROOM. HE'S DISCUSSING WHAT THERE'S A WITNESS
2 THAT'S BEEN SUBPOENÆED HAD TO SAY, I BELIEVE THAT'S
3 SYLVIA WRIGHT WHO'S UNDER SUBPOENA, THAT WITNESS IS
4 AVAILABLE. ALSO, HE'S DISCUSSING WHAT MR. VONDELL SAID,
5 WHO IS ALSO AVAILABLE TO TESTIFY BEFORE THE COURT.

6 SOLICITOR COLLINS: YOUR HONOR, IT'S
7 GOING TO -- WE'RE JUST SAYING WHAT HE SAID IN HIS
8 STATEMENT TO THE, FOR ONLY THE PURPOSE OF THIS JACKSON
9 V DENO HEARING.

10 THE COURT: YOUR OBJECTION IS TO
11 WHAT MR. SANDERS SAID?

12 MR. KRAMER: HE'S DESCRIBING, YOUR
13 HONOR, WHEN THE WITNESS IS AVAILABLE TO TESTIFY, WHAT
14 MY CLIENT'S TESTIMONY IS. HE'S DESCRIBING TO THE COURT
15 WHAT SYLVIA WRIGHT SAID, AND SHE'S NOT HERE RIGHT NOW
16 TO TESTIFY, SHE CAN BE BROUGHT HERE TO TESTIFY, YOUR
17 HONOR.

18 THE COURT: YOU CAN TELL US WHAT
19 HIS CLIENT SAID.

20 A. SIR?

21 THE COURT: YOU CAN TELL US WHAT -
22 - TO THE EXTENT THAT HE'S QUOTING YOUR CLIENT, YOUR
23 OBJECTION IS OVERRULED.

24 MR. KRAMER: YES, SIR.

25 THE COURT: YOU DON'T NEED TO TELL

DIRECT, IN CAMERA - LYN SHIRER BY SOL. COLLINS

73

1 US WHAT ANYBODY ELSE SAID, BUT YOU CAN TELL US WHAT HIS
2 CLIENT SAID.

3 A. OKAY. AT THAT TIME MR. VONDELL SANDERS -- WHEN I
4 QUESTIONED HIM ABOUT THE CRACK COCAINE, I ASKED HIM
5 IF THERE WAS, IF THAT'S ALL THE DRUGS THAT WERE IN
6 THE RESIDENCE, AND HE SAID, YES. HE THEN ALSO SAID
7 THAT HE HAD GOTTEN FOUR AND A HALF OUNCES OF CRACK
8 COCAINE THAT PREVIOUS FRIDAY FROM MARK JOHNSON.
9 THAT'S EXACTLY WHAT HE SAID. IT'S WRITTEN IN MY
10 REPORT.

11 Q. OKAY. APPROXIMATELY HOW LONG DID YOU QUESTION MR.
12 SANDERS?

13 A. I TALKED TO HIM A FEW MINUTES, IT WASN'T VERY LONG.

14 Q. WHAT WAS THE ATMOSPHERE THERE, I MEAN, WAS IT HOT,
15 COLD, WAS IT JUST NORMAL TEMPERATURE, ROOM
16 TEMPERATURE?

17 A. YEAH, IT WAS, IT WAS INSIDE HIS RESIDENCE.

18 Q. OKAY.

19 A. IT WAS RAINING, IT WAS DRIZZLING RAIN OUTSIDE.

20 Q. OKAY.

21 SOLICITOR COLLINS: JUST A SECOND,
22 YOUR HONOR. WE HAVE NOTHING ELSE, YOUR HONOR.

23 THE COURT: CROSS.

24 (NOTE: Blank lines on this page do not indicate any
25 part of record has been omitted.)

CROSS, IN CAMERA - LYN SHIRER BY MR. KRAMER

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CROSS-EXAMINATION, IN CAMERA, OF LYN SHIRER

BY MR. KRAMER:

Q. GOOD AFTERNOON, MR. SHIRER.

A. HELLO.

Q. IN YOUR REPORT, I BELIEVE YOU STATED, OCTOBER SEVENTEENTH, IT STATES IN THAT REPORT THAT YOU, ALONG WITH INVESTIGATOR POWELL, ADVISED VONDELL SANDERS OF HIS MIRANDA?"

A. YES, SIR.

Q. DO YOU HAVE A SIGNED AND EXECUTED MIRANDA STATEMENT

A. NO, SIR.

Q. --- THAT SHOWS THAT HE WAS MIRANDIZED?

A. NO, SIR.

Q. DO YOU BELIEVE THAT HE WAS IN CUSTODY WHEN YOU READ HIM HIS MIRANDA RIGHTS?

A. HE WAS UNDER ARREST.

Q. HE WAS UNDER ARREST? SO, YOU JUST SAID THAT, HOW MANY, EIGHT OFFICERS WERE IN HIS RESIDENCE?

A. AT THAT TIME THE ONLY PEOPLE THAT WERE IN THE VICINITY OF HIM, IN THAT BEDROOM, WAS MYSELF, ANTONIA POWELL. INVESTIGATOR LIVINGSTON WAS AT THE KITCHEN TABLE.

Q. RIGHT.

A. AND IT WAS TWO OFFICERS IN THE BACK.

CROSS, IN CAMERA - LYN SHIRER BY MR. KRAMER

75

1 Q. UH HUH. WHEN YOU READ HIM HIS RIGHTS DID HE HAVE
2 HAND CUFFS ON, HAD HE BEEN SECURED?

3 A. YES, SIR.

4 Q. OKAY. BEFORE YOU READ HIM HIS RIGHTS DID HE GET
5 SEARCHED, DID YOU DO A PROTECTIVE SWEEP SEARCH FOR
6 YOUR OWN SECURITY, DID YOU GO THROUGH HIS POCKETS
7 AND ---

8 A. THAT WAS, THAT WAS DURING THE SEARCH WARRANT, YES,
9 SIR.

10 Q. UH HUH. HOW MUCH TIME PASSED BETWEEN WHEN YOU WENT
11 INTO THE TRAILER ON BELLINGER LANE TO WHEN YOU
12 ACTUALLY READ HIM HIS MIRANDA RIGHTS?

13 A. AFTER HE WAS UNDER ARREST?

14 Q. AFTER HE WAS UNDER ARREST.

15 A. I DON'T REMEMBER THE EXACT LENGTH OF TIME.

16 Q. WAS IT FIVE MINUTES OR TEN MINUTES, WHAT'S YOUR
17 PROFESSIONAL OPINION?

18 A. I'D SAY TWENTY MINUTES, AT THE MOST.

19 Q. TWENTY MINUTES AT THE MOST?

20 A. YES, SIR.

21 Q. OKAY. AND WHAT YOU STATED TO HIM IS THAT TWO
22 POLICE OFFICERS, YOU AND INVESTIGATOR POWELL
23 ADVISED HIM OF HIS RIGHTS?

24 A. YES, SIR.

25 Q. DOES IT USUALLY TAKE TWO POLICE OFFICERS TO READ

CROSS, IN CAMERA - LYN SHIRER BY MR. KRAMER

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1 SOMEBODY THEIR RIGHTS?

2 A. SHE WAS STANDING THERE WITH ME, AS A WITNESS.

3 Q. AS A WITNESS?

4 A. YES, SIR.

5 Q. WELL, IF SHE WAS STANDING THERE WITH YOU AS A
6 WITNESS, DID YOU HAVE TIME TO GET A SIGNED MIRANDA
7 WAIVER?

8 A. NO, SIR.

9 Q. YOU DIDN'T. CAN YOU TELL ME, DID YOU READ FROM A
10 DOCUMENT WHEN YOU READ HIM HIS RIGHTS?

11 A. YES, SIR, I HAVE A CARD WITH ME.

12 Q. RIGHT. OKAY. DOES INVESTIGATOR POWELL HAVE A
13 CARD, TOO?

14 A. I DON'T KNOW.

15 Q. OKAY. BUT IT'S USUAL PROCEDURE FOR TWO OFFICERS
16 TO READ ONE PERSON UNDER ARREST THEIR RIGHTS?

17 A. WHEN I TALK TO A DEFENDANT I ALWAYS TALK WITH THEM
18 WITH SOMEONE ELSE.

19 Q. WHEN YOU WERE READING HIM HIS RIGHTS, DID YOU TAKE
20 ANY PICTURES OF HIM, DID YOU PHOTOGRAPH HIM BEFORE
21 YOU READ HIM HIS RIGHTS OR AFTER YOU READ HIM HIS
22 RIGHTS?

23 A. I DON'T REMEMBER, A PHOTOGRAPH WAS TAKEN OF THE
24 PEOPLE IN THE RESIDENCE, I DON'T REMEMBER WHEN IT
25 WAS TAKEN.

CROSS, IN CAMERA - LYN SHIRER BY MR. KRAMER

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1 Q. UH HUH. AND HOW LONG DID ALL THIS, THIS TRANSPIRE
2 IN THE RESIDENCE, HOW LONG DID IT TAKE FROM WHEN
3 YOU BROKE IN TO WHEN YOU ---

4 A. WE DIDN'T BREAK IN.

5 Q. --- DETAINED HIM? DID YOU JUST KNOCK?

6 A. NO, IT'S NOT BREAKING IN. WE HAD TO MAKE ENTRY
7 BECAUSE HE WOULDN'T ANSWER THE DOOR.

8 Q. DID YOU KNOCK OR JUST MAKE ENTRY?

9 A. WE KNOCKED, THEN MADE ENTRY.

10 Q. THEN MADE ENTRY. AND HOW MUCH TIME PASSED BETWEEN
11 WHEN YOU KNOCKED AND YOU MADE ENTRY, WAS IT TEN
12 SECONDS, FIVE SECONDS, THIRTY SECONDS, ANY IDEA?

13 A. WE GAVE HIM PLENTY OF TIME TO ANSWER THE DOOR.

14 Q. BEFORE YOU MADE ENTRY WERE THERE POLICE OFFICERS
15 AT THE FRONT OF THE TRAILER, AT THE BACK OF THE
16 TRAILER?

17 A. IT WAS ALSO IN THE BACK AND ALSO SOME AT THE FRONT.

18 SOLICITOR COLLINS: OBJECTION, YOUR
19 HONOR, THIS HAS NOTHING TO DO WITH THE VOLUNTARINESS OF
20 THE STATEMENT. HE'S TALKING ABOUT HOW THEY KNOCK AND
21 ANNOUNCE ON THE HOUSE. I MEAN, ---

22 THE COURT: WHAT'S THE RELEVANCE OF
23 THAT?

24 MR. KRAMER: THE RELEVANCE, YOUR
25 HONOR, IS THE TIME THAT THE POLICE OFFICERS HAD WHEN

CROSS, IN CAMERA - LYN SHIRER BY MR. KRAMER

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1 THEY WENT IN, TO ESTABLISH TO THE COURT WHAT THE TIME
2 FRAME WAS WHEN THEY WENT IN, WHEN THEY PUT MY CLIENT,
3 MR. SANDERS, INTO CUSTODY, THE TIME IT TOOK TO READ HIM
4 HIS RIGHTS, TO PROPERLY MIRANDIZE HIM. I'M TRYING TO
5 ESTABLISH A TIME FRAME FOR THE COURT TO UNDERSTAND HOW
6 LONG ALL THIS TOOK.

7 THE COURT: FROM WHAT TO WHAT?

8 MR. KRAMER: BECAUSE, YOUR HONOR,
9 THE QUESTION I HAVE IS, IS THE AMOUNT OF TIME IT TAKES
10 TO READ MIRANDA RIGHTS. IF THERE WAS TIME TO READ THEM,
11 IF THERE WAS A SIGNED WAIVER OF MIRANDA RIGHTS OR NOT,
12 OR IF THERE WAS A VOLUNTARY STATEMENT OR NOT, I KNOW
13 THAT'S FOR THE COURT TO DECIDE, BUT I'M TRYING TO SET
14 THE STAGE FOR THE COURT TO UNDERSTAND THE TOTALITY OF
15 THE CIRCUMSTANCES IN WHICH THE MIRANDA RIGHTS WERE READ,
16 AND UNDER THE CONDITIONS IN WHICH THERE WAS A WAIVER OR
17 NOT A WAIVER, ACCORDING TO WHATEVER THE COURT DECIDES.

18 THE COURT: SO, WHAT DO YOU OBJECT
19 TO, WHERE PEOPLE WERE OUTSIDE THE HOUSE?

20 SOLICITOR COLLINS: YOUR HONOR, I -
21 - I JUST DON'T THINK WHERE PEOPLE WERE OUTSIDE THE
22 HOUSE, VERSUS THE TIME FRAME IT TOOK HIM TO ---

23 THE COURT: SUSTAINED. TO THAT
24 EXTENT, THAT'S SUSTAINED. LET'S GET INTO OTHER ELEMENTS
25 OF THIS.

CROSS, IN CAMERA - LYN SHIRER BY MR. KRAMER

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1 MR. KRAMER: MY THANKS TO THE COURT.

2 Q. NOW, WHEN YOU READ MR. SANDERS HIS RIGHTS WAS HE
3 STANDING, WAS HE SEATED, WHERE WAS HE?

4 A. HE WAS SITTING ON THE COUCH.

5 Q. HE WAS SITTING ON THE COUCH?

6 A. YES, SIR.

7 Q. WAS THERE ANY OTHER WITNESSES IN THE ROOM WITH HIM,
8 DID YOU HAVE OTHER OFFICERS IN THERE BESIDES
9 YOURSELF AND TONY POWELL?

10 SOLICITOR COLLINS: OBJECTION,
11 THAT'S BEEN ASKED AND ANSWERED, YOUR HONOR. THAT'S
12 ALREADY BEEN GONE OVER IN DIRECT TESTIMONY.

13 THE COURT: OVERRULED. ANSWER IT
14 AGAIN IF YOU'VE ANSWERED BEFORE, I DIDN'T HEAR IT.

15 A. MS. POWELL.

16 Q. MS. POWELL?

17 THE COURT: MS. POWELL IS NOT AN
18 OFFICER, IS SHE?

19 A. YES, SIR, IT'S INVESTIGATOR POWELL, I'M SORRY.

20 THE COURT: INVESTIGATOR POWELL WAS
21 PRESENT.

22 Q. NOW, WHERE WAS SYLVIA WRIGHT WHEN YOU READ THE
23 MIRANDA RIGHTS?

24 A. SHE WAS THERE.

25 Q. SHE WAS ALSO THERE?

CROSS, IN CAMERA - LYN SHIRER BY MR. KRAMER

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1 A. YES, SIR.

2 Q. OKAY. WAS SHE SEATED NEXT TO MR. SANDERS ON THE
3 COUCH OR WAS SHE STANDING, OR ---

4 A. I THINK SHE WAS STANDING UP.

5 Q. WAS SHE CLOSE TO HIM OR ---

6 A. YES, SIR. IT WAS A LITTLE SMALL DEN. EVERYBODY
7 WAS RIGHT THERE.

8 Q. RIGHT. NOW, HE, HE HAD HAND CUFFS ON AT THIS
9 POINT?

10 A. YES, SIR.

11 Q. DID SHE HAVE HAND CUFFS ON, TOO?

12 A. I, I BELIEVE SO, YES, SIR.

13 Q. OKAY. NOW, DID YOU READ SYLVIA WRIGHT HER MIRANDA
14 RIGHTS?

15 A. SHE WAS STANDING RIGHT THERE WHEN I READ THE
16 MIRANDA RIGHTS. I WAS READING THEM TOWARDS MR.
17 SANDERS.

18 Q. BUT YOU WEREN'T DIRECTING THEM TOWARDS SYLVIA, JUST
19 MR. SANDERS?

20 A. THAT'S RIGHT.

21 Q. OKAY. NOW, YOU TESTIFIED EARLIER THAT YOU READ MR.
22 SANDERS HIS RIGHTS?

23 A. YES, SIR.

24 Q. NOW, AND HE WAS SEATED ON THE COUCH?

25 A. YES, SIR.

CROSS, IN CAMERA - LYN SHIRER BY MR. KRAMER

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1 Q. OKAY. NOW, WHEN YOU READ HIM HIS RIGHTS,
2 SUPPOSEDLY, DID HE NOD HIS HEAD, BLINK HIS EYES,
3 DID HE SAY ANYTHING TO YOU?

4 A. I DON'T RECALL.

5 Q. YOU DON'T RECALL?

6 A. I MEAN, I READ HIM HIS RIGHTS AND WE BEGAN TALKING.

7 Q. UH HUH. AND YOU FELT THAT HE UNDERSTOOD HIS RIGHTS
8 AT THAT TIME?

9 A. YES, SIR, HE DID.

10 Q. DID HE APPEAR TO BE UNDER THE INFLUENCE OF ANY
11 NARCOTIC DRUGS OR ALCOHOL TO YOU?

12 A. NO, SIR.

13 Q. DID YOU SMELL ALCOHOL ON HIS BREATH?

14 A. NO, SIR.

15 Q. DID YOU RUN ANY TESTS ON HIM TO SEE IF HE HAD USED
16 ANY NARCOTIC DRUGS OR ALCOHOL?

17 A. NO, SIR.

18 Q. DID HE APPEAR TO YOU TO BE UNDER THE INFLUENCE OF
19 ANY DRUGS?

20 A. NO, SIR.

21 Q. SO, THERE WAS NO TESTS RUN?

22 A. NO, SIR.

23 Q. WHEN YOU TOOK HIM BACK TO THE STATION TO BE
24 PROCESSED, DID ANYBODY RUN A DRUG TEST ON HIM?

25 A. NO, SIR.

CROSS, IN CAMERA - LYN SHIRER BY MR. KRAMER

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1 Q. TO SEE IF HE WAS HIGH?

2 A. NO, SIR.

3 Q. NO. BUT WE DON'T KNOW IF HE WAS UNDER THE
4 INFLUENCE OF ANY DRUGS OR NOT?

5 A. HE DIDN'T APPEAR TO BE UNDER THE INFLUENCE OF
6 ANYTHING TO ME.

7 MR. KRAMER: THE COURT'S INDULGENCE,
8 YOUR HONOR. NO MORE QUESTIONS, YOUR HONOR. THANK YOU,
9 OFFICERS, SHIRER.

10 THE COURT: ANYTHING ON REDIRECT?

11 SOLICITOR COLLINS: NOTHING, YOUR
12 HONOR.

13 THE COURT: YOU MAY STEP DOWN.
14 THANK YOU.

15 MR. KRAMER: YOUR HONOR, DOES THE
16 STATE INTEND TO PUT UP INVESTIGATOR POWELL, SINCE SHE
17 WAS ALSO PRESENT WHEN THEY ---

18 THE COURT: I DON'T KNOW. ARE YOU
19 THROUGH WITH THIS WITNESS? WHAT YOU GOING TO DO, MR.
20 COLLINS?

21 SOLICITOR COLLINS: I CALL
22 INVESTIGATOR POWELL, ANTONIA POWELL. SHE'S OUTSIDE,
23 YOUR HONOR.

24 THE COURT: DO YOU THINK ANYBODY'S
25 GOING TO TELL HIM, OR WE JUST GOING TO HOPE HE DROPS BY?

1 (Whereupon, the witness
2 enters the courtroom.)

3 THE COURT: PLACE YOUR LEFT HAND ON
4 THE BIBLE AND RAISE YOUR RIGHT, PLEASE, MA'AM.

5 (Whereupon, Witness Antonio Powell
6 is duly sworn.)

7 THE COURT: BE SEATED, PLEASE. AND
8 YOUR NAME IS?

9 WITNESS: INVESTIGATOR ANTONIA
10 POWELL.

11 (NOTE: Blank lines on this page do not indicate any
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14 required by the Court. See next ensuing page for
15 sequential continuation of record.)

DIRECT, IN CAMERA - ANTONIO POWELL BY SOL. COLLINS 84

DIRECT EXAMINATION, IN CAMERA, OF ANTONIA POWELL

BY SOLICITOR COLLINS:

Q. MS. POWELL, WHERE ARE YOU EMPLOYED?

A. ORANGEBURG COUNTY SHERIFF'S OFFICE.

Q. AND WHAT IS YOUR POSITION THERE?

A. I'M AN INVESTIGATOR IN THE SELECTIVE ENFORCEMENT
DIVISION.

Q. OKAY. DID YOU HAVE THE OPPORTUNITY TO BE AT THE
HOUSE OF MR. VONDELL SANDERS ON OCTOBER SEVENTEENTH
OF TWO THOUSAND AND THREE?

A. YES, SIR, I WAS.

Q. OKAY. AND WHAT WERE Y'ALL DOING AT THAT HOUSE AT
THAT TIME?

A. EXECUTING A SEARCH WARRANT.

Q. OKAY. AND DID YOU ACTUALLY, IN DEED, EXECUTE THAT
SEARCH WARRANT?

A. YES, SIR, WE DID.

Q. AND FROM THE EXECUTION OF THAT SEARCH WARRANT DID
YOU ARREST MR., OR WAS MR. SANDERS ARRESTED?

A. YES, HE WAS.

Q. OKAY. WAS HE TAKEN INTO CUSTODY?

A. YES, SIR, HE WAS.

Q. OKAY. DID HE, WERE YOU A WITNESS TO HIM
VOLUNTARILY WAIVING HIS RIGHTS?

A. YES, SIR.

DIRECT, IN CAMERA - ANTONIO POWELL BY SOL. COLLINS 85

1 Q. OKAY. YOU WERE THERE, WHO ELSE WAS THERE WITH YOU
2 PRESENT, FROM THE SHERIFF'S DEPARTMENT?

3 A. INVESTIGATOR LYN SHIRER.

4 Q. OKAY. DID YOU SEE MR., INVESTIGATOR SHIRER ADVISE
5 HIM OF HIS RIGHTS?

6 A. YES, SIR.

7 Q. DID HE MAKE ANY THREATS, PROMISES OR COERCE HIM IN
8 ANY WAY ---

9 A. NO, SIR.

10 Q. --- BEFORE HE DID SO? AFTER HE WAS READ HIS RIGHTS
11 DID HE MAKE ANY STATEMENT?

12 A. YES, SIR.

13 Q. DO YOU KNOW WHAT THAT STATEMENT WAS?

14 A. LYN SHIRER ---

15 Q. YOU CAN READ FROM YOUR ---

16 A. OH. INVESTIGATOR SHIRER ASKED HIM DID HE HAVE ANY
17 OTHER DRUGS IN THE HOUSE. HE STATED, NO. HE
18 FURTHER ASKED HIM IF THAT WAS HIS ROOM. HE SAID,
19 YES. HE FURTHER STATED THAT HE HAD GOTTEN FOUR AND
20 A HALF OUNCES FROM MARK JOHNSON ON THE FRIDAY
21 BEFORE.

22 Q. WERE THOSE RIGHTS READ OFF OF THE LITTLE MIRANDA
23 CARD?

24 A. YEAH, I BELIEVE IT'S A LITTLE, I THINK WE ALL HAVE
25 LIKE A, DIFFERENT LITTLE CARDS.

DIRECT, IN CAMERA - ANTONIO POWELL BY SOL. COLLINS 86

1 Q. OKAY.

2 SOLICITOR COLLINS: JUST ONE SECOND.

3 Q. WERE THESE RIGHTS READ IN FULL THAT YOU KNOW OF,
4 DID HE ADVISE HIM THAT HE HAD THE RIGHT TO REMAIN
5 SILENT?

6 A. YES, SIR.

7 Q. DID HE SAY THAT ANYTHING YOU SAID COULD AND WOULD
8 BE USED AGAINST HIM IN A COURT OF LAW?

9 A. YES, SIR.

10 Q. THAT HE HAD A RIGHT TO TALK TO A LAWYER AND HAVE
11 ONE PRESENT WHILE HE WAS BEING QUESTIONED?

12 A. YES, SIR.

13 Q. OKAY. IF HE COULDN'T AFFORD A LAWYER THAT ONE
14 WOULD BE APPOINTED TO REPRESENT HIM BEFORE ANY
15 QUESTIONING, IF HE WISHED?

16 A. YES, SIR.

17 Q. OKAY. THAT HE COULD DECIDE AT ANY TIME TO EXERCISE
18 HIS RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY
19 STATEMENT?

20 A. YES, SIR.

21 Q. DID HE ASK HIM IF HE UNDERSTOOD ALL THOSE RIGHTS
22 AS THEY WERE BEING EXPLAINED TO HIM?

23 A. YES, SIR.

24 Q. AND HAVING THESE RIGHTS IN MIND, DID HE WISH TO
25 TALK TO THEM AT THAT POINT?

DIRECT, IN CAMERA - ANTONIO POWELL BY SOL. COLLINS 87

1 A. YES, SIR, HE SAID HE UNDERSTOOD.

2 Q. AND DID HE VOLUNTARILY START MAKING A STATEMENT?

3 A. YEAH, HE SAID HE UNDERSTOOD.

4 Q. FOLLOWING BEING READ HIS MIRANDA WARNINGS?

5 A. YES, SIR.

6 SOLICITOR COLLINS: THANK YOU.

7 THAT'S ALL WE HAVE, YOUR HONOR.

8 THE COURT: ANY CROSS?

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CROSS. IN CAMERA - ANTONIO POWELL BY MR. KRAMER.

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CROSS-EXAMINATION, IN CAMERA, OF ANTONIA POWELL

BY MR. KRAMER:

Q. GOOD AFTERNOON, MS. POWELL.

A. HOW ARE YOU DOING?

Q. GOOD. NOW, IN THIS REPORT THAT'S CALLED THE ORANGEBURG COUNTY SHERIFF'S OFFICE SELECTIVE ENFORCEMENT DIVISION INVESTIGATIVE REPORT DATED OCTOBER SEVENTEENTH, TWO THOUSAND AND THREE, THE STATEMENT IS MADE IN HERE THAT INVESTIGATOR SHIRER, ALONG WITH INVESTIGATOR POWELL, ADVISED VONDELL SANDERS OF HIS MIRANDA, AND HIM AND THE FEMALE STATED SHE DID NOT LIVE THERE?

A. UH HUH.

Q. OKAY.

A. YEAH.

Q. NOW, YOU SEIZED A QUANTITY OF DRUGS WHEN YOU WENT INTO THIS RESIDENCE, DIDN'T YOU?

A. I DIDN'T SEIZE ANY DRUGS.

Q. YOU DIDN'T SEE ANY DRUGS?

A. I DIDN'T SEIZE ANY.

Q. YOU DIDN'T SEIZE ANY. DID YOU OBSERVE ANY?

A. I OBSERVED THE CANS AND THE DRUGS AFTER THE SEARCH WARRANT.

SOLICITOR COLLINS: YOUR HONOR, I WOULD OBJECT, THAT'S OUTSIDE THE SCOPE OF THIS HEARING,

CROSS, IN CAMERA - ANTONIO POWELL BY MR. KRAMER

89

1 YOUR HONOR.

2 THE COURT: OVERRULED. GO AHEAD.

3 Q. NOW, WHEN YOU SEIZED THESE DRUGS, OR SAW THESE
4 DRUGS, EXCUSE ME, DID YOU LOOK AT VONDELL SANDERS,
5 DID YOU LOOK AT HIS APPEARANCE?

6 A. I SAW HIM WHILE HE WAS THERE, I MEAN, I DIDN'T LOOK
7 AT THE DOPE AND THEN LOOK AT HIM, NO, I DIDN'T.

8 Q. WHEN YOU READ HIM HIS RIGHTS DID YOU LOOK AT HIM
9 LIKE I'M LOOKING AT YOU?

10 A. YES, SIR.

11 Q. OKAY. WHEN YOU READ A DEFENDANT, OR A PERSON WHO'S
12 BEEN ARRESTED THEIR RIGHTS, DO YOU GENERALLY LOOK
13 AT THEM TO SEE IF THEY UNDERSTAND THEIR RIGHTS?

14 A. YES.

15 Q. YOU DO?

16 A. UH HUH.

17 Q. WELL, WHAT DO YOU DO IF IT APPEARS THEY MAY BE
18 DRUNK, ON DRUGS, OR NOT ABLE TO UNDERSTAND, MAYBE
19 THEY'RE JUST NOT SMART ENOUGH, WHAT DO YOU DO THEN?

20 A. I DON'T TALK TO THEM.

21 Q. YOU DON'T TALK TO THEM. WELL, IF THERE WERE A LOT
22 OF DRUGS IN THIS TRAILER, DID YOU OBSERVE VONDELL
23 SANDERS TO SEE IF HE COULD BE ON DRUGS?

24 A. HE DIDN'T APPEAR TO BE ON ANYTHING.

25 Q. HE DIDN'T APPEAR TO BE. BUT YOU DON'T KNOW, RIGHT?

CROSS, IN CAMERA - ANTONIO POWELL BY MR. KRAMER

90

1 YOU DIDN'T TEST HIM, RIGHT?

2 A. NO.

3 Q. YOU DIDN'T GIVE HIM ANY TESTS LIKE THEY DO WHEN
4 THEY STOP A PERSON OUTSIDE ---

5 A. NO.

6 Q. --- TO SEE IF THEY UNDERSTOOD THEIR RIGHTS? BUT
7 HE COULD HAVE BEEN HIGH AND YOU WOULDN'T HAVE KNOWN
8 IT. IS THAT RIGHT?

9 A. HE COULD HAVE BEEN, BUT HE DIDN'T APPEAR TO BE.

10 Q. OKAY. BUT HE COULD HAVE BEEN. NOW, WHERE WAS MR.
11 SANDERS AT WHEN HE WAS READ HIS RIGHTS?

12 A. IN THE KITCHEN AT THE TABLE.

13 Q. IN THE KITCHEN AT THE TABLE?

14 A. UH HUH.

15 Q. REALLY? HE WASN'T SEATED ON THE COUCH?

16 A. WHEN WE TALKED TO HIM, WE TALKED TO HIM AGAIN,
17 THAT'S WHERE HE WAS, THAT'S WHY I REMEMBER.

18 Q. YOU REMEMBER, AND YOU WERE STANDING WHERE IN
19 RELATION TO LYN SHIRER?

20 A. BY THE BAR.

21 Q. BY THE BAR, IN THE KITCHEN?

22 A. NEAR -- NO. LIKE, THIS IS THE BAR RIGHT HERE, -
23 --

24 Q. RIGHT.

25 A. --- I WAS STANDING HERE, AT THE END OF THE BAR.

CROSS, IN CAMERA - ANTONIO POWELL BY MR. KRAMER 91

1 THIS IS THE LIVING ROOM AND THIS IS THE KITCHEN.

2 Q. RIGHT.

3 A. I WAS STANDING RIGHT HERE, AND IT WAS A CHAIR RIGHT
4 HERE, AND THERE WAS THE KITCHEN RIGHT HERE.

5 Q. AND WHERE WAS VONDELL SANDERS AT WHEN YOU READ HIM
6 HIS RIGHTS?

7 A. I REMEMBER HIM BEING IN THE KITCHEN.

8 Q. YOU REMEMBER HIM BEING IN THE KITCHEN?

9 A. UH HUH.

10 Q. WAS SYLVIA WRIGHT IN THE KITCHEN?

11 A. YEAH.

12 Q. SHE WAS THERE, TOO?

13 A. UH HUH.

14 Q. DID YOU READ HER HER RIGHTS?

15 A. I DIDN'T READ ANYBODY ANY RIGHTS. LYN SHIRER READ
16 THE RIGHTS.

17 Q. UH HUH. DID YOU SEE LYN SHIRER GET A SIGNED RIGHTS
18 STATEMENT?

19 A. NO.

20 Q. DID YOU GET ONE LATER WHEN YOU WENT BACK TO HEAD
21 QUARTERS AND YOU BOOKED IN MR. SANDERS, DID YOU
22 HAVE HIM DO ANOTHER MIRANDA STATEMENT, A SIGNED
23 WAIVER?

24 A. I DIDN'T GO OVER THERE WITH HIM WHEN HE WENT FOR
25 A BOND HEARING.

CROSS, IN CAMERA - ANTONIO POWELL BY MR. KRAMER

92

1 Q. OKAY. OKAY. SO, THERE'S NO WRITTEN INDICATION
2 THAT VONDELL SANDERS EVER WAIVED HIS RIGHTS, IS
3 THERE?

4 A. NO. NOT THAT I KNOW OF.

5 Q. NO. IT'S ALL ORAL.

6 A. NOT THAT I KNOW OF.

7 Q. VERBAL. DO YOU REMEMBER WHAT TIME OF DAY OR NIGHT,
8 SUPPOSEDLY, THESE RIGHTS WERE READ?

9 A. I CAN REFER TO HIS NOTES, I'M NOT SURE EXACTLY WHAT
10 TIME.

11 Q. WHAT TIME DID YOU GO INTO THE TRAILER?

12 A. IT WAS JUST ABOUT DARK.

13 Q. JUST ABOUT DARK?

14 A. YEAH. IT, ACTUALLY, I BELIEVE IT WAS ABOUT TO
15 START TO STORM, SO IT KIND OF GOT DARK A LITTLE
16 EARLY. NINETEEN: TEN.

17 Q. NINETEEN: TEN?

18 A. UH HUH. ABOUT THE TIME WE WENT AND DID THE SEARCH
19 WARRANT.

20 Q. UH HUH. WAS MR. SANDERS HAND CUFFED WHEN HIS
21 RIGHTS WERE READ TO HIM?

22 A. I BELIEVE, YEAH, I BELIEVE HE WAS. YEAH, EVERYBODY
23 WAS HAND CUFFED. WHEN WE USUALLY DO A SEARCH
24 WARRANT WE USUALLY HAND CUFF EVERYBODY.

25 THE COURT: WHAT DID YOU DO THIS

CROSS, IN CAMERA - ANTONIO POWELL BY MR. KRAMER

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1 DAY? THAT'S WHAT'S IMPORTANT.

2 A. HE WAS HAND CUFFED.

3 THE COURT: HE WAS HAND CUFFED,
4 THAT'S YOUR ANSWER?

5 A. YES, SIR.

6 Q. AND SYLVIA WRIGHT WAS ALSO HAND CUFFED, WASN'T SHE?

7 A. YES, SIR.

8 Q. SHE WAS. OKAY. WHEN YOU WITNESSED LYN SHIRER READ
9 HIS RIGHTS, WHERE WAS SYLVIA WRIGHT?

10 A. SHE WAS IN THERE WITH VONDELL SANDERS.

11 Q. WAS SHE STANDING, SEATED?

12 A. I'M NOT SURE IF SHE WAS STANDING OR SEATED,
13 PARTICULAR, BUT I KNOW SHE WAS IN THE ROOM.

14 Q. OKAY. DID MR. SHIRER READ SYLVIA WRIGHT HER
15 MIRANDA WARNINGS?

16 A. HE READ THEM.

17 Q. HE READ THEM. HE DIDN'T JUST READ THEM TO VONDELL,
18 HE READ THEM TO BOTH OF THEM AT THE SAME TIME, OR,
19 CAN YOU TELL THE COURT?

20 A. HE READ THEM, I BELIEVE ---

21 SOLICITOR COLLINS: OBJECTION, YOUR
22 HONOR, REALLY, IT'S NOT RELEVANT AS TO WHETHER OR NOT
23 MS. ---

24 THE COURT: SUSTAINED.

25 Q. WHEN THESE RIGHTS WERE READ, HOW WERE THEY READ TO

CROSS, IN CAMERA -- ANTONIO POWELL BY MR. KRAMER

94

1 MR. SANDERS?

2 A. OFF THE CARD, VERBATIM.

3 Q. OFF THE CARD? NOT FROM MEMORY?

4 A. NO.

5 Q. DID YOU TAKE THE CARD OUT AND USE IT, DID ---

6 A. I DIDN'T TAKE ANY CARD OUT.

7 Q. MR. SHIRER TOOK THE CARD OUT?

8 A. YES.

9 Q. HE TOOK IT OUT, HE READ IT?

10 A. YES.

11 Q. OKAY.

12 MR. KRAMER: NO FURTHER QUESTIONS

13 FOR THIS WITNESS, YOUR HONOR. THANK YOU.

14 THE COURT: THANK YOU.

15 SOLICITOR COLLINS: WE HAVE NO
16 FURTHER QUESTIONS, YOUR HONOR.

17 THE COURT: THANK YOU, MA'AM, YOU
18 MAY STEP DOWN.

19 SOLICITOR COLLINS: WE HAVE NO
20 FURTHER WITNESSES, YOUR HONOR.

21 MR. KRAMER: YOUR HONOR, THE DEFENSE
22 WISHES TO CALL VONDELL SANDERS TO THE STAND, PLEASE.

23 THE COURT: VERY WELL. MR. SANDERS,
24 PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE YOUR RIGHT
25 HAND. PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE YOUR

CROSS, IN CAMERA - ANTONIO POWELL BY MR. KRAMER.

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1 RIGHT HAND.

2 (Whereupon, Witness Vondell Sanders
3 is duly sworn.)

4 THE COURT: BE SEATED, PLEASE.

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6 part of record has been omitted. Headers on testimony
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DIRECT, IN CAMERA - VONDELL SANDERS BY MR. KRAMER

96

DIRECT EXAMINATION, IN CAMERA, OF VONDELL SANDERS

BY MR. KRAMER:

Q. MR. SANDERS, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD?

A. VONDELL SANDERS. YOU WANT MY ADDRESS FOR NOW?

Q. YOUR ADDRESS WHERE YOU WERE LIVING AT THE TIME THAT YOU WERE ---

A. [REDACTED]

Q. UH HUH. MR. SANDERS, WERE YOU IN DRUGS THE DAY THAT SUPPOSEDLY YOUR MIRANDA RIGHTS WERE READ?

A. NORMALLY, I SMOKE WEED EVERY DAY, SO, YEAH, I WAS.

Q. OKAY. WERE YOU HIGH WHEN THE POLICE CAME IN?

A. I DON'T REMEMBER IF I WAS HIGH OR NOT, I KNOW, I WAS DRINKING ALCOHOL AT THE TIME, I HAD, LIKE, A PINT OF CHRISTIAN BROTHERS ON THE TABLE THAT I WAS DRINKING AT THE TIME, BUT I DON'T THINK I WAS HIGH ON NO WEED AT THAT TIME. I THINK I SMOKED SOME EARLIER THAT DAY.

Q. SO, YOU WERE USING DRUGS AND ALCOHOL WHEN THIS INCIDENT OCCURRED?

A. I WAS DRINKING AT THE TIME, I SMOKED EARLIER THAT DAY.

Q. RIGHT. AND WAS IT A PINT OF GIN?

A. NO. CHRISTIAN BROTHERS.

Q. BRANDY?

DIRECT, IN CAMERA - VONDELL SANDERS BY MR. KRAMER 97

1 A. YEAH.

2 Q. THAT'S CHRISTIAN BROTHERS BRANDY. WHERE WERE YOU
3 AT WHEN ALLEGEDLY OFFICER SHIRER READ YOU YOUR
4 RIGHTS?

5 A. HE DIDN'T READ ME MY RIGHTS AT ALL.

6 Q. OKAY. SO, YOU WERE NEVER READ YOUR MIRANDA RIGHTS?

7 A. NO, SIR.

8 Q. DID YOU EVER SIGN A STATEMENT OF WAIVER OF YOUR
9 MIRANDA RIGHTS?

10 A. NO, SIR.

11 Q. AND HAD YOU BEEN DRINKING ALL DAY?

12 A. NO, SIR.

13 Q. OKAY. WHEN YOU DRANK THE PINT OF CHRISTIAN
14 BROTHERS BRANDY, WAS IT JUST LIKE A BIG DRINK ALL
15 AT ONE TIME, OR WAS IT ---

16 A. NO, I DIDN'T HAD DRANK ALL OF IT, I PROBABLY HAD
17 DRANK ABOUT HALF OF IT. .

18 Q. HALF OF IT. IF YOU WERE GOING TO LEAVE AND GET ON,
19 AND RIDE IN YOUR CAR, WOULD YOU THINK THAT YOU WERE
20 DRUNK AT THE TIME?

21 A. HONESTLY, NO.

22 COURT REPORTER: NO? DID YOU SAY,
23 NO?

24 A. YEAH.

25 Q. SO, YOU DON'T EVER RECALL ANYBODY EVER READING YOU

DIRECT, IN CAMERA - VONDELL SANDERS BY MR. KRAMER

98

1 YOUR RIGHTS?

2 A. NO, SIR.

3 Q. DID YOU MAKE THE STATEMENT?

4 A. NO, SIR.

5 THE COURT: YOU DON'T KNOW THE
6 STATEMENT YET. LET'S HEAR IT BEFORE YOU ANSWER.

7 MR. KRAMER: I'M GOING TO READ IT.
8 I'M GOING TO READ IT, YOUR HONOR.

9 THE COURT: I KNOW YOU ARE, BUT HE
10 WAS SAYING, NO, AND HE HADN'T HEARD THE STATEMENT YET.
11 LET'S FIND OUT WHAT HE'S DENYING.

12 MR. KRAMER: YES, SIR, YOUR HONOR.

13 THE COURT: ALRIGHT, SIR.

14 Q. ACCORDING TO THE ORANGEBURG COUNTY SHERIFF'S
15 REPORT, OFFICER SHIRER AND INVESTIGATOR POWELL
16 ADVISED YOU OF YOUR RIGHTS AND THE FEMALE STATED
17 SHE DID NOT LIVE THERE BUT YOU DID, AND IT WAS HIS
18 BEDROOM THE ITEMS WERE SEIZED IN. WHEN QUESTIONED
19 ABOUT THE CRACK COCAINE, AND IF THAT WAS ALL HE
20 HAD, HE SAID, YES, THAT HE HAD GOTTEN FOUR AND A
21 HALF OUNCES FROM MARK JOHNSON THE FRIDAY BEFORE.
22 DID YOU SAY THAT STATEMENT, MR. SANDERS?

23 A. NO, SIR.

24 Q. AFTER THE OFFICERS CAME INTO THE TRAILER, WHAT
25 HAPPENED, MR. SANDERS?

DIRECT, IN CAMERA - VONDELL SANDERS BY MR. KRAMER 99

1 A. THEY WAS SCREAMING AT EVERYBODY, EVERYBODY, GET
2 DOWN ON THE FLOOR. I GOT DOWN ON THE FLOOR, SYLVIA
3 GOT DOWN ON THE FLOOR, AND THEY PUT HAND CUFFS ON
4 ME AND HER AND ESCORTED US INTO THE LIVING ROOM.

5 Q. AND WHAT HAPPENED IN THE LIVING ROOM?

6 A. NOTHING. THEY WERE GOING THROUGH THE ROOMS AND
7 WHAT NOT AT THE TIME, AND LYN SHIRER WAS ASKING ME,
8 HE WAS, LIKE, I KNOW YOU'VE GOT DRUGS IN HERE,
9 WHERE THEY AT, WHERE THEY AT, I KNOW YOU GOT THEM,
10 WHERE THEY AT?

11 Q. AND YOU DIDN'T SAY ANYTHING, DID YOU?

12 A. NO, SIR.

13 Q. WAS MORE THAN ONE POLICE OFFICER ASKING YOU
14 QUESTIONS?

15 A. NO.

16 Q. JUST OFFICER SHIRER?

17 A. JUST OFFICER SHIRER.

18 Q. WERE YOU HAND CUFFED THEN?

19 A. YEAH, BEHIND THE BACK.

20 Q. SO, YOU COULDN'T LEAVE?

21 A. NO.

22 Q. NO. WERE YOU LAYING ON THE FLOOR?

23 A. NO, HUH UH. I WAS ON THE LOVE SEAT BY THEN.

24 Q. LOVE SEAT?

25 A. YEAH.

DIRECT, IN CAMERA - VONDELL SANDERS BY MR. KRAMER 100

1 Q. WHEN DID HE START ASKING YOU QUESTIONS?

2 A. WHEN I WAS ON THE LOVE SEAT.

3 Q. ON THE LOVE SEAT. HE DIDN'T ASK YOU ANY QUESTIONS
4 ON THE FLOOR?

5 A. NO, HUH UH.

6 Q. DID ANYBODY ELSE ASK YOU ANY QUESTIONS?

7 A. NO.

8 Q. SO, WHAT HAPPENED WHEN YOU GOT ON THE LOVE SEAT,
9 MR. SANDERS?

10 A. HE BASICALLY WAS SCREAMING IN MY FACE, WHERE THE
11 DRUGS AT, WHERE THE DRUGS AT, I KNOW YOU GOT THEM
12 IN HERE, IT'S JUST A MATTER OF TIME BEFORE WE GET
13 THEM, WE'RE GOING TO BRING IN THE DOGS. THAT'S ALL
14 HE KEPT SAYING.

15 Q. UH HUH. WHERE WAS SYLVIA WRIGHT WHEN YOU WERE
16 SITTING ON THE LOVE SEAT?

17 A. SHE WAS ON THE COUCH ACROSS FROM THE LOVE SEAT.

18 Q. WAS ANYBODY ASKING HER QUESTIONS?

19 A. NO, HUH UH. I THINK THEY HAD -- AFTER THEY HAD -
20 - AFTER HE WAS ASKING ME ALL THAT, HE ASKED HER IF
21 SHE STAYED IN THE HOUSE, AND SHE SAID, NO, SHE WAS
22 A VISITOR. THAT'S WHAT SHE TOLD THEM.

23 Q. DID ANYONE READ YOU YOUR MIRANDA RIGHTS AT ANYTIME?

24 A. NO.

25 Q. DID LYN SHIRER READ YOU YOUR MIRANDA RIGHTS?

DIRECT, IN CAMERA - VONDELL SANDERS BY MR. KRAMER 101

1 A. NO.

2 MR. KRAMER: YOUR WITNESS, MR.
3 COLLINS.

4 SOLICITOR COLLINS: THANK YOU, YOUR
5 HONOR.

6 (NOTE: Blank lines on this page do not indicate any
7 part of record has been omitted. Headers on testimony
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CROSS, IN CAMERA - VONDELL SANDERS BY SOL. COLLINS 102

CROSS-EXAMINATION, IN CAMERA, OF VONDELL SANDERS

BY SOLICITOR COLLINS:

Q. MR. SANDERS, DID THEY EVER THREATEN YOU WITH
PHYSICAL VIOLENCE, DID THEY PHYSICALLY HARM YOU,
OR ANYTHING LIKE THAT?

A. NO, NOT PHYSICALLY, BUT ---

Q. YES OR NO.

A. OH. NO.

THE COURT: YOU CAN EXPLAIN YOUR
ANSWER.

A. I WAS GETTING READY TO SAY, LYN SHIRER, HIS POSTURE
AND ALL THAT WAS THREATENING, BUT YOU KNOW, IT
AIN'T NOBODY HAD DID NOTHING TO ME. BUT THE WAY
HE WAS QUESTIONING ME.

SOLICITOR COLLINS: ONE SECOND, YOUR
HONOR.

Q. DIDN'T YOU STATE, THOUGH, THAT YOU WERE -- YOU SAID
YOU WERE DRINKING THAT DAY. WHAT TIME DID YOU
START DRINKING?

A. I STARTED DRINKING PROBABLY ABOUT AN HOUR BEFORE
THEY HAD CAME IN MY HOUSE.

Q. BUT YOU WERE OKAY TO DRIVE A CAR?

A. I WOULD THINK SO, BECAUSE HONESTLY, I DON'T DROVE
DRUNK BEFORE, YOU KNOW. AND IT'S LIKE, WHEN I'M
DRINKING, IT GIVES YOU THE COURAGE, OH, YOU'RE

CROSS, IN CAMERA - VONDELL SANDERS BY SOL. COLLINS 103

1 ALRIGHT, YOU KNOW.

2 Q. BUT YOU WERE OKAY TO DRIVE A CAR, THAT'S WHAT YOU
3 FELT LIKE?

4 A. YEAH.

5 SOLICITOR COLLINS: NO ORE
6 QUESTIONS, YOUR HONOR.

7 THE COURT: REDIRECT?

8 MR. KRAMER: YES, YOUR HONOR.

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REDIRECT, IN CAMERA - VONDELL SANDERS BY
MR. KRAMER

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REDIRECT EXAMINATION, IN CAMERA, OF VONDELL SANDERS

BY MR. KRAMER:

Q. YOU JUST TESTIFIED, VONDELL SANDERS, UNDER OATH,
THAT LYN SHIRER HAD A THREATENING GESTURE TOWARDS
YOU. COULD YOU SHOW ME AND DEMONSTRATE TO ME WHAT
KIND OF THREATENING POSTURE THAT WAS SIR?

A. WELL, LIKE THAT. I WAS SITTING ON THE CHAIR.

Q. YES, SIR.

A. IT WAS, LIKE, WHERE THE DRUGS AT, I KNOW THEY'RE
IN HERE, YOU TELL ME WHERE THE DRUGS AT, WE'RE
GOING TO BRING THE DOGS. YOU KNOW HE WAS ALL UP
IN MY FACE, LIKE THAT. THAT'S WHAT I MEANT.

Q. DID YOU FEEL THREATENED, MR. SANDERS?

A. INTIMIDATED.

Q. INTIMIDATED. DID YOU HAVE HAND CUFFS ON?

A. YEAH, BEHIND MY BACK.

Q. BEHIND YOUR BACK. YOU TESTIFIED EARLIER JUST NOW
THAT YOU WERE DRINKING, THAT YOU STARTED DRINKING
AN HOUR BEFORE THE POLICE ARRIVED. IS THAT
CORRECT?

A. YES, SIR.

Q. AND YOU TESTIFIED THAT YOU DRANK HALF OF A PINT OF
CHRISTIAN BROTHERS BRANDY, IS THAT CORRECT?

A. IT WAS A PINT, AND I DRANK ABOUT HALF OF IT.

Q. OKAY. AND YOU ALSO TESTIFIED THAT YOU WERE USING

REDIRECT, IN CAMERA - VONDELL SANDERS BY
MR. KRAMER

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1 MARIJUANA?

2 A. YEAH, IT WAS EARLIER ---

3 Q. CRACK, WHATEVER?

4 A. MARIJUANA EARLIER THAT DAY.

5 Q. ANYTHING MIXED WITH IT?

6 SOLICITOR COLLINS: YOUR HONOR,
7 OBJECTION, HE'S LEADING.

8 THE COURT: SUSTAINED. DON'T LEAD
9 YOUR WITNESS.

10 Q. MR. SANDERS, THE STATE ASKED YOU A QUESTION THAT
11 YOU JUST TESTIFIED TO ABOUT DRIVING A CAR, AND
12 ABOUT HOW MUCH YOU HAD TO DRINK. AND YOU TESTIFIED
13 EARLIER THAT YOU HAD DRIVEN DRUNK MANY TIMES, IS
14 THAT CORRECT?

15 A. YES.

16 MR. KRAMER: NO FURTHER QUESTIONS,
17 YOUR HONOR.

18 THE COURT: YOU CAN STEP DOWN. ANY
19 FURTHER CROSS?

20 SOLICITOR COLLINS: NOTHING, YOUR
21 HONOR.

22 THE COURT: YOU CAN STEP DOWN.
23 ANY OTHER WITNESSES?

24 MR. KRAMER: NOT FOR THE DEFENSE AT
25 THIS POINT, YOUR HONOR.. I DON'T HAVE SYLVIA WRIGHT HERE

1 TO TESTIFY. SHE'S NOT GOING TO BE HERE, I BELIEVE,
2 UNTIL TWO:THIRTY, YOUR HONOR. SHE WAS ALSO PRESENT WHEN
3 THE RIGHTS SUPPOSEDLY WERE READ.

4 THE COURT: DO YOU INTEND TO CALL
5 HER AS A WITNESS?

6 MR. KRAMER: I DO, YOUR HONOR.

7 THE COURT: WELL, IT'S FIVE MINUTES
8 TO TWO. WE'RE GOING TO BREAK NOW. WE'LL START BACK AT
9 TWO:FORTY-FIVE.

10 MR. KRAMER: THANK YOU, YOUR HONOR.

11 THE COURT: MAKE THE JURORS AS
12 COMFORTABLE AS POSSIBLE WHEN THEY COME BACK AT
13 TWO:THIRTY.

14 (Recess)

15 SOLICITOR COLLINS: YOUR HONOR, MAY
16 I APPROACH FOR THE STATE?

17 THE COURT: YES, SIR.

18 SOLICITOR COLLINS: THANK YOU, SIR.

19 (Whereupon, a bench conference
20 is held out of the hearing of
21 the jury and the court reporter.)

22 MR. KRAMER: YOUR HONOR, MAY IT
23 PLEASE THE COURT, THIS IS A CONTINUATION OF THE JACKSON
24 V. DENO HEARING THAT WE STARTED, YOUR HONOR, BEFORE
25 LUNCH. I WOULD LIKE TO NOTE, YOUR HONOR, BEFORE I CALL

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1 THE DEFENSE'S WITNESS, SYLVIA WRIGHT, THAT FOR THE
2 RECORD SHE HAS RETAINED BILLY RHODES, AN ATTORNEY
3 LICENSED IN SOUTH CAROLINA, AND THAT I BELIEVE HE HAS
4 ADVISED HER NOT TO TESTIFY, BUT SHE WISHES TO TESTIFY,
5 YOUR HONOR, AT THIS POINT ON A LIMITED ISSUE ONLY, FOR
6 THE JACKSON DENO HEARING. AND WE WILL NOT GO INTO ANY
7 OTHER MATTERS THAN THAT ISSUE AT HAND, YOUR HONOR. SINCE
8 SHE'S BEEN ADVISED NOT TO TESTIFY, WE TOLD HER TO
9 CONTACT HER LAWYER. SHE'S TRIED TO REACH MR. RHODES,
10 HE'S NOT IN HIS OFFICE, BUT SHE WANTS TO TESTIFY TO THE
11 COURT ANYWAY.

12 THE COURT: CALL YOUR NEXT WITNESS.

13 MR. KRAMER: THANK YOU, YOUR HONOR.

14 YOUR HONOR, THE DEFENSE CALLS SYLVIA WRIGHT TO THE
15 STAND.

16 THE COURT: MS. WRIGHT, COME AROUND
17 HERE, IF YOU WILL, PLACE YOUR LEFT HAND ON THE BIBLE AND
18 RAISE YOUR RIGHT HAND.

19 (Whereupon, the witness, Sylvia Wright,
20 is duly sworn.)

21 THE COURT: BE SEATED.

22 (NOTE: Blank lines on this page do not indicate any
23 part of record has been omitted. Headers on testimony
24 pages and hard page breaks between testimony are now
25 required by the Court.)

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 108

DIRECT EXAMINATION, IN CAMERA, OF SYLVIA WRIGHT

BY MR. KRAMER:

Q. GOOD AFTERNOON, MS. WRIGHT.

A. GOOD AFTERNOON.

Q. MS. WRIGHT, I WANT TO TAKE YOU BACK TO LAST YEAR, FRIDAY, OCTOBER SEVENTEENTH, TWO THOUSAND AND THREE. WERE YOU PRESENT, MS. WRIGHT, WHEN THE SHERIFF'S OFFICERS ENTERED THE TRAILER?

A. YES, I WAS.

Q. DO YOU RECALL, MS. WRIGHT, WHAT TIME THIS WAS, OR IF IT WAS LIGHT OR DARK?

A. IT WAS THE NIGHT TIME, IT JUST START RAINING REAL BAD. IT WAS PROBABLY ABOUT NINE, TEN. IT WAS NIGHT, THOUGH.

Q. NOW, MS. WRIGHT, PLEASE TELL THE COURT WHETHER MIRANDA RIGHTS WERE READ TO VONDELL SANDERS?

A. NO, NOT IN THE HOUSE, NO.

Q. COULD YOU TELL ME ---

THE COURT: DO YOU KNOW WHAT MIRANDA RIGHTS ARE, MA'AM?

A. YES, SIR. I'VE BEEN IN PRISON BEFORE, I KNOW WHAT THEY ARE.

Q. MS. WRIGHT, WERE YOUR MIRANDA RIGHTS READ TO YOU?

A. NO, SIR.

Q. MS. WRIGHT, WHAT POLICE OFFICER QUESTIONED YOU?

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 109

1 A. LYN SHIRER.

2 Q. OKAY. WOULD YOU TELL THE COURT WHAT HAPPENED?

3 A. WE WAS IN THE HOUSE COOKING AND PLAYING CARDS AT
4 THE TABLE, AND I WENT TO DO SOMETHING IN THE ROOM,
5 AND WHEN I WENT TO COME OUT OF THE ROOM THEY HAD
6 KICKED IN THE DOOR. AND THE FIRST DUDE CAME IN
7 WITH A BIG OLD GUN, AND, LIKE, GET DOWN, GET DOWN,
8 GET DOWN. SO, YOU KNOW, WE JUST GOT DOWN ON THE
9 FLOOR. WE WAS ON THE FLOOR FOR, LIKE, A GOOD
10 TWENTY MINUTES WITH HAND CUFFS ON US, YOU KNOW.
11 AND THEN THEY, THE BLACK LADY, SHE TOLD US TO GET
12 UP OFF THE FLOOR, AND AT THIS TIME THEY WAS ALREADY
13 RANSACKING THE HOUSE, I'M TALKING ABOUT JUST
14 RUNNING THROUGH EVERYTHING. SO, BY THE TIME WE HAD
15 DONE GOT IN THE CHAIR, WE WAS SMOKING A CIGARETTE
16 AND LYN SHIRER CAME UP OUT OF THE ROOM.

17 THE COURT: HOW WERE YOU SMOKING A
18 CIGARETTE IF YOU WERE HAND CUFFED?

19 A. I WAS HAND CUFFED IN THE FRONT.

20 THE COURT: ALRIGHT.

21 A. SO, I WAS SITTING AT THE KITCHEN TABLE SMOKING A
22 CIGARETTE. AND LYN SHIRER CAME OUT THERE AND HE
23 WAS, LIKE, WHERE IS IT AT, WHERE IS IT AT, YOU
24 KNOW. AND HE WAS JUST SO HOSTILE HE WAS SPITTING.

25 THE COURT: WHO IS THIS YOU'RE

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER

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1 TALKING ABOUT?

2 A. LYN SHIRER. HE WAS SPITTING, AND HIS FACE WAS RED,
3 AND HE WAS ACTING AS IF IT WAS SOMETHING PERSONAL
4 AND NOT JUST BUSINESS, YOU KNOW, LIKE, HIS JOB. SO,
5 THEN, HE SNATCHED THE CIGARETTE OUT OF MY MOUTH,
6 AND I WAS, LIKE, WHAT? SO, YOU KNOW, AND HE PUT
7 IT OUT. SO, THEN I WAS, LIKE, OKAY, I AIN'T EVEN
8 GOING TO DO NOTHING. I WAS, LIKE, LET ME CALM MY
9 NERVES. SO, THEN HE JUST KEPT GOING IN AND OUT,
10 WALKING THROUGH THE HOUSE, ASKING, WHERE IS IT AT,
11 WHERE IS IT AT, WHERE IS IT AT, I KNOW YOU GOT IT,
12 WHERE IS IT AT. YOU KNOW, JUST BEING REAL HOSTILE.
13 AND THEN HE MOVED US IN THE LIVING ROOM. I WAS ON
14 THIS COUCH, AND VON WAS ON THIS COUCH, AND WE WAS
15 RIGHT ACROSS FROM EACH OTHER. AND HE JUST KEPT,
16 HE WAS, LIKE, STANDING OVER ME, WHAT ARE YOU DOING
17 HERE, WHY ARE YOU HERE. AND YOU KNOW, I WAS, LIKE,
18 I'M JUST HERE, YOU KNOW, I MEAN, I DIDN'T KNOW IT
19 WAS NO CRIME TO BE HERE. AND SO, THEN, HE KEPT
20 GOING IN VON'S FACE, AND HE WAS, LIKE, YOU KNOW,
21 YOU'RE IN A LOT OF TROUBLE. YOU KNOW, YOUR RECORD,
22 BUT WE GOT YOU THIS TIME, WE GOT YOU THIS TIME. YOU
23 KNOW, AND HE JUST KEEP GOING ON, LIKE IT WAS
24 SOMETHING, YOU KNOW. AND THEN, AFTER A LITTLE
25 WHILE HE LEFT AND HE WENT BACK IN THE ROOM. HE CAME

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 111

1 BACK OUT, AND HE WAS JUST STEADY WALKING, HE WAS
2 WALKING FROM THIS ROOM TO THAT ROOM, JUST LIKE
3 SEARCHING. AND SOME OF THE OFFICERS WAS JUST LIKE
4 STANDING AROUND, COUNTING MONEY, SITTING AT THE
5 TABLE, DOING THIS, DOING THAT, YOU KNOW. BECAUSE
6 THEY WAS DONE WENT THROUGH EVERYTHING THAT WAS IN
7 THE HOUSE, YOU KNOW. AND HE WAS JUST STILL SAYING,
8 WHERE IS IT AT, WHERE IS IT AT, WHERE IS IT AT. I
9 MEAN, HE JUST GOT SO CLOSE IN MY FACE THAT HE SPAT
10 ON ME.

11 THE COURT: DID YOU KNOW WHAT HE WAS
12 TALKING ABOUT, WHERE IS IT AT, WHAT WAS HE TALKING
13 ABOUT?

14 A. HE WAS TALKING ABOUT DRUGS.

15 THE COURT: HOW DID YOU KNOW THAT?

16 A. I MEAN, ---

17 THE COURT: HOW DID YOU KNOW HE WAS
18 TALKING ABOUT DRUGS, YOU SAID, WHERE IS IT AT, WHERE IS
19 IT AT?

20 A. THAT'S WHAT HE JUST KEPT SAYING, WHERE IS IT AT,
21 WHERE IS IT AT.

22 THE COURT: AND YOU JUST ASSUMED HE
23 WAS TALKING ABOUT DRUGS?

24 A. YEAH. SO, I MEAN, AND HE JUST KEPT ASKING, LIKE
25 SOMETHING WAS JUST NOT RIGHT WITH HIM, LIKE IT WAS

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 112

1 SOMETHING PERSONAL WITH HIM. AND SO, THEN WE WAS
2 JUST SITTING IN THERE. AND SO, HE ASKED ME WHY I
3 WAS THERE, AND I TOLD HIM, I SAID, I WAS, LIKE, FOR
4 SEX. AND SO, THEN HE TOLD ME, HE SAID, YOU WANT TO
5 GO TO JAIL? AND I WAS, LIKE, NO, I DON'T WANT TO
6 GO TO JAIL. WELL, YOU'D BETTER TELL ME WHERE IT'S
7 AT RIGHT NOW. AND I WAS, LIKE, I DON'T KNOW, I
8 CAN'T TELL YOU WHAT I DON'T KNOW. AND SO, THEN HE
9 TOLD ME, I GUESS HE DECIDED THAT HE WASN'T GOING
10 TO LOCK ME UP, SO HE TOLD ME TO GO STAND OUTSIDE
11 ON THE PORCH. SO, I WAS STANDING OUTSIDE ON THE
12 PORCH, HE HAD THE DOOR SHUT, AND I WAS JUST
13 STANDING BY THE DOOR LISTENING, AND HE WAS SAYING,
14 YOU KNOW YOU'RE GOING TO BE GOING AWAY FOR A LONG
15 TIME. AND HE WAS JUST GOING ON WITH STUFF LIKE
16 THAT. AND VON WAS JUST SITTING THERE SHAKING HIS
17 HEAD, JUST SHAKING HIS HEAD, SHAKING HIS HEAD. AND
18 SO, THEN, AFTER A LITTLE WHILE HE LET ME COME BACK
19 IN, AND HE WAS, LIKE, -- OH, I SKIPPED A PART. HE
20 WAS ALREADY DONE FOUND THE DRUGS BY THEN. BUT THEN
21 HE HAD PUT ME OUTSIDE ON THE PORCH WHEN HE DECIDED
22 HE WASN'T GOING TO LOCK ME UP, AND HE WAS TALKING
23 TO VON AND ALL VON WAS DOING WAS SHAKING HIS HEAD,
24 AND SHAKING HIS HEAD, YOU KNOW. BECAUSE HE AIN'T
25 SAID THREE WORDS IN THERE TO THEM PEOPLE. HE ASKED

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 113

1 THE, THE MAN WITH THE CREW CUT WHERE WAS THE SEARCH
2 WARRANT. WE'LL GET IT IN A MINUTE, WE'LL GET IT
3 IN A MINUTE, YOU KNOW. AND SO, THEN, I WAS OUTSIDE
4 AND HE TOLD ME I COULD COME BACK IN. AND HE WAS,
5 LIKE, HE SAID, SO, DO YOU WANT TO STAY HERE OR DO
6 YOU WANT TO LEAVE. AND I WAS, LIKE, NO, I'LL STAY
7 HERE AND LET HIS SISTER KNOW WHAT'S GOING ON, YOU
8 KNOW, WITH HIM, BECAUSE I KNOW HE'S GOING TO JAIL.
9 SO, THEY HAD LEFT, AND I STAYED THERE.

10 Q. MS. WRIGHT, WAS VONDELL SANDERS READ HIS MIRANDA
11 RIGHTS AT ANYTIME?

12 A. HUH UH.

13 Q. WERE YOU READ YOUR MIRANDA RIGHTS?

14 A. NO.

15 Q. DID YOU SIGN ANY WRITTEN STATEMENT OF MIRANDA
16 RIGHTS AT ANYTIME?

17 A. I DON'T. - HUH UH, NO.

18 Q. WAS OFFICER SHIRER ASKING YOU QUESTIONS AND VONDELL
19 QUESTIONS?

20 A. YEAH.

21 Q. WAS HE THREATENING YOU OR MENACING YOU IN ANY WAY?

22 A. I MEAN, I FEEL THREATENED WHEN SOMEBODY WALK UP ON
23 ME, AND THAT'S HOW HE WAS. HE WAS, LIKE, REAL
24 HOSTILE, LIKE, ALL IN YOUR FACE, YOU KNOW. I MEAN,
25 HE HAD TO BE HOSTILE, HE WAS SPITTING OUT OF HIS

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER

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1 MOUTH. HE HAD TO BE MAD.

2 Q. AND YOU FELT ---

3 SOLICITOR COLLINS: YOUR HONOR, -

4 --

5 THE COURT: DON'T TELL HER HOW SHE
6 FELT, LET HER TELL YOU HOW SHE FELT.

7 MR. KRAMER: I'M TRYING TO ASK A
8 QUESTION, YOUR HONOR, I'M SORRY, YOUR HONOR.

9 Q. WHAT DID MR. SHIRER'S ACTIONS CAUSE YOU TO DO?

10 THE COURT: DO YOU UNDERSTAND THE
11 QUESTION, MA'AM?

12 Q. WHAT WERE YOU DOING, MS. WRIGHT? YOU JUST
13 TESTIFIED.

14 SOLICITOR COLLINS: YOUR HONOR, I
15 OBJECT BECAUSE THIS IS OUTSIDE THE SCOPE OF THE HEARING.
16 WHAT SHE FEELS LIKE IS REALLY NOT RELEVANT HERE, IT'S
17 AS TO WHETHER OR NOT THE STATEMENT WAS VOLUNTARILY MADE
18 BY THE DEFENDANT.

19 THE COURT: SUSTAINED.

20 Q. MS. WRIGHT, YOU EARLIER INDICATED TO THE COURT JUST
21 RECENTLY IN YOUR TESTIMONY THAT MR. SHIRER'S
22 ACTIONS CAUSED YOU TO DO CERTAIN THINGS.

23 SOLICITOR COLLINS: OBJECTION, YOUR
24 HONOR, HE'S STILL DOING THE SAME THING. WHAT IT CAUSED
25 HER TO DO IS NOT RELEVANT IN THIS HEARING.

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 115

1 MR. KRAMER: YOUR HONOR, IT IS
2 RELEVANT. IT'S RELEVANT BECAUSE IT DESCRIBES THE
3 TOTALITY OF THE CIRCUMSTANCES, WHETHER MIRANDA RIGHTS
4 WERE READ OR NOT READ. AND I'M TRYING TO SHOW THE COURT
5 WHAT HAPPENED IN THE TRAILER. THIS INDIVIDUAL IS MY
6 WITNESS, ALONG WITH THE DEFENDANT, THEY'RE THE ONLY TWO
7 PEOPLE THAT WERE THERE BESIDES THE POLICE OFFICERS. I'M
8 TRYING TO SHOW THE COURT WHAT THE ATMOSPHERE WAS IN THE
9 TRAILER AND WHAT MY WITNESS FELT THE PRESENCE OR THE
10 ACTIONS OF THE POLICE, AND THIS IS RELEVANT TO WHETHER
11 THE MIRANDA RIGHTS WERE READ OR NOT, WHETHER SHE FELT
12 THAT ---

13 THE COURT: NO, SIR, IT'S NOT.

14 MR. KRAMER: YES, SIR.

15 THE COURT: I'M SORRY, IT'S NOT
16 RELEVANT WHETHER THEY WERE READ OR NOT. THEY EITHER
17 WEREN'T READ OR THEY WERE READ. SHE'S TESTIFIED THAT
18 THEY WEREN'T READ.

19 MR. KRAMER: I UNDERSTAND, YOUR
20 HONOR, I HEARD THAT. BUT WHAT I'M TRYING TO SAY IS THAT
21 THERE WAS A COERCIVE ATMOSPHERE HERE, YOUR HONOR, AND
22 I'M TRYING TO SHOW THE COURT THAT IF I CAN ASK THE
23 WITNESS THE QUESTION OF WHAT WAS HAPPENING THERE. I
24 UNDERSTAND THE MIRANDA RIGHTS WEREN'T READ.

25 THE COURT: YOU'VE ASKED HER WHAT

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 116

1 WAS HAPPENING THERE, SHE'S TOLD YOU ONCE, YOU CAN ASK
2 HER AGAIN.

3 MR. KRAMER: THANK YOU, YOUR HONOR.

4 THE COURT: BUT ---

5 SOLICITOR COLLINS: YOUR HONOR,
6 THEY'VE ALSO STATED ---

7 THE COURT: EXCUSE ME, PLEASE, I'M
8 RULING ON AN OBJECTION. ---

9 SOLICITOR COLLINS: SORRY, YOUR
10 HONOR.

11 THE COURT: --- AND IT'S YOUR
12 OBJECTION I'M RULING ON.

13 SOLICITOR COLLINS: YES, SIR, I'M
14 SORRY.

15 THE COURT: THE QUESTION IS, HOW DID
16 SHE FEEL, DID SHE FEEL COERCIVE, OR WHATEVER THE WORD
17 IS THAT YOU USED, AND THAT'S NOT RELEVANT. THE
18 SITUATION -- IT'S RELEVANT AS FAR AS WHAT THE ATMOSPHERE
19 WAS, BUT IT'S NOT RELEVANT AS TO WHAT STATEMENT THE
20 DEFENDANT MADE OR DIDN'T MAKE. I DON'T KNOW WHETHER THE
21 ATMOSPHERE AFFECTED HIM THE SAME WAY IT AFFECTED HER,
22 SO WHAT, THE WAY SHE FELT HAS NOTHING TO DO WITH THIS.

23 MR. KRAMER: YOUR HONOR, SHE WAS IN
24 CLOSE PROXIMITY TO THE DEFENDANT ACCORDING TO HER
25 PREVIOUS TESTIMONY.

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 117

1 THE COURT: IT'S STILL HER FEELINGS
2 AND NOT HIS, THOUGH.

3 MR. KRAMER: I UNDERSTAND THAT, YOUR
4 HONOR.

5 THE COURT: I THINK SHE'S MADE IT
6 CLEAR THAT THE GUY WAS IN HER FACE, OR IN THEIR FACES,
7 HOLLERING AND ASKING QUESTIONS, WHERE IS IT AT. I DON'T
8 THINK HOW SHE FELT IS IMPORTANT TO WHETHER SOMEBODY
9 ELSE'S STATEMENT WAS COERCIVE OR WAS FREELY AND
10 VOLUNTARILY MADE OR NOT. SO, I SUSTAIN THE OBJECTION.
11 MOVE ON.

12 MR. KRAMER: THANK YOU, YOUR HONOR.

13 SOLICITOR COLLINS: THANK YOU, YOUR
14 HONOR.

15 Q. MS. WRIGHT, CAN YOU TELL THE COURT WHAT OFFICER
16 SHIRER SAID TO YOU?

17 SOLICITOR COLLINS: OBJECTION, YOUR
18 HONOR, IT'S NOT RELEVANT AS TO WHAT HE SAID TO HER, IT'S
19 RELEVANT AS TO THE VOLUNTARINESS, WHETHER OR NOT HE GAVE
20 THE STATEMENT, WHETHER OR NOT VOLUNTARY.

21 MR. KRAMER: YOUR HONOR, I
22 PREVIOUSLY INFORMED THE COURT TO THE WITNESS THAT HER
23 RIGHTS WERE NOT READ, JUST AS WELL AS MR. VONDELL
24 SANDERS'S RIGHTS WERE NOT READ, EITHER. THEY'RE IN
25 CLOSE PROXIMITY AT THE SAME TIME. SO, WHAT I'M TRYING

DIRECT. IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 118

1 TO ESTABLISH HERE IS, IF HER RIGHTS WEREN'T READ,
2 VONDELL SANDERS'S RIGHTS WERE NOT READ, EITHER.

3 THE COURT: SHE'S TESTIFIED THAT
4 NOBODY READ ANY RIGHTS.

5 MR. KRAMER: YES, SIR.

6 THE COURT: I MEAN, HOW MANY TIMES
7 DOES SHE HAVE TO SAY IT?

8 MR. KRAMER: YES, SIR. I APPRECIATE
9 IT, YOUR HONOR.

10 THE COURT: I SUSTAIN THE OBJECTION.

11 Q. MS. WRIGHT, IS THERE ANYTHING ELSE THAT YOU WANT
12 TO TELL THE COURT ABOUT WHAT HAPPENED?

13 A. WELL, ALL I GOT TO SAY ABOUT THE SITUATION IS THE,
14 IT WAS REAL MESSED UP, YOU KNOW, BECAUSE IT WAS
15 JUST LIKE, IT WAS, WE AIN'T HAD NO WAY OUT, WHAT
16 WAS WE SUPPOSED TO DO? YOU KNOW, HE'S TELLING US,
17 YOU GOING TO GO TO JAIL.

18 THE COURT: I DON'T, I'M NOT
19 ANSWERING QUESTIONS. YOU JUST ANSWER HIS QUESTION.

20 A. I AM. YOU KNOW, IT'S JUST LIKE, THEY WAS TELLING
21 US, THIS IS WHAT IT'S GOING TO BE, YOU'RE GOING TO
22 JAIL FOR A LONG TIME, AND THAT'S ALL IT IS. AND
23 THAT'S NOT RIGHT, YOU KNOW.

24 THE COURT: I'M NOT ANSWERING
25 QUESTIONS, MA'AM, YOU'RE ANSWERING QUESTIONS.

DIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 119

1 A. I'M NOT ---

2 MR. KRAMER: THE COURT'S INDULGENCE,
3 YOUR HONOR.

4 Q. MS. WRIGHT, YOU WERE PRESENT THE WHOLE TIME WITH
5 MR. SANDERS IN THE TRAILER, IS THAT CORRECT?

6 A. EXCEPT FOR THE FEW MINUTES THAT HE TOLD ME TO GO
7 OUTSIDE.

8 Q. OKAY.

9 A. BUT I COULD STILL HEAR.

10 Q. YOU COULD STILL HEAR. SO, TO THE BEST OF YOUR
11 KNOWLEDGE, ---

12 THE COURT: LET HER ANSWER THE
13 QUESTION.

14 MR. KRAMER: YES, SIR.

15 Q. WERE YOUR MIRANDA RIGHTS EVER READ TO YOU?

16 A. NO.

17 Q. WERE MR. SANDERS'S RIGHTS EVER READ TO HIM?

18 A. NO.

19 MR. KRAMER: THANK YOU. NO FURTHER
20 QUESTIONS, YOUR HONOR. THE STATE'S WITNESS.

21 (NOTE: Blank lines on this page do not indicate any
22 part of record has been omitted. Headers on testimony
23 pages and hard page breaks between testimony are now
24 required by the Court. See next ensuing page for
25 sequential continuation of record.)

CROSS, IN CAMERA - SYLVIA WRIGHT BY SOL. COLLINS 120

CROSS-EXAMINATION, IN CAMERA, OF SYLVIA WRIGHT

BY SOLICITOR COLLINS:

Q. HOW LONG HAD IT BEEN DARK UPON THE ENTRANCE OF THE
POLICE OFFICERS IN THE HOME?

A. A GOOD LITTLE WHILE.

Q. HOW LONG?

A. I DON'T KNOW, IT HAD RAINED, I MEAN, IT WAS RAINING
REAL HARD.

MR. KRAMER: OBJECTION, YOUR HONOR,
WHAT'S THE RELEVANCY OF WHAT TIME IT IS OR WHAT NIGHT
IT IS, WHETHER MIRANDA RIGHTS WERE READ OR NOT.

THE COURT: WHAT'S THE RELEVANCE?

SOLICITOR COLLINS: THE RELEVANCY
IS, YOUR HONOR, SHE'S SAYING THEY CAME IN AT NINE OR TEN
O'CLOCK, AND I'M JUST CURIOUS AS TO HOW LONG IT WAS
DARK.

MR. KRAMER: YOUR HONOR, IT'S NOT
FOR HIS CURIOSITY WHETHER THE SUN WAS SHINING.

THE COURT: OVERRULED.

MR. KRAMER: YES, SIR, YOUR HONOR.

THE COURT: I THINK IT BEARS ON HER
CREDIBILITY.

A. I MEAN, I'M SAYING I CAN'T TELL YOU EXACTLY WHAT
TIME IT WAS, BUT I'M SAYING IT WAS DARK, IT WAS
RAINING. I KNOW IT WAS, IT HAD TO BE, IT PROBABLY

CROSS, IN CAMERA - SYLVIA WRIGHT BY SOL. COLLINS 121

1 WAS EIGHT, IT COULD HAVE BEEN SEVEN, I DON'T KNOW,
2 I MEAN, I WASN'T WATCHING NO CLOCK.

3 MR. KRAMER: OBJECTION, YOUR HONOR,
4 HE WANTS THE WITNESS TO SPECULATE RIGHT NOW. THE WITNESS
5 IS SPECULATING.

6 THE COURT: YOU OBJECT TO YOUR
7 WITNESS'S ANSWER?

8 MR. KRAMER: I'M OBJECTION, YOUR
9 HONOR, TO WHAT HIS QUESTION IS. HE'S ASKING HER TO
10 SPECULATE.

11 THE COURT: NO, SIR, THE QUESTION'S
12 FINE. THERE'S NOTHING WRONG WITH THE QUESTION. AND THE
13 ANSWER, YOU CAN'T OBJECT TO AN ANSWER. YOU CAN OBJECT
14 TO THE QUESTION. YOU OBJECTED TO THE QUESTION, I
15 OVERRULED YOUR OBJECTION, AND HER ANSWER MIGHT NOT HAVE
16 BEEN RESPONSIVE, IT MIGHT HAVE BEEN CONJECTURAL, BUT THE
17 QUESTION IS ALRIGHT. MOVE ALONG, PLEASE.

18 SOLICITOR COLLINS: THANK YOU, YOUR
19 HONOR.

20 Q. HAD MR. SANDERS BEEN DRINKING THAT DAY?

21 A. YES.

22 Q. HAD YOU BEEN DRINKING THAT DAY?

23 A. YES.

24 Q. OKAY. NOW, YOU SAID YOU SMOKED CIGARETTES, HOW
25 MANY CIGARETTES DID MR. SANDERS SMOKE?

CROSS, IN CAMERA - SYLVIA WRIGHT BY SOL. COLLINS 122

1 A. I DON'T KNOW.

2 MR. KRAMER: OBJECTION, YOUR HONOR,
3 WHAT'S THE RELEVANCY OF THE CIGARETTE SMOKING AS TO
4 WHETHER HIS MIRANDA RIGHTS WERE READ?

5 THE COURT: I OVERRULE YOUR
6 OBJECTION, I THINK IT'S RELEVANT. GO AHEAD.

7 A. I DON'T KNOW, A PACK A DAY.

8 Q. THAT DAY, WHILE HE WAS HAND CUFFED, HOW MANY
9 CIGARETTES DID HE SMOKE?

10 A. I DON'T KNOW.

11 Q. APPROXIMATELY?

12 A. I DON'T KNOW. I WAS TOO STRESSED OUT LOOKING AT
13 WHAT WAS GOING ON.

14 Q. BUT HE DID SMOKE CIGARETTES?

15 MR. KRAMER: OBJECTION, ASKED AND
16 ANSWERED, YOUR HONOR.

17 THE COURT: OVERRULE YOUR OBJECTION.
18 CAN YOU ANSWER THE QUESTION, MA'AM?

19 A. YOU SAY, WHAT, HOW MANY CIGARETTES HE SMOKED, I
20 DON'T KNOW HOW MANY.

21 Q. DID HE SMOKE CIGARETTES.

22 A. YEAH, I THINK HE SMOKED A CIGARETTE.

23 Q. ALL IN HAND CUFFS, BEHIND HIS BACK?

24 SOLICITOR COLLINS: THANK YOU.

25 COURT REPORTER: WHAT WAS YOUR

CROSS, IN CAMERA - SYLVIA WRIGHT BY SOL. COLLINS 123

1 ANSWER?

2 A. YEAH, HE SMOKED A CIGARETTE LIKE THAT, WE WAS
3 SITTING AT THE KITCHEN TABLE, HE HAD HIS ARM,
4 LEANING LIKE THAT, SMOKING A CIGARETTE. HE GOT BIG
5 HANDS.

6 Q. WERE YOU PRESENT WHEN THE STATEMENT, WHEN MR.
7 SANDERS GAVE A STATEMENT TO THE POLICE?

8 A. MR. SANDERS DIDN'T GIVE NO STATEMENT TO THE POLICE.

9 Q. OKAY. THANK YOU. YOU KEEP SAYING THAT INVESTIGATOR
10 SHIRER WAS ANTAGONISTIC TO YOU.

11 A. UH HUH.

12 Q. BUT YOU REALLY DON'T SAY ANYTHING ABOUT MR.
13 SANDERS, HE WASN'T ANTAGONISTIC TO MR. SANDERS?

14 A. HE WAS ANTAGONIZING BOTH OF US, BECAUSE HE WAS
15 STEAD SAYING, YOU'RE GOING DOWN, YOU'RE GOING TO
16 GET A LOT OF TIME, YOU KNOW YOUR RECORD. YOU KNOW?

17 Q. DID HE SAY THAT TO YOU, TOO?

18 A. HE DIDN'T SAY THAT TO ME BECAUSE HE AIN'T KNOW ME.

19 Q. OKAY. WHAT'S YOUR RELATIONSHIP WITH MR. SANDERS?

20 A. HE'S MY BOY FRIEND.

21 Q. HE'S YOUR BOY FRIEND?

22 A. UH HUH.

23 Q. OKAY. SO, YOU WERE OVER AT HIS HOUSE FOR WHAT?

24 A. SEX.

25 Q. JUST FOR SEX, OR COMPANIONSHIP, OR ---

CROSS, IN CAMERA - SYLVIA WRIGHT BY SOL. COLLINS

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1 A. COMPANIONSHIP.

2 Q. AND HOW LONG HAD Y'ALL BEEN DATING?

3 MR. KRAMER: OBJECTION, YOUR HONOR,
4 WHAT'S THE RELEVANCY OF THAT?

5 THE COURT: SUSTAINED.

6 A. A FEW MONTHS.

7 THE COURT: YOU DON'T HAVE TO ANSWER
8 THAT QUESTION. GO AHEAD.

9 SOLICITOR COLLINS: ONE MOMENT, YOUR
10 HONOR. THAT WOULD BE ALL THE QUESTIONS OF THIS WITNESS,
11 YOUR HONOR.

12 THE COURT: REDIRECT?

13 MR. KRAMER: YES, SIR. THANK YOU,
14 YOUR HONOR.

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16 part of record has been omitted. Headers on testimony
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18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

REDIRECT, IN CAMERA - SYLVIA WRIGHT BY MR. KRAMER 125

REDIRECT EXAMINATION, IN CAMERA, OF SYLVIA WRIGHT

BY MR. KRAMER:

Q. BRIEFLY, MS. WRIGHT, YOU CAN SMOKE CIGARETTES WHILE
HAND CUFFED, IS THAT CORRECT?

A. UH HUH.

Q. OKAY. WERE YOU SMOKING CIGARETTES WHEN YOU WERE
HAND CUFFED?

A. UH HUH.

Q. HOW DID YOU GET THE CIGARETTES?

A. UM, THEY WAS ON THE TABLE.

Q. OKAY. MR. SANDERS SMOKED CIGARETTES?

A. YEAH, HE SMOKES CIGARETTES.

Q. DOES THAT HAVE ANYTHING TO DO WITH MIRANDA RIGHTS?

A. NO.

MR. KRAMER: THANK YOU.

THE COURT: THANK YOU, MA'AM, YOU
MAY STEP DOWN. DO YOU HAVE ANYTHING ELSE?

SOLICITOR COLLINS: NOTHING, YOUR
HONOR.

MR. KRAMER: YOUR HONOR, THE DEFENSE
AT THIS POINT WOULD LIKE TO MAKE A MOTION TO SUPPRESS
THE STATEMENT ON THE GROUNDS THAT MIRANDA RIGHTS WERE
NOT GIVEN, BASED ON THE TESTIMONY OF MR. SANDERS AND MS.
WRIGHT. THERE WAS ALSO INFORMATION GIVEN, YOUR HONOR,
AS TO THE CONSUMPTION OF ALCOHOL THAT WOULD LIMIT

1 KNOWING, VOLUNTARY AND INTELLIGENT WAIVER OF MIRANDA
2 RIGHTS. AND THERE'S BEEN TESTIFIED TO THE COURT, THERE
3 IS NO WRITTEN WAIVER, IT IS NOT PART OF THE RECORD OF
4 EITHER MS. WRIGHT OR MR. SANDERS SIGNING A MIRANDA
5 WAIVER, SO THAT, YOUR HONOR, ANY STATEMENT THAT MR.
6 SANDERS MADE WAS CLEARLY WITHOUT THE BENEFIT OF MIRANDA
7 RIGHTS. HE WAS DETAINED, YOUR HONOR, HE WAS HAND
8 CUFFED, THERE WERE EIGHT POLICE OFFICERS PRESENT, HE WAS
9 NOT ALLOWED TO LEAVE. HE WAS IN CUSTODY, YOUR HONOR,
10 EVEN THOUGH IT WAS IN HIS TRAILER. THE POLICE WERE
11 ASKING HIM QUESTIONS, OFFICER SHIRER WAS BADGERING HIM,
12 ASKING HIM QUESTIONS. AS EARLIER TESTIFIED, HE WAS UP
13 IN HIS FACE, YELLING AT HIM, SCREAMING AT HIM, AND I
14 BELIEVE, YOUR HONOR, THAT MIRANDA WARNINGS WERE NOT
15 ADEQUATELY GIVEN. BOTH MR. SANDERS AND MS. WRIGHT WERE
16 QUESTIONED WITHOUT THE BENEFITS OF THOSE CONSTITUTIONAL
17 RIGHTS, YOUR HONOR, THAT WE HOLD SACRED. AND I BELIEVE,
18 YOUR HONOR, THAT ANY STATEMENT THAT WAS MADE SHOULD BE
19 SUPPRESSED. AND I WOULD ASK THE COURT TO GIVE
20 CONSIDERATION TO RULING IN THAT FAVOR, BASED ON THE
21 TESTIMONY THAT'S BEEN GIVEN, AS THE COURT HAS HAD THE
22 OPPORTUNITY TO DIRECTLY BOTH OF THE WITNESSES AND THEIR
23 DEMEANOR AND THEIR MANNER, AND HAS HEARD ABOUT THE,
24 AGAIN, THE ALCOHOL USE THAT WOULD IMPAIR A PERSON'S
25 UNDERSTANDING OF WHETHER THEY HAD MADE A KNOWING AND

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1 INTELLIGENT WAIVER OF THEIR MIRANDA RIGHTS. AND I
2 BELIEVE THE POLICE'S CONDUCT HERE, THAT IT WAS
3 INDIVIDUALS MAKING A DRUG BUST, COMING THROUGH THE DOOR,
4 EXCITED, THEY START YELLING, AS HAS BEEN PREVIOUSLY
5 TESTIFIED TO THE COURT, THAT MIRANDA WARNINGS WERE NOT
6 GIVEN. THANK YOU, YOUR HONOR.

7 THE COURT: YES, SIR.

8 SOLICITOR COLLINS: THANK YOU, YOUR
9 HONOR. THE DEFENDANT, HIMSELF, SAID THAT NO STATEMENT
10 WAS MADE WHATSOEVER, AS WELL AS HIS WITNESS. THEN YOU
11 HAVE LAW ENFORCEMENT, ON THE OTHER HAND, YOUR HONOR, TO
12 SAY THAT A STATEMENT WAS MADE. HENCE, WE HAVE AN ISSUE
13 THAT SHOULD GO BEFORE THE JURY. THE DEFENDANT SAID THAT
14 HE WASN'T DRUNK, SO HENCE, THE ISSUE AS TO WHETHER OR
15 NOT HIS KNOWINGLY AND INTELLIGENTLY WAIVED HIS RIGHTS
16 IS REALLY, REALLY IS NOT AN ISSUE EITHER, BECAUSE HE,
17 HIMSELF, TESTIFIED THAT HE WAS NOT DRUNK, THAT HE
18 THOUGHT HE COULD OPERATE A MOTOR VEHICLE.

19 AS TO NOT BEING ALLOWED TO LEAVE AND
20 STUFF LIKE THAT, HE WAS UNDER ARREST, YOUR HONOR, BEING
21 SO, THAT OF COURSE, THEY WOULDN'T LET HIM LEAVE. THEY
22 HAD TO SECURE THE CRIME SCENE AND HAD TO SECURE HIM AND
23 ARREST HIM AND THEN TAKE HIM TO THE DETENTION CENTER,
24 YOUR HONOR. BASICALLY, I MEAN, ALL OF THESE JUST APPEAR
25 TO BE JURY ISSUES, AND I RESPECTFULLY REQUEST THAT YOU

1 ALLOW THE STATEMENT IN AND ALLOW IT TO GO TO THE JURY.

2 THE COURT: NUMBER ONE, I THINK IT'S
3 IMPORTANT TO NOTE THAT A SUPPRESSION HEARING IS TO
4 SUPPRESS THE STATEMENT, NOT TO SUPPRESS THE DRUGS.
5 NOTHING WAS COERCED OUT OF HIM TO SHOW WHERE THE DRUGS
6 WERE. THEY FOUND THE DRUGS PURSUANT TO THE SEARCH
7 WARRANT. I DON'T THINK THERE'S ANYTHING WRONG WITH THE
8 SEARCH, THAT'S NOT BEING QUESTIONED. THE ONLY THING
9 THAT'S BEING QUESTION IS WAS ANY STATEMENT THAT HE MAY
10 OR MAY NOT HAVE MADE FREELY AND VOLUNTARILY GIVEN. I'VE
11 GOT ONE WITNESS THAT SAYS THERE WASN'T A QUESTION, HE
12 NEVER ASKED HIM, HE NEVER GAVE HIM HIS MIRANDA WARNING,
13 AND HE NEVER MADE A STATEMENT. I GUESS THE DEFENSE'S
14 POSITION IS THAT HE DIDN'T GIVE A STATEMENT, BUT IF THEY
15 DID, THEY WEREN'T WAIVED KNOWINGLY, THEIR RIGHTS WEREN'T
16 WAIVED KNOWINGLY.

17 I FIND, WE OBVIOUSLY HAVE A
18 TESTIFYING CONTEST BETWEEN THE OFFICERS WHO WERE THERE,
19 THE DEFENDANT WHO WAS THERE, AND HIS GIRL FRIEND WHO WAS
20 THERE. I DON'T FIND THEM TO BE AS CREDIBLE AS THE
21 OFFICERS. SHE TESTIFIED THAT HE WAS SMOKING A
22 CIGARETTE, I DON'T THINK IT'S POSSIBLE IF HE HAD REAL
23 BIG HANDS TO SMOKE A CIGARETTE WITH YOUR HANDS BEHIND
24 YOUR BACK. SO, THAT TELLS ME SOMETHING ABOUT HER
25 CREDIBILITY. SHE SAID IT WAS LIGHT ONE TIME, SHE SAID

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1 IT WAS DARK THE NEXT TIME, IN THE SAME TESTIMONY. I
2 JUST DON'T FIND HER TO BE A VERY CREDIBLE WITNESS. NOW,
3 I CAN BELIEVE THE DEFENDANT, MR. SANDERS, OR I CAN
4 BELIEVE THE OFFICERS. I CHOOSE TO BELIEVE THE OFFICERS.
5 I FIND THAT THE DRUGS WERE FOUND WITHOUT ANY COERCION,
6 WITHOUT ANY HELP OTHER THAN THE SEARCH WARRANT, THAT'S
7 NOT BEING QUESTIONED. AND I FIND THAT THE STATEMENT
8 THAT HE MADE FREELY AND VOLUNTARY, WAS FREELY AND
9 VOLUNTARILY MADE FOR PURPOSES OF JACKSON V. DENO. THANK
10 YOU.

11 NOW, IS THERE ANY OTHER MOTIONS?

12 MR. KRAMER: YES, YOUR HONOR. THE
13 COURT'S INDULGENCE. YOUR HONOR, I'D LIKE TO MAKE A
14 MOTION IN LIMINE TO SUPPRESS THE CRACK COCAINE AND
15 MARIJUANA AT THIS POINT, AND THAT WOULD BE, YOUR HONOR,
16 ON THE BASIS THAT THE WARRANT THAT WAS ISSUED IN THE
17 CASE IS NOT SUPPORTED BY PROBABLE CAUSE.

18 THE COURT: A MOTION IN LIMINE OR
19 A MOTION TO SUPPRESS THE EVIDENCE?

20 MR. KRAMER: YES, SIR, THAT'S A
21 MOTION TO SUPPRESS.

22 THE COURT: ALRIGHT. BASED ON WHAT?

23 MR. KRAMER: BASED ON THE FACT, YOUR
24 HONOR, THAT THE WARRANT IS NOT SUPPORTED BY PROBABLE
25 CAUSE.

1 THE COURT: I'LL HEAR YOU.

2 MR. KRAMER: THE STATE HAD EARLIER
3 SUPPLIED ME WITH THE RAP SHEET BLANKED OUT THAT
4 INDICATED THAT THE PERSON WHO PROVIDED THE INFORMATION
5 HAD NUMEROUS CONVICTIONS FOR FORGERY AND DRUG USE, AND
6 THOSE FORGERY CONVICTIONS, YOUR HONOR, PLACED THE
7 RELIABILITY OF THAT PERSON UNDER DOUBT. AND I BELIEVE
8 IT WAS LAST MONTH, YOUR HONOR, WHEN THE STATE PROVIDED
9 ME WITH THAT RAP SHEET ON THE INDIVIDUAL THAT SUPPORTED
10 THE WARRANT, THAT THE WARRANT WAS BASED ON. AND A
11 FORGERY CONVICTION, YOUR HONOR, WOULD GO TO THE BASIS
12 OF TRUTHFULNESS OF THE INFORMATION THAT WAS PROVIDED FOR
13 THE SEARCH WARRANT THAT THE OFFICERS GOT FROM THE
14 MAGISTRATE.

15 THE COURT: ARE YOU ASKING THE COURT
16 TO RULE ON THE RELIABILITY OF THE WITNESS?

17 MR. KRAMER: NO, SIR, NO, SIR, YOUR
18 HONOR. I'M SAYING I'M ASKING THE COURT TO SUPPRESS THE
19 CRACK COCAINE AND MARIJUANA ---

20 THE COURT: BECAUSE OF ---

21 MR. KRAMER: --- BECAUSE THE SEARCH
22 WARRANT WAS DEFECTIVE, YOUR HONOR, BECAUSE ---

23 THE COURT: BECAUSE -- EXCUSE ME.

24 MR. KRAMER: BECAUSE THE INFORMATION
25 PROVIDED THAT WAS THE BASIS OF THE SEARCH WARRANT WAS

1 PROVIDED BY A PERSON WHO HAD NUMEROUS CONVICTIONS FOR
2 FORGERY AND DRUG USE.

3 THE COURT: MR. KRAMER, IF I
4 SUSTAINED YOUR MOTION, OR GRANTED YOUR MOTION BASED ON
5 WHAT YOU'VE TOLD ME, PROBABLY NINETY PER CENT OF THE
6 SEARCH WARRANTS IN AMERICA ARE NO GOOD, BECAUSE ---

7 MR. KRAMER: YES, YOUR HONOR.

8 THE COURT: --- THEY COME FROM
9 PEOPLE WHO HAVE CRIMINAL RECORDS. AND YOU'RE SAYING HE
10 OR SHE, I DON'T KNOW WHO IT WAS, HAD A CRIMINAL RECORD,
11 ---

12 MR. KRAMER: YES, SIR.

13 THE COURT: --- AND SO, THAT'S NOT
14 RELIABLE. THE RELIABILITY OF THAT PERSON OR THE
15 CREDIBILITY OF THAT PERSON IS SOMETHING THAT IS SUPPOSED
16 TO CONVINCE THE ISSUING JUDICIAL OFFICER, THE MAGISTRATE
17 IN THIS CASE. AND IT MUST HAVE IF HE OR SHE ISSUED THE
18 WARRANT.

19 MR. KRAMER: YES, SIR.

20 THE COURT: I THINK, IN AND OF
21 ITSELF, BECAUSE THAT PERSON HAS A CRIMINAL RECORD IS NOT
22 GROUNDS FOR THROWING OUT THE EVIDENCE OBTAINED AS A
23 RESULT OF A SEARCH BY THAT WARRANT.

24 MR. KRAMER: YOUR HONOR, IF I MAY
25 CONTINUE, SIR, I BELIEVE THE UNDERLYING AFFIDAVIT LACKS

1 SPECIFICITY AS FAR AS THE ADDRESS OF THE HOME BEING
2 GIVEN ON BELLINGER LANE. THIS SAYS BELLINGER LANE ON
3 THE ACTUAL SEARCH WARRANT. IT LACKS VERACITY, IT LACKS
4 RELIABILITY, YOUR HONOR, AND UNDER OUR SOUTH CAROLINA
5 STATUTE, SEVENTEEN, DASH, THIRTEEN, DASH, ONE FORTY, I
6 BELIEVE THAT A SEARCH WARRANT IS DEFECTIVE. IT DOESN'T
7 APPEAR THAT THERE WAS SWORN ORAL TESTIMONY BEFORE THE
8 MAGISTRATE TO ISSUE THAT SEARCH WARRANT. I BELIEVE THERE
9 WERE INSUFFICIENT FACTS AND INFORMATION FOR THE SEARCH
10 WARRANT. YOU KNOW, IT'S KIND OF LIKE, YOUR HONOR,
11 FILLING IN THE BLANKS, KEEP USING IT OVER AND OVER
12 AGAIN, AS FAR AS LACKING SPECIFICITY.

13 THE COURT: WHAT KIND OF SPECIFICITY
14 DID IT LACK?

15 MR. KRAMER: WELL, YOUR HONOR, AS
16 I SAID, IT, IT NAMED A LANE, BELLINGER LANE, IT DIDN'T
17 SAY [REDACTED]. THERE ARE NUMEROUS HOMES
18 ON BELLINGER LANE, YOUR HONOR. AND IN FACT, I BELIEVE
19 THAT THE POLICE WENT TO THE WRONG HOME AND THEN WENT TO
20 ANOTHER HOME WHEN THEY WERE TRYING TO SERVE THIS SEARCH
21 WARRANT. AND I, YOUR HONOR, I HAVE A WITNESS HERE TO
22 SUPPORT THIS MOTION, YOUR HONOR, WHO CAN TESTIFY
23 CONCERNING WHERE THE POLICE WENT TO WHEN THEY WENT TO
24 SERVE THE AFFIDAVIT, OR EXCUSE ME, YOUR HONOR, THE
25 SEARCH WARRANT, AND I BELIEVE THE WITNESS IS IN THE .

1 HALL, MS. ANN BROWN.

2 THE COURT: I'LL HEAR YOUR MOTION.

3 MR. KRAMER: YES, SIR.

4 (Whereupon, witness

5 enters courtroom.)

6 THE COURT: PUT YOUR LEFT HAND ON

7 THE BIBLE AND RAISE YOUR RIGHT HAND.

8 (Whereupon, witness, Ann Brown,

9 is duly sworn.

10 THE COURT: BE SEATED, PLEASE,

11 MA'AM.

12 (NOTE: Blank lines on this page do not indicate any
13 part of record has been omitted. Headers on testimony
14 pages and hard page breaks between testimony are now
15 required by the Court. See next ensuing page for
16 sequential continuation of record.)

DIRECT, IN CAMERA - FREDA ANN BROWN BY MR. KRAMER 134

DIRECT EXAMINATION, IN CAMERA, OF FREDA ANN BROWN

BY MR. KRAMER:

Q. GOOD AFTERNOON, MS. BROWN.

A. UH HUH.

Q. MS. BROWN, WOULD YOU PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD, PLEASE, MA'AM?

A. FREDA ANN BROWN, [REDACTED].

Q. MS. BROWN, WOULD YOU TELL THE COURT WHAT YOU SAW WHEN THE POLICE WERE SERVING THE WARRANT?

A. I SAW, I JUST LEFT FROM THE LIQUOR STORE, AND --

THE COURT: YOU?

A. I JUST LEFT FROM A STORE AND I PASSED BY THE HOUSE, AND I STOPPED BY RODNEY'S HOUSE, AND THEY SAID THEY WAS GETTING READY TO GO OUT, SO I WENT ON HOME, AND I SIT ON MY FRONT PORCH.

COURT REPORTER: WAIT A MINUTE.

THE COURT: I CAN'T UNDERSTAND YOU, I'M SORRY.

COURT REPORTER: I CAN'T EITHER, JUDGE.

THE COURT: YOU'RE TALKING A LITTLE FAST. SLOW DOWN.

A. OKAY. I COME FROM THE STORE. THE STORE IS RIGHT HERE, IT'S A TRAILER RIGHT HERE, RODNEY'S TRAILER

DIRECT, IN CAMERA - FRED A ANN BROWN BY MR. KRAMER 135

1 IS RIGHT HERE, AND MINE THE THIRD TRAILER. I WAS
2 COMING OUT OF THE STORE AND I STOPPED BY HIS HOUSE,
3 AND HE SAID THEY WAS GETTING READY TO GO OUT.

4 COURT REPORTER: HE SAID WHAT?

5 A. HE WAS GETTING READY TO GO OUT THAT NIGHT.

6 COURT REPORTER: SLOW DOWN, PLEASE,
7 MA'AM.

8 A. HE WAS GETTING READY TO GO OUT.

9 COURT REPORTER: HE?

10 A. YES, HIM AND HIS GIRL FRIEND WAS GETTING READY TO
11 GO OUT.

12 COURT REPORTER: OKAY.

13 A. AND SO, I SAID, WELL, Y'ALL HAVE A GOOD TIME, I SEE
14 Y'ALL LEAVING. SO, I WENT HOME AND SAT ON MY FRONT
15 -- I WENT HOME, AND I WAS SITTING ON THE FRONT
16 PORCH. I SAT THERE ABOUT TEN MINUTES, I SAW A BUNCH
17 OF TRUCKS CAME TO THE FIRST TRAILER, AND HARASSED
18 AND THREW THEM BOYS DOWN, AND I WAS SITTING ON MY
19 FRONT PORCH. I SAW THE POLICE, THE SLED TRUCKS CAME
20 OUT THERE TO THE FIRST TRAILER AND HARASSED THEM.

21 THE COURT: THEY DID WHAT, NOW?

22 A. HARASSED THEM, THROWE THEM DOWN ON THE GROUND AND
23 ---

24 THE COURT: HARASSED THEM?

25 A. YEAH, SIR, LIKE, YOU KNOW, HAND CUFFED THEM, TRIED

DIRECT, IN CAMERA - FRED A ANN BROWN BY MR. KRAMER 136

1 TO ARREST THEM, THE SLED -- THE FIRST TRAILER UP
2 ON THE CORNER.

3 THE COURT: HAND CUFFED WHO?

4 A. PAULLY JOE.

5 COURT REPORTER: WHO?

6 A. A GUY CALLED PAULLY JOE. HE HAD THEM ON THE
7 GROUND. AND THEN THEY WENT TO THE NEXT -- THAT
8 WASN'T THE ONE, THEY WASN'T THE RIGHT PEOPLE THEY
9 WANTED TO SEE, SO THEY WENT TO THE NEXT TRAILER AND
10 THEY KICKED ---

11 THE COURT: I'M SORRY, I NEED AN
12 INTERPRETER OR SOMETHING. I CAN'T UNDERSTAND YOU.

13 Q. MS. BROWN, MS. BROWN, ---

14 A. OKAY.

15 Q. PLEASE SPEAK SLOWLY AND DISTINCTLY TO THE COURT.
16 TAKE AS MUCH TIME AS YOU NEED.

17 A. OKAY. I WAS SITTING, OKAY, START FROM WHERE?

18 Q. OKAY, MS. BROWN. WOULD YOU PLEASE TELL THE COURT
19 WHAT HAPPENED WHEN THE POLICE CAME TO SERVE THE
20 SEARCH WARRANT?

21 A. THEY KNOCKED THE DOOR DOWN AND WENT INSIDE.

22 Q. WHICH TRAILER DID THEY GO TO?

23 A. THEY WENT TO THE FIRST TRAILER FIRST. THEN THEY
24 WENT TO THE SECOND TRAILER, AND THAT WAS HIS HOUSE.

25 Q. WHICH TRAILER DID VONDELL SANDERS LIVE IN?

DIRECT, IN CAMERA - FREDA ANN BROWN BY MR. KRAMER 137

1 A. SECOND TRAILER.

2 Q. SO, WHICH TRAILER DID THE POLICE GO TO?

3 A. TO VONDELL'S TRAILER, AND THEY WENT TO A TRAILER
4 BEFORE THEY GOT THERE.

5 COURT REPORTER: AND THE TRAILER
6 BEFORE THEY GOT THERE?

7 A. YEAH. THEY WENT TO THAT TRAILER FIRST. THEN THEY
8 CAME TO HIS HOUSE.

9 Q. SO, DID THE POLICE GO TO THE WRONG TRAILER?

10 A. THAT'S HOW IT --- YES, TO ME.

11 Q. CAN YOU TELL US, MS. BROWN, WHAT TIME OF DAY IT
12 WAS?

13 A. IT WAS A LITTLE AFTER SEVEN O'CLOCK.

14 Q. AND WHERE DO YOU LIVE, MS. BROWN, IN RELATION TO
15 MR. SANDERS' TRAILER?

16 A. I STAY RIGHT NEXT DOOR, ABOUT FROM HERE, I'D SAY
17 ABOUT TWO HUNDRED FEET -- NO, NOT QUITE TWO
18 HUNDRED, ABOUT FROM HERE TO WHERE SHE'S SITTING AT,
19 WE'RE NOT TOO FAR APART.

20 Q. DID THE POLICE GO TO THE WRONG TRAILER, NOT
21 VONDELL'S?

22 A. THEY WENT TO THE FIRST TRAILER, AND AFTER THAT THEY
23 WENT TO VONDELL'S TRAILER SECOND.

24 Q. HOW LONG WERE THEY AT THE FIRST TRAILER?

25 A. I'D SAY ABOUT THIRTY MINUTES OR FORTY MINUTES.

DIRECT, IN CAMERA - FRED A ANN BROWN BY MR. KRAMER 138

1 Q. AND THEN, WHAT HAPPENED AFTER THAT?

2 A. THEY TURNED THEM A LOOSE, THEY SAID IT WAS THE
3 WRONG PEOPLE. AND THEY CARRIED THEM NEXT DOOR TO
4 VONDELL'S HOUSE.

5 THE COURT: THEY CARRIED THE PEOPLE
6 FROM THE FIRST TRAILER TO THE SECOND TRAILER?

7 A. NO, SIR. THEY WERE THE WRONG PEOPLE. THEY WERE
8 AT THE WRONG HOUSE, TRAILER. A COUPLE OF LITTLE
9 BOYS WAS OUT THERE, STANDING UP THERE, AND THEY
10 WENT TO THE WRONG TRAILER, AND THEN THEY COME TO
11 HIS HOUSE AFTERWARDS.

12 THE COURT: DO YOU KNOW WHAT THEY
13 DID AT THE FIRST TRAILER?

14 A. YES, THEY THREW THE LITTLE BOYS DOWN, TOLD THEM
15 TO LAY ON THE GROUND.

16 THE COURT: WAS THAT OUTSIDE THE
17 HOUSE?

18 A. OUTSIDE IN THE FRONT YARD.

19 Q. DID YOU SEE WHAT MR. SANDERS WAS DOING WHEN THIS
20 WAS HAPPENING?

21 A. MR. SANDERS WAS IN HIS HOUSE. I JUST LEFT HIS
22 HOUSE. I LEFT HIM INSIDE SITTING AT HIS TABLE WITH
23 HIS GIRL FRIEND.

24 Q. HOW LONG WERE YOU IN HIS HOUSE?

25 A. ABOUT TEN MINUTES, BECAUSE I WAS TAKING ME A DRINK.

DIRECT, IN CAMERA - FREDA ANN BROWN BY MR. KRAMER 139

1 Q. DO YOU VISIT HIS HOUSE REGULARLY?

2 A. NO, NOT REGULAR, BUT I'VE GOT TO PASS BY THERE AND
3 I SEE HIM I SAY, HELLO. BECAUSE SHE BE WORKING,
4 THEY DON'T BE THERE ALL DAY.

5 Q. IS THERE ANYTHING ELSE, MS. BROWN, THAT YOU WANT
6 TO TELL THE COURT?

7 A. I JUST WANT TO TELL THE COURT IS THAT I FEEL LIKE
8 IT WAS WRONG WHAT THEY DID, THAT'S ALL.

9 Q. WHO, WHO WAS WRONG?

10 A. HOW THEY WERE CARRYING ON THERE.

11 Q. WAS IT -- MS. BROWN, WERE THERE OTHER POLICE THERE
12 BESIDES SLED?

13 A. ALL OF THOSE IN BLACK SUITS.

14 Q. DID YOU SEE ANY OFFICERS FROM THE ORANGEBURG
15 SHERIFF'S OFFICE?

16 A. NO, SIR.

17 Q. WAS EVERYBODY IN BLACK CLOTHING?

18 A. WE CALL IT CAMOUFLAGE, YEAH, SLED CLOTHING, LIKE
19 SLED CLOTHES.

20 Q. OKAY. SO, YOU COULDN'T TELL WHETHER THESE POLICE
21 WERE ---

22 THE COURT: LET HER ANSWER THE
23 QUESTION.

24 MR. KRAMER: YES, SIR.

25 A. I COULDN'T TELL WHAT?

DIRECT, IN CAMERA - FRED A ANN BROWN BY MR. KRAMER. 140

1 THE COURT: REPHRASE YOUR QUESTION.

2 MR. KRAMER: YES, SIR, YOUR HONOR.

3 Q. THESE UNIFORMS, COULD THEY HAVE BEEN ORANGEBURG
4 SHERIFF'S COUNTY UNIFORMS?

5 A. NO.

6 COURT REPORTER: NO?

7 A. HUH UH.

8 Q. COULD THEY HAVE BEEN ANY OTHER POLICE'S UNIFORMS?

9 A. THEY WAS SLED, THAT'S ALL I SEE.

10 MR. KRAMER: THANK YOU.

11 THE COURT: CROSS. JUST A MINUTE,
12 MS. BROWN, KEEP YOUR SEAT.

13 (NOTE: Blank lines on this page do not indicate any
14 part of record has been omitted. Headers on testimony
15 pages and hard page breaks between testimony are now
16 required by the Court. See next ensuing page for
17 sequential continuation of record.)

CROSS, IN CAMERA - FRED A ANN BROWN BY SOL. COLLINS 141

CROSS-EXAMINATION, IN CAMERA, OF FRED A ANN BROWN

BY SOLICITOR COLLINS:

Q. MS. BROWN, ---

A. UH HUH.

Q. --- HAVE YOU EVER BEEN CONVICTED OF A CRIME?

A. YES, SIR, YEARS AGO.

Q. WHAT'S THAT CRIME?

A. POSSESSION OF, RIDING IN A STOLEN TRUCK.

COURT REPORTER: WHAT?

A. RIDING IN A STOLEN TRUCK.

COURT REPORTER: RIDING IN A STOLEN

TRUCK?

A. YES.

Q. OKAY.

SOLICITOR COLLINS: EXCUSE ME, YOUR

HONOR.

Q. RIDING IN A STOLEN VEHICLE?

A. UH HUH.

Q. ANY OTHER CRIMINAL OFFENSES?

A. YES, I SELL SOME MARIJUANA ONE TIME TO A COUPLE ON CAMERON STREET.

COURT REPORTER: WAIT A MINUTE.

OKAY.

Q. ABOUT WHAT TIME DID YOU SEE ALL THIS HAPPEN?

A. IT WAS ABOUT, I'D SAY, ABOUT SEVEN:THIRTY,

CROSS, IN CAMERA - FREDA ANN BROWN BY SOL. COLLINS 142

1 SEVEN:THIRTY.

2 Q. HOW LONG DID YOU STAND ON THE FRONT PORCH?

3 A. OH, I STARTED SITTING ON THE FRONT PORCH WHEN I
4 LEFT HIS HOUSE, I SAT ON THE FRONT PORCH, I JUST
5 LEFT THE STORE GETTING SOME BEER, SO I WAS SITTING
6 ON MY FRONT PORCH.

7 Q. SO, YOU HAD BEEN DRINKING THAT DAY?

8 A. NO, I WASN'T DRINKING, I JUST WENT AND BOUGHT SOME.
9 WE WAS HAVING A PARTY.

10 Q. OKAY. THEN YOU WENT AND DRANK IT LATER?

11 A. I DRANK IT THAT NIGHT.

12 Q. OKAY.

13 SOLICITOR COLLINS: JUST A SECOND,
14 YOUR HONOR. NO MORE QUESTIONS, YOUR HONOR.

15 MR. KRAMER: REDIRECT, YOUR HONOR?

16 THE COURT: YES.

17 MR. KRAMER: THANK YOU, YOUR HONOR.

18 (NOTE: Blank lines on this page do not indicate any
19 part of record has been omitted. Headers on testimony
20 pages and hard page breaks between testimony are now
21 required by the Court. See next ensuing page for
22 sequential continuation of record.)

REDIRECT, IN CAMERA-FREDA ANN BROWN BY MR. KRAMER 143

REDIRECT EXAMINATION, IN CAMERA, OF FREDA ANN BROWN

BY MR. KRAMER:

Q. MS. BROWN, DID THE DRINKING IN ANY WAY AFFECT WHAT
YOU SAW?

A. I WAS NOT DRINKING, I JUST LEFT FROM THE STORE.

Q. THAT'S FINE. SO, YOU DIDN'T HAVE ANYTHING TO
DRINK?

A. I DIDN'T HAVE ANYTHING TO DRINK, I JUST LEFT THE
STORE, ME AND MY DAUGHTER, WE WAS SITTING ON THE
PORCH AND WE SAW IT WHEN SLED CAME UP THERE AND
CAME TO THE HOUSE. I WAS NOT DRINKING, NO, I JUST
LEFT FROM THE STORE.

Q. AND HOW LONG DID YOU STAND OUT THERE AND WATCH?

A. UNTIL THEY LEFT, WHEN THEY PUT HIM IN THE POLICE
TRUCK.

Q. AND HOW LONG WAS THAT?

A. ABOUT FORTY-FIVE MINUTES, I'D SAY.

Q. NOW, MS. BROWN, YOU EARLIER TESTIFIED THAT THERE
WAS A MARIJUANA ISSUE, YOU HAD DONE SOME SELLING.
HOW LONG AGO WAS THAT?

A. OH, IT WASN'T MINE, I WAS JUST GIVING IT TO THIS
OTHER COUPLE THAT I DIDN'T KNOW, BUT IT WASN'T
MINE. SOMEBODY GIVE IT TO ME TO GIVE TO THEM. IT
WAS ABOUT TWELVE YEARS AGO.

Q. TWELVE YEARS. WELL, HOW OLD ARE YOU, MS. BROWN?

REDIRECT, IN CAMERA-FREDA ANN BROWN BY MR. KRAMER

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1 A. I'M FIFTY-TWO -- FIFTY-ONE.

2 Q. ARE YOU DISABLED IN ANY WAY, MS. BROWN?

3 A. YES.

4 Q. YOU ARE?

5 A. UH HUH.

6 Q. FOR WHAT REASON?

7 A. FOR POOR CIRCULATION OF BLOOD.

8 Q. NOTHING TO DO WITH YOUR EYES, THOUGH?

9 A. NO.

10 Q. OR HEARING?

11 A. NO.

12 MR. KRAMER: THANK YOU, MS. BROWN.

13 SOLICITOR COLLINS: NO FURTHER
14 QUESTIONS, YOUR HONOR.

15 MR. KRAMER: YOUR HONOR, MAY I
16 APPROACH THE STATE'S COUNSEL?

17 THE COURT: YOU MAY.

18 SOLICITOR COLLINS: YOUR HONOR, THE
19 STATE WOULD MOVE TO STRIKE THE TESTIMONY OF MS. BROWN.
20 SHE'S OBVIOUSLY CONFUSED, SHE DOESN'T REALLY UNDERSTAND.
21 SHE'S SAYING THEY WERE SLED AGENTS, WHEN INDEED, THEY
22 WEREN'T, YOUR HONOR, THEY WERE ORANGEBURG COUNTY
23 SHERIFF'S DEPUTIES. SHE WAS SAYING THAT THEY WERE --

24

25 THE COURT: HOW DO YOU KNOW THEY

REDIRECT, IN CAMERA-FREDA ANN BROWN BY MR. KRAMER 145

1 WERE ORANGEBURG COUNTY DEPUTIES? HOW DO YOU KNOW IT
2 EVEN HAPPENED? SHE SAYS THEY WERE SLED AGENTS. MAYBE
3 SHE'S RIGHT AND EVERYBODY ELSE IS WRONG.

4 SOLICITOR COLLINS: WELL, WE'RE
5 TALKING ABOUT AS IT RELATES TO THE SEARCH WARRANT ISSUE
6 ON THAT PARTICULAR DAY.

7 THE COURT: MAYBE IT WAS A DIFFERENT
8 DAY.

9 SOLICITOR COLLINS: YES, SIR, YOUR
10 HONOR.

11 THE COURT: SHE DIDN'T TESTIFY TO
12 WHAT DAY IT HAPPENED. I'M NOT GOING TO STRIKE HER
13 TESTIMONY, I'M GOING TO CONSIDER IT.

14 SOLICITOR COLLINS: YES, SIR, YOUR
15 HONOR.

16 THE COURT: LET'S GO IN CHAMBERS.

17 (Whereupon, the Court and
18 counsel retire to chambers,
19 off the record, after which
20 they return to the courtroom.)

21 THE COURT: ALRIGHT, BRING THE JURY
22 OUT.

23 (Whereupon, the following
24 takes place in the
25 presence of the jury.)

REDIRECT, IN CAMERA-FREDA ANN BROWN BY MR. KRAMER 146

1 THE COURT: LADIES AND GENTLEMEN OF
2 THE JURY, YOU'LL RECALL, IT SEEMS LIKE ABOUT A HALF A
3 DAY AGO, I TOLD YOU THAT YOU ARE THE JUDGE OF THE FACTS
4 OF THE CASE AND THE COURT WAS THE JUDGE OF THE LAW. I
5 COULDN'T INVADE YOUR PROVINCE, I COULDN'T COMMENT ON THE
6 FACTS OF THE CASE, AND YOU COULDN'T GET INVOLVED IN THE
7 LEGAL DECISIONS. WELL, WE'VE BEEN, I TOLD YOU WHEN I
8 LET YOU GO TO LUNCH YOU COULD HAVE A LONG LUNCH HOUR
9 BECAUSE WE HAD SOME MATTERS OF LAW TO TAKE UP. WELL,
10 THESE MATTERS OF LAW ARE TAKING A LOT LONGER THAN I
11 THINK ANYBODY ANTICIPATED. THAT'S WHY I LET YOU GO FROM
12 THREE TO FOUR AFTER YOU CAME BACK AT TWO:THIRTY, IT
13 LOOKED LIKE WE WEREN'T GOING TO WIND THEM UP; I THOUGHT,
14 UNTIL ABOUT FOUR, BUT WE'RE NOT GOING TO DO THAT BY FOUR
15 O'CLOCK, AND I DON'T THINK IT'S FAIR TO KEEP YOU HERE
16 ANY LONGER TODAY.

17 I'M GOING TO ASK YOU TO COME BACK
18 TOMORROW MORNING. BE IN YOUR JURY ROOM AT A QUARTER OF
19 TEN IN THE MORNING. WE'RE GOING TO START AT TEN O'CLOCK
20 BARRING ANYTHING UNFORESEEN. DON'T DISCUSS THE CASE WITH
21 ANYBODY TONIGHT. THAT INCLUDES YOUR SIGNIFICANT OTHER,
22 YOUR HUSBAND, YOUR WIFE, WHATEVER. TELL THEM THAT THE
23 JUDGE SAID I COULDN'T DISCUSS THIS MATTER WITH YOU.
24 AFTER THIS MATTER IS OVER I WOULD ENCOURAGE YOU TO
25 DISCUSS IT WITH HIM OR HER, I THINK THAT'S HEALTHY. BUT

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1 DURING THE TRIAL OF THIS CASE RIGHT NOW, FOR THE STATE
2 AND FOR THE DEFENDANT YOU ARE THE MOST IMPORTANT TWELVE
3 OR THIRTEEN PEOPLE IN THE WORLD. AND THEY CHOSE YOU
4 THEY DIDN'T CHOOSE YOUR HUSBAND OR YOUR WIFE OR ANYBODY
5 ELSE, THEY WANT TO KNOW YOUR DECISION AND NOT ANYBODY
6 ELSE'S. SO, DON'T DISCUSS THE CASE, BE BACK IN YOUR
7 JURY ROOM AT QUARTER OF TEN IN THE MORNING. ENJOY YOUR
8 EVENING AND WE'LL GET UNDER WAY AT THAT TIME.

9 THANK YOU.

10 (Whereupon, the jury leaves
11 the courtroom for the day.)

12 MR. KRAMER: YOUR HONOR, THE DEFENSE
13 WISHES TO CALL MAGISTRATE JUDGE, YOUR HONOR, PEGGY
14 DAVIS.

15 THE COURT: YOU CAN DO THAT. JUDGE
16 DAVIS, WILL YOU COME AROUND AND BE SWORN, PLEASE, MA'AM.
17 NOW, I DON'T KNOW IF IT'S MY DUTY TO TELL YOU ABOUT ANY
18 CONCERNS YOU MAY HAVE ABOUT BEING CALLED AS A WITNESS,
19 FORCED TO TESTIFY, OR ANYTHING ELSE, SO IF YOU DO THAT
20 VOLUNTARILY, THAT'S FINE.

21 WITNESS PEGGY DAVIS: CAN I SAY THIS
22 BEFORE I GET SWORN IN?

23 THE COURT: YES, MA'AM.

24 WITNESS PEGGY DAVIS: THIS WAS SIX
25 MONTHS AGO, AND HONESTLY, I'VE DONE FIFTEEN SEARCH

REDIRECT IN CAMERA-FREDA ANN BROWN BY MR. KRAMER 148

1 WARRANTS SINCE THEN, BASICALLY, DRUGS SEARCH WARRANTS.
2 AND TO REMEMBER THE SPECIFICS, I DON'T. I CAN ONLY TELL
3 YOU THAT THESE OFFICERS ---

4 THE COURT: WELL, DON'T TELL ME
5 THAT.

6 WITNESS PEGGY DAVIS: YEAH.

7 THE COURT: BE RESPONSIVE TO THE
8 QUESTIONS, IF YOU WILL. RAISE YOUR RIGHT HAND AND PUT
9 YOUR LEFT ON THE BIBLE.

10 (Whereupon, Witness Peggy Davis
11 is duly sworn.)

12 THE COURT: BE SEATED.

13 (NOTE: Blank lines on this page do not indicate any
14 part of record has been omitted. Headers on testimony
15 pages and hard page breaks between testimony are now
16 required by the Court. See next ensuing page for
17 sequential continuation of record.)

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DIRECT EXAMINATION, IN CAMERA, OF PEGGY DAVIS

BY MR. KRAMER:

Q. GOOD AFTERNOON, JUDGE DAVIS.

A. GOOD AFTERNOON.

Q. THANK YOU FOR COMING OVER TO TESTIFY TODAY. MA'AM, YOU ISSUED A SEARCH WARRANT TO INVESTIGATOR LYN SHIRER ON OCTOBER SEVENTEENTH, TWO THOUSAND AND THREE, CONCERNING A SEARCH TO BE CONDUCTED AT BELLINGER LANE IN ORANGEBURG, SOUTH CAROLINA, IS THAT CORRECT, MA'AM?

A. FROM WHAT'S ON MY RECORDS, YES, SIR.

Q. CAN YOU TELL US, YOUR HONOR, WHAT IS IN YOUR RECORDS, PLEASE?

A. THE ORIGINAL SEARCH WARRANT, AND MY BOOK THAT I KEEP, THAT I HAVE TO KEEP ALL THE SEARCH WARRANTS IN.

Q. CAN YOU TELL US, YOUR HONOR, WHAT TESTIMONY THAT LYN SHIRER GAVE YOU TO CAUSE YOU TO ISSUE A SEARCH WARRANT?

A. I DON'T RECALL THE SPECIFICS OF IT.

Q. DO YOU REMEMBER ISSUING A SEARCH WARRANT FOR ONE TWENTY BELLINGER LANE IN ORANGEBURG, SOUTH CAROLINA?

A. YES, SIR. THESE PAPERS THAT I HAVE RIGHT HERE INDICATE THAT I DID.

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1 Q. WHEN OFFICER SHIRER TESTIFIED TO YOU, WAS HE UNDER
2 OATH?

3 A. YES, SIR, HE WAS.

4 Q. WERE THERE ANY OTHER OFFICERS PRESENT WITH HIM
5 THEN?

6 A. I DON'T RECALL.

7 Q. YOU DON'T RECALL?

8 A. I DON'T RECALL.

9 Q. CAN YOU READ US FROM YOUR LOG BOOK WHAT IT SHOWS
10 FOR THAT SEARCH WARRANT, PLEASE, WOULD YOU READ IT
11 IN THE RECORD?

12 A. "OCTOBER THE SEVENTEENTH, TWO THOUSAND AND THREE,
13 AT SIX:THIRTY P.M. DETECTIVE LYN SHIRER, SECOND
14 MOBILE HOME ON BELLINGER LANE, NARCOTICS
15 INVESTIGATION, ANY AND ALL DRUGS AND DRUG
16 PARAPHERNALIA, TEN-SEVENTEEN-O THREE AT SEVEN:TEN
17 P.M."

18 Q. WHAT WAS THE BASIS OF THE SEARCH WARRANT THAT
19 OFFICER SHIRER TOLD YOU?

20 A. AGAIN, IT WAS SIX MONTHS AGO AND I DO NOT RECALL
21 THE SPECIFICS OF THAT CASE.

22 MR. KRAMER: THE COURT'S INDULGENCE,
23 YOUR HONOR.

24 Q. DID THE OFFICER EXECUTE AN AFFIDAVIT, JUDGE DAVIS,
25 DID HE GIVE YOU A SWORN AFFIDAVIT?

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1 A. EVERYTHING THAT HE GAVE ME IS INCLUDED IN THIS
2 SEARCH WARRANT.

3 Q. DID HE TELL YOU ---

4 SOLICITOR COLLINS: YOUR HONOR,
5 OBJECTION; SHE'S ALREADY SAID SHE DOESN'T RECALL WHAT
6 WAS TOLD TO HER BY THE OFFICER.

7 MR. KRAMER: WELL, PERHAPS, YOUR
8 HONOR, I CAN REFRESH JUDGE DAVIS'S MEMORY.

9 THE COURT: IF YOU REFRESH IT FROM
10 THE SEARCH WARRANT.

11 MR. KRAMER: YES, SIR, YES, SIR,
12 THAT'S MY INTENTION, YOUR HONOR.

13 THE COURT: WHY DON'T YOU SHOW HER
14 A COPY OF THE WARRANT. DO YOU HAVE A COPY OF THE
15 WARRANT?

16 A. I HAVE THE ORIGINAL, YES, SIR.

17 Q. JUST THIS QUESTION, YOUR HONOR, -- MAY I SEE THE
18 WARRANT, PLEASE? THANK YOU. ON THE OUTSIDE OF THE
19 WARRANT, YOUR HONOR, THE DATE EVIDENTLY HAS BEEN
20 CROSSED OUT.

21 A. YES, SIR.

22 Q. WOULD YOU TELL US WHY THAT DATE WAS CHANGED FROM
23 OCTOBER EIGHTEENTH, TWO THOUSAND AND THREE, TO
24 OCTOBER SEVENTEENTH, PLEASE?

25 A. I CANNOT. BUT I KNOW I WROTE IT ON HERE, BECAUSE

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1 IT'S IN THE BLUE THAT I USE, AND THAT'S MY HAND
2 WRITING.

3 Q. RIGHT. SO, YOU DON'T RECALL WHY THAT DATE WAS
4 CHANGED? DID YOU CHANGE IT?

5 A. I CAN SPECULATE, I CAN PROBABLY SAY IT WAS, YOU
6 KNOW, A TYPOGRAPHICAL ERROR.

7 Q. BUT THAT'S YOUR ONLY EXPLANATION, IS THAT IT'S A
8 TYPOGRAPHICAL ERROR?

9 SOLICITOR COLLINS: YOUR HONOR,
10 SHE'S ALREADY ANSWERED. SHE SAID SHE DOESN'T RECALL
11 SHE'S SPECULATING.

12 THE COURT: YES, SHE DOESN'T RECALL,
13 SHE'S SPECULATING THAT IT WAS A TYPOGRAPHICAL ERROR.

14 Q. NOW, YOUR HONOR, THE AFFIDAVITS THAT WERE GIVEN,
15 AS FAR AS THIS WARRANT, YOU HAD EARLIER TESTIFIED
16 THAT THIS WARRANT WAS SWORN BEFORE YOU, IS THAT
17 CORRECT?

18 A. YES, SIR.

19 Q. AND THERE WERE NO OTHER POLICE OFFICERS, CORRECT,
20 THAT WERE THERE?

21 A. THAT I RECALL.

22 Q. THAT YOU RECALL THAT WERE THERE. OKAY. WHEN YOU
23 NORMALLY ISSUE A SEARCH WARRANT DO YOU INQUIRE OF
24 THE POLICE OFFICER FOR THE BASIS OF THAT SEARCH
25 WARRANT?

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1 A. YES, SIR.

2 Q. AND YOU DID NOT TALK TO INVESTIGATOR ANTONIA POWELL
3 CONCERNING THIS SEARCH WARRANT, DID YOU?

4 SOLICITOR COLLINS: YOUR HONOR,
5 SHE'S ALREADY ANSWERED THAT SHE DOES NOT RECALL, SHE
6 ONLY RECALLS DETECTIVE INVESTIGATOR LYN SHIRER.

7 THE COURT: NUMBER ONE, IT'S A
8 LEADING QUESTION. SHE'S YOUR WITNESS, THAT'S A LEADING
9 QUESTION. LET HER PROVIDE THE ANSWERS, DON'T SUGGEST
10 AN ANSWER LIKE, YOU DON'T RECALL, DO YOU? THAT'S KIND
11 OF SUGGESTIVE. LET HER TELL YOU WHETHER SHE RECALLS OR
12 NOT.

13 AND WHAT'S YOUR OBJECTION?

14 SOLICITOR COLLINS: YOUR HONOR, THAT
15 -- THAT'S FINE, YOUR HONOR.

16 THE COURT: VERY WELL..

17 Q. NOW, THE ATTACHMENT TO THE SEARCH WARRANT, YOUR
18 HONOR, ---

19 THE COURT: WHICH HONOR, MINE OR
20 HERS, I DON'T KNOW.

21 MR. KRAMER: THIS IS, THIS IS THE
22 JUDGE'S EXHIBIT, SIR.

23 THE COURT: ALRIGHT.

24 MR. KRAMER: JUDGE DAVIS'S EXHIBIT.

25 Q. ATTACHMENT B, YOUR HONOR, WOULD YOU READ THAT,

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1 PLEASE, INTO THE RECORD?

2 A. "THE PLACE TO BE SEARCHED IS A SINGLE WIDE MOBILE
3 HOME THAT IS BROWN AND BEIGE IN COLOR WITH A SMALL
4 FRONT PORCH. TRAVEL EDISTO DRIVE TOWARDS BAMBERG
5 COUNTY, POINT EIGHT MILES FROM CANNON BRIDGE ROAD,
6 TURNING LEFT ONTO BELLINGER LANE. BELLINGER LANE
7 IS NEXT TO THE ABC PACKAGE STORE. AFTER TURNING
8 LEFT ONTO [REDACTED] [REDACTED] THE RESIDENCE IS THE
9 SECOND MOBILE HOME ON THE RIGHT."

10 Q. NOW, THIS WARRANT, YOUR HONOR, EXCUSE ME, THIS,

11 THIS ATTACHMENT HERE, IT DOES NOT SAY [REDACTED]

12 [REDACTED] DOES IT?

13 THE COURT: BELLINGER OR
14 BELLINGVILLE?

15 MR. KRAMER: BELLINGER, YOUR HONOR,

16 ---

17 A. BELLINGER.

18 MR. KRAMER: B-E-L-L-I-N-G-E-R, SIR.

19 A. NO, SIR, IT'S NOT IN THIS, NO, SIR.

20 Q. NOW, THIS INDICATES BY THE RETURN, YOUR HONOR, THAT
21 THIS WAS RETURNED TO YOU ON THE TWENTIETH OF
22 OCTOBER?

23 A. YES.

24 Q. IS THAT CORRECT?

25 A. THAT'S CORRECT.

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1 Q. DO YOU RECALL WHO RETURNED IT TO YOU, YOUR HONOR?

2 A. TROY LIVINGSTON SIGNED IT.

3 Q. HE SIGNED IT. LYN SHIRER'S SIGNATURE IS NOT ON
4 THAT DOCUMENT?

5 A. NO.

6 Q. BUT YOU ISSUED THE SEARCH WARRANT TO LYN SHIRER?

7 A. YES, SIR.

8 MR. KRAMER: THANK YOU, YOUR HONOR.

9 Q. WHAT KIND OF QUESTIONS, YOUR HONOR, DID YOU ASK LYN
10 SHIRER BEFORE YOU ISSUED THE SEARCH WARRANT?

11 SOLICITOR COLLINS: YOUR HONOR, SHE
12 DOESN'T RECALL, SHE'S ALREADY STATED THAT ON NUMEROUS
13 OCCASIONS.

14 THE COURT: SHE SAID SHE RECALLED
15 VERY LITTLE, IT WAS SIX MONTHS AGO, I REMEMBER THAT PART
16 OF IT. IF SHE DOESN'T RECALL SHE CAN SAY THAT.

17 MR. KRAMER: I'M INQUIRING FOR THE
18 RECORD, YOUR HONOR. THANK YOU, SIR.

19 THE COURT: I UNDERSTAND.

20 A. I DO NOT RECALL.

21 Q. HAVE YOU EVER ISSUED OR -- EXCUSE ME, PARDON ME,
22 HAVE YOU REFUSED TO ISSUE A SEARCH WARRANT?

23 SOLICITOR COLLINS: OBJECTION, YOUR
24 HONOR, RELEVANCY.

25 MR. KRAMER: WHAT I'M TRYING TO GET

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1 TO, YOUR HONOR, FOR THE STATE'S INFORMATION, IS, THE
2 ISSUANCE OF THE WARRANT AND THE LEVEL OF INFORMATION
3 THAT THE MAGISTRATE TAKES INTO CONSIDERATION, THE
4 UNDERLYING AFFIDAVIT THAT IS THE BASIS OF THE WARRANT.
5 WHAT I'M ASKING THE WITNESS IS THAT AFFIDAVIT APPEARS
6 TO BE DEFECTIVE, IT LACKS SPECIFICITY. IT DOES NOT GIVE
7 AN ADDRESS ON BELLINGER LANE. BELLINGER LANE, IT GIVES
8 A DESCRIPTION. MANY TRAILERS LOOK BROWN AND WHITE,
9 ESPECIALLY IF IT'S AT NIGHT.

10 THE COURT: IT SAYS BROWN AND BEIGE.

11 MR. KRAMER: BEIGE AND BROWN, THANK
12 YOU, YOUR HONOR. BUT WHAT I'M TRYING TO GET TO HERE,
13 SIR, IS THAT THIS SEARCH WARRANT IS DEFECTIVE. THAT'S
14 THE BASIS OF MY QUESTION, YOUR HONOR.

15 THE COURT: WELL, ARE YOU ASKING HER
16 IF SHE'S EVER ISSUED ANY DEFECTIVE SEARCH WARRANTS?

17 MR. KRAMER: I'M ASKING, WHAT I'M
18 ASKING, YOUR HONOR, IS IF SHE'S EVER REFUSED TO ISSUE
19 A SEARCH WARRANT BASED ON AN UNDERLYING AFFIDAVIT THAT
20 THE POLICE OFFICER HAS PROVIDED TO HER?

21 THE COURT: IF SHE RECALLS SHE CAN
22 ANSWER THAT QUESTION.

23 MR. KRAMER: YES, SIR.

24 Q. JUDGE DAVIS, HAVE YOU EVER NOT ISSUED A SEARCH
25 WARRANT WHEN THE OFFICER PRESENTED THE INFORMATION

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1 TO YOU?

2 A. YES, SIR, I HAVE.

3 Q. HOW RECENT WAS THAT?

4 A. I DON'T RECALL.

5 Q. DO YOU KNOW WHY YOU DIDN'T ISSUE THE SEARCH
6 WARRANT?

7 A. YES, SIR.

8 Q. WHY WAS THAT, YOUR HONOR?

9 A. THERE WAS NOT ENOUGH PROBABLE CAUSE.

10 Q. IN WHAT WAY, YOUR HONOR, PROBABLE CAUSE?

11 A. I DON'T RECALL.

12 Q. LACK OF SPECIFICITY, PERHAPS?

13 SOLICITOR COLLINS: YOUR HONOR, HE'S
14 ALREADY ASKED. NOW HE'S LEADING THE WITNESS.

15 THE COURT: SUSTAINED.

16 MR. KRAMER: THE COURT'S INDULGENCE,
17 YOUR HONOR.

18 Q. MS. DAVIS, ON THE AFFIDAVIT THAT SHOWS YOUR
19 SIGNATURE THERE'S A PEN IN INK CHANGE. IS THAT
20 CORRECT?

21 A. YES, SIR.

22 Q. AND I BELIEVE THIS DOCUMENT INDICATES THAT THE DATE
23 WAS CHANGED TO THE NINETEENTH DAY OF OCTOBER, TWO
24 THOUSAND AND THREE. IS THAT CORRECT?

25 SOLICITOR COLLINS: YOUR HONOR, I

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1 NEED TO KNOW WHERE HE'S GETTING THE FACTS. THAT LOOKS
2 LIKE SEVENTEEN TO ME.

3 A. WHAT PAGE ARE YOU ON? NO, IT'S SEVENTEEN. THAT'S
4 THE SEVENTEENTH.

5 Q. OKAY. SO, IT'S NOT THE NINETEENTH, IS THAT
6 CORRECT?

7 A. NO, NO.

8 Q. SO, WHEN THIS SEARCH WARRANT WAS ISSUED THERE WERE
9 TWO CHANGES ON THE SEARCH WARRANT, IS THAT CORRECT,
10 YOUR HONOR, ONE ON THE FRONT THAT CHANGED THE DATE,
11 AND THEN, ONE THAT CHANGED THE DATE RIGHT ABOVE
12 YOUR SIGNATURE, AND GIVES THE TIME?

13 A. CORRECT.

14 Q. AND I BELIEVE, YOUR HONOR, LYN SHIRER'S NAME AND
15 SIGNATURE ARE ALSO ON THERE, IS THAT CORRECT?

16 A. THAT'S CORRECT.

17 Q. DO YOU RECALL, JUDGE DAVIS, WHY THOSE CHANGES WERE
18 MADE TO THIS SEARCH WARRANT?

19 SOLICITOR COLLINS: YOUR HONOR,
20 SHE'S ALREADY ANSWERED THAT AND IT CALLS FOR
21 SPECULATION.

22 MR. KRAMER: YOUR HONOR, I'M NOT
23 ASKING HER TO SPECULATE, I'M ASKING HER IF SHE RECALLS
24 WHY.

25 THE COURT: ASKED AND ANSWERED, AND

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1 ---

2 MR. KRAMER: THANK YOU, YOUR HONOR.

3 THE COURT: --- I SUSTAIN THE
4 OBJECTION.

5 MR. KRAMER: THANK YOU, SIR.

6 NO FURTHER QUESTIONS. YOUR WITNESS,
7 COUNSEL.

8 SOLICITOR COLLINS: I HAVE NO
9 QUESTIONS OF THIS WITNESS, YOUR HONOR.

10 THE COURT: THANK YOU, MA'AM, YOU
11 MAY STEP DOWN.

12 MR. KRAMER: YOUR HONOR, I KNOW THIS
13 HAS BEEN A LONG DAY FOR THE COURT, AND I APPRECIATE THE
14 COURT'S PATIENCE, AND I THANK THE COURT FOR THAT
15 PATIENCE.

16 YOUR HONOR, I WOULD MAKE A MOTION
17 AT THIS TIME TO SUPPRESS THE SEARCH WARRANT THAT WAS
18 ISSUED BY JUDGE PEGGY DAVIS, AND I BASE THAT, YOUR
19 HONOR, IN THAT IT LACKS SPECIFICITY OF WHERE THE HOME
20 IS ON BELLINGER LANE. YOU EARLIER HEARD THE TESTIMONY
21 OF ANN BROWN THAT SHOWS THE POLICE WENT TO THE WRONG
22 TRAILER. SHE ALSO INDICATED TO THE COURT THAT THE
23 POLICE TOOK PEOPLE OUT OF THAT FIRST TRAILER, PUT THEM
24 ON THE GROUND, HAND CUFFED THEM, AND THEN REALIZED AFTER
25 A SIGNIFICANT PERIOD OF TIME, ACCORDING TO MS. BROWN'S

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1 TESTIMONY THIRTY MINUTES, THAT THEY HAD GONE INTO THE
2 WRONG TRAILER. AND YOU HEARD THE OFFICERS TESTIFY THAT
3 IT WAS EVENING, IT WAS STORMY WEATHER. AND I'VE BEEN
4 OUT TO THAT CRIME SCENE, YOUR HONOR, I WENT OUT AND
5 LOOKED AT IT. AND IT MIGHT BE HARD AT NIGHT, YOUR
6 HONOR, TO FIND THAT TRAILER. BUT IN THIS CASE, I
7 BELIEVE, YOUR HONOR, THAT THIS AFFIDAVIT IS NOT SPECIFIC
8 ENOUGH, IT SAYS BELLINGER LANE, NOT [REDACTED]
9 [REDACTED], WHICH WAS THE ACTUAL PLACE THAT THE POLICE
10 REALIZED WHERE THEY SHOULD HAVE GONE FIRST, THEY WENT
11 TO THE WRONG TRAILER, WENT OVER TO [REDACTED]
12 [REDACTED] AFTER A SIGNIFICANT AMOUNT OF TIME.

13 I ALSO BELIEVE, YOUR HONOR, THAT
14 WHEN I EXAMINED THAT AFFIDAVIT, THAT IT LACKS THE
15 VERACITY AND INDICIA OF RELIABILITY OF THE CI, AND WE
16 TALKED ABOUT THAT EARLIER, YOUR HONOR, THAT THE CI HAS
17 A NUMBER OF CONVICTIONS FOR FORGERY, FOR FALSITY.

18 THE COURT: I'VE RULED ON THAT
19 MATTER.

20 MR. KRAMER: YES, SIR. I
21 UNDERSTAND, YOUR HONOR, THIS IS A RULING ON THE SEARCH
22 WARRANT. I BELIEVE, YOUR HONOR, THAT THERE WERE
23 INSUFFICIENT FACTS AND INFORMATION FOR THE SEARCH
24 WARRANT TO BE ISSUED. I BELIEVE, YOUR HONOR, THAT THERE
25 WERE TWO CHANGES MADE TO THE SEARCH WARRANT. I ALSO

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1 INDICATE TO THE COURT THAT WHILE LYN SHIRER GOT THE
2 WARRANT, ACCORDING TO THE JUDGE'S, JUDGE DAVIS'S
3 TESTIMONY, TROY LIVINGSTON RETURNED IT. AND IT'S
4 SIGNIFICANT, YOUR HONOR, IN THIS CASE THAT THE OUTSIDE
5 OF THE WARRANT THE DATE WAS CHANGED, THE OUTSIDE FORM
6 WHICH SAYS, SEARCH WARRANT, AND THEN ABOVE THE JUDGE'S
7 SIGNATURE THERE'S ANOTHER DATE CHANGE. NOW, I DON'T
8 KNOW IF THAT'S FOR THE CONVENIENCE OF THE JUDGE OR THE
9 POLICE, BUT I BELIEVE THAT THE COURT SHOULD FAVOR THE
10 RIGHTS OF MY CLIENT.

11 THE COURT: WHAT'S THE SIGNIFICANCE
12 OF THE DATE BEING CHANGED?

13 MR. KRAMER: BECAUSE, YOUR HONOR, -

14 --

15 THE COURT: DO YOU THINK THE ---

16 MR. KRAMER: -- FOR EXAMPLE, --

17 THE COURT: --- THE WARRANT WAS
18 TYPED UP AFTER THE SEARCH?

19 MR. KRAMER: YOUR HONOR, FOR
20 EXAMPLE, ACCORDING TO THE POLICE REPORT THE DATE THAT'S
21 GIVEN, YOUR HONOR, I BELIEVE, ACCORDING TO LYN SHIRER'S
22 REPORT, IS THE SEVENTEENTH OF OCTOBER OF TWO THOUSAND
23 AND THREE. AND THE WARRANT SHOWS A DATE CHANGE ON THE
24 FRONT FROM THE EIGHTEENTH TO THE SEVENTEENTH. AND THE
25 REASON I'M SAYING THAT, YOUR HONOR, I DON'T KNOW IF THE

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1 SEARCH WARRANT WAS BACK DATED, I DON'T KNOW IF THERE WAS
2 A MISTAKE MADE, BUT I DO KNOW THAT THE INDIVIDUAL RIGHTS
3 OF MY CLIENT, VONDELL SANDERS, ARE AT STAKE HERE WHETHER
4 HE'S GOING TO SPEND A SIGNIFICANT AMOUNT OF LIFE IN
5 JAIL. AND I ALSO KNOW, YOUR HONOR, THAT THIS SEARCH
6 WARRANT IS THE HEART OF THE CASE. I ALSO KNOW IF IT'S
7 DEFECTIVE IT GOES RIGHT TO THE CENTER OF OUR DEFENSE,
8 AND I'M ASKING THE COURT TO RULE THAT THIS SEARCH
9 WARRANT WAS DEFECTIVE, YOUR HONOR, BECAUSE OF THOSE DATE
10 CHANGES, BECAUSE THE POLICE WENT TO THE WRONG ADDRESS,
11 BASED ON TESTIMONY. AND WHAT I'M TRYING TO SAY, YOUR
12 HONOR, IS THAT THIS WARRANT SHOULD NOT HAVE BEEN ISSUED.
13 JUDGE DAVIS TESTIFIED EARLIER THAT SHE DOES REFUSE TO
14 ISSUE SEARCH WARRANTS, NOT OFTEN APPARENTLY, BASED ON
15 DEFECTIVE TESTIMONY WHERE THE OFFICER HAS NOT PROVIDED
16 ENOUGH PROBABLE CAUSE. AND IN THIS CASE, YOUR HONOR,
17 IF THERE'S GOING TO BE A SEARCH WARRANT THERE HAS TO BE
18 A SPECIFIC ADDRESS, NOT JUST RUSSELL STREET, FOR
19 EXAMPLE.

20 THE COURT: I DON'T THINK IT HAS TO
21 BE A SPECIFIC ADDRESS. IT HAS TO BE ENOUGH INFORMATION
22 IN THE WARRANT TO LET THE OFFICERS KNOW WHERE THEY'RE
23 GOING TO SEARCH, TO DESCRIBE THE PLACE TO BE SEARCHED.

24 MR. KRAMER: RIGHT. BUT IN THIS
25 CASE, YOUR HONOR, IT JUST SAYS BELLINGER LANE, AND MS.

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1 BROWN ---

2 THE COURT: IT DOESN'T JUST SAY
3 BELLINGER LANE, IT SAYS A BROWN AND BEIGE TRAILER, THE
4 SECOND ONE ON THE RIGHT AFTER YOU TURN LEFT AT THE
5 LIQUOR STORE.

6 MR. KRAMER: AND THE OTHER TRAILER
7 IS BROWN AND BEIGE ALSO, YOUR HONOR, THE FIRST ONE THAT
8 WAS DESCRIBED TO THE COURT.

9 THE COURT: IS IT?

10 MR. KRAMER: YES, SIR, YOUR HONOR.

11 THE COURT: HOW DO YOU KNOW THAT?
12 HOW DO I KNOW THAT?

13 MR. KRAMER: I'M SAYING, YOUR HONOR,
14 THAT IT'S NOT A RELIABLE WARRANT BECAUSE THE POLICE, IT
15 DOESN'T GIVE THE STREET ADDRESS AND THE POLICE GO TO THE
16 WRONG TRAILER FIRST.

17 THE COURT: IS THAT SOMETHING WRONG
18 WITH THE WARRANT OR SOMETHING WRONG WITH THE POLICE?

19 MR. KRAMER: IT COULD BE BOTH, YOUR
20 HONOR.

21 THE COURT: WELL, IT BETTER BE ALL
22 THE WARRANT OR YOU LOSE THE MOTION.

23 MR. KRAMER: I UNDERSTAND THAT, YOUR
24 HONOR.

25 THE COURT: IF THE POLICE WENT TO

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1 THE WRONG TRAILER FIRST, THAT'S A PROBLEM WITH THE
2 POLICE. THEY WENT TO THE RIGHT TRAILER SECOND, IF I
3 BELIEVE MS. BROWN, WHO IS REAL HARD TO BELIEVE, I'M
4 GOING TO BE FRANK WITH YOU. SHE DIDN'T HAVE THE
5 ORANGEBURG SHERIFF'S DEPARTMENT THERE AT ALL, SHE HAD
6 SLED THERE. "COULD IT BE ANYBODY ELSE?" "NO." SO,
7 SHE'S NOT A VERY CREDIBLE WITNESS TO BEGIN WITH, MR.
8 KRAMER.

9 MR. KRAMER: I DON'T KNOW HOW
10 RELIABLE, YOUR HONOR, THAT CI WAS THAT I HAD SPOKE TO
11 YOU EARLIER ABOUT.

12 THE COURT: I DON'T EITHER, BUT IT
13 SATISFIED THE JUDGE.

14 MR. KRAMER: YES, SIR. THE THING
15 IS, YOUR HONOR, IS, I JUST WANT TO NOTE FOR THE RECORD
16 UNDER THE SOUTH CAROLINA STATUTE SEVENTEEN, DASH,
17 THIRTEEN, DASH, ONE FORTY, THAT I BELIEVE THE SEARCH
18 WARRANT IS DEFECTIVE, I BELIEVE IT'S CONSTITUTIONALLY
19 DEFECTIVE UNDER BOTH THE SOUTH CAROLINA CONSTITUTION AND
20 THE UNITED STATES CONSTITUTION, FOURTH AMENDMENT, YOUR
21 HONOR, FOR SEARCH AND SEIZURE. I BELIEVE IT'S A
22 DEFECTIVE WARRANT.

23 THE COURT: VERY WELL.

24 MR. KRAMER: AND I WOULD ASK THAT
25 THE COURT, BASED ON WHAT I'VE SAID, YOUR HONOR, IS THAT

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1 THAT WARRANT IS DEFECTIVE, IT'S NOT SPECIFIC ENOUGH, AND
2 IT LACKS VERACITY, IT LACKS SPECIFICITY. AND THE CI
3 DIDN'T TESTIFY, ONLY OFFICER SHIRER TESTIFIED. AND
4 THEN, THE DATES ARE THE CHANGED ON THE WARRANT, WHICH
5 THE JUDGE TESTIFIED TO.

6 THE COURT: NUMBER ONE, I RECALL
7 YOUR WITNESS TESTIFYING THAT THEY CAME IN, THEY HAD A
8 WARRANT -- IS THERE ANY QUESTION ABOUT THAT?

9 MR. KRAMER: I DON'T BELIEVE MY
10 CLIENT EVER SAW THAT WARRANT, YOUR HONOR.

11 THE COURT: I THOUGHT THERE WAS
12 TESTIMONY OF THAT.

13 MR. KRAMER: I DON'T BELIEVE MR.
14 SANDERS EVER TESTIFIED THAT HE SAW A WARRANT.

15 THE COURT: WELL, FOR THE DATES TO
16 BE SIGNIFICANT, OTHER THAN AS THE JUDGE SURMISED IT
17 WAS A TYPOGRAPHICAL, IT'S STRANGE THEY'RE BOTH THE SAME
18 TYPOGRAPHICAL ERROR. I KNOW I'VE GONE THROUGH DAYS
19 THINKING IT WAS THE WRONG DATE, DATING EVERYTHING THE
20 TWENTY-SIXTH WHEN, IN FACT, IT WAS THE TWENTY-FOURTH
21 OR THE TWENTY-FIFTH. I THINK IT'S SIGNIFICANT THAT
22 IT'S ONE DAY DIFFERENT, WHICH IS EASY TO MAKE A
23 MISTAKE IF YOU START OFF WRONG THAT DAY. AND FOR THEM
24 TO HAVE BACK DATED THE WARRANT, WHICH IS THE ONLY THING
25 THAT COULD BE SIGNIFICANT AT ALL, THEY WOULD HAVE HAD

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1 TO GO THERE WITHOUT A WARRANT AT ALL, AND THEN COME BACK
2 AFTER THEY SEARCHED AND FOUND SOMETHING AND GET A
3 WARRANT TO SUPPORT WHAT THEY DID. YOUR LADY TESTIFIED,
4 WHETHER SHE'S CREDIBLE OR NOT, IS THAT THEY WENT THERE
5 ON, I THINK YOU ASKED IF SHE RECALLED -- MAYBE YOU
6 DIDN'T ASK HER IF SHE RECALLED THE DATE OF THE
7 SEVENTEENTH, BECAUSE IT MUST HAVE BEEN A DIFFERENT
8 OCCASION, BECAUSE IT WAS SLED ACCORDING TO HER, BUT I
9 DON'T KNOW. I DON'T THINK A DATE, SUCH AS WHAT APPEARS
10 TO ME TO BE AN OBVIOUS TYPOGRAPHICAL ERROR, INVALIDATES
11 THE WARRANT.

12 NOW, LET'S GET TO THE WRONG ADDRESS
13 OR NOT -- THE LACK OF SPECIFICITY OF THE PLACE TO BE
14 SEARCHED. NUMBER ONE, YOU DON'T SEARCH AN ADDRESS, YOU
15 SEARCH A PLACE. IT COULD BE A BUSH, YOU KNOW, IT COULD
16 BE A PLACE TO BE SEARCHED. YOU DON'T HAVE TO HAVE A
17 NUMBER, IT JUST HAS TO DESCRIBE THE PLACE SUFFICIENTLY
18 SO THAT THE AREA TO BE SEARCHED IS SUFFICIENTLY
19 DESCRIBED. I THINK THAT MIGHT BE REDUNDANT, BUT I
20 BELIEVE THAT TO GO POINT EIGHT MILES TO BELLINGER LANE,
21 TURN LEFT AND IT'S THE SECOND TRAILER ON THE RIGHT, IT'S
22 BROWN AND BEIGE IN COLOR, HAS A SMALL PORCH,
23 SUFFICIENTLY DESCRIBES THE PLACE. NOW, IF THE POLICE
24 WENT TO THE WRONG PLACE, MAYBE THEY CAN'T READ, MAYBE
25 THEY MADE A MISTAKE, BUT I DON'T THINK -- I THINK IT'S

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1 SIGNIFICANT THAT THEY GO TO THE RIGHT PLACE, WHICH IS
2 THE SECOND HOUSE ON THE RIGHT, WHICH IS THE PLACE
3 DESCRIBED IN THE WARRANT, AND THEY FOUND THE DRUGS.
4 IT'S REGRETTABLE IF, IN FACT, THEY DID GO TO THE WRONG
5 PLACE, BUT THE ONLY ONE THAT SAID THEY WENT TO THE WRONG
6 PLACE IS THE LADY THAT SAID IT WASN'T THE ORANGEBURG
7 COUNTY SHERIFF'S DEPARTMENT, IT WAS SLED THAT CAME OUT
8 THERE. SO, I DON'T THINK THE TOTALITY OF THE
9 CIRCUMSTANCES DICTATE THAT THE WARRANT SHOULD BE
10 SUPPRESSED OR THAT THE DRUGS SEIZED PURSUANT TO THAT
11 WARRANT, WARRANT BEING SUPPRESSED, AND I'M NOT GOING TO
12 SUPPRESS THE SEARCH WARRANT.

13 ANYTHING ELSE?

14 MR. KRAMER: NO, YOUR HONOR. I
15 THANK THE COURT.

16 THE COURT: THANK YOU, SIR.

17 ANYTHING FROM THE STATE?

18 SOLICITOR COLLINS: NOTHING, YOUR
19 HONOR.

20 THE COURT: ANY OTHER MOTIONS?

21 MR. KRAMER: NOT AT THIS TIME, YOUR
22 HONOR.

23 THE COURT: VERY WELL. WE'LL START
24 BACK AT TEN O'CLOCK IN THE MORNING. THANK YOU.

25 (Recess for the day.)

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1 DATE:

2 APRIL 21, 2004

3 THE COURT: IS THE STATE READY FOR
4 THE JURY?

5 SOLICITOR COLLINS: YES, SIR, YOUR
6 HONOR.

7 THE COURT: IS THE DEFENSE READY FOR
8 THE JURY?

9 MR. KRAMER: YES, SIR.

10 THE COURT: BRING THE JURY OUT.

11 SOLICITOR COLLINS: YOUR HONOR, I
12 WOULD ASK THAT, I THINK THERE MAY BE A POTENTIAL WITNESS
13 FOR THE DEFENSE, THAT THEY BE SEQUESTERED.

14 THE COURT: ALL THE WITNESSES ARE
15 TO BE SEQUESTERED EXCEPT THE INVESTIGATING OFFICER, OR
16 LEAD INVESTIGATOR AND THE DEFENDANT.

17 BAILIFF: ARE YOU READY FOR THEM?

18 THE COURT: YES, MA'AM.

19 (Whereupon, the following
20 takes place in the
21 presence of the jury.)

22 THE COURT: GOOD MORNING, MR.
23 FOREMAN, AND LADIES AND GENTLEMEN OF THE JURY. I TOLD
24 YOU YESTERDAY ABOUT THE FOUR PHASES OR IF YOU COUNT YOUR
25 PHASE IT'S FIVE PHASES, YOUR PHASE BEING THE

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1 DELIBERATIONS. THAT'S THE OPENING STATEMENTS, THE
2 PRESENTATION OF THE EVIDENCE, THE CLOSING ARGUMENTS OF
3 THE ATTORNEYS, THE JUDGE'S INSTRUCTIONS TO YOU ON THE
4 LAW, AND YOUR DELIBERATIONS. WE'RE AT THE POINT OF THE
5 TRIAL NOW WHERE WE'RE READY TO HAVE OUR OPENING
6 STATEMENTS FROM THE ATTORNEYS. AGAIN, LET ME REMIND
7 YOU, AND I'M GOING TO DO THIS ADNAUSEAM, AND YOU'RE
8 GOING TO GET SICK OF HEARING IT, BUT I WANT TO IMPRESS
9 UPON YOU THAT WHILE WHAT THE ATTORNEYS SAY THROUGHOUT
10 THIS TRIAL IS IMPORTANT, WHAT THEY SAY IS NOT EVIDENCE.
11 EVIDENCE COMES FROM THOSE THREE SOURCES, THE SWORN
12 TESTIFY, THE EXHIBITS AND ANY STIPULATIONS THAT THEY MAY
13 MAKE.

14 ALRIGHT ARE WE READY TO PROCEED?

15 SOLICITOR COLLINS: YES, YOUR HONOR.

16 THE COURT: VERY WELL.

17 OPENING STATEMENT BY SOLICITOR COLLINS

18 HELLO, LADIES AND GENTLEMEN OF THE
19 JURY. MY NAME IS KENT COLLINS AND I'M AN ASSISTANT
20 SOLICITOR HERE IN ORANGEBURG COUNTY. TODAY I HAVE THE
21 DUTY OF PROSECUTING THE CASE AGAINST THE DEFENDANT AS
22 HE SITS OVER THERE, MR. VONDELL SANDERS.

23 ON OCTOBER SEVENTEENTH OF TWO
24 THOUSAND AND THREE, MEMBERS OF THE ORANGEBURG COUNTY
25 SELECTIVE ENFORCEMENT DIVISION DID EXECUTE A VALID

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1 SEARCH WARRANT ON [REDACTED] [REDACTED] [REDACTED] [REDACTED] HERE IN
2 ORANGEBURG COUNTY. THE ADDRESS WAS THE HOME OF THE
3 DEFENDANT, VONDELL SANDERS, AND HE WAS ARRESTED THERE
4 AFTER THE EXECUTION OF THE SEARCH WARRANT. YOU WILL
5 HEAR TODAY FROM SOME OFFICERS, LYN SHIRER WHO SITS HERE
6 AT THE TABLE WITH ME, PRESTON AVINGER, TIGH HAIGLER, AND
7 TONY POWELL. THEY WILL TELL YOU HOW THEY ENTERED THE
8 DEFENDANT'S HOME PURSUANT TO THE VALID SEARCH WARRANT,
9 AND HOW THEY DID FIND THE DEFENDANT INSIDE. AND UPON
10 THE SEARCH OF THE HOME THEY WILL TELL YOU HOW THEY FOUND
11 SOME FIVE POINT SIX SEVEN GRAMS OF CRACK COCAINE LOCATED
12 IN A SMALL, IN A LITTLE SEVEN UP DRINK CAN WITH A FAKE
13 INSERT IN IT. THEY WILL TELL -- AND THEN, AS A RESULT
14 OF THAT HE WAS CHARGED WITH POSSESSION WITH INTENT TO
15 DISTRIBUTE CRACK COCAINE. OFFICERS WILL ALSO TELL YOU
16 HOW THEY FOUND A QUANTITY OF MARIJUANA INDIVIDUALLY
17 WRAPPED IN SEVEN INDIVIDUAL BAGS IN A SUN KIST DRINK
18 CAN. BOTH OF THESE CANS WERE FOUND ON TOP OF A
19 TELEVISION STAND. AND THEN HE WAS ALSO CHARGED WITH
20 POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA. IN
21 ADDITION TO THE DRUGS FOUND THEY WILL TELL YOU IN THE
22 RESIDENCE THEY ALSO FOUND A SMALL ELECTRONIC SCALE.
23 THEY WILL EXPLAIN TO YOU HOW NORMALLY THAT'S WHAT THEY,
24 THEIR EXPERIENCE, IT'S BEEN USED FOR THE SALE OF DRUGS,
25 IN MEASURING THE DRUGS. THEY WILL ALSO TELL YOU HOW

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1 THEY FOUND SOME SEVEN HUNDRED DOLLARS, SEVEN HUNDRED AND
2 SIXTY-FOUR DOLLARS IN THE HOME. THIS CRIME ALSO
3 OCCURRED WITHIN A HALF MILE OF THE RIVELON ELEMENTARY
4 SCHOOL, AND AS A RESULT OF THAT HE WAS, AS WELL, CHARGED
5 WITH POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA AND
6 CRACK WITHIN CLOSE PROXIMITY OF A SCHOOL OR A PARK.

7 LADIES AND GENTLEMEN, YOU WILL ALSO
8 HEAR FROM OFFICER TROY LIVINGSTON. HE WILL TELL YOU HOW
9 HE TOOK POSSESSION OF THE MARIJUANA AND THE DRUGS AND
10 HOW HE TESTED THE MARIJUANA AND FOUND THAT IT WAS,
11 INDEED, MARIJUANA. YOU WILL HEAR ALSO FROM MS. MISSY
12 HORN, SHE'S THE CHEMIST WHO TESTED THE CRACK COCAINE,
13 AND HOW SHE DETERMINED THAT IT WAS, INDEED, CRACK
14 COCAINE.

15 AS THE TRIAL UNFOLDS YOU WILL
16 UNDERSTAND HOW THE DEFENDANT WAS ARRESTED, HOW HE WAS
17 CHARGED WITH POSSESSION WITH INTENT TO DISTRIBUTE
18 MARIJUANA, HOW HE WAS ALSO CHARGED WITH THE POSSESSION
19 WITH INTENT TO DISTRIBUTE CRACK COCAINE. YOU WILL
20 UNDERSTAND HOW HE WAS ALSO CHARGED WITH THE CLOSE
21 PROXIMITY CHARGES, IN ADDITION TO THE REGULAR JUST
22 POSSESSION WITH INTENT TO DISTRIBUTE.

23 LADIES AND GENTLEMEN, YOU HAVE TO
24 LISTEN CLOSELY, BECAUSE THE INTENT TO DISTRIBUTE ELEMENT
25 IS KEY HERE, BECAUSE YOU CAN EITHER -- IT CAN EITHER BE

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1 INFERRED FROM THE WEIGHT OF THE DRUGS, WHICH YOU WILL
2 HEAR ABOUT WITH THE CRACK COCAINE, OR IT CAN BE INFERRED
3 FROM JUST THE MERE PACKAGING, HOW THE DRUGS ARE
4 PACKAGED, WHICH WE ALSO HAVE THAT HERE.

5 LADIES AND GENTLEMEN, I'M SURE AT
6 THE CLOSE OF THE TRIAL YOU WILL BE CHARGED BY THE JUDGE
7 ON THE LAW, AND YOU HAVE TO LISTEN TO HIM VERY CLOSELY,
8 BECAUSE HIS INSTRUCTIONS, THE INSTRUCTIONS HE GIVES YOU
9 IS WHAT YOU HAVE TO LISTEN TO, AND LISTEN TO ABOUT THE
10 CASE, AND YOU HAVE TO TAKE THAT INTO YOUR DELIBERATIONS.

11 AT THE CLOSE OF THE CASE, LADIES AND
12 GENTLEMEN, YOU WILL HAVE ENOUGH EVIDENCE, AND THUS, YOU
13 WILL RETURN A VERDICT OF GUILTY ON ALL COUNTS.

14 THANK YOU.

15 OPENING STATEMENT BY MR. KRAMER

16 GOOD MORNING, LADIES AND GENTLEMEN
17 OF THE JURY.

18 IT'S A HARD JOB BEING A JUROR. AND
19 I WANT TO ADDRESS EACH OF YOU AS A JUROR. YOU ARE THE
20 TRIERS OF THE FACTS, AS THIS HONORABLE COURT SAID
21 YESTERDAY. EACH OF YOU DECIDE ON THE GUILT OR INNOCENCE
22 OF MY CLIENT, VONDELL SANDERS, WHO SITS HERE, LADIES AND
23 GENTLEMEN, PRESUMED INNOCENT IN THIS COURTROOM.

24 NOW, YOU'VE HEARD THE STATE'S
25 POSITION, AND I WANT TO ASK YOU TO KEEP AN OPEN MIND TO

DIRECT, IN CAMERA - PEGGY DAVIS BY MR. KRAMER 173

1 WHAT YOU HEAR IN THE COURTROOM TODAY, TO JUDGE ALL OF
2 THE EVIDENCE OF WHAT YOU HEAR, WHAT YOU SEE.

3 THE JUDGE, JUDGE BREEDEN IS GOING
4 TO TELL YOU WHAT THE LAW IS, BUT YOU'RE GOING TO DECIDE
5 WHAT THE FACTS ARE. AND THESE FACTS HAVE DIFFERENT
6 INTERPRETATIONS, LIKE DIFFERENT PEOPLE. BUT YOU DECIDE
7 WHICH SET OF FACTS IS CORRECT.

8 NOW, THE STATE'S POSITION IS, AS MR.
9 COLLINS SAID, THAT'S A VALID SEARCH WARRANT. THE
10 DEFENSE'S POSITION, WHICH I REPRESENT, IS THAT THERE
11 WERE PROBLEMS WITH THIS SEARCH WARRANT.

12 NOW, WE HEAR IN THE NEWS ABOUT THE
13 PATRIOT ACT, AND WE KNOW THAT THE POLICE HAVE MORE AND
14 MORE POWER TO COME INTO OUR HOMES, TO READ OUR MAIL, OUR
15 E-MAIL, OUR LETTER MAIL, TO LISTEN TO US, TO HAVE
16 CAMERAS WATCH US IN OUR MOST PRIVATE, INTIMATE MOMENTS.
17 AND LADIES AND GENTLEMEN, THIS IS A DRUG CASE. MY
18 CLIENT, VONDELL SANDERS, WAS IN HIS TRAILER ON ONE
19 TWENTY BELLINGER LANE, WHEN THE POLICE BROKE IN USING
20 A SEARCH WARRANT. AND WE, THE DEFENSE, OUR POSITION IS,
21 IS THAT WAS NOT A VALID SEARCH WARRANT, IT HAD PROBLEMS.

22 SOLICITOR COLLINS: YOUR HONOR, -

23 --

24 THE COURT: WE'LL TAKE THIS UP JUST
25 AS SOON AS HE FINISHES HIS ARGUMENT. I UNDERSTAND.

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1 MR. KRAMER: I WOULD ASK, LADIES AND
2 GENTLEMEN, THAT YOU, AGAIN, KEEP AN OPEN MIND, TO LISTEN
3 TO ALL OF THE EVIDENCE, AND THAT OUR POSITION, THE
4 DEFENSE'S POSITION IS THAT MR. SANDERS IS INNOCENT OF
5 THESE CHARGES. AND THAT WHEN YOU HEAR ALL OF THE
6 EVIDENCE, YOU SEE ALL OF THE EVIDENCE, THAT YOU WILL,
7 IN YOUR WISE JUDGEMENT, RETURN A VERDICT OF NOT GUILTY
8 FOR MR. VONDELL SANDERS.

9 THANK YOU, LADIES AND GENTLEMEN.

10 THE COURT: LET ME SEE THE ATTORNEYS
11 UP HERE FOR A MINUTE.

12 (Whereupon, a bench conference
13 is held out of the hearing of
14 the jury and the court reporter.)

15 THE COURT: AS A MATTER OF LAW,
16 REMEMBER, I TOLD YOU YESTERDAY WE TOOK UP SOME MATTERS
17 OF LAW? AND ONE OF THE MATTERS OF LAW THAT WE TOOK UP,
18 AND IT HAS ALREADY BEEN DETERMINED THAT THE SEARCH
19 WARRANT IN THIS CASE IS A VALID SEARCH WARRANT. SO,
20 THAT WON'T BE FOR YOUR DETERMINATION, THE VALIDITY OF
21 THE SEARCH WARRANT.

22 THANK YOU. YOU MAY CALL YOUR FIRST
23 WITNESS.

24 SOLICITOR COLLINS: THE STATE CALLS
25 .LYN SHIRER.

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1 THE COURT: PLACE YOUR LEFT HAND
2 THERE -- OH, YOU CAN DO IT.
3 (Whereupon, Witness Lyn Shirer
4 is duly sworn.)
5 (NOTE: Blank lines on this page do not indicate any
6 part of record has been omitted. Headers on testimony
7 pages and hard page breaks between testimony are now
8 required by the Court. See next ensuing page for
9 sequential continuation of record.)

DIRECT - LYN SHIRER BY SOL. COLLINS

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DIRECT EXAMINATION OF LYN SHIRER

BY SOLICITOR COLLINS:

Q. DETECTIVE SHIRER, PLEASE STATE YOUR NAME FOR THE
RECORD?

A. LYN SHIRER.

Q. WHERE ARE YOU EMPLOYED?

A. ORANGEBURG COUNTY SHERIFF'S OFFICE.

Q. WHAT DO YOU DO THERE?

A. I WORK FOR THE SELECTIVE ENFORCEMENT DIVISION.

Q. WHAT DOES THE SELECTIVE ENFORCEMENT DO?

A. WE'RE ON NARCOTICS AND VICE CRIMES.

Q. HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

A. I'VE BEEN IN LAW ENFORCEMENT SINCE NINETEEN NINETY-
FIVE.

Q. AND HAS ALL THAT TIME BEEN WITH THE SELECTIVE
ENFORCEMENT?

A. I'VE WORKED ON NARCOTICS IN ORANGEBURG COUNTY SINCE
NINETY-SEVEN.

Q. APPROXIMATELY HOW MANY ARRESTS HAVE YOU MADE SINCE
YOU'VE BEEN IN LAW ENFORCEMENT, JUST NARCOTICS
ARRESTS?

A. SEVERAL HUNDRED.

Q. DO YOU REMEMBER THE DATE OF OCTOBER SEVENTEENTH OF
TWO THOUSAND THREE?

A. I DIDN'T HEAR YOU.

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 Q. DO YOU REMEMBER THE DATE OF OCTOBER SEVENTEENTH OF
2 TWO THOUSAND AND THREE?

3 A. YES, I DO.

4 Q. OKAY. WHAT DO YOU RECALL, WHAT DID YOU DO THAT
5 DAY?

6 A. WE EXECUTED A SEARCH WARRANT AT [REDACTED] [REDACTED]
7 [REDACTED].

8 Q. CAN YOU TELL THE JURY, [REDACTED],
9 WHERE IS IT LOCATED?

10 A. IT'S LOCATED OFF OF EDISTO DRIVE. DO YOU KNOW
11 WHERE THE PIGGLY WIGGLY IS ON EDISTO DRIVE? ACROSS
12 THE STREET THERE'S A LITTLE ABC STORE, IT'S A
13 LITTLE DIRT DRIVE THAT GOES DOWN BESIDE THE STORE,
14 THE SECOND TRAILER ON THE RIGHT.

15 Q. OKAY. CAN YOU TELL -- [REDACTED],
16 WHAT IS IT IN CLOSE PROXIMITY TO?

17 A. RIVELON ELEMENTARY SCHOOL, IT'S, BY DRIVING IT'S
18 THREE TENTHS OF A MILE.

19 Q. OKAY. SO, IT'S THREE-TENTHS OF A MILE TO RIVELON
20 SCHOOL FROM [REDACTED]?

21 A. BY DRIVING.

22 Q. OKAY. [REDACTED] [REDACTED] [REDACTED] [REDACTED] WHO RESIDES
23 THERE?

24 A. VONDELL SANDERS.

25 Q. CAN YOU PLEASE POINT OUT -- AND YOU ARRESTED MR.

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 SANDERS?

2 A. YES, THE DEFENDANT.

3 SOLICITOR COLLINS: PLEASE LET THE
4 RECORD REFLECT THAT HE'S POINTING OUT THE DEFENDANT.

5 MR. KRAMER: YOUR HONOR, I'D LIKE
6 TO OBJECT AT THIS POINT, THE COURT HAD EARLIER RULED
7 THAT IN COURT IDENTIFICATION WOULD NOT BE ---

8 THE COURT: I DID NOT RULE ON THAT.

9 MR. KRAMER: WELL, I ASKED THE COURT
10 TO RULE.

11 THE COURT: WELL, I OVERRULE YOUR
12 OBJECTION.

13 MR. KRAMER: THANK YOU, YOUR HONOR.

14 Q. UPON ARRIVING -- WHEN YOU WENT THERE TO EXECUTE A
15 SEARCH WARRANT, A VALID SEARCH WARRANT THAT YOU HAD
16 OBTAINED FROM WHOM?

17 A. JUDGE PEGGY DAVIS, THE MAGISTRATE.

18 Q. OKAY. UPON ARRIVING AT THE HOUSE WHAT DID YOU DO?

19 A. WE EXECUTED THE SEARCH WARRANT. WHEN WE GOT TO THE
20 RESIDENCE I KNOCKED ON THE DOOR. THAT'S WHEN THEY
21 ASKED WHO IT WAS, I ADVISED THE SHERIFF'S OFFICE.
22 I ADVISED SEVERAL MORE TIMES. AT THAT TIME NO ONE
23 CAME TO THE DOOR. I IMMEDIATELY MADE ENTRY INTO
24 THE RESIDENCE MYSELF, INVESTIGATOR AVINGER AND
25 INVESTIGATOR POWELL, AND WE SECURED THE TWO

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 INDIVIDUALS IN THE HOUSE.

2 Q. WHAT DID YOU OBSERVE FOLLOWING YOUR ENTRANCE TO THE
3 HOUSE?

4 A. WE MADE ENTRANCE, WE MADE CONTACT WITH MR. SANDERS
5 RIGHT, COMING OUT OF THE BEDROOM INTO THE KITCHEN,
6 AND THERE WAS ALSO A FEMALE IN THE RESIDENCE. AND
7 THEN WE BEGAN OUR SEARCH WITH OUR SEARCH WARRANT.

8 Q. DID YOU FIND ANYTHING IN THE HOUSE?

9 A. THERE WAS A QUANTITY OF CRACK COCAINE FOUND, A
10 QUANTITY OF MARIJUANA, AND SOME SCALES FOUND.

11 Q. OKAY. DID YOU TAKE ANY PICTURES?

12 A. YES, I DID.

13 Q. YOU DID?

14 SOLICITOR COLLINS: COULD I HAVE
15 THESE MARKED AS STATE'S ONE AND TWO.

16 MR. KRAMER: NO OBJECTION, YOUR
17 HONOR.

18 THE COURT: WITHOUT OBJECTION. ARE
19 YOU MARKING THEM FOR IDENTIFICATION?

20 SOLICITOR COLLINS: YES, SIR.

21 THE COURT: VERY WELL. DO YOU HAVE
22 ANY OBJECTION TO THEM COMING INTO EVIDENCE?

23 MR. KRAMER: NO, YOUR HONOR.

24 THE COURT: ARE YOU OFFERING THEM
25 INTO EVIDENCE?

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 THE COURT: THEY'RE ADMITTED INTO
2 EVIDENCE.

3 COURT REPORTER: STATE'S ONE AND
4 TWO.

5 (State's Exhibits One and Two
6 marked and filed.)

7 SOLICITOR COLLINS: MAY I APPROACH
8 THE WITNESS?

9 THE COURT: YOU MAY.

10 Q. WOULD YOU PLEASE EXPLAIN TO THE JURY, INVESTIGATOR
11 SHIRER, WHAT THESE PICTURES THAT YOU TOOK DEPICT?

12 A. THAT'S THE DOORWAY OF THE RESIDENCE THAT WE WENT
13 TO.

14 Q. OKAY.

15 A. THAT'S GOT [REDACTED] IT, AND THAT'S WHERE WE
16 MADE ENTRY INTO THE DOOR.

17 Q. CAN YOU PLEASE EXPLAIN TO THE JURY WHAT THE OTHER
18 PICTURE DEPICTS?

19 A. THIS IS ITEMS THAT WERE FOUND. DURING THE SEARCH
20 OTHER INVESTIGATORS FOUND, I TOOK POSSESSION OF THE
21 DRUGS AND THEN PUT THEM IN A BEST EVIDENCE BAG AND
22 TURNED THEM IN TO INVESTIGATOR TROY LIVINGSTON TO
23 HAVE ANALYSIS DONE. THAT'S THE FAKE SEVEN UP CAN,
24 A FAKE SUN KIST CAN, THAT'S A QUANTITY OF CRACK
25 COCAINE, A QUANTITY OF MARIJUANA INDIVIDUALLY

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 PACKAGED, AND THAT'S A SCALE.

2 Q. OKAY.

3 A. THE TOPS SCREW OFF THE CANS.

4 SOLICITOR COLLINS: CAN I PUBLISH
5 THESE TO THE JURY, YOUR HONOR?

6 THE COURT: YOU MAY.

7 (Whereupon, State's Exhibits One and Two
8 are published to the jury.)

9 Q. THE QUANTITY OF CRACK COCAINE THAT YOU FOUND, CAN
10 YOU TELL US A LITTLE BIT ABOUT THAT, I MEAN, HOW -
11 - IT WAS FIVE POINT SIX SEVEN GRAMS OF CRACK. IS
12 THAT -- HOW MUCH IS THE STREET VALUE OF THAT CRACK?

13 A. THE STREET VALUE OF THAT IS APPROXIMATELY FIVE
14 HUNDRED AND SIXTY DOLLARS, APPROXIMATELY.

15 Q. THE WAY THE CRACK IS BROKEN UP, AS YOU SAW IT,
16 APPROXIMATELY WHAT, WHAT KIND OF AMOUNTS WAS IT
17 BROKEN UP INTO?

18 A. IT WAS BROKEN UP IN DIFFERENT SIZES, TWENTY DOLLARS
19 WORTH, THERE WERE SOME PIECES IN THERE THAT COULD
20 HAVE BEEN ABOUT FIFTY DOLLARS WORTH.

21 Q. OKAY. AS A GENERAL RULE, IN YOUR EXPERIENCE, WHAT
22 JUST GENERALLY, JUST PERSONALLY, WHAT DO MOST
23 PEOPLE HAVE ON THEM?

24 A. FOR PERSONAL USE?

25 Q. YES.

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 A. TWENTY DOLLARS, FORTY DOLLARS WORTH OF CRACK.

2 Q. OKAY. DO YOU THINK -- WAS THIS A SUBSTANTIAL
3 AMOUNT OF CRACK, I MEAN, TO HAVE?

4 A. YES, SIR, IT'S FIVE HUNDRED AND SIXTY DOLLARS
5 WORTH. THAT'S THE STREET VALUE OF THE CRACK.

6 Q. THAT'S ---

7 A. EVERY TWO-TENTHS OF A GRAM IS ABOUT TWENTY DOLLARS
8 WORTH.

9 Q. LET'S SKIP TO THE MARIJUANA. IT WAS PACKAGED IN
10 SEVEN -- HOW DID YOU FIND THE MARIJUANA?

11 A. I DIDN'T ---

12 Q. WELL, I MEAN, I'M SORRY, THE MARIJUANA WAS PACKAGED
13 IN SEVEN INDIVIDUAL PACKS?

14 MR. KRAMER: OBJECTION, YOUR HONOR,
15 HE'S LEADING THE WITNESS.

16 THE COURT: SUSTAINED. ASK HIM HOW
17 WAS IT PACKED?

18 Q. HOW WAS IT PACKAGED?

19 A. THE MARIJUANA THAT WAS FOUND WAS PACKAGED IN
20 DIFFERENT BAGGIES, THEY WERE SMALL PURPLE BAGGIES.

21 Q. IN YOUR EXPERIENCE AS AN OFFICER, SMALLER BAGS OF
22 MARIJUANA LIKE THAT, HOW -- WHEN YOU ENCOUNTER
23 SOMETHING LIKE THAT, WHAT DO YOU NORMALLY THINK,
24 WHAT IN YOUR OPINION?

25 A. THIRTEEN OF THEM WOULDN'T BE FOR PERSONAL USE. I

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 THINK THERE WERE LITTLE FIVE DOLLAR PACKS OF
2 MARIJUANA, APPROXIMATELY A GRAM A PIECE,
3 APPROXIMATELY.

4 Q. AND HOW MUCH IS A GRAM, AS FAR AS, HOW MUCH WOULD
5 A GRAM OF MARIJUANA BE?

6 MR. KRAMER: YOUR HONOR, OBJECTION,
7 HE'S ASKING THE WITNESS TO SPECULATE.

8 SOLICITOR COLLINS: YOUR HONOR, HE
9 CAN ---

10 MR. KRAMER: HE DOESN'T HAVE A SCALE
11 HERE.

12 SOLICITOR COLLINS: HE CAN GIVE A
13 LAY OPINION.

14 THE COURT: I KNOW HOW MUCH A GRAM
15 OF MARIJUANA IS, A GRAM IS A GRAM. COULD YOU CLEAR UP
16 YOUR QUESTION?

17 SOLICITOR COLLINS: YES, SIR.

18 Q. AS FAR AS FOR -- ONE OF THOSE BAGS, HOW MANY JOINTS
19 WOULD YOU SAY THAT WOULD MAKE?

20 A. EACH BAG WOULD COST APPROXIMATELY FIVE DOLLARS.

21 Q. OKAY.

22 A. DIME BAGS.

23 THE COURT: DID I HEAR YOU SAY A
24 DIME BAG COSTS FIVE DOLLARS?

25 A. I MEAN, I'M SORRY, A NICKEL BAG, I APOLOGIZE.

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 Q. WHENEVER YOU TOOK HOLD OF THE DRUGS, WHAT DID YOU
2 DO WITH THEM?

3 A. I TOOK POSSESSION OF THE DRUGS FROM THE RESIDENCE.
4 I PUT THEM IN A BEST KIT. THE CRACK COCAINE I PUT
5 IN A KIT TO BE SENT TO GIVE TO MR. TROY LIVINGSTON,
6 INVESTIGATOR. I ALSO PUT THE MARIJUANA IN AN
7 EVIDENCE BAG TO BE GIVEN TO TROY LIVINGSTON. TROY
8 TESTS OUR MARIJUANA HIMSELF, IN HOUSE, AND HE SENDS
9 THE CRACK COCAINE TO ANALYSIS IN LEXINGTON COUNTY.

10 Q. WHAT DID YOU DO FOLLOWING -- YOU ARRESTED MR.
11 VONDELL SANDERS?

12 A. YES, SIR.

13 Q. WHAT DID YOU DO FOLLOWING THE ARREST OF MR.
14 SANDERS?

15 A. WE TALKED TO MR. SANDERS AT THE RESIDENCE.

16 Q. DID YOU, WHAT DID YOU ---

17 A. MYSELF AND ANTONIA POWELL TALKED WITH MR. SANDERS.
18 HE WAS GIVEN HIS MIRANDA, AND ASKED IF THAT WAS
19 ALL THE CRACK COCAINE THAT HE HAD IN THE RESIDENCE.
20 HE STATED, YES, IT WAS, AND THAT HE HAD RECEIVED
21 FOUR AND A HALF OUNCES OF CRACK COCAINE FROM MARK
22 JOHNSON THAT FRIDAY BEFORE.

23 Q. SO, HE MADE THE STATEMENT -- WHAT DID YOU DO BEFORE
24 HE MADE ANY STATEMENTS?

25 A. I READ HIM HIS MIRANDA.

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 Q. YOU READ HIM HIS MIRANDA.

2 SOLICITOR COLLINS: I BEG THE
3 COURT'S INDULGENCE.

4 Q. CAN YOU TELL ME WHAT RIGHTS WERE THEY THAT YOU READ
5 HIM?

6 A. I GAVE HIM MY MIRANDA CARD.

7 Q. RIGHTS OF MIRANDA, JUST THE NORMAL ---

8 A. YES, SIR.

9 Q. --- YOU READ HIS RIGHTS TO HIM OFF OF THE MIRANDA
10 CARD, IS THAT CORRECT?

11 A. YES, SIR, YES, I DID, YES, SIR.

12 SOLICITOR COLLINS: I HAVE NOTHING
13 FURTHER, YOUR HONOR.

14 THE COURT: ALRIGHT. CROSS?

15 SOLICITOR COLLINS: JUST ONE MINUTE,
16 I HAVE TO -- I'M SORRY.. WOULD YOU MARK THESE?

17 COURT REPORTER: FOR ID?

18 SOLICITOR COLLINS: YES, FOR ID.

19 (State's Exhibits Three and Four,
20 Bag of marijuana and Bag of crack cocaine,
21 marked for identification.)

22 SOLICITOR COLLINS: YOUR HONOR, -

23 --

24 THE COURT: DON'T WAIT ON ME, JUST
25 GO AHEAD.

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 SOLICITOR COLLINS: OKAY. MAY I
2 APPROACH THE WITNESS FOR STATE'S ID THREE AND FOUR?

3 THE COURT: YOU MAY APPROACH THE
4 WITNESS, YES.

5 Q. COULD YOU PLEAD IDENTIFY THOSE TWO EXHIBITS,
6 PLEASE.

7 A. THIS IS THE BAG I PUT THE MARIJUANA IN. THIS IS THE
8 KIT THAT I PUT THE CRACK COCAINE IN AND TURNED IT
9 OVER TO INVESTIGATOR LIVINGSTON. THIS IS MY
10 EVIDENCE BAG THAT I PUT IT IN, WHERE I PUT IT IN
11 WHEN I PUT IT IN AND ALL. IT'S, IT APPEARS TO ME
12 IT'S BEEN TESTED AND WHATEVER MR. LIVINGSTON DOES
13 WITH IT. AND THIS IS WHERE I PUT IT IN THE, I
14 SIGNED WHERE I SEALED THE BEST KIT AND PUT THE
15 CRACK COCAINE IN THE BEST KIT.

16 Q. AND AFTER, FOLLOWING YOU GIVING MR. SANDERS HIS
17 MIRANDA WARNINGS HE DID WAIVE THAT RIGHT AND CHOSE
18 TO GIVE YOU A ---

19 MR. KRAMER: OBJECTION, YOUR HONOR,
20 HE'S LEADING THE WITNESS.

21 THE COURT: THAT'S SUSTAINED.

22 Q. WHAT HAPPENED AFTER YOU GAVE YOUR, THE RIGHTS TO
23 MR. SANDERS?

24 A. MR. SANDERS TALKED WITH MYSELF AND ANTONIA POWELL.

25 Q. HE GAVE A STATEMENT?

DIRECT - LYN SHIRER BY SOL. COLLINS

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1 A. YES, SIR.

2 Q. THANK YOU.

3 SOLICITOR COLLINS: HOLD ON JUST A
4 SECOND.

5 Q. WERE THOSE THE DRUGS, IN STATE'S THREE AND FOUR,
6 AS THEY WERE FOUND AND THEY WERE GIVEN TO YOU, THAT
7 WERE FOUND IN THE HOUSE THAT NIGHT?

8 A. YES, SIR.

9 SOLICITOR COLLINS: THANK YOU. NO
10 MORE QUESTIONS, YOUR HONOR.

11 (NOTE: Blank lines on this page do not indicate any
12 part of record has been omitted. Headers on testimony
13 pages and hard page breaks between testimony are now
14 required by the Court. See next ensuing page for
15 sequential continuation of record.)

CROSS - LYN SHIRER BY MR. KRAMER

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CROSS-EXAMINATION OF LYN SHIRER

BY MR. KRAMER:

Q. GOOD MORNING, OFFICER SHIRER, HOW ARE YOU DOING TODAY?

A. FINE, HOW ABOUT YOU?

Q. GOOD. LET ME JUST ASK YOU SOME QUESTIONS. HAVE YOU EVER BEEN REPRIMANDED DURING YOUR SERVICE AS A POLICE OFFICER IN ORANGEBURG COUNTY?

SOLICITOR COLLINS: I OBJECT.

THE COURT: DO YOU OBJECT OR NOT?

SOLICITOR COLLINS: THAT'S FINE, YOUR HONOR, I WITHDRAW.

Q. PLEASE ANSWER THE QUESTION.

A. NO, SIR.

Q. YOU'VE NEVER BEEN REPRIMANDED IN WRITING IN ANY WAY?

A. NO, SIR.

Q. NOW, I BELIEVE YOU EARLIER TESTIFIED TO THIS JURY THAT YOU WENT TO ONE TWENTY BELLINGER LANE. IS THAT CORRECT?

A. YES, SIR.

Q. DID YOU GO TO [REDACTED] FIRST OR DID YOU GO TO ANOTHER TRAILER FIRST?

A. WE WENT TO [REDACTED] AND SERVE A SEARCH WARRANT.

CROSS - LYN SHIRER BY MR. KRAMER

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1 Q. SO, YOU NEVER WENT TO ANOTHER TRAILER BEFORE YOU
2 WENT TO BELLINGER LANE?

3 A. YES, SIR, WE WERE THERE FIRST.

4 Q. OKAY. A DIFFERENT TRAILER?

5 A. YES, SIR.

6 Q. THAT'S CORRECT, ISN'T IT?

7 A. YES, SIR.

8 Q. NOW, YOU EARLIER SAID YOU WENT TO SERVE THIS SEARCH
9 WARRANT, RIGHT?

10 A. YES, SIR.

11 Q. BUT YOU WENT TO THE WRONG TRAILER FIRST?

12 A. NO, SIR.

13 Q. YOU DIDN'T?

14 A. NO, SIR.

15 Q. NOW, YOU EARLIER TESTIFIED THAT MR. VONDELL SANDERS
16 WAS READ HIS MIRANDA RIGHTS, IS THAT CORRECT?

17 A. YES, SIR.

18 Q. WOULD YOU TELL THE JURY WHERE MR. SANDERS WAS WHEN
19 YOU READ HIM HIS MIRANDA RIGHTS?

20 A. [REDACTED]

21 Q. RIGHT. WHERE WAS HE AT IN THE HOUSE, PLEASE?

22 A. IN THE DEN. THE DEN AND THE KITCHEN ARE TOGETHER.

23 Q. UH HUH. DID YOU EVER OBTAIN A WRITTEN WAIVER
24 STATEMENT OF RIGHTS FROM VONDELL SANDERS?

25 A. NO, SIR.

CROSS - LYN SHIRER BY MR. KRAMER

190

1 Q. IS THAT USUAL PROCEDURE IN THIS DEPARTMENT IN
2 ORANGEBURG COUNTY?

3 A. NO, SIR.

4 Q. WHAT ARE THE PROCEDURES FOR OBTAINING A WRITTEN
5 WAIVER OF MIRANDA RIGHTS?

6 A. AT THE SEARCH WARRANT I'VE NEVER DONE THAT, NO,
7 SIR.

8 Q. SO, YOU NEVER OBTAINED A WRITTEN WAIVER OF RIGHTS,
9 A KNOWING, INTELLIGENT AND VOLUNTARY WAIVER OF
10 RIGHTS?

11 A. I HAD THE SEARCH WARRANT, NO, SIR.

12 Q. NOW, I BELIEVE YOU TESTIFIED EARLIER TO THIS JURY
13 THAT YOU SIGNED THE EVIDENCE BAG THAT THE DRUGS
14 WERE PLACED IN, ISN'T THAT CORRECT?

15 A. YES, SIR.

16 Q. DID YOU HAVE THAT CHAIN OF CUSTODY NOTARIZED AT ANY
17 POINT?

18 A. NO, SIR.

19 Q. IS THAT USUAL PROCEDURE IN ORANGEBURG COUNTY?

20 A. NO, SIR.

21 Q. IT'S NOT?

22 A. NO, SIR.

23 Q. SO, WE NEVER NOTARIZE A CHAIN OF CUSTODY WHEN WE
24 TRANSFER DRUGS FROM ONE PERSON TO ANOTHER?

25 A. NO, SIR.

CROSS - LYN SHIRER BY MR. KRAMER

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1 Q. WE DON'T. NOW, YOU EARLIER TESTIFIED, I BELIEVE,
2 TO THIS JURY THAT THERE WERE A NUMBER OF OFFICERS
3 THAT WENT INTO THE TRAILER, IS THAT CORRECT?

4 A. YES, SIR.

5 Q. HOW MANY OFFICERS WENT INTO THE TRAILER?

6 A. THE INITIAL ENTRY?

7 Q. YES.

8 A. MYSELF, ANTONIA POWELL AND INVESTIGATOR AVINGER.

9 Q. YOU EARLIER TESTIFIED THAT YOU KNOCKED, IS THAT
10 CORRECT?

11 A. YES, SIR, I DID.

12 Q. YOU DID. AND HOW MUCH TIME ELAPSED BETWEEN WHEN
13 YOU KNOCKED AND WHEN YOU MADE ENTRY?

14 A. WHEN I KNOCKED, THEY ASKED WHO IT WAS, I ADVISED,
15 THE SHERIFF'S OFFICE. WHOEVER WE WERE TALKING WITH
16 WAS IN THE DEN AREA. THEY THEN TOOK OFF TO THE
17 BACK OF THE -- YOU COULD HEAR THEM GOING THROUGH
18 THE TRAILER.

19 Q. WOULD YOU TELL THIS JURY HOW YOU MADE FORCED ENTRY
20 INTO THAT TRAILER?

21 A. YES, SIR, I KICKED THE DOOR IN.

22 Q. YOU KICKED IT IN?

23 A. YES, SIR, I DID.

24 Q. DID YOU USE ANY TYPE OF IMPLEMENT TO KICK IT IN?

25 A. NO, SIR.

CROSS - LYN SHIRER BY MR. KRAMER

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1 Q. WERE YOU THE ONLY OFFICER THAT KICKED IT IN?

2 A. YES, SIR, I WAS.

3 Q. HOW WERE YOU DRESSED WHEN YOU WENT IN?

4 A. RAID GEAR.

5 Q. WHAT KIND OF GEAR IS THAT?

6 A. GREENS, WHAT WE CALL GREENS. GREEN PANTS, BLACK
7 SHIRT, AND A RAID GARMENT, OR BODY ARMOR.

8 Q. OKAY. DID YOU HAVE ON HELMETS?

9 A. NO, SIR.

10 Q. NOW, DID YOU COMPLETE AN INCIDENT REPORT?

11 A. YES, SIR, I DID.

12 Q. CAN YOU DESCRIBE FOR THE JURY WHAT GOES INTO AN
13 INCIDENT REPORT?

14 A. JUST EXPLAINED WHAT HAPPENED AT THE LOCATION.

15 Q. DOES IT EVER DESCRIBE THE CONDITION OF THE PEOPLE
16 YOU ARRESTED?

17 A. NO, SIR.

18 Q. IT DOESN'T?

19 A. THE INCIDENT REPORT ON THE -- ARE YOU TALKING ABOUT
20 AN INVESTIGATOR REPORT OR THE INCIDENT REPORT?

21 Q. YEAH, LET ME SHOW IT TO YOU, REFRESH YOUR MEMORY.

22 A. I'VE GOT IT RIGHT HERE.

23 Q. THANK YOU.

24 A. YES, IT DOES.

25 Q. OKAY. SO, IT DOES PROVIDE INFORMATION ON THE

CROSS - LYN SHIRER BY MR. KRAMER

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- 1 PEOPLE YOU ARREST, DOESN'T IT?
- 2 A. YES, SIR.
- 3 Q. WHAT IS THAT INFORMATION THAT'S PROVIDED?
- 4 A. ON THE SUBJECT?
- 5 Q. RIGHT.
- 6 A. IT ADVISES, "SUBJECT NUMBER ONE USING ALCOHOL - NO:
- 7 DRUGS - UNKNOWN."
- 8 Q. WHEN YOU ARRESTED MR. SANDERS, DID YOU RUN ANY KIND
- 9 OF TEST TO SEE IF HE WAS IMPAIRED BY ALCOHOL OR
- 10 DRUGS?
- 11 A. NO, SIR, WE DON'T DO THAT.
- 12 Q. YOU DON'T DO THAT?
- 13 A. NO, SIR.
- 14 Q. OKAY. SO, YOU DON'T KNOW IF MR. SANDERS WAS HIGH
- 15 ON DRUGS, ISN'T THAT CRACK?
- 16 A. NO, SIR, HE DIDN'T APPEAR HIGH TO ME.
- 17 Q. DID YOU SMELL ALCOHOL ON HIS BREATH?
- 18 A. NO, SIR.
- 19 Q. YOU DIDN'T?
- 20 A. NO, SIR.
- 21 Q. YOU EARLIER TESTIFIED THAT YOU READ MR. SANDERS HIS
- 22 RIGHTS?
- 23 A. YES, SIR.
- 24 Q. HOW DID YOU READ HIM THOSE RIGHTS?
- 25 A. OFF MY MIRANDA CARD.

CROSS - LYN SHIRER BY MR. KRAMER

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1 Q. DID YOU HAVE ANY WITNESSES THERE WHEN YOU DID IT?

2 A. MS. ANTONIA POWELL.

3 Q. HAS SHE GOT A CARD?

4 A. I'M NOT FAMILIAR WITH MS. POWELL, IF SHE'S HAVE A
5 CARD.

6 Q. DO YOU USUALLY HAVE ANOTHER OFFICER PRESENT WHEN
7 YOU ---

8 A. WHEN I TALK TO THE DEFENDANT I ALWAYS HAVE AN
9 OFFICER PRESENT.

10 Q. OKAY. SO, YOU DON'T KNOW IF VONDELL SANDERS WAS
11 IMPAIRED OR NOT, IS THAT CORRECT?

12 A. HE DIDN'T APPEAR TO BE IMPAIRED TO ME.

13 Q. DIDN'T APPEAR TO BE IMPAIRED?

14 A. NO, SIR.

15 Q. WHAT TIME DID YOU GO INTO THE HOUSE, THE TRAILER?

16 A. I BELIEVE IT WAS NINETEEN-TEN HOURS, I'M GOING TO
17 CHECK AND MAKE SURE.

18 THE COURT: WHAT WOULD THAT
19 CONJUGATE TO IN CIVILIAN TIME.

20 A. OH, I'M SORRY, JUDGE. APPROXIMATELY TEN AFTER
21 SEVEN AT NIGHT, P.M.

22 Q. NOW, IN YOUR REPORT YOU INDICATED THAT YOU KNOCKED
23 ON THE RESIDENT'S DOOR, AND A MALE VOICE ANSWERED,
24 ISN'T THAT CORRECT?

25 A. YES, SIR.

CROSS - LYN SHIRER BY MR. KRAMER

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- 1 Q. BUT YOU DON'T KNOW WHOSE VOICE THAT WAS, DO YOU?
- 2 A. IT WAS A MALE VOICE.
- 3 Q. A MALE VOICE.
- 4 A. YES, SIR.
- 5 Q. WERE THERE OTHER PEOPLE IN THE TRAILER?
- 6 A. A MALE AND A FEMALE.
- 7 Q. RIGHT. WERE YOU OUTSIDE THE TRAILER?
- 8 A. YES, SIR.
- 9 Q. WHAT TIME A NIGHT WAS IT?
- 10 A. SEVEN: TEN.
- 11 Q. WHAT WERE THE WEATHER CONDITIONS?
- 12 A. RAINING.
- 13 Q. RAINING?
- 14 A. IT WASN'T RAINING, IT WAS DRIZZLING.
- 15 Q. RAINING?
- 16 A. DRIZZLING.
- 17 Q. WAS IT RAINING HARD?
- 18 A. NO, SIR.
- 19 Q. OKAY. BUT IT WAS NIGHT?
- 20 A. YES, SIR.
- 21 Q. NOW, AS AN EXPERIENCED LAW ENFORCEMENT OFFICER,
- 22 WHICH I KNOW YOU ARE, ISN'T IT VERY DANGEROUS WHEN
- 23 YOU MAKE FORCED ENTRY ON A DRUG SEIZURE?
- 24 A. YES, SIR.
- 25 Q. AREN'T THE OFFICERS KIND OF KEYED UP?

CROSS - LYN SHIRER BY MR. KRAMER

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1 A. NO, SIR.

2 Q. READY TO GO IN THERE, EXPECTING ANYTHING?

3 A. I CAN'T SAY WHAT OTHER OFFICERS ARE.

4 Q. HOW ABOUT YOU?

5 A. NO, SIR.

6 Q. OKAY. AND ACCORDING TO YOUR REPORT, AGAIN, YOU
7 SAID IT WAS A MALE VOICE?

8 A. YES, SIR.

9 Q. YOU DON'T KNOW IF THAT MALE VOICE WAS VONDELL
10 SANDERS, DO YOU?

11 A. HE WAS THE ONLY MALE IN THE HOUSE.

12 Q. WAS THE T.V. ON?

13 A. I DON'T EVEN RECALL.

14 Q. YOU DON'T RECALL?

15 A. NO, SIR.

16 Q. IT COULD HAVE BEEN ON, COULDN'T IT?

17 A. I DON'T EVEN RECALL. WHEN I ASKED THE QUESTION
18 SOMEONE ANSWERED ME, AND I ANSWERED THEM BACK, AND
19 IT WAS A MALE SUBJECT.

20 Q. WHEN YOU QUESTIONED VONDELL SANDERS ABOUT THESE
21 DRUGS, WHERE WAS HE AT IN THE TRAILER?

22 A. HE WAS IN THE DEN, SITTING ON THE COUCH. I ALREADY
23 ANSWERED THE QUESTION.

24 SOLICITOR COLLINS: ASKED AND
25 ANSWERED, YOUR HONOR. OBJECTION.

CROSS - LYN SHIRER BY MR. KRAMER

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1 MR. KRAMER: THANK YOU.

2 THE COURT: SUSTAINED. ASKED AND
3 ANSWERED

4 A. HE WAS IN THE ---

5 THE COURT: YOU'RE ALREADY ANSWERED
6 IT.

7 A. OH, I'M SORRY.

8 Q. YOU EARLIER TESTIFIED, I BELIEVE, THAT THERE WAS
9 AN AMOUNT OF MONEY THAT WAS SEIZED FROM VONDELL
10 SANDERS?

11 A. I DIDN'T TESTIFY TO THAT.

12 Q. IT'S IN YOUR REPORT, ISN'T IT?

13 A. YEAH, IT'S IN MY REPORT.

14 Q. CAN YOU READ IT TO THE JURY, PLEASE?

15 A. WELL, HE HASN'T ASKED ME, YOU HAVEN'T ASKED ME
16 ABOUT THE MONEY YET.

17 Q. WOULD YOU -- IS THIS YOUR REPORT?

18 A. YES, IT IS.

19 Q. ALRIGHT. TO REFRESH YOUR MEMORY, I BELIEVE THIS
20 IS ON THE FIRST PAGE.

21 A. SEVEN HUNDRED AND SIXTY-FOUR DOLLARS.

22 Q. AND WHAT'S THE REST OF THIS SENTENCE, PLEASE?

23 A. "WAS SEIZED FROM VONDELL SANDERS."

24 Q. OKAY. WAS THERE ANOTHER PERSON IN THE TRAILER?

25 A. YES, SIR, IT WAS.

CROSS - LYN SHIRER BY MR. KRAMER

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1 Q. WHO WAS THAT PERSON?

2 A. I DON'T RECALL THE FEMALE'S NAME, UNLESS I PUT IT
3 IN THERE.

4 Q. SO, YOU'RE TELLING THE JURY THERE WERE TWO PEOPLE
5 IN THE TRAILER?

6 A. YES, SIR.

7 Q. YOU ARREST ONE OF THEM AND YOU CAN'T RECALL THE
8 NAME OF THE OTHER ONE?

9 A. NO, SIR, IT WAS A FEMALE, I CAN'T RECALL HER NAME.

10 Q. A FEMALE. OKAY. DID YOU ARREST THE FEMALE?

11 A. NO, SIR.

12 Q. WHEN YOU WENT IN THE TRAILER DID YOU DO A
13 PROTECTIVE SEARCH OF THE FEMALE?

14 A. I DIDN'T.

15 Q. WAS SHE DETAINED?

16 A. YES, SHE WAS.

17 Q. WAS SHE HAND CUFFED?

18 A. YES, SHE WAS..

19 Q. IS IT USUAL PROCEDURE TO GO THROUGH THE DEFENDANT'S
20 POCKETS, OR THE PERSON WHO'S ARRESTED'S POCKETS
21 WHEN THEY'RE ARRESTED?

22 A. WHEN THEY'RE UNDER ARREST?

23 Q. YES, SIR.

24 A. SEARCH INCIDENT TO ARREST, YES, SIR.

25 Q. FOR THE OFFICER'S PROTECTION, RIGHT?

CROSS - LYN SHIRER BY MR. KRAMER

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1 A. YES, SIR.

2 Q. OKAY. DO YOU KNOW IF THIS WAS DONE TO THE FEMALE
3 THAT WAS THERE?

4 A. I DIDN'T SEARCH THE FEMALE, NO, SIR.

5 Q. EARLIER YOU TESTIFIED TO THIS JURY THAT THERE WERE
6 DRUGS SEIZED IN TWO CANS?

7 A. YES, SIR.

8 Q. IS THAT CORRECT?

9 A. YES, SIR.

10 Q. COULD YOU DESCRIBE THOSE CANS?

11 A. YES, SIR, IT WAS A SEVEN UP CAN AND A SUN KIST CAN.

12 Q. WOULD YOU PLEASE TELL THE JURY HOW YOU DETERMINED
13 IF THERE'S DRUGS IN THOSE CANS?

14 A. I WASN'T THE ONE THAT FOUND THE CANS BUT, I MEAN,
15 I COULD EXPLAIN IF I DID.

16 Q. OKAY.

17 A. I'VE FOUND HIDDEN COMPARTMENTS LIKE THAT BEFORE.

18 Q. BEFORE YOU WENT IN WITH THIS SEARCH WARRANT, DID
19 YOU DETERMINE IF THIS WAS VONDELL SANDERS'S HOME?

20 A. WE GOT INFORMATION THAT VONDELL SANDERS LIVED THERE
21 WHICH COME FROM A CONFIDENTIAL INFORMANT.

22 Q. DID YOU CHECK TO SEE IF HE WAS THE OWNER OF THE
23 TRAILER?

24 A. NO, SIR.

25 Q. DID YOU ASK HIM IF HE WAS A GUEST IN THE TRAILER?

CROSS - LYN SHIRER BY MR. KRAMER

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1 A. NO, SIR, WHEN WE FILLED THIS BOOKING REPORT OUT HE
2 GAVE HIS ADDRESS AS [REDACTED]

3 Q. BUT THAT DOESN'T INDICATE, DOES IT, THAT HE'S THE
4 OWNER OF THE PROPERTY, DOES IT?

5 A. IT INDICATES HE LIVES THERE.

6 Q. HE LIVES THERE, BUT THAT DOESN'T SHOW HE'S THE
7 OWNER, DOES IT?

8 A. NO, SIR.

9 Q. IT DOESN'T SHOW HE PAYS RENT, MAKES A MORTGAGE
10 PAYMENT, DOES IT?

11 A. NO, SIR.

12 Q. OKAY. NOW, YOU TESTIFIED EARLIER TO THE JURY THAT
13 IT WAS RAINING HARD AND IT WAS NIGHT TIME, RIGHT?

14 A. NO, IT WAS DRIZZLING.

15 THE COURT: HE DIDN'T.

16 Q. DRIZZLING.

17 A. YES, SIR.

18 MR. KRAMER: THANK YOU, YOUR HONOR.

19 Q. AND IT WAS NIGHT TIME?

20 A. YES, SIR.

21 Q. AND WHAT MONTH DID THIS OCCUR IN, ACCORDING TO YOUR
22 REPORT?

23 A. OCTOBER.

24 Q. WAS IT PRETTY DARK AT THAT TIME?

25 SOLICITOR COLLINS: YOUR HONOR, HE'S

CROSS - LYN SHIRER BY MR. KRAMER

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1 ASKED AND ANSWERED ON SEVERAL OCCASIONS.

2 THE COURT: SUSTAINED.

3 MR. KRAMER: THANK YOU, YOUR HONOR.

4 Q. CAN YOU TELL US, OFFICER SHIRER, TELL THE JURY,
5 PLEASE, WHAT CONDITION VONDELL SANDERS WAS IN WHEN
6 HE MADE HIS STATEMENT THAT YOU TESTIFIED TO?

7 A. MR. SANDERS WAS TALKING TO ME, HE WAS FINE. I
8 DIDN'T SEE NO PROBLEMS WITH HIM.

9 Q. WAS HE NERVOUS OR EXCITED?

10 A. NO, SIR.

11 Q. WAS HE HAND CUFFED?

12 A. YES, HE WAS.

13 Q. HE WAS. WAS THE OTHER PERSON, THE FEMALE YOU
14 TESTIFIED TO, WAS SHE HAND CUFFED?

15 A. YES, SIR, SHE WAS.

16 THE COURT: ASKED AND ANSWERED.

17 Q. DID EITHER OF THEM APPEAR TO BE NERVOUS AND UPSET?

18 A. NO, SIR, NOT TO ME THEY WEREN'T.

19 Q. NOW, YOU TESTIFIED EARLIER THAT YOU'VE DONE MANY
20 OF THESE SEARCH WARRANT DRUG SEIZURES IN ORANGEBURG
21 COUNTY, RIGHT?

22 A. YES, SIR, I HAVE.

23 Q. WHEN EIGHT POLICE OFFICERS COME BUSTING IN TO
24 SOMEONE'S HOME OR TRAILER, WHAT YOU'RE SAYING TO
25 ME IS, THESE FOLKS WEREN'T EXCITED, THEY WEREN'T

CROSS - LYN SHIRER BY MR. KRAMER

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1 WORRIED?

2 A. NO, SIR, THEY WEREN'T JUMPING UP AND HOLLERING OR
3 ANYTHING, NO, SIR.

4 Q. OKAY. DID YOU AT ANY POINT YELL AT MR. SANDERS?

5 A. WHEN WE WENT IN I TOLD HIM I WAS THE SHERIFF'S
6 OFFICE.

7 Q. WHEN YOU GOT IN AND YOU ASKED HIM QUESTIONS, WERE
8 YOU YELLING AT HIM?

9 A. NO, SIR, I WAS NOT.

10 Q. WERE YOU RED IN THE FACE?

11 A. NO, SIR.

12 Q. WERE YOU YELLING AND EXCITED?

13 A. NO, SIR.

14 Q. YOU DIDN'T SAY, MR. SANDERS?

15 A. NO, SIR.

16 Q. YOU DIDN'T COME IN AND SAY, WHERE'S THE DRUGS?

17 A. NO, SIR, I DIDN'T.

18 Q. YOU NEVER SAID THAT?

19 A. NO, SIR. I NEVER YELLED AT MR. SANDERS ABOUT
20 ANYTHING. I TALKED WITH MR. SANDERS.

21 MR. KRAMER: NO FURTHER QUESTIONS,
22 YOUR HONOR. THANK YOU.

23 THE COURT: REDIRECT?

24 MR. KRAMER: SORRY, YOUR HONOR.

25 THE COURT: EXCUSE ME. WAIT A

CROSS - LYN SHIRER BY MR. KRAMER:

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1 MINUTE, WE'RE NOT READY FOR YOU YET.

2 MR. KRAMER: I'M SORRY, YOUR HONOR.

3 THE COURT: IT WAS A SLIP.

4 MR. KRAMER: THANK YOU, YOUR HONOR,
5 FOR THE INDULGENCE OF THE COURT.

6 Q. EARLIER YOU TESTIFIED TO THE JURY, OFFICER SHIRER,
7 WHAT UNIFORM YOU WERE IN TO MAKE THIS RAID?

8 A. YES, SIR.

9 Q. OKAY. IS THERE ANY LOGO OR WORDING ON THAT
10 UNIFORM?

11 A. YES, SIR, IT SAYS, SHERIFF.

12 Q. IS THERE ANY ROUND CIRCLE DEVICE ON IT THAT SAYS,
13 SELECTIVE ENFORCEMENT, OR ANYTHING LIKE THAT?

14 A. NO, SIR.

15 Q. IT JUST SAYS, SHERIFF?

16 A. IT JUST SAYS SHERIFF, YES, SIR.

17 Q. IS IT A MILITARY TYPE UNIFORM?

18 A. I'VE NEVER BEEN IN THE MILITARY, I DON'T KNOW.

19 Q. DOES THE SHERIFF'S DEPARTMENT GET THEIR CLOTHES
20 FROM THE MILITARY SURPLUS, OR BUY CLOTHING LIKE THE
21 MILITARY DOES TO WEAR?

22 A. I DON'T, I MEAN, YOU MIGHT BUY YOUR PANTS FROM THE
23 MILITARY, NOT YOUR RAID GARMENT, THEY GET THEM FROM
24 -- MINE COME FROM LAWMEN'S PUBLIC SAFETY.

25 Q. WOULD YOU DESCRIBE THAT RAID GARMENT FOR THE JURY,

CROSS - LYN SHIRER BY MR. KRAMER

204

1 PLEASE?

2 A. YES. IT'S GOT YOUR BULLET PROOF VEST IN IT, IT'S
3 BLACK, AND IT'S GOT, SHERIFF, ON IT, AND SHERIFF
4 ON THE BACK, AND IT'S GOT LITTLE POCKETS ON IT.

5 Q. AND WHAT COLOR IS IT?

6 A. IT'S BLACK.

7 Q. BLACK. AND YOU TESTIFIED EARLIER THAT THE PANTS
8 WERE GREEN?

9 A. YES, SIR.

10 Q. OKAY. WERE YOU WEARING BOOTS THAT NIGHT?

11 A. PROBABLY SO.

12 Q. WERE ALL THE OTHER OFFICERS WEARING BOOTS?

13 A. I DON'T KNOW WHAT THEY WERE WEARING.

14 Q. OKAY. NOW, YOUR SHIRT THAT YOU WERE WEARING, YOU
15 SAID, YOUR RAID SHIRT, ---

16 A. YES, SIR.

17 Q. --- IT COULDN'T BE CONFUSED WITH A SLED SHIRT,
18 COULD IT?

19 SOLICITOR COLLINS: YOUR HONOR, I'M
20 GOING TO OBJECT, HE SAID WHAT -- THAT WOULD BE
21 SPECULATION.

22 THE COURT: REPHRASE YOUR QUESTION.

23 MR. KRAMER: YES, SIR, THANK YOU,
24 YOUR HONOR.

25 A. IT'S GOT SHERIFF WRITTEN ON IT. IT SAYS, SHERIFF.

CROSS - LYN SHIRER BY MR. KRAMER

205

1 Q. DOES IT SAY SHERIFF OF ORANGEBURG COUNTY?

2 A. IT SAYS, SHERIFF, AND SHERIFF.

3 Q. BUT NO ORANGEBURG COUNTY?

4 A. NO, IT SAYS, SHERIFF.

5 Q. ANYTHING ELSE THAT IS IN BIG LETTERS?

6 SOLICITOR COLLINS: YOUR HONOR,
7 THAT'S BEEN, HE SAID IT SAYS SHERIFF.

8 THE COURT: HE'S ANSWERED THE
9 QUESTION, IT SAYS SHERIFF AND NOTHING ELSE.

10 MR. KRAMER: THANK YOU.

11 Q. WHAT COLOR ARE THE LETTERS?

12 A. MINE ARE ORANGE.

13 Q. YOURS ARE ORANGE?

14 A. YES, SIR.

15 Q. ARE OTHERS DIFFERENT COLOR?

16 A. I THINK THERE'S ONE OFFICER THAT HAS WHITE -- TWO
17 OFFICERS HAVE WHITE LETTERS.

18 Q. OKAY. NOW, EARLIER YOU TESTIFIED TO THE JURY THAT
19 YOU WENT TO [REDACTED] [REDACTED] [REDACTED] [REDACTED], IS THAT
20 CORRECT?

21 A. YES, SIR.

22 Q. AND YOU NEVER WENT TO ANOTHER TRAILER FIRST, IS
23 THAT CORRECT?

24 A. THERE WAS ANOTHER TRAILER BEFORE WE GOT THERE, WE
25 WENT THERE, YES, WE DID, WE STOPPED.

CROSS - LYN SHIRER BY MR. KRAMER

206

1 Q. YOU WENT TO THAT OTHER TRAILER FIRST?

2 A. WE STOPPED THERE, YES, SIR.

3 Q. HOW LONG WERE YOU THERE?

4 A. A FEW MINUTES.

5 Q. A FEW MINUTES. DID YOU KNOCK ON THE DOOR?

6 A. NO, SIR, THE DOOR WAS OPEN.

7 Q. THE DOOR WAS OPEN. DID YOU CONDUCT A SEARCH?

8 A. NO, SIR.

9 Q. DID YOU GO INSIDE?

10 A. SOME OFFICERS DID, YES, SIR.

11 Q. DID YOU BRING PEOPLE OUT?

12 A. WE TALKED TO SOME SUBJECTS IN A VEHICLE, YES, SIR.

13 Q. DID YOU HAND CUFF ANYBODY AND PUT THEM ON THE
14 GROUND?

15 A. I DON'T RECALL HAND CUFFING NOBODY, BUT I KNOW THAT
16 AS WE WERE PULLING UP A VEHICLE PULLED IN FRONT OF
17 US AND STOPPED IN THE MIDDLE OF THE ROAD AND SOME
18 GUYS JUMPED OUT AND STARTED RUNNING.

19 Q. DID YOU CHASE THEM?

20 A. WE CAUGHT THEM.

21 Q. DID THEY LIVE AT THAT TRAILER YOU WERE AT?

22 A. I DON'T REMEMBER IF THEY LIVED THERE, BUT WE ID'D
23 THEM TO MAKE SURE THEY WEREN'T VONDELL SANDERS.

24 Q. SO, THOSE PEOPLE THAT YOU WENT TO, THEY HAD NOTHING
25 TO DO WITH VONDELL SANDERS, IS THAT CORRECT?

CROSS - LYN SHIRER BY MR. KRAMER

207

1 A. NO, SIR.

2 Q. HOW LONG WERE YOU AT THAT OTHER TRAILER?

3 A. A FEW MINUTES. I ALREADY ANSWERED THAT QUESTION.

4 Q. BUT YOU JUST TESTIFIED THAT THERE WAS A VEHICLE
5 THAT STOPPED, THERE WERE PEOPLE ON THE GROUND. IS
6 IT USUAL PROCEDURE TO STAY THERE A COUPLE OF
7 MINUTES?

8 A. TO ID THE PEOPLE AND MAKE SURE IT WASN'T VONDELL,
9 AND THEN GO TO WHERE WE WERE GOING, YES, SIR.

10 Q. DIDN'T YOU JUST TESTIFY THAT THE PEOPLE GOT OUT AND
11 RAN?

12 A. YEAH, WE CAUGHT THEM AS THEY GOT OUT THE CAR.

13 Q. RIGHT. AND ISN'T THAT SUSPICIOUS BEHAVIOR WHEN
14 PEOPLE RUN FROM THE POLICE?

15 A. YES, SIR, WE WERE GOING TO SERVE A SEARCH WARRANT
16 AND THE CAR STOPPED.

17 Q. AND DON'T YOU STOP AND INVESTIGATE WHAT THOSE
18 PEOPLE ARE DOING?

19 A. WE DID.

20 Q. SO, HOW LONG DID ALL THIS TAKE?

21 A. A FEW MINUTES.

22 SOLICITOR COLLINS: YOUR HONOR, HE'S
23 ASKED AND ANSWERED THAT NUMEROUS TIMES.

24 THE COURT: SUSTAINED.

25 Q. WAS IT LONGER THAN A COUPLE OF MINUTES?

CROSS - LYN SHIRER BY MR. KRAMER

208

1 SOLICITOR COLLINS: YOUR HONOR,
2 ASKED AND ANSWERED, AGAIN, HE SAID A COUPLE OF MINUTES.

3 THE COURT: SUSTAINED.

4 A. I SAID A FEW MINUTES.

5 Q. NOW, YOU EARLIER DESCRIBED TO THE JURY ABOUT THESE
6 TWO CANS, DRINK CANS?

7 A. YES, SIR.

8 Q. THAT'S WHEN MR. COLLINS ASKED YOU ABOUT THEM,
9 RIGHT?

10 A. YES, SIR.

11 Q. OKAY. DID YOU EVER FINGER PRINT THOSE CANS?

12 A. NO, SIR.

13 Q. DID YOU EVER FINGER PRINT THE DRUGS?

14 A. NO, SIR.

15 Q. YOU NEVER DID.

16 A. YOU COULDN'T HAVE FINGER PRINTED THE CRACK.

17 Q. OKAY. BUT YOU COULD HAVE FINGER PRINTED THE CANS,
18 RIGHT?

19 A. NO, SIR, WE DON'T -- I DIDN'T FINGER PRINT, I DON'T
20 FINGER PRINT THEM.

21 Q. YOU DON'T FINGER PRINT THE CANS?

22 A. I DON'T FINGER PRINT THE CANS.

23 Q. OKAY. SO, IF THERE WERE FINGER PRINTS WE DON'T
24 KNOW IF THEY'RE VONDELL'S OR NOT, DO WE?

25 A. NO, SIR.

CROSS - LYN SHIRER BY MR. KRAMER

209

1 Q. NO, BECAUSE WE DIDN'T FINGER PRINT THEM. LET ME
2 ASK YOU A QUESTION ABOUT THESE CANS, WERE THEY IN
3 PLAIN SIGHT?

4 A. THE CANS WERE ON TOP OF A T.V., I THINK ONE OF THE
5 PICTURES SHOWS WHERE THEY WERE AT. HAVE YOU GOT
6 THEM?

7 Q. THANK YOU, SIR. NOW, YOU TESTIFIED EARLIER TO THE
8 JURY, WHEN YOU CAME THROUGH THE FRONT DOOR COULD
9 YOU SEE THESE CANS?

10 A. NO, SIR.

11 Q. YOU COULDN'T?

12 A. NO, SIR.

13 Q. SO, THEY WEREN'T IN PLAIN VIEW?

14 A. PLAIN VIEW WHEN YOU WALKED IN?

15 Q. WHEN YOU WALKED IN.

16 A. INTO THE FRONT DOOR?

17 Q. INTO THE FRONT DOOR.

18 A. YOU HAD TO GO IN THE BEDROOM. THEY WERE IN PLAIN
19 VIEW OUT IN THE OPEN.

20 Q. OKAY. DID THEY LOOK LIKE NORMAL SODA CANS THAT
21 PEOPLE DRINK OUT OF?

22 A. IT LOOKS LIKE THAT TO ME.

23 Q. I GUESS IT'S POP CANS IN SOME PLACES, VERSUS SODA
24 CANS. SO, YOU COULDN'T TELL WITHOUT ACTUALLY
25 CHECKING THE CANS THAT THEY WERE DRUG CANS, IS THAT

CROSS - LYN SHIRER BY MR. KRAMER

210

1 CORRECT?

2 A. YES, SIR, WE FIND COMPARTMENTS LIKE THAT ALL THE
3 TIME.

4 Q. YOU DO?

5 A. YES, SIR.

6 Q. BUT HOW COULD YOU TELL, LOOKING AT THIS PICTURE,
7 THAT THERE WERE DRUGS IN THERE? LOOK AT THE
8 PICTURE.

9 A. YOU CAN TELL IN THIS PICTURE, BUT WHEN WE FOUND
10 THEM THEY WERE TIGHTENED DOWN.

11 Q. THIS PICTURE ON THE TOP, AREN'T THOSE NORMAL
12 LOOKING SODA CANS?

13 A. YES, SIR. BUT THE TOP SCREWS OUT OF THEM AND IT'S
14 A HIDDEN COMPARTMENT INSIDE OF THEM.

15 Q. OKAY. BUT ON INITIAL LOOK AT THESE SODA CANS, -
16 --

17 A. YES, SIR..

18 Q. --- YOU COULDN'T TELL THERE WERE DRUGS IN THERE?

19 A. NO, SIR.

20 Q. WHEN YOU WENT INTO THE TRAILER AND SPOKE TO VONDELL
21 SANDERS, HOW LONG WERE THE POLICE IN THAT TRAILER?

22 A. APPROXIMATELY FORTY-FIVE MINUTES, I WOULD SAY.

23 Q. IS THAT NORMAL PROCEDURE?

24 A. YES, SIR, WE STAY THERE UNTIL WE GET OUR JOB DONE.

25 Q. SO, IN THAT FORTY-FIVE MINUTE PERIOD OF TIME

CROSS - LYN SHIRER BY MR. KRAMER

211

1 COULDN'T YOU HAVE GOTTEN A WRITTEN MIRANDA
2 STATEMENT SIGNED BY MR. SANDERS?

3 A. NO, SIR.

4 Q. WHY NOT?

5 A. BECAUSE I READ HIM HIS MIRANDA.

6 Q. YOU READ HIM HIS RIGHTS?

7 A. I DIDN'T HAVE A WRITTEN STATEMENT FORM, AND I DON'T
8 TAKE NO WRITTEN STATEMENT FORM TO DO A SEARCH
9 WARRANT.

10 Q. OKAY. SO, RIGHT NOW THERE'S NO WRITTEN RECORD THAT
11 EXISTS OF MR. VONDELL SANDERS DOING A KNOWING,
12 INTELLIGENT AND VOLUNTARY WAIVER OF HIS RIGHTS?

13 A. NO, SIR.

14 Q. NO.

15 MR. KRAMER: THANK YOU, OFFICER
16 SHIRER. YOUR WITNESS, COUNSEL.

17 (NOTE: Blank lines on this page do not indicate any
18 part of record has been omitted. Headers on testimony
19 pages and hard page breaks between testimony are now
20 required by the Court. See next ensuing page for
21 sequential continuation of record.)

REDIRECT - LYN SHIRER BY SOL. COLLINS

212

REDIRECT EXAMINATION OF LYN SHIRER

BY SOLICITOR COLLINS:

Q. DETECTIVE SHIRER, HOW MANY TIMES DO YOU USE A FORCE ENTRY METHOD TO EXECUTE A SEARCH WARRANT, WOULD YOU SAY?

A. A LOT.

Q. A LOT?

A. YES, SIR, MOST EVERY TIME.

Q. OKAY. AND WHY IS THAT?

A. IT'S TO KEEP THEM FROM DESTROYING EVIDENCE.

Q. DID VONDELL SANDERS ADMIT TO YOU THAT THE DRUGS WERE HIS?

A. YES, SIR, HE DID.

Q. DID YOU THREATEN, COERCE, USE ANY MEANS OF FORCE TO GET MR. VONDELL SANDERS TO TALK TO YOU?

A. NO, SIR, I DIDN'T.

Q. OKAY.

MR. KRAMER: I OBJECT, YOUR HONOR, ON THAT STATEMENT THAT WAS GIVEN ALLEGEDLY BY VONDELL SANDERS, YOUR HONOR. I OBJECT ON THE RECORD.

THE COURT: OVERRULED.

Q. WHEN YOU GOT A SEARCH WARRANT DID YOU GET IT FOR THE ENTIRE HOUSE?

A. YES, SIR, I DID.

Q. OKAY. AND WHEN -- NECESSARILY WHEN YOU'RE LIVING

REDIRECT - LYN SHIRER BY SOL. COLLINS

213

1 AT A HOUSE DO YOU HAVE TO OWN IT TO LIVE THERE?

2 A. NO, SIR.

3 Q. HAVE YOU GOT TO MAKE A MORTGAGE PAYMENT, OR
4 NECESSARILY, A RENT PAYMENT?

5 A. NO, SIR.

6 SOLICITOR COLLINS: JUST A SECOND,
7 YOUR HONOR. THAT'S ALL WE HAVE.

8 THE COURT: ANYTHING FURTHER?

9 MR. KRAMER: REDIRECT, YOUR HONOR.

10 THE COURT: RECROSS.

11 MR. KRAMER: THANK YOU, YOUR HONOR.

12 RECROSS.

13 (NOTE: Blank lines on this page do not indicate any
14 part of record has been omitted. Headers on testimony
15 pages and hard page breaks between testimony are now
16 required by the Court. See next ensuing page for
17 sequential continuation of record.)

RECROSS - LYN SHIRER BY MR. KRAMER

214

RECROSS-EXAMINATION OF LYN SHIRER

BY MR. KRAMER:

Q. NOW, OFFICER SHIRER, YOU EARLIER TESTIFIED TO THE JURY THAT YOU NEVER DETERMINED IF THIS WAS THE ACTUAL PLACE THAT MR. SANDERS LIVED IN, ISN'T THAT CORRECT?

A. THE CONFIDENTIAL INFORMANT ADVISED HE STAYED THERE. I DID THE SEARCH WARRANT, MR. SANDERS WAS THERE, AND MR. SANDERS GAVE HIS ADDRESS AS [REDACTED] [REDACTED] [REDACTED] IN HIS BOOKING REPORT, WHERE HE STAYED.

Q. BUT YOU NEVER INVESTIGATED, AND YOU'RE AN EXPERIENCED INVESTIGATOR, RIGHT?

A. YES, SIR.

Q. IF THIS WAS HIS HOME, OR WAS HE A GUEST?

SOLICITOR COLLINS: YOUR HONOR, THIS HAS BEEN ASKED AND ANSWERED.

THE COURT: SUSTAINED.

Q. NOW, YOU EARLIER TESTIFIED ABOUT THE STATEMENT MADE BY VONDELL SANDERS?

A. YES, SIR.

Q. IN YOUR REPORT?

A. YES, SIR.

Q. WHERE WAS MR. SANDERS AT WHEN HE MADE THE STATEMENT?

RECROSS - LYN SHIRER BY MR. KRAMER

215

1 A. HE WAS SITTING ---

2 SOLICITOR COLLINS: YOUR HONOR,
3 THAT'S BEEN ASKED AND ANSWERED. IT WAS ON CROSS THE
4 FIRST TIME, YOUR HONOR. IT'S ALREADY ASKED AND ANSWERED.

5 THE COURT: SUSTAINED.

6 Q. WOULD YOU DESCRIBE TO THE JURY WHAT VONDELL SANDERS
7 WAS WEARING WHEN HE MADE THIS STATEMENT?

8 A. I DON'T, I DON'T RECALL WHAT HE WAS WEARING.

9 Q. DO YOU RECALL WHAT THE FEMALE'S CLOTHING WAS?

10 A. NO, SIR.

11 Q. WHEN YOU WRITE UP YOUR INVESTIGATIVE REPORT, HOW
12 LONG DOES THAT USUALLY TAKE?

13 A. I DON'T KNOW, IT VARIES.

14 SOLICITOR COLLINS: YOUR HONOR, I
15 HAVE TO OBJECT AS TO THE RELEVANCY OF THE QUESTION.

16 A. IT VARIES.

17 THE COURT: WHAT'S THE RELEVANCE OF
18 THE QUESTION?

19 MR. KRAMER: THE RELEVANCY OF THE
20 QUESTION, YOUR HONOR, GOES TO THE TIMELINESS OF THIS
21 WHOLE DRUG OPERATION.

22 THE COURT: WELL, HE'S TOLD YOU HE
23 WAS THERE FORTY-FIVE MINUTES, AND THAT WASN'T EVEN
24 BROUGHT UP ON THE LAST DIRECT EXAMINATION. IT'S AN
25 IMPROPER QUESTION. I SUSTAIN THE OBJECTION.

RECROSS - LYN SHIRER BY MR. KRAMER

216

1 MR. KRAMER: THANK YOU, YOUR HONOR.

2 THANK YOU, OFFICER SHIRER.

3 THE COURT: ANYTHING ON REDIRECT?

4 SOLICITOR COLLINS: NOTHING, YOUR

5 HONOR.

6 THE COURT: THANK YOU, SIR, YOU MAY

7 STEP DOWN.

8 WITNESS: THANKS.

9 THE COURT: CALL YOUR NEXT WITNESS.

10 SOLICITOR COLLINS: JUST A SECOND,

11 YOUR HONOR. THE STATE CALLS INVESTIGATOR HAIGLER, TIGH

12 HAIGLER.

13 (Whereupon, witness

14 enters the courtroom.)

15 THE COURT: COME AROUND, OFFICER,

16 PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE YOUR RIGHT,

17 PLEASE.

18 (Whereupon, Witness Tigh Haigler

19 is duly sworn.)

20 (NOTE: Blank lines on this page do not indicate any

21 part of record has been omitted. Headers on testimony

22 pages and hard page breaks between testimony are now

23 required by the Court. See next ensuing page for

24 sequential continuation of record.)

DIRECT - TIGH HAIGLER BY SOL. COLLINS

217

DIRECT EXAMINATION OF TIGH HAIGLER

BY SOLICITOR COLLINS

Q. HOW ARE YOU DOING, INVESTIGATOR?

A. GOOD.

Q. PLEASE STATE YOUR LAST NAME AND SPELL IT FOR THE
RECORD?

A. HAIGLER, H-A-I-G-L-E-R.

Q. WHERE ARE YOU EMPLOYED?

A. ORANGEBURG COUNTY SHERIFF'S OFFICE.

Q. WHAT DO YOU DO THERE?

A. I'M ASSIGNED TO THE NARCOTICS DIVISION, OR VICE,
I'M A LIEUTENANT WITH THAT DIVISION.

Q. HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

A. FOURTEEN YEARS.

Q. HOW MANY ARRESTS HAVE YOU MADE DURING THE COURSE
OF -- LET'S SAY EXCLUSIVE IN NARCOTICS, HOW MANY
ARRESTS APPROXIMATELY HAVE YOU MADE?

A. I WAS ASSIGNED TO NARCOTICS IN NINETEEN NINETY-
NINE, I WOULD, I'D SAY SEVERAL HUNDRED.

Q. DO YOU REMEMBER THE DAY OF OCTOBER SEVENTEENTH, TWO
THOUSAND AND THREE?

A. YES, SIR.

Q. WHAT DO YOU RECALL YOU DID THAT DAY?

A. WE EXECUTED A SEARCH WARRANT ON BELLINGER LANE.

Q. DO YOU KNOW WHERE IT WAS ON BELLINGER LANE?

DIRECT - TIGH HAIGLER BY SOL. COLLINS

218

- 1 A. [REDACTED], I BELIEVE IS WHERE IT
2 WAS.
3 Q. OKAY. AND YOU GOT THAT SEARCH WARRANT FROM WHOM?
4 A. INVESTIGATOR LYN SHIRER OBTAINED THE SEARCH
5 WARRANT.
6 Q. UPON ARRIVING AT THE HOUSE WHAT HAPPENED?
7 A. ARE YOU TALKING ABOUT ARRIVING AT ---
8 Q. AT VONDELL SANDERS'S HOME?
9 A. WE WERE GIVEN INFORMATION PRIOR THAT MR. SANDERS
10 MAY BE OCCUPYING A WHITE IN COLOR DODGE OR CHRYSLER
11 TYPE VEHICLE. AS WE TURNED INTO THE DRIVEWAY OFF
12 OF EDISTO DRIVE IT'S A LITTLE, KIND OF LIKE A TWO
13 RUT ROAD THAT LEADS BEHIND AN OLD LIQUOR STORE AND
14 GOES IN THERE. A WHITE IN COLOR VEHICLE PULLED IN
15 FRONT OF US AND STOPPED AT A TRAILER NEXT DOOR TO
16 THE RESIDENCE WHERE MR. SANDERS WAS LIVING. WITH
17 THE INFORMATION THAT WE'D RECEIVED ABOUT THE WHITE
18 VEHICLE WE GOT OUT TO INVESTIGATE TO MAKE SURE MR.
19 SANDERS WASN'T IN THAT VEHICLE. ONCE WE STOPPED
20 PEOPLE RAN FROM THE VEHICLE AND RAN FROM THE YARD
21 AREA. WE ID'D THE PEOPLE THAT RAN INTO THE HOUSE.
22 ONCE WE FOUND OUT THAT MR. SANDERS WAS NOT THE
23 PERSON IN THAT VEHICLE OR IN THAT RESIDENCE WE
24 PROCEEDED DOWN TO HIS RESIDENCE AND EXECUTED THE
25 SEARCH WARRANT.

DIRECT - TIGH HAIGLER BY SOL. COLLINS

219

1 Q. YOU ENTERED AND EXECUTED THE SEARCH WARRANT ON HIS
2 HOME THEN?

3 A. CORRECT.

4 Q. WHAT CONSTITUTES, OR WHAT HAPPENS WHEN YOU DO THAT?

5 MR. KRAMER: YOUR HONOR, I NEED TO
6 OBJECT AT THIS POINT. WE AGREED TO SEQUESTER WITNESSES.
7 I BELIEVE THAT RULE IS BEING VIOLATED RIGHT NOW.

8 THE COURT: HOW IS THAT?

9 MR. KRAMER: I BELIEVE OFFICER
10 SHIRER IS A WITNESS AND HE IS STILL IN HERE.

11 THE COURT: NO, SIR, HE'S THE LEAD
12 INVESTIGATIVE OFFICER, HE CAN STAY IN HERE.

13 MR. KRAMER: ALRIGHT, YOUR HONOR,
14 THANK YOU, SIR.

15 THE COURT: YES, SIR.

16 SOLICITOR COLLINS: THANK YOU, YOUR
17 HONOR.

18 Q. PLEASE PROCEED.

19 A. WE WENT TO THE RESIDENCE OF VONDELL SANDERS AND
20 KNOCKED AND ANNOUNCED. I BELIEVE INVESTIGATOR
21 SHIRER SPOKE WITH A PERSON AT THE DOOR AND INFORMED
22 HIM THAT WE WERE THE SHERIFF'S OFFICE AND WE HAD
23 A SEARCH WARRANT. NOBODY OPENED UP THE DOOR SO THE
24 DOOR WAS FORCIBLY OPENED AT THAT TIME.

25 Q. UPON GAINING ENTRY TO THE HOME, WHAT HAPPENED FROM

DIRECT - TIGH HAIGLER BY SOL. COLLINS

220

1 THERE?

2 A. I WASN'T ACTUALLY PART OF THE ENTRY TEAM AT THE
3 TIME, BUT NORMALLY WHAT HAPPENS IS THAT EVERYBODY
4 IN THE RESIDENCE IS SECURED, OKAY, THAT MEANS
5 EVERYBODY IS HAND CUFFED, THAT'S FOR OFFICER'S
6 SAFETY.

7 THE COURT: BUT YOU WEREN'T THERE?

8 A. I WAS, YES, SIR, I WAS THERE AT THE TIME.

9 THE COURT: YOU DIDN'T GO IN?

10 A. YES, SIR, I DID, BUT I WASN'T A PART OF THE INITIAL
11 ENTRY AT THAT POINT.

12 THE COURT: WHAT WAS YOUR QUESTION?

13 Q. WHAT DID YOU DO UPON YOUR GAINING ENTRY TO THE
14 HOME?

15 A. I WAS ASSIGNED, I WAS ASSIGNED TO SEARCH THE
16 RESIDENCE.

17 Q. OKAY.

18 A. AND I, AFTER EVERYBODY WAS SECURED I WENT IN AND
19 SEARCHED AND I WAS ASSIGNED TO SEARCH THE BEDROOM
20 OF VONDELL SANDERS, WHICH I DID, ---

21 Q. UH HUH.

22 A. --- ALONG WITH, I THINK, INVESTIGATOR AVINGER ALSO
23 SEARCHED THAT RESIDENCE AND WE FOUND A QUANTITY OF
24 NARCOTICS IN THE BEDROOM.

25 Q. OKAY.

DIRECT - TIGH HAIGLER BY SOL. COLLINS

221

1 SOLICITOR COLLINS: IF I COULD MARK
2 THIS AS STATE'S EXHIBITS FIVE AND SIX.

3 COURT REPORTER: FOR ID?

4 SOLICITOR COLLINS: ID.

5 THE COURT: WHAT ARE YOU GOING TO
6 DO THERE, ARE YOU GOING TO MARK THEM FOR ID OR ARE YOU
7 OFFERING THEM INTO EVIDENCE.

8 SOLICITOR COLLINS: MOVE THEM INTO
9 EVIDENCE.

10 THE COURT: ANY OBJECTION?

11 MR. KRAMER: YOUR HONOR, WE WOULD
12 OBJECT AT THIS TIME TO THAT BEING MOVED INTO EVIDENCE.

13 THE COURT: I SUSTAIN THE OBJECTION.
14 NOW, DO YOU WANT TO MARK THEM FOR ID NOW?

15 SOLICITOR COLLINS: YES, SIR.

16 THE COURT: DO YOU OBJECT TO HIM
17 MARKING THEM FOR ID?

18 MR. KRAMER: NO, YOUR HONOR, WE DO
19 NOT.

20 THE COURT: YOU CAN MARK THEM FOR
21 ID, PLEASE, MADAM COURT REPORTER.

22 COURT REPORTER: STATE'S EXHIBITS
23 FIVE AND SIX, ID.

24 (State's Exhibits Five and Six,
25 Seven up can and Sun Kist can,

DIRECT - TIGH HAIGLER BY SOL. COLLINS

222

1 marked for identification.)

2 SOLICITOR COLLINS: MAY I APPROACH
3 THE WITNESS, YOUR HONOR?

4 THE COURT: YOU MAY.

5 Q. WOULD YOU PLEASE TELL ME WHAT THOSE ARE?

6 A. AT FIRST APPEARANCE IT LOOKS LIKE A NORMAL SODA
7 CAN. OKAY, BUT ONCE WE STARTED EXAMINING THIS CAN,
8 WE PICKED THE CAN UP AND SHOOK IT, AND IT JUST
9 DIDN'T FEEL RIGHT. AS WE WERE SHAKING THE CAN WE
10 COULD FEEL AN OBJECT INSIDE THE CAN, ESPECIALLY
11 THIS SEVEN UP CAN I BELIEVE IS WHERE THE CRACK
12 COCAINE WAS FOUND. WE KEPT DOING AN EXAMINATION
13 AND FOUND THAT THE TOP UNSCREWS AND THERE'S A
14 HIDDEN COMPARTMENT INSIDE THE CAN. THE SEVEN UP
15 CAN IS WHERE THE CRACK COCAINE WAS LOCATED. IT WAS
16 LOCATED ON THE, I BELIEVE THE T.V. STAND IN THE BED
17 ROOM OF MR. SANDERS. THIS CAN WAS ALSO FOUND NEXT
18 TO THIS CAN, SO OF COURSE, WE UNSCREWED THE TOP OF
19 THIS CAN, AND THERE WERE INDIVIDUAL BAGS OF
20 MARIJUANA FOUND IN THIS CAN.

21 Q. SO, YOU FOUND THOSE IN HIS BEDROOM?

22 A. YES, SIR.

23 Q. ALRIGHT.

24 SOLICITOR COLLINS: WE'D MOVE TO
25 MOVE THOSE INTO EVIDENCE, YOUR HONOR.

DIRECT - TIGH HAIGLER BY SOL. COLLINS

223

1 THE COURT: ANY OBJECTION?

2 MR. KRAMER: YES, YOUR HONOR, WE
3 OBJECT TO THEM BEING MOVED INTO EVIDENCE.

4 THE COURT: WHAT'S THE GROUNDS FOR
5 YOUR OBJECTION?

6 MR. KRAMER: YOUR HONOR, I BELIEVE
7 THAT HE HAS NOT SUFFICIENTLY ESTABLISHED THE PRESENCE
8 OF THE SODA CANS, YOUR HONOR, LAID A FOUNDATION.

9 THE COURT: VERY WELL. I OVERRULE
10 YOUR OBJECTION.

11 MR. KRAMER: THANK YOU, YOUR HONOR.

12 COURT REPORTER: HAND THOSE TO ME,
13 PLEASE.

14 THE COURT: THEY'RE ADMITTED AS
15 WHAT?

16 COURT REPORTER: FIVE AND SIX.

17 (State's Exhibits Five and Six
18 marked and filed.)

19 SOLICITOR COLLINS: COULD I PUBLISH
20 THESE TO THE JURY, YOUR HONOR?

21 THE COURT: YES.

22 (Whereupon, State's Exhibits
23 Five and Six are published to the jury.)

24 Q. UPON FINDING OF THE DRUGS THERE WAS SOME, YOU FOUND
25 THE CRACK IN ONE OF THE SODA CANS ---

DIRECT - TIGH HAIGLER BY SOL. COLLINS

224

1 MR. KRAMER: OBJECTION, YOUR HONOR,
2 HE'S LEADING THE WITNESS.

3 SOLICITOR COLLINS: THAT'S ALREADY
4 BEEN ESTABLISHED, YOUR HONOR.

5 THE COURT: DON'T LEAD YOUR WITNESS.
6 ASK QUESTIONS, LET HIM PROVIDE THE ANSWERS.

7 SOLICITOR COLLINS: YES, SIR.

8 Q. WHAT DID YOU FIND IN ONE OF THE -- WHAT DID YOU
9 FIND IN THE SODA CANS?

10 A. THE CRACK COCAINE WAS LOCATED IN THE SEVEN UP CAN
11 AND THE MARIJUANA WAS LOCATED IN THE SUN KIST
12 ORANGE CAN.

13 MR. KRAMER: OBJECTION, YOUR HONOR,
14 ASKED AND ANSWERED.

15 THE COURT: YOU CAN'T HAVE IT BOTH
16 WAYS. I'LL OVERRULE THAT BOTH WAYS.

17 SOLICITOR COLLINS: THANK YOU, YOUR
18 HONOR.

19 Q. THE CRACK COCAINE YOU FOUND, WHAT WAS IT LIKE, CAN
20 YOU EXPLAIN THAT?

21 A. IT WAS IN INDIVIDUAL ROCK PIECES.

22 Q. OKAY. THE APPROXIMATE, WHAT WAS THE APPROXIMATE
23 VALUE?

24 A. CAN I CHECK AND LOOK AND SEE WHAT THE, THE WEIGHT
25 IT WAS, OR CAN YOU TELL ME WHAT IT WAS?

DIRECT - TIGH HAIGLER BY SOL. COLLINS

225

1 Q. FIVE POINT SIX SEVEN GRAMS.

2 A. NORMALLY, STREET VALUE IS SOMEWHERE AROUND FIVE
3 HUNDRED SIXTY OR SEVENTY DOLLARS; FIVE HUNDRED
4 SEVENTY DOLLARS, SOMEWHERE AROUND IN THERE.

5 Q. THE MARIJUANA THAT WAS FOUND, HOW WAS IT FOUND?

6 A. THEY WERE IN INDIVIDUAL SMALL GREEN ---

7 MR. KRAMER: OBJECTION, YOUR HONOR,
8 ASKED AND ANSWERED.

9 THE COURT: OVERRULED.

10 A. INDIVIDUAL SMALL GREEN BAGS.

11 Q. IN YOUR EXPERIENCE, WHEN FINDING BAGS LIKE THAT,
12 WHAT DOES THAT INDICATE?

13 A. IT INDICATES THAT THEY'RE BAGGED FOR SALE.

14 Q. BAGGED FOR SALE. IT ALSO -- WHAT'S A NORMAL, IF
15 YOU'RE JUST USING CRACK, WHAT'S A NORMAL ---

16 MR. KRAMER: OBJECTION, YOUR HONOR,
17 LEADING THE WITNESS.

18 SOLICITOR COLLINS: YOUR HONOR, -

19 --

20 THE COURT: I OVERRULE YOUR
21 OBJECTION. JUST DON'T LEAD YOUR WITNESS. LET HIM
22 PROVIDE THE ANSWER -- YOU ASK THE QUESTION, LET HIM
23 PROVIDE THE ANSWER. A LEADING QUESTION IS ONE LIKE YOU
24 SAY, DIDN'T YOU DO SO AND SO AND SO, HAVEN'T YOU SO AND
25 SO? LET HIM PROVIDE THE ANSWERS. WHAT HAPPENED? WHAT

DIRECT - TIGH HAIGLER BY SOL. COLLINS

226

1 DID YOU DO? WHERE DID YOU GO? THAT SORT OF THING.

2 Q. IF YOU'RE USING CRACK, HOW BIG OF A ROCK DO YOU
3 HAVE, NORMALLY?

4 A. I GUESS IT DEPENDS ON HOW BIG OF A HABIT YOU HAVE.
5 NORMALLY PEOPLE SMOKE TWENTY DOLLAR ROCKS, FORTY
6 DOLLAR ROCKS.

7 SOLICITOR COLLINS: JUST A SECOND,
8 YOUR HONOR. THAT'S ALL MY QUESTIONS, YOUR HONOR.

9 THE COURT: CROSS.

10 (NOTE: Blank lines on this page do not indicate any
11 part of record has been omitted. Headers on testimony
12 pages and hard page breaks between testimony are now
13 required by the Court. See next ensuing page for
14 sequential continuation of record.)

CROSS - TIGH HAIGLER BY MR. KRAMER

227

CROSS-EXAMINATION OF TIGH HAIGLER

BY MR. COLLINS:

Q. GOOD MORNING, INVESTIGATOR HAIGLER.

A. GOOD MORNING.

Q. NOW, I BELIEVE YOU EARLIER TESTIFIED TO THIS JURY ABOUT THE LOCATION OF THESE TWO SODA CANS, AND WHERE WAS THAT?

A. IN THE BEDROOM OF VONDELL SANDERS, ON A T.V. STAND, I BELIEVE.

Q. HOW DO YOU KNOW THAT WAS VONDELL SANDERS'S BEDROOM?

A. I MEAN, I GUESS I CAN'T REALLY ACTUALLY SAY FOR A HUNDRED PER CENT SURE, BUT I THINK HE WAS COMING OUT OF THAT BEDROOM WHEN THEY MADE ENTRY.

Q. BUT YOU JUST TESTIFIED TO THE JURY EARLIER THAT YOU WERE NOT PART OF THE INITIAL ENTRY TEAM?

A. YES, SIR, THAT'S WHAT I WAS TOLD.

Q. YOU WERE TOLD?

A. RIGHT.

Q. OKAY. SO, YOU NEVER PERSONALLY VONDELL SANDERS COMING OUT OF THIS BEDROOM?

A. NO, SIR, I DID NOT.

Q. AND YOU DON'T KNOW IF THAT BEDROOM DOOR WAS OPEN OR CLOSED, DO YOU?

A. NO, SIR, I DO NOT.

Q. NOW, YOU EARLIER TESTIFIED TO THE JURY THAT POLICE

CROSS - TIGH HAIGLER BY MR. KRAMER

228

1 OFFICERS INITIALLY WENT TO THE WRONG TRAILER, IS
2 THAT CORRECT?

3 A. TO, TO CHECK ON A ---

4 SOLICITOR COLLINS: YOUR HONOR, THAT
5 WASN'T IN THE EVIDENCE, THAT'S ASSUMING FACTS THAT
6 AREN'T IN EVIDENCE.

7 THE COURT: LET'S CLEAR UP WHETHER
8 IT WAS THE WRONG RESIDENCE OR NOT. YOU'RE CALLING IT
9 THE WRONG RESIDENCE FOR WHAT PURPOSE?

10 MR. KRAMER: YOUR HONOR, I'M TRYING
11 TO SHOW THAT THE POLICE IN THE EXECUTION OF THEIR SEARCH
12 WARRANT, DID NOT GO TO THE CORRECT RESIDENCE INITIALLY.

13 THE COURT: WELL, AND THAT'S WHAT
14 YOU'RE TRYING TO SHOW?

15 MR. KRAMER: YES, SIR.

16 THE COURT: FOR WHAT PURPOSE?

17 MR. KRAMER: TO SHOW, YOUR HONOR,
18 THAT THERE WAS A TIME ELEMENT BETWEEN WHEN THE POLICE
19 WENT TO MR. SANDERS'S TRAILER VERSUS WHEN THEY WENT TO
20 THE FIRST TRAILER.

21 THE COURT: AND THAT'S SIGNIFICANT
22 TO YOU?

23 MR. KRAMER: YES, SIR, YOUR HONOR.

24 THE COURT: ALRIGHT. YOU'RE NOT
25 TRYING TO SHOW THE INVALIDITY OF THE SEARCH WARRANT?

CROSS - TIGH HAIGLER BY MR. KRAMER

229

1 MR. KRAMER: NO, SIR, YOUR HONOR.

2 THE COURT: VERY WELL. YOU MAY
3 CONTINUE.

4 MR. KRAMER: THANK YOU, YOUR HONOR.

5 Q. NOW, I BELIEVE, INVESTIGATOR HAIGLER, YOU EARLIER
6 TESTIFIED TO THIS JURY THAT THERE WAS A WHITE CAR
7 IN FRONT OF THIS OTHER TRAILER?

8 A. IT HAD PULLED UP WHEN WE WERE PULLING IN, YES.

9 Q. HOW MANY PEOPLE WERE IN THAT CAR?

10 A. I THINK IT WAS ABOUT THREE.

11 SOLICITOR COLLINS: YOUR HONOR, I
12 OBJECT TO THE RELEVANCY OF THIS QUESTION. I MEAN, IT
13 REALLY HAS NO BEARING ON ---

14 THE COURT: I'M GOING TO HIM AN
15 OPPORTUNITY TRY TO TIE IT UP AND MAKE IT RELEVANT. YOU
16 MAY CONTINUE.

17 MR. KRAMER: THANK YOU, YOUR HONOR.

18 Q. HOW LONG IN TIME WERE YOU THERE OBSERVING THE WHITE
19 CAR THAT YOU TESTIFIED PULLED UP?

20 A. I DON'T QUITE UNDERSTAND WHAT YOU MEAN, NOW. IT
21 PULLED UP THE SAME TIME WE WERE PULLING IN TO
22 EXECUTE THE SEARCH WARRANT.

23 Q. THAT'S WHAT I WAS TRYING TO UNDERSTAND. NOW, WHAT
24 TIME WAS THAT?

25 A. ARE YOU TALKING ABOUT TIME OF DAY?

CROSS - TIGH HAIGLER BY MR. KRAMER

230

1 Q. THE TIME OF DAY, YES, SIR.

2 A. I -- I MEAN, IT WAS NIGHT TIME.

3 Q. IT WAS NIGHT TIME?

4 A. I'D SAY SOMEWHERE PROBABLY AROUND SEVEN O'CLOCK.

5 Q. OKAY. WAS IT VERY DARK THEN?

6 A. YEAH.

7 Q. WAS IT HARD TO SEE THINGS?

8 A. IT WASN'T HARD TO SEE A WHITE CAR.

9 Q. DID YOU HAVE ANY NIGHT VISION GOGGLES?

10 A. WE DON'T WEAR THEM WHILE WE DRIVE, NO.

11 Q. BUT YOU DO USE THEM IN YOUR OPERATIONS?

12 A. WE HAVE NIGHT VISION EQUIPMENT, YES.

13 Q. ANYBODY, WAS EVERYBODY USING IT THAT NIGHT?

14 A. NO, SIR.

15 Q. NOW, YOU DID NOT KNOW VONDELL SANDERS, DID YOU?

16 A. BEFORE WE EXECUTED THE SEARCH WARRANT?

17 Q. YES, SIR.

18 A. NO, SIR.

19 Q. SO YOU NEVER SAW HIM BEFORE?

20 A. NO, SIR.

21 Q. OKAY. NOW, YOU EARLIER TESTIFIED THAT THESE TWO
22 SODA CANS WERE IN MR. SANDERS'S BEDROOM, IS THAT
23 CORRECT?

24 A. THAT'S CORRECT.

25 Q. BUT YOU PERSONALLY DON'T KNOW THAT THAT WAS MR.

CROSS - TIGH HAIGLER BY MR. KRAMER

231

1 SANDERS'S BEDROOM, DO YOU?

2 A. NO, SIR, I DON'T, I DON'T STAY THERE SO I WOULDN'T
3 KNOW PERSONALLY IF THAT WAS HIS BEDROOM OR NOT.

4 Q. WAS THERE ANOTHER PERSON IN THE TRAILER?

5 A. THERE WAS A FEMALE THERE, YES, SIR.

6 Q. OKAY. SO, YOU DON'T KNOW IF THAT BEDROOM WAS THAT
7 FEMALE'S, DO YOU?

8 A. NO, SIR, I DON'T.

9 Q. YOU ASSUMED IT WAS VONDELL SANDERS'S BEDROOM?

10 A. RIGHT.

11 Q. NOW, WHEN YOU CAME INTO THE TRAILER, COULD YOU
12 DESCRIBE TO THE JURY WHAT HAPPENED?

13 A. I WENT TO THE BEDROOM AND STARTED SEARCHING THE
14 BEDROOM.

15 Q. WAS THERE ANYBODY SEARCHING IT WITH YOU?

16 A. PRESTON AVINGER WAS IN THERE WITH ME.

17 Q. PRESTON AVINGER. HOW LONG WERE YOU IN THE BEDROOM?

18 A. I IMAGINE WE SEARCHED THAT BEDROOM FOR A GOOD
19 TWENTY MINUTES OR SO.

20 Q. OKAY. DID YOU FIND ANYTHING BESIDES CANS IN THE
21 BEDROOM?

22 A. THERE WERE SOME CROWN ROYAL BAGS BUT THEY DIDN'T
23 HAVE ANYTHING IN IT, AND JUST OTHER PERSONAL
24 CLOTHING ITEMS.

25 Q. DID YOU EVER FIND ANY DRUGS ON VONDELL SANDERS,

CROSS - TIGH HAIGLER BY MR. KRAMER

232

1 HIMSELF?

2 A. I DIDN'T SEARCH VONDELL SANDERS.

3 Q. OKAY. BUT YOU EARLIER TESTIFIED THAT THE OTHER
4 OFFICERS TOLD YOU WHAT WAS GOING ON, IS THAT
5 CORRECT?

6 A. AS FAR ---

7 Q. ABOUT WHAT HAPPENED?

8 A. AS FAR AS WHAT?

9 Q. INSIDE THE TRAILER? BECAUSE YOU WEREN'T IN THE
10 INITIAL ENTRY, RIGHT?

11 A. I MEAN, I CAN TELL YOU WHAT STANDARD POLICY IS ON
12 AN ENTRY, I MEAN, IF THAT'S WHAT YOU WANT.

13 Q. UH HUH.

14 A. BUT, I MEAN, THEY DIDN'T TELL ME WHAT THEY DID WHEN
15 THEY MADE ENTRY, NO.

16 Q. SO, YOU AND INVESTIGATOR AVINGER ARE SEARCHING
17 VONDELL SANDERS'S BEDROOM, IS THAT CORRECT?

18 A. THAT'S CORRECT.

19 Q. BUT YOU DON'T KNOW IT'S HIS BEDROOM?

20 A. NO.

21 Q. DID YOU SEARCH THE WHOLE TRAILER?

22 A. THE WHOLE TRAILER WAS SEARCHED, YES, SIR.

23 Q. WOULD YOU TELL THIS JURY HOW BIG THAT TRAILER IS?

24 A. I'D SAY IT'S A FOURTEEN BY SEVENTY, FOURTEEN FOOT
25 WIDE AND MAYBE SEVENTY FOOT LONG, MAYBE A LITTLE

CROSS - TIGH HAIGLER BY MR. KRAMER

233

1 SMALLER. IT'S NOT A BIG TRAILER.

2 Q. WOULD YOU TELL THE JURY WHAT COLOR THIS TRAILER IS?

3 A. IT WAS NIGHT TIME, SO I REALLY, I WANT TO SAY IT
4 MAYBE WAS A TANNISH COLOR.

5 Q. BUT YOU EARLIER TESTIFIED IT WAS PRETTY DARK,
6 WASN'T IT?

7 A. YES, SIR.

8 Q. IT'S HARD TO SEE WHAT COLOR A TRAILER IS AT NIGHT,
9 ISN'T IT?

10 A. WITH THE PORCH LIGHT ON IT PRETTY MUCH SHOWS YOU
11 THE COLOR.

12 Q. OKAY. NOW, THIS BEDROOM THAT YOU AND INVESTIGATOR
13 AVINGER WENT INTO, HOW BIG IS THAT BEDROOM?

14 A. MAYBE A TWELVE BY TWELVE, TEN BY TEN, SOMETHING
15 LIKE THAT.

16 Q. WERE THERE OTHER BEDROOMS IN THE TRAILER?

17 A. YES, SIR.

18 Q. DID YOU SEARCH OTHER BEDROOMS?

19 A. NO, SIR, I WAS NOT ASSIGNED TO SEARCH THAT. WE HAD
20 A SEARCH TEAM.

21 Q. HOW LONG DID YOU AND INVESTIGATOR AVINGER SPEND IN
22 THAT BEDROOM?

23 SOLICITOR COLLINS: OBJECTION, YOUR
24 HONOR, IT'S ASKED AND ANSWERED JUST PREVIOUS, JUST A
25 COUPLE OF MINUTES AGO.

CROSS - TIGH HAIGLER BY MR. KRAMER

234

1 THE COURT: I DON'T RECALL IF HE
2 ANSWERED OR IF SOMEBODY ELSE ANSWERED.

3 MR. KRAMER: I DON'T RECALL, YOUR
4 HONOR, I DON'T BELIEVE HE ANSWERED THE QUESTION, YOUR
5 HONOR.

6 THE COURT: YOU MAY ANSWER THE
7 QUESTION.

8 A. I THINK I SAID AROUND TWENTY MINUTES OR SO.

9 Q. WHAT'S THE STANDARD PROCEDURE FOR SEARCHING A
10 TRAILER, IS THERE ONE?

11 A. AS FAR AS WHAT, NOW?

12 Q. YOU JUST TOLD ME EARLIER YOU COULD DESCRIBE THE
13 PROCEDURE FOR SEARCHING A TRAILER.

14 A. ON AN ENTRY.

15 Q. ON AN ENTRY, BUT ---

16 A. RIGHT.

17 Q. --- IS THERE ONE FOR CONDUCTING A SEARCH INSIDE A
18 TRAILER?

19 A. WELL, I MEAN, WHEN YOU ---

20 Q. OR A HOME?

21 A. WE NORMALLY ASSIGN TWO PEOPLE TO IT, AND WE MAY
22 SEARCH FROM RIGHT TO LEFT, WE MAY SEARCH FROM LEFT
23 TO RIGHT. AND WE GO BEHIND EACH OTHER TO MAKE SURE
24 IF, YOU KNOW, SOMETHING WAS MISSED THE OTHER PERSON
25 MAY SEE IT. YOU KNOW, IF YOU SEARCH ONE WAY YOU

CROSS - TIGH HAIGLER BY MR. KRAMER

235

1 MAY MISS SOMETHING THAT'S IN ONE SIDE, IF YOU
2 SEARCH THE OTHER WAY YOU LOCATE IT.

3 Q. DID YOU EVER TALK TO VONDELL SANDERS?

4 A. NO, SIR.

5 Q. WHEN YOU WENT INTO THE TRAILER TO CONDUCT YOUR
6 SEARCH OF THE BEDROOM, ---

7 A. UH HUH.

8 Q. --- DID YOU SEE VONDELL SANDERS?

9 A. I, YOU KNOW, I REALLY CAN'T RECALL IF I SAW HIM OR
10 NOT. I THINK THEY WERE A MALE, AND I DIDN'T KNOW
11 VONDELL SANDERS, LIKE I STATED, BUT THERE WAS A
12 MALE AND A FEMALE, I BELIEVE, IN THE DEN AREA,
13 WHICH IS A DEN AND THEN THERE'S A LITTLE SMALL,
14 LIKE A PARTITION THAT SEPARATES THE DEN FROM THE
15 KITCHEN AND I THINK THEY WERE HAND CUFFED IN THE
16 DEN AREA.

17 Q. YOU'RE AN EXPERIENCED, WELL QUALIFIED INVESTIGATOR,
18 ISN'T THAT TRUE?

19 A. YES, SIR.

20 Q. WHEN YOU GO INTO A BEDROOM, DID YOU HAVE ANY ITEMS
21 THAT YOU WERE LOOKING FOR IN PARTICULAR?

22 A. ANYTHING THAT COULD CONTAIN, ANY CONTAINERS, ANY,
23 ANYTHING THAT COULD, YOU KNOW, HIDE OR CONCEAL
24 ILLEGAL NARCOTICS.

25 Q. NOW, WHEN YOU WENT IN WERE THESE SODA CANS IN THE

CROSS - TIGH HAIGLER BY MR. KRAMER

236

1 BEDROOM?

2 A. SITTING ON THE T.V. STAND.

3 Q. DID THEY LOOK JUST LIKE SODA CANS?

4 A. YES, THEY DID.

5 Q. DIDN'T YOU EARLIER TESTIFY THAT IT TOOK A WHILE TO
6 DETERMINE WHAT THESE CANS WERE?

7 A. YES, SIR.

8 Q. SO, YOU EARLIER TESTIFIED YOU ACTUALLY HAD TO
9 UNSCREW THE CANS, RIGHT?

10 A. THAT'S CORRECT.

11 Q. AND THAT TOOK A WHILE, ISN'T THAT TRUE?

12 A. IT TOOK A WHILE FOR US TO SEARCH THE RESIDENCE, THE
13 BEDROOM.

14 Q. BUT THESE TWO CANS LOOK JUST LIKE SODA CANS, --

15 A. THAT'S CORRECT.

16 Q. --- DON'T THEY?

17 A. UH HUH.

18 Q. IN YOUR PROFESSIONAL OPINION, WHEN YOU FIRST SAW
19 THEM, WEREN'T THEY JUST LIKE SODA CANS?

20 A. THAT'S CORRECT.

21 Q. SO, YOU DIDN'T ORIGINALLY KNOW WHEN YOU SAW THESE
22 CANS WHO THEY BELONGED TO, DID YOU?

23 A. WHO THEY BELONGED TO?

24 Q. YES.

25 A. THEY WERE IN THE RESIDENCE..

CROSS - TIGH HAIGLER BY MR. KRAMER

237

1 Q. THEY WERE IN THE RESIDENCE?

2 A. RIGHT.

3 Q. BUT YOU COULDN'T TELL WHO THEY WENT TO?

4 A. NO, THERE WASN'T A NAME ON THEM.

5 Q. DID YOU EVER FINGERPRINT THESE SODA CANS?

6 A. NO, SIR, I DID NOT.

7 Q. OKAY. AS AN INVESTIGATOR DON'T YOU USUALLY
8 FINGERPRINT THINGS?

9 A. SOMETIMES WE DO AND SOMETIMES WE DON'T.

10 Q. OKAY. WHY WEREN'T THOSE SODA CANS FINGER PRINTED?

11 A. DO YOU WANT ME TO ANSWER THAT?

12 Q. YES, SIR.

13 A. BECAUSE VONDELL SANDERS GAVE A STATEMENT THAT THE
14 DOPE WAS HIS.

15 Q. UH HUH. DID YOU HEAR THAT STATEMENT?

16 A. NO, SIR, I DIDN'T.

17 Q. OKAY. DID YOU SEE VONDELL SANDERS MAKE THE
18 STATEMENT?

19 A. NO, SIR, I DIDN'T.

20 Q. WEREN'T THERE OTHER PEOPLE IN THE TRAILER?

21 A. INVESTIGATOR SHIRER AND THE REST OF US, YES, SIR.

22 Q. OTHER PEOPLE THAT WERE HAND CUFFED?

23 A. A FEMALE, YES, SIR.

24 Q. A FEMALE. SO, YOU DON'T KNOW IF THOSE CANS COULD
25 HAVE BEEN HERS, DO YOU?

CROSS - TIGH HAIGLER BY MR. KRAMER

238

1 A. NO, SIR, I DON'T.

2 Q. OR SOMEONE ELSE'S IN THE TRAILER?

3 A. NO, SIR, I DON'T.

4 MR. KRAMER: THE COURT'S INDULGENCE,
5 YOUR HONOR.

6 Q. DID YOU FIND A SCALE AS PART OF YOUR SEARCH?

7 A. I PERSONALLY DIDN'T FIND IT, NO, SIR, BUT THERE WAS
8 ONE FOUND IN THE BEDROOM.

9 Q. WHICH BEDROOM?

10 A. I'M ASSUMING IT WAS VONDELL SANDERS'S BEDROOM.

11 Q. HOW MANY -- YOU'RE ASSUMING HOW MANY BEDROOMS IN
12 THE TRAILER?

13 A. THREE MAYBE.

14 Q. THREE.

15 MR. KRAMER: NO FURTHER QUESTIONS.

16 THANK YOU.

17 THE COURT: REDIRECT.

18 SOLICITOR COLLINS: NO QUESTIONS,

19 YOUR HONOR.

20 THE COURT: THANK YOU, SIR, YOU MAY
21 STEP DOWN.

22 WITNESS: JUDGE, MAY I STAY IN THE
23 COURTROOM? MAY I STAY IN THE COURTROOM?

24 THE COURT: ANY OBJECTION TO HIM
25 STAYING IN THE COURTROOM NOW?

CROSS - TIGH HAIGLER BY MR. KRAMER

239

1 MR. KRAMER: NO, YOUR HONOR.

2 THE COURT: YES, SIR, YOU CAN STAY.

3 MS. HINDS: YOUR HONOR, MAY WE
4 APPROACH?

5 THE COURT: YOU MAY.

6 (Whereupon, a bench conference
7 is held out of the hearing of
8 the jury and the court reporter.)

9 THE COURT: CALL YOU NEXT WITNESS.

10 SOLICITOR COLLINS: THE STATE CALLS
11 PRESTON AVINGER.

12 (Whereupon, the witness
13 enters the courtroom.)

14 THE COURT: COME AROUND, MR.
15 AVINGER, AND PLACE YOUR LEFT HAND ON THE BIBLE HERE AND
16 RAISE YOUR RIGHT, PLEASE.

17 (Whereupon, Witness Joseph Preston Avinger
18 is duly sworn.)

19 (NOTE: Blank lines on this page do not indicate any
20 part of record has been omitted. Headers on testimony
21 pages and hard page breaks between testimony are now
22 required by the Court. See next ensuing page for
23 sequential continuation of record.)

DIRECT - JOSEPH PRESTON AVINGER BY SOL. COLLINS

240

DIRECT EXAMINATION OF JOSEPH PRESTON AVINGER

BY SOLICITOR COLLINS:

Q. STATE YOUR NAME FOR THE RECORD, SPELLING YOUR LAST NAME.

A. IT'S JOSEPH PRESTON AVINGER, THE LAST NAME IS SPELLED A-V-I-N-G-E-R.

Q. WHERE ARE YOU EMPLOYED?

A. WITH ORANGEBURG COUNTY SHERIFF'S OFFICE.

Q. WHAT DO YOU DO THERE?

A. EXCUSE ME -- I'M A DETECTIVE WITH THE NARCOTICS DIVISION.

Q. HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

A. APPROXIMATELY TEN YEARS.

Q. HOW MANY ARRESTS WOULD YOU SAY THAT YOU'VE MADE WITHIN NARCOTICS IN YOUR TENURE?

A. PROBABLY FOUR TO FIVE THOUSAND.

Q. DO YOU REMEMBER THE DATE OF OCTOBER SEVENTEENTH OF TWO THOUSAND AND THREE?

A. YES, I DO.

Q. WHAT DO YOU RECALL YOU DID THAT DAY?

A. WE EXECUTED A LAWFUL SEARCH WARRANT.

Q. WHERE?

A. I THINK IT'S BELLINGER LANE.

Q. UPON ARRIVING AT THE HOUSE WHAT DID YOU DO?

A. WHEN WE ARRIVED AT THE HOUSE I BELIEVE DETECTIVE

DIRECT - JOSEPH PRESTON AVINGER BY SOL COLLINS

241

1 LYN SHIRER AND DETECTIVE TONY POWELL WENT UP TO THE
2 DOOR FIRST, AND AS I WAS APPROACHING THE HOUSE I
3 HEARD DETECTIVE SHIRER TALKING TO SOMEONE AT THE
4 DOOR, AND THEN THEIR VOICE RAISED, AND I COULD HEAR
5 PEOPLE RUNNING THROUGH THE HOUSE, AND AT THAT TIME
6 WE ALL BUNCHED UP AT THE DOOR AND MADE ENTRY INTO
7 THE HOUSE.

8 Q. WHAT DID YOU OBSERVE DURING, ON YOUR ENTRANCE, YOUR
9 ENTRANCE TO THE HOME.

10 A. WHEN WE MADE ENTRY INTO THE HOUSE I OBSERVED A MALE
11 COMING OUT OF A BEDROOM TO THE FAR LEFT. THERE WAS
12 A FEMALE THERE BUT I WASN'T FOCUSED ON HER, I WAS
13 FOCUSED ON THE MALE AT THAT TIME BECAUSE THAT'S THE
14 POSITION I WAS IN. AND WE GOT HIM AND HAND CUFFED
15 HIM AND TOOK HIM INTO THE LIVING ROOM AREA.

16 Q. ON THAT DAY WHAT DID YOU -- YOU FOUND SOME THINGS
17 IN THE HOUSE, WHAT WERE THOSE THINGS?

18 MR. KRAMER: OBJECTION, YOUR HONOR,
19 HE'S LEADING THE WITNESS.

20 THE COURT: OVERRULED.

21 A. THAT NIGHT MY PRIORITY WAS TO SEARCH THE BEDROOM
22 OF THE HOUSE, AND THAT NIGHT I SEARCHED THE
23 BEDROOM. AND THE FIRST AREA I SEARCHED WAS THE
24 CLOSET, AND I SEARCHED THE CLOSET FROM TOP TO
25 BOTTOM, AND WHEN I GOT TO THE TOP THERE WAS A CROWN

DIRECT - JOSEPH PRESTON AVINGER BY SOL COLLINS

242

1 ROYAL BAG THAT HAD A SMALL SET OF BLUE ELECTRONIC
2 SCALES IN THE BAG, AND THEY HAD WHAT APPEARED TO
3 BE RESIDUE, DRUG RESIDUE ON THE SCALES. AT THAT
4 TIME WE SEARCHED THE REST OF THE ROOM. I THINK WE
5 DID A THOROUGH SEARCH TWO OR THREE TIMES AND WE
6 DIDN'T FIND ANYTHING TOWARD THE END, AND I NOTICED
7 THE TWO CANS SITTING ON THE DRESSER. I THINK ONE
8 WAS LIKE A SUN KIST ORANGE CAN AND THE OTHER ONE
9 WAS A SEVEN UP CAN. AND I REMEMBERED IN THE PAST
10 THAT I HAD FOUND DRUGS INSIDE OF A CAN THAT WASN'T
11 OPEN, THAT HAD BEEN SPECIALLY DESIGNED TO HOLD
12 DRUGS. AND I PICKED THE CANS UP, AND WHEN I PICKED
13 THEM UP MY FIRST IMPRESSION WAS, THIS IS NOT THEM
14 BECAUSE THEY FEEL LIKE THEY'RE HEAVY, THEY HAVE
15 LIQUID IN THEM. THE CAN I FOUND IN THE PAST FELT
16 HOLLOW WHEN I PICKED IT UP. BUT AS I SHOOK THE CAN
17 I COULD HEAR RATTLING INSIDE THE CAN, AND THE CAN
18 FELT LIKE IT WAS FULL OF LIQUID, BUT IT RATTLED
19 INSTEAD OF HEARING A LIQUID IN MOTION INSIDE OF IT.
20 AND AT THAT TIME I TRIED TO UNSCREW THE BOTTOM OF
21 IT LIKE THE CAN I HAD BEFORE, AND IT WOULD NOT
22 UNSCREW. AND I TRIED TO UNSCREW THE TOP AND IT
23 WAS, I COULD, IT FELT LIKE IT WAS GIVING A LITTLE
24 BIT, AND I GAVE IT TO DETECTIVE HAIGLER, AND HE
25 TRIED IT, AND IT UNSCREWED, AND IT HAD A QUANTITY

DIRECT - JOSEPH PRESTON AVINGER BY SOL. COLLINS . 243

1 OF CRACK COCAINE IN IT.

2 SOLICITOR COLLINS: MAY I APPROACH
3 THE WITNESS, YOUR HONOR.

4 THE COURT: YES.

5 Q. DETECTIVE, I'M GIVING YOU STATE'S FIVE AND SIX.
6 ARE THOSE WHAT YOU FOUND IN THAT BEDROOM?

7 A. RIGHT, THESE ARE THE CANS THAT WE FOUND.

8 SOLICITOR COLLINS: I WANT THIS
9 MARKED FOR ID AS STATE'S SEVEN. ID THEM AND THEN WE'LL
10 MOVE THEM INTO EVIDENCE.

11 MR. KRAMER: NO OBJECTION, YOUR
12 HONOR.

13 COURT REPORTER: JUST FOR ID?

14 SOLICITOR COLLINS: NO, WE'LL JUST
15 MOVE THEM INTO EVIDENCE.

16 THE COURT: I'M SORRY, WHAT DID YOU
17 SAY?

18 SOLICITOR COLLINS: I WANT TO
19 INTRODUCE IT THROUGH THIS OFFICER.

20 MR. KRAMER: EXCUSE ME, YOUR HONOR,
21 I WAS MISTAKEN, I THOUGHT HE WAS JUST ---

22 THE COURT: I THOUGHT HE WAS MARKING
23 IT FOR ID, TOO.

24 MR. KRAMER: YES, SIR, I WOULD
25 OBJECT TO IT BEING MOVED INTO EVIDENCE, THEN, YOUR

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HONOR.

THE COURT: MARK IT FOR ID.

COURT REPORTER: STATE'S SEVEN, ID.

(State's Exhibit Seven,
Electronic Scales,
marked for identification.)

Q. DETECTIVE AVINGER, WHAT IS THAT OBJECT?

A. IT'S ELECTRONIC SCALES.

Q. AND WHAT'S THE RELEVANCE OF THAT PARTICULAR ---

A. THESE PARTICULAR SCALES?

MR. KRAMER: OBJECTION, YOUR HONOR,
HE'S ASKED THE WITNESS TO SPECULATE.

THE COURT: OVERRULED.

A. THESE PARTICULAR SCALES ARE USED TO MEASURE
WEIGHTS, PRIMARILY BY THE GRAM, AND IT HAS A LITTLE
SCALE UP HERE ON THE TOP THAT SAYS, MAXIMUM, A
HUNDRED AND TWENTY GRAMS TO ZERO POINT ONE GRAM.

Q. WAS THAT THE SCALES THAT YOU FOUND THAT NIGHT?

A. YES, IT IS THE SCALES THAT I FOUND.

SOLICITOR COLLINS: I'D LIKE TO MOVE
IT INTO EVIDENCE AS STATE'S EXHIBIT SEVEN.

THE COURT: ANY OBJECTION?

MR. KRAMER: NO, YOUR HONOR.

THE COURT: IT'S ADMITTED INTO
EVIDENCE, THEN, AS STATE'S NUMBER SEVEN.

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1 COURT REPORTER: STATE'S SEVEN.

2 (State's Exhibit Seven

3 marked and filed.)

4 Q. YOU SAID THERE WAS DRUG RESIDUE?

5 A. CORRECT.

6 Q. CAN YOU EXPLAIN THAT TO THE JURY FOR THE BENEFIT
7 OF THE JURY?

8 A. ON THE SCALES THERE'S LITTLE PIECES OF WHITE FLECKS
9 OR SPECS THAT APPEAR TO BE PIECES OF COCAINE OR
10 CRACK COCAINE, AND THERE WERE LITTLE PIECES OF LEAF
11 TYPE SUBSTANCES THAT WERE BROWN IN COLOR THAT
12 APPEAR TO BE MARIJUANA.

13 Q. WHAT DOES THAT IMPLY?

14 MR. KRAMER: OBJECTION, YOUR HONOR,
15 ASKED AND ANSWERED.

16 THE COURT: WHAT WAS THE QUESTION?

17 SOLICITOR COLLINS: WHAT DOES THAT
18 IMPLY, THAT BEING ON THE SCALES LIKE THAT?

19 THE COURT: OVERRULED.

20 Q. YOU FOUND SOME CRACK IN THE HOUSE THAT EVENING?

21 A. CORRECT.

22 Q. SOME FIVE POINT SIX SEVEN GRAMS?

23 A. CORRECT.

24 Q. CAN YOU TELL ME WHAT THE APPROXIMATE STREET VALUE
25 IS?

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1 MR. KRAMER: OBJECTION, YOUR HONOR,
2 HE'S LEADING THE WITNESS.

3 THE COURT: OVERRULED.

4 Q. WHAT'S THE STREET VALUE OF THAT?

5 A. THE APPROXIMATE STREET VALUE OF FIVE POINT SIX
6 SEVEN GRAMS IS APPROXIMATELY FIVE HUNDRED SIXTY-
7 SEVEN DOLLARS, AS A GRAM IS EQUAL TO ONE HUNDRED
8 DOLLARS.

9 Q. THE CRACK THAT WAS FOUND THAT NIGHT, WHAT DID IT
10 LOOK LIKE, I MEAN, WHAT WAS IT, WAS IT BROKEN UP
11 OR WHAT? ---

12 MR. KRAMER: OBJECTION. HE'S LEADING
13 THE WITNESS, YOUR HONOR.

14 THE COURT: OVERRULED.

15 A. THE CRACK THAT WAS FOUND IN THE CAN WAS IN PIECES,
16 SOME PIECES WERE LARGER THAN THE OTHERS. THEY WERE
17 JUST BROKEN UP LIKE YOU WOULD SEE A ROCK THAT HAD
18 BEEN CRUSHED UP AND BROKEN UP.

19 Q. A CRACK USER, HOW -- WHAT'S THE NORMAL CRACK USER,
20 AND THEY WERE BROKEN UP IN ---

21 MR. KRAMER: OBJECTION, YOUR HONOR,
22 HE'S ASKED THE WITNESS TO SPECULATE.

23 SOLICITOR COLLINS: I'M ASKING HIS
24 OPINION AS AN OFFICER TO GIVE AN OPINION, YOUR HONOR.

25 THE COURT: OF WHAT WERE YOU ASKING

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1 HIM?

2 SOLICITOR COLLINS: WHAT A CRACK
3 USER NORMALLY USES.

4 MR. KRAMER: IT'S A HYPOTHETICAL
5 QUESTION, YOUR HONOR.

6 THE COURT: JUST A MINUTE, JUST A
7 MINUTE. DON'T INTERRUPT HIM.

8 SOLICITOR COLLINS: AND A CRACK -
9 --

10 THE COURT: WHAT ARE YOU TRYING TO
11 GET FROM HIM, WHAT'S YOUR QUESTION? REPEAT YOUR
12 QUESTION.

13 SOLICITOR COLLINS: THE NORMAL --

14 -
15 THE COURT: DO YOU WANT TO KNOW THE
16 SIZE, THE SHAPE, HOW HE SMOKES IT, WHAT HE DOES WITH IT,
17 WHAT, WHAT ---

18 SOLICITOR COLLINS: NO, SIR.

19 THE COURT: BE SPECIFIC WITH YOUR
20 QUESTION.

21 SOLICITOR COLLINS: THE NORMAL CRACK
22 ROCK, HOW BIG WOULD IT BE?

23 THE COURT: THE SIZE OF A NORMAL
24 CRACK ROCK.

25 SOLICITOR COLLINS: YES, SIR.

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1 THE COURT: DO YOU HAVE AN OBJECTION
2 TO THAT?

3 SOLICITOR COLLINS: JUST FOR A
4 SINGLE USE.

5 MR. KRAMER: I DO, YOUR HONOR,
6 BECAUSE HE'S ASKING HIM TO SPECULATE ON WHAT THE SIZE
7 OF A CRACK ROCK IS. HE'S NOT A SCIENTIFIC EXPERT, YOUR
8 HONOR, AND HE JUST ASKED FOR A LAY OPINION. I DON'T KNOW
9 WHAT SIZE A CRACK ROCK IS.

10 THE COURT: SO, YOU OBJECT?

11 MR. KRAMER: I OBJECT, YOUR
12 HONOR.

13 THE COURT: I OVERRULE YOUR
14 OBJECTION. YOU MAY ANSWER THE QUESTION.

15 A. THE AVERAGE DOSAGE FOR CRACK COCAINE, THE AVERAGE
16 DOSAGE THAT'S BOUGHT IN ORANGEBURG COUNTY ON THE
17 AVERAGE POINT TO GRAMS. POINT TWO GRAMS, THERE'S
18 FIVE OF THOSE IN ONE GRAM. SO, I WOULD SAY THE
19 AVERAGE SIZE IN THAT CAN WAS BETWEEN POINT TWO AND
20 POINT FOUR GRAMS, AND THEY WERE, THAT'S A NORMAL
21 DOSAGE. PEOPLE SAY, I WANT A TWENTY WHEN THEY BUY
22 CRACK, IF YOU BUY TWENTY YOU'RE ACTUALLY BUYING
23 POINT TO GRAMS OF CRACK COCAINE FOR TWENTY DOLLARS.
24 IF PEOPLE SAY, I WANT A FORTY, THEY'RE GETTING A
25 DOUBLE DOSAGE. SOMETIMES, IF THEY'RE A BAD USER

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1 THEY'LL USE THE WHOLE FORTY OR THEY'LL SPLIT THAT
2 FORTY IN HALF AND SPLIT IT WITH SOMEBODY ELSE. AND
3 I THINK THE AVERAGE SIZE IN THE CAN WERE TWENTIES
4 AND FORTIES, WITH SOME LARGER PIECES IN THERE.

5 SOLICITOR COLLINS: YOUR HONOR, CAN
6 I PUBLISH THE SCALES TO THE JURY AT THIS TIME?

7 THE COURT: SURE. YOU CAN HAND IT
8 TO THEM.

9 (Whereupon, State's Exhibit Seven
10 is handed to the jury.)

11 SOLICITOR COLLINS: THE COURT'S
12 INDULGENCE, YOUR HONOR.

13 Q. UPON FINDING THE DRUGS, DID YOU GIVE THEM TO
14 ANYONE?

15 A. YES, WHEN I FOUND THE DRUGS I HANDED THEM BACK OVER
16 TO DETECTIVE LYN SHIRER AT THE SCENE, AT THE TIME,
17 AFTER I OPENED THE CAN UP. ACTUALLY, DETECTIVE
18 HAIGLER LOOSENEED THE TOP OF THE CAN AND I WENT
19 AHEAD AND SCREWED IT THE REST OF THE WAY OFF ONCE
20 HE BROKE THE SEAL ON IT, AND I LOOKED AT THE CRACK
21 INSIDE THE CAN, AND I SAID, THIS IS WHERE HE'S
22 KEEPING HIS CRACK. AND I HANDED IT BACK TO
23 DETECTIVE SHIRER.

24 SOLICITOR COLLINS: NOTHING FURTHER
25 FROM THIS WITNESS, YOUR HONOR.

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1

THE COURT: CROSS.

2

MR. KRAMER: THANK YOU, YOUR HONOR.

3

(NOTE: Blank lines on this page do not indicate any

4

part of record has been omitted. Headers on testimony

5

pages and hard page breaks between testimony are now

6

required by the Court. See next ensuing page for

7

sequential continuation of record.)

CROSS - JOSEPH PRESTON AVINGER BY MR. KRAMER

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CROSS-EXAMINATION OF JOSEPH PRESTON AVINGER

BY MR. KRAMER:

Q. GOOD MORNING.

A. GOOD MORNING, COUNSELLOR.

Q. DETECTIVE AVINGER, THANK YOU FOR BEING HERE. NOW, I TAKE IT, DETECTIVE AVINGER, THAT TO PREPARE FOR THIS CASE YOU DISCUSSED IT WITH THE SOLICITOR'S OFFICE, IS THAT CORRECT?

A. THAT IS CORRECT.

Q. OKAY. COULD YOU TELL US IF YOU'RE RELATED TO ANYONE IN THE SOLICITOR'S OFFICE?

SOLICITOR COLLINS: OBJECTION, YOUR HONOR, WHAT'S IRRELEVANT, IRRELEVANCY OF THAT?

THE COURT: WHAT'S THE RELEVANCY?

MR. KRAMER: YOUR HONOR, THE RELEVANCY OF THIS IS TO SHOW THAT THE POLICE HAVE DISCUSSED IT WITH ONE OF THE CO-COUNSELS ON THE CASE WHO'S NOT PRESENT.

SOLICITOR COLLINS: YOUR HONOR, SHE'S NOT THE CO-COUNSEL.

THE COURT: HE'S ADMITTED THAT, HE'S ANSWERED THAT.

MR. KRAMER: I BELIEVE, YOUR HONOR, SHE WAS CO-COUNSEL HERE DURING PRELIMINARY MOTIONS, MRS. AVINGER WAS.

THE COURT: WELL, GO AHEAD.

Q. SO, YOU ARE RELATED TO SOMEONE IN THE SOLICITOR'S OFFICE, IS THAT CORRECT?

A. THAT IS CORRECT.

Q. AND WOULD THAT BE YOUR WIFE, ANGELA GARRICK AVINGER?

A. THAT IS CORRECT.

Q. OKAY. AND DID YOU DISCUSS THIS CASE WITH HER?

A. IN THE CONTEXT OF GOING OVER OUR FILES YESTERDAY THE CASE WAS DISCUSSED WITH HER.

Q. NOW, YOU EARLIER TESTIFIED THAT YOU SEARCHED THE CLOSET AT THE TRAILER, ---

A. THAT IS CORRECT.

Q. --- IS THAT CORRECT?

A. YES, IT IS.

Q. DID YOU SEARCH ALL OF THE BEDROOMS?

A. NO, SIR, I DID NOT.

Q. JUST ONE BEDROOM?

A. THAT IS CORRECT, YES, SIR.

Q. WHO DID YOU SEARCH THAT BEDROOM WITH?

A. DETECTIVE LYN SHIRER AND DETECTIVE THOMAS HAIGLER.

Q. HOW LONG WERE YOU IN THAT BEDROOM SEARCHING?

A. I WOULD APPROXIMATE THIRTY TO FORTY-FIVE MINUTES, TO WITHIN AN HOUR.

Q. NOW, YOU EARLIER TESTIFIED YOU SEARCHED THAT

CROSS - JOSEPH PRESTON AVINGER BY MR. KRAMER.

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1 BEDROOM TWO TO THREE TIMES, ISN'T THAT CORRECT?

2 A. THAT IS CORRECT.

3 Q. AND YOU DIDN'T FIND ANY DRUGS OR SCALES DURING
4 THOSE FIRST TWO, THREE SEARCHES, DID YOU?

5 A. THAT'S NOT CORRECT. I FOUND THE SCALES DURING MY
6 FIRST SEARCH WHEN I WENT INTO THE CLOSET. MY FIRST
7 TIME IN THE CLOSET I FOUND THE SCALES AT THAT TIME.

8 Q. DID YOU FINGERPRINT THE SCALES?

9 A. NO, SIR, I DID NOT.

10 Q. WHY DIDN'T YOU?

11 A. THAT'S NOT MY JOB TO FINGERPRINT THE SCALES, I JUST
12 TOOK THE SCALES OUT AND, FOR THEM TO BE INVENTORIED
13 AND PUT INTO EVIDENCE.

14 Q. DID YOU CLOSE THE BED ROOM DOOR WHEN YOU SEARCHED
15 THE BEDROOM?

16 A. I THINK AT ONE POINT WE DID CLOSE THE BEDROOM DOOR
17 BECAUSE THE CLOSET WAS DIRECTLY TO THE LEFT, NEXT
18 TO THE BEDROOM DOOR. AND FROM WHAT I REMEMBER,
19 WHEN THE BEDROOM DOOR WAS OPENED IT PARTIALLY
20 BLOCKED THE CLOSET SO WE HAD TO CLOSE THAT DOOR TO
21 BE ABLE TO GET INTO THE CLOSET FULLY.

22 Q. NOW, YOU EARLIER TESTIFIED TO THE JURY THAT IT TOOK
23 TWO TO THREE TIMES OF SEARCHING BEFORE YOU FOUND
24 THESE TWO SODA CANS, IS THAT CORRECT?

25 SOLICITOR COLLINS: YOUR HONOR, HE'S

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1 ASKED AND ANSWERED THAT.

2 THE COURT: THAT'S SUSTAINED.

3 Q. DID YOU FINGERPRINT THE SODA CANS?

4 SOLICITOR COLLINS: YOUR HONOR,
5 ASKED AND ANSWERED.

6 MR. KRAMER: I DID NOT ASK THAT
7 QUESTION, YOUR HONOR.

8 THE COURT: WELL, ASK IT AGAIN.

9 MR. KRAMER: THANK YOU, SIR.

10 Q. DID YOU FINGERPRINT THE SODA CANS?

11 A. IT'S, WHEN WE FOUND THE CANS IT WAS MY JOB TO TAKE
12 THE CANS AND TO ADMIT THEM FOR EVIDENCE. IT'S NOT
13 MY JOB TO FINGERPRINT THE CANS. I DON'T KNOW IF
14 THEY WERE FINGER PRINTED OR NOT.

15 Q. OKAY. NOW, AFTER YOU CONDUCTED THIS SEARCH, YOU
16 FOUND THESE CANS. YOU SAID YOU HAD TO SHAKE THE
17 CANS?

18 A. THAT IS CORRECT.

19 Q. AND THAT TOOK TIME, DIDN'T IT?

20 A. YOU'RE GOT TO CLARIFY YOUR QUESTION ON THAT. IT
21 TOOK TIME TO JUST PHYSICALLY SHAKE THE CANS?

22 Q. YES, BECAUSE YOU TESTIFIED YOU SHOOK THEM FIRST,
23 AND YOU THOUGHT THEY WERE NORMAL CANS, ISN'T THAT
24 CORRECT?

25 A. THAT'S NOT CORRECT. WHEN I PICKED THE CAN UP THE

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1 CAN FELT LIKE A NORMAL CAN. WHEN YOU PICK IT UP
2 IT HAS THE WEIGHT AND THE FEEL OF A NORMAL DRINK
3 CAN. THE ONLY WAY YOU CAN TELL THAT IT'S NOT A
4 NORMAL CAN IS IF AFTER YOU PICK IT UP AND FEEL IT,
5 IS TO SHAKE IT. AND WHEN I SHOOK IT I EXPECTED TO
6 HEAR -- IT LOOKED LIKE A NORMAL CAN, YOU CAN HEAR
7 THE LIQUID MOVING AROUND INSIDE. AND I DID NOT HEAR
8 THAT. INSTEAD I HEARD A RATTLING NOISE.

9 Q. THANK YOU. NOW, WHERE WAS VONDELL SANDERS WHEN YOU
10 WERE SEARCHING THE BEDROOM?

11 A. WHEN I SAW VONDELL SANDERS DURING THE TIME THAT WE
12 WERE SEARCHING THE BEDROOM HE WAS SITTING ON THE
13 COUCH IN THE LIVING ROOM, BUT I CANNOT SAY THAT HE
14 WAS THERE THE WHOLE TIME, HE MAY HAVE BEEN MOVED,
15 OR -- BUT WHEN I SAW HIM, EVERY TIME I SAW HIM HE
16 WAS SITTING ON THE COUCH.

17 Q. YOU TESTIFIED EARLIER THAT PEOPLE WERE RUNNING
18 THROUGH THIS TRAILER WHEN YOU WERE OUTSIDE, RIGHT?

19 A. THAT IS CORRECT.

20 Q. YOU COULDN'T SEE WHO WAS RUNNING THROUGH THE
21 TRAILER, COULD YOU?

22 A. I COULD NOT SEE WHO WAS RUNNING THROUGH THE
23 TRAILER, YOU COULD JUST HEAR THE NOISE OF SOMEBODY
24 RUNNING.

25 Q. YOU DON'T KNOW WHO WAS RUNNING INSIDE THE TRAILER,

1 DO YOU?

2 A. THAT IS CORRECT, I DO NOT KNOW WHO WAS RUNNING.

3 Q. NOW, IT TOOK TIME TO UNSCREW THESE CANS WHEN YOU
4 EARLIER TESTIFIED, RIGHT?

5 A. I DON'T BELIEVE I TESTIFIED TO HOW LONG IT TOOK TO
6 UNSCREW THE CAN, BUT IT TOOK JUST A SECOND FOR ME
7 TO TRY TO UNSCREW THEM, AND THEY WOULDN'T UNSCREW,
8 AND I HANDED THE CAN TO DETECTIVE HAIGLER, AND HE
9 TRIED FOR JUST A SECOND, AND IT POPPED LOOSE AND
10 HE HANDED IT BACK TO ME.

11 Q. IF IT TOOK YOU, AN EXPERIENCED INVESTIGATOR, THIS
12 LONG A TIME TO FIGURE OUT THAT THERE WERE DRUGS IN
13 THIS CAN, HOW COULD VONDELL SANDERS KNOW?

14 A. THAT ROOM WAS HIS ---

15 SOLICITOR COLLINS: OBJECTION, YOUR
16 HONOR, THAT'S CALLING FOR SPECULATION ON THIS PART.

17 THE COURT: EXCUSE ME, THAT -- LET
18 ME SEE THE ATTORNEYS UP HERE A MOMENT.

19 (Whereupon, a bench conference
20 is held out of the hearing of
21 the jury and the court reporter.)

22 THE COURT: REPEAT YOUR QUESTION,
23 PLEASE.

24 MR. KRAMER: THANK YOU, YOUR HONOR.

25 Q. WHEN YOU WENT INTO THE BEDROOM WERE THESE CANS IN

CROSS - JOSEPH PRESTON AVINGER BY MR. KRAMER

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1 PLAIN VIEW?

2 A. YES, THEY WERE.

3 Q. BUT YOU COULDN'T TELL THERE WERE DRUGS IN THEM,
4 RIGHT?

5 A. NOT BY JUST LOOKING AT THE CANS, THEY LOOKED LIKE
6 ORDINARY DRINK CANS.

7 Q. WHEN YOU WENT INTO THAT BEDROOM HOW COULD YOU TELL
8 IT WAS VONDELL SANDERS'S BEDROOM?

9 A. I DON'T KNOW FOR SURE IF IT WAS VONDELL SANDERS'S
10 BEDROOM WHEN I FIRST WENT IN THE HOUSE OR NOT. I
11 KNOW THAT HE WAS STANDING IN THE DOORWAY TO THE
12 BEDROOM WHEN WE ENTERED THE HOUSE, HE WAS COMING
13 OUT OF THAT BEDROOM. UP UNTIL THAT POINT, AS WE
14 WENT FURTHER INTO THE INVESTIGATION AND IN
15 SEARCHING THE BEDROOM, THAT APPARENTLY IS VONDELL
16 SANDERS'S BEDROOM, AND HE WAS APPARENTLY THE ONLY
17 PERSON STAYING THERE AT THAT HOUSE, AT HIS OWN
18 ADMISSION.

19 Q. DIDN'T YOU EARLIER TESTIFY THAT THERE WAS A FEMALE
20 IN THE HOUSE ALSO?

21 A. YES, SIR, I DID TESTIFY THERE WAS A FEMALE IN THE
22 HOUSE.

23 Q. SO, YOU DON'T KNOW IF THAT WAS THAT FEMALE'S
24 BEDROOM, DO YOU?

25 A. MY RECOLLECTION OF THAT NIGHT IS THAT VONDELL

1 SANDERS SAID THAT THAT WAS HIS BEDROOM, AND WHEN
2 I ASKED HER ABOUT THE BEDROOM SHE SAID THAT SHE WAS
3 JUST STOPPING BY, SHE WAS A FRIEND VISITING.

4 MR. KRAMER: THE COURT'S INDULGENCE,
5 YOUR HONOR.

6 Q. AS PART OF YOUR INVESTIGATION DID YOU DETERMINE WHO
7 WAS THE OWNER OF THIS TRAILER ON BELLINGER LANE?

8 A. THAT WAS NOT PART OF MY INVESTIGATION. MY PART OF
9 THIS INVESTIGATION WAS TO EXECUTE THE SEARCH
10 WARRANT, AND TO SEARCH THE BEDROOM, OR SEARCH SOME
11 AREA OF THE HOUSE, I PICKED THE BEDROOM BECAUSE
12 THAT'S NORMALLY WHERE THE DRUGS ARE KEPT. I PICKED
13 THAT PART OF THE BEDROOM, OTHER PEOPLE PICKED
14 DIFFERENT AREAS TO SEARCH. BUT THAT'S THE SCOPE
15 OF MY INVOLVEMENT IN THIS INVESTIGATION. I'M NOT
16 THE CASE AGENT ON THIS.

17 Q. HOW DO YOU KNOW THAT DRUGS ARE NORMALLY KEPT IN THE
18 BEDROOM?

19 A. OUT OF MY EXPERIENCE, I WOULD SAY EIGHT, NINE TIMES
20 OUT OF TEN THE DRUGS ARE KEPT CLOSE WHERE A PERSON
21 CAN GET ACCESS TO THEM, BECAUSE MOST PEOPLE THAT
22 SELL DRUGS, THEY DON'T ---

23 Q. THANK YOU.

24 A. --- THEY DON'T LOOK AT DRUGS AS THE ADDICT LOOKS
25 AT DRUGS, THEY LOOK AT IT AS CASH. THIS CAN HAD

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1 FIVE HUNDRED AND SEVENTY-SIX DOLLARS CASH IN IT.

2 Q. NOW, DO YOU KNOW WHO SEARCHED THE OTHER BEDROOMS?

3 A. NO, I DO NOT.

4 Q. DID YOU SEE OFFICERS SEARCHING THE OTHER BEDROOMS?

5 A. LIKE I SAID, MY FOCUS WAS IN THAT BEDROOM, AND I
6 DON'T KNOW, I CAN'T SPEAK FOR ANYBODY ELSE, WHERE
7 THEY LOOKED OR WHAT THEY DID.

8 Q. WHAT'S THE POLICY WHEN YOU CONDUCT A SEARCH, IS IT
9 A TWO MAN SEARCH OR TWO PERSON SEARCH?

10 A. TO AT LEAST HAVE ONE -- AT LEASE HAVE ONE OTHER
11 PERSON WITH YOU WHEN YOU SEARCH. THAT'S THE
12 POLICY.

13 Q. YOU EARLIER TESTIFIED THAT YOU DIDN'T KNOW IF THIS
14 WAS VONDELL SANDERS'S BEDROOM, DID YOU?

15 A. NO, I DID NOT.

16 Q. OKAY. AND YOU DID NOT KNOW IF OTHER PEOPLE COULD
17 HAVE BEEN LIVING IN THAT BEDROOM, DID YOU?

18 A. NOT UP UNTIL THE POINT THAT HE WAS ASKED THE
19 QUESTION, DID HE LIVE THERE, AND IF THAT WAS HIS
20 BEDROOM, AND HE STATED THAT IT WAS.

21 Q. NOW, YOU EARLIER TESTIFIED THAT THERE WERE SOME
22 CROWN ROYAL BAGS IN THERE?

23 A. THAT IS CORRECT.

24 Q. DID YOU FIND ANY ALCOHOL IN THE BEDROOM?

25 A. I DON'T RECALL FINDING ANY ALCOHOL IN THE BEDROOM.

1 Q. DID YOU OPEN THE CROWN ROYAL BAGS UP?

2 A. I REMEMBER FINDING NUMEROUS CROWN ROYAL BAGS, THERE
3 WERE NUMEROUS ONES ON THE FLOOR IN THE CLOSET, AND
4 I OPENED ALL OF THEM UP TO CHECK THEM, AND ALL OF
5 THEM WERE EMPTY EXCEPT FOR THE ONE THAT WAS ON THE
6 TOP SHELF IN THE BEDROOM CLOSET, AND THAT'S THE ONE
7 THAT HAD THE SCALES IN IT.

8 Q. AT THE TIME YOU FOUND THE SCALES, WAS THERE ANY
9 CONNECTION WITH THAT SCALE TO VONDELL SANDERS?

10 A. OTHER THAN BEING IN HIS BEDROOM, AND HE SAID IT WAS
11 HIS, I DON'T KNOW OF ANY OTHER CONNECTION.

12 Q. BUT YOU JUST TESTIFIED YOU DIDN'T KNOW IT WAS HIS
13 BEDROOM.

14 A. WHEN WE FIRST MADE ENTRY INTO THE RESIDENCE I
15 DIDN'T KNOW WHOSE BEDROOM IT WAS, OTHER THAN HIM
16 STANDING THERE, BUT WHILE, DURING THE FIRST PART
17 OF THE SEARCH, AS SOON AS WE GOT STARTED, I CAN'T
18 REMEMBER IF I ASKED HIM OR LYN SHIRER ASKED HIM
19 ABOUT THE BEDROOM, BUT HE WAS ASKED ABOUT THE
20 BEDROOM, AND I HEARD HIM SAY, THAT'S MY BEDROOM,
21 AND I ACTUALLY HEARD THE OTHER FEMALE SAY THAT SHE
22 WAS JUST A FRIEND AND SHE WAS DROPPING BY FOR SEX,
23 THAT'S EXACTLY WHAT SHE SAID.

24 Q. YOU WEREN'T PART OF THE INITIAL ENTRY FORCE THAT
25 WENT INTO THE TRAILER, WERE YOU?

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1 A. YES, I WAS.

2 Q. YOU WERE? OKAY. AND WHAT ORDER DID THE OFFICERS
3 GO INTO THE TRAILER?

4 SOLICITOR COLLINS: OBJECTION, YOUR
5 HONOR, RELEVANCY OF THAT. IT REALLY DOESN'T MATTER.

6 THE COURT: OVERRULED.

7 Q. PLEASE ANSWER THE QUESTION.

8 A. I DON'T REMEMBER THE EXACT ORDER, BUT I KNOW I WAS
9 LIKE THE SECOND OR THIRD ONE IN THE DOOR. IT WAS
10 EITHER DETECTIVE LYN SHIRER AND DETECTIVE POWELL,
11 AND MYSELF, OR IT COULD HAVE BEEN SWITCHED WITH
12 DETECTIVE HAIGLER, BUT I WAS ONE OF THE, I MEAN,
13 WE ALL WENT THROUGH THE DOOR AT THE SAME EXACT
14 TIME, ONE RIGHT AFTER THE OTHER.

15 Q. NOW, YOU EARLIER TESTIFIED THAT YOUR JOB WAS TO GO
16 IN AND SEARCH THE BEDROOM, RIGHT?

17 A. MY JOB WAS TO MAKE ENTRY TO THE RESIDENCE AND
18 SECURE THE RESIDENCE, AND SEARCH.

19 Q. OKAY. SO, YOU'RE BOTH THE ENTRY FORCE AND THE
20 SEARCH FORCE?

21 A. THAT IS CORRECT.

22 Q. OKAY. NOW, IF YOU WERE THE THIRD PERSON THROUGH
23 THE DOOR, HOW COULD YOU SEE IF VONDELL SANDERS WAS
24 STANDING IN THE BEDROOM DOOR?

25 A. LIKE I SAID, WE ALL WENT IN THE DOOR, RIGHT BEHIND

1 EACH OTHER, AND, AS QUICK AS WE COULD, BECAUSE OUR
2 LIVES ARE ON THE LINE, SOMEBODY COULD HAVE A GUN
3 AND GO GET A GUN AS WE'RE COMING THROUGH THE DOOR.
4 AND WE ALREADY HAD HEARD RUNNING IN THE HOUSE. I
5 DON'T KNOW WHO WAS RUNNING, LIKE I TESTIFIED
6 BEFORE, BUT IT COULD HAVE BEEN ANYBODY. SO, WE GOT
7 IN THE HOUSE AS QUICK AS WE COULD, AND AS WE WENT
8 THROUGH THE DOOR YOU COULD IMMEDIATELY LOOK TO THE
9 LEFT, AND THERE WAS A KITCHEN AREA THAT WAS OPEN,
10 AND HIS BEDROOM WAS CONNECTED TO THE KITCHEN AREA.
11 AND AS SOON YOU WALK IN YOU COULD LOOK AT THE LEFT,
12 AND HE WAS RIGHT THERE, AND WE WENT STRAIGHT TO
13 HIM. AND I CAN'T REMEMBER WHO WENT TO THE FEMALE,
14 BUT I KNOW THAT I WAS FOCUSED ON HIM BECAUSE HE WAS
15 STANDING AT THE BEDROOM DOOR. AND THAT'S ALSO
16 WHERE MOST PEOPLE KEEP THEIR FIREARMS, IN THE
17 BEDROOM.

18 Q. THANK YOU. YOU JUST TESTIFIED TO THIS JURY THAT
19 YOUR LIVES WERE ON THE LINE WHEN YOU'RE RUNNING
20 THROUGH THE DOOR, EVERYBODY'S HYPED UP, ISN'T THAT
21 RIGHT, YOUR LIVES ARE ON THE LINE?

22 A. I WOULD SAY THAT YOU'RE ADRENALIN WOULD BE UP A
23 LITTLE WHEN YOU GO IN A DOOR AND YOU DON'T KNOW
24 WHAT'S GOING TO HAPPEN.

25 Q. WAS IT DARK OUTSIDE WHEN YOU WENT IN THE TRAILER?

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1 A. YES, IT WAS.

2 Q. SO, YOU DON'T KNOW IF VONDELL SANDERS WAS COMING
3 OUT OF THAT DOORWAY OR NOT, DO YOU?

4 A. WELL, I DO KNOW WHEN WE WENT IN THE HOUSE WE HEARD
5 RUNNING, AND WHEN WE WENT IN THE DOOR HE WAS
6 STANDING, COMING OUT OF THE BEDROOM. I DON'T KNOW
7 WHAT HE DID BEFORE WE CAME IN THE HOUSE, BEFORE WE
8 MADE ENTRY, BUT THAT'S WHERE HE WAS COMING FROM.

9 Q. BUT YOU WEREN'T THE FIRST PERSON IN THE TRAILER,
10 WERE YOU?

11 A. COUNSELLOR, I BELIEVE THAT'S IRRELEVANT, WE ALL
12 WENT IN AT THE SAME EXACT TIME.

13 Q. I DON'T BELIEVE IT'S IRRELEVANT.

14 SOLICITOR COLLINS: YOUR HONOR, IT'S
15 BEEN ASKED AND ANSWERED SEVERAL TIMES.

16 THE COURT: SUSTAINED.

17 MR. KRAMER: THANK YOU, YOUR HONOR.

18 Q. DO YOU KNOW WHO THE OTHER OFFICERS WERE THAT
19 SEARCHED THE OTHER BEDROOMS?

20 A. NO, I DON'T.

21 SOLICITOR COLLINS: YOUR HONOR,
22 THAT'S BEEN ASKED AND ANSWERED, AS WELL.

23 THE COURT: SUSTAINED.

24 Q. CAN YOU TELL THE JURY HOW MUCH TIME YOU TOOK TO
25 SEARCH THIS BEDROOM?

CROSS - JOSEPH PRESTON AVINGER BY MR. KRAMER

264

1 A. AS I STATED EARLIER, IT COULD HAVE BEEN ANYWHERE
2 FROM FORTY-FIVE MINUTES TO AN HOUR, BUT WE
3 THOROUGHLY SEARCHED THE BEDROOM. AND THE REASON
4 BEHIND THAT IS, IS, WE HAD INFORMATION THAT DRUGS
5 WERE IN THE HOUSE, AND DURING MY FIRST INITIAL
6 SEARCH I FOUND THE SCALES THAT HAD WHAT APPEARED
7 TO BE RESIDUE ON THEM. WE TOOK OUR TIME AND WE
8 SEARCHED BECAUSE WE KNEW DRUGS WERE THERE. AND
9 PEOPLE, THIS IS THEIR BUSINESS SO THEY MAKE IT
10 THEIR BUSINESS TO HIDE THEM AND CONCEAL THEM FROM
11 LAW ENFORCEMENT BECAUSE THEY KNOW WHEN THEY GET
12 CAUGHT ---

13 Q. THANK YOU.

14 A. --- THAT THEY WILL GO TO JAIL.

15 Q. WOULD YOU TELL US THE SIZE OF THE BEDROOM IN FEET,
16 HOW BIG IT WAS?

17 A. NO, SIR, I ---

18 SOLICITOR COLLINS: YOUR HONOR, THAT
19 CALLS FOR SPECULATION, HE DOESN'T KNOW.

20 THE COURT: OVERRULED.

21 Q. PLEASE ANSWER THE QUESTION, HOW BIG WAS THE
22 BEDROOM?

23 A. I CAN'T SPECULATE ON HOW BIG THE BEDROOM WAS, I'M
24 NOT A CONTRACTOR, AND I'M NOT REALLY SURE. IT WAS
25 A NORMAL MOBILE HOME BEDROOM.

CROSS - JOSEPH PRESTON AVINGER BY MR. KRAMER

265

1 Q. WELL, YOU WERE IN THAT BEDROOM A SIGNIFICANT PERIOD
2 OF TIME, WEREN'T YOU?

3 A. THAT IS CORRECT.

4 Q. AND SO, YOU COULDN'T SAY IF IT WAS AN EIGHT BY TEN
5 BEDROOM, YOU DON'T KNOW THAT?

6 A. I'M NOT A CONTRACTOR, I CAN'T SPECULATE.

7 THE COURT: HE'S DONE THE BEST HE
8 CAN. ASK ANOTHER QUESTIONS.

9 Q. WERE THERE CURTAINS INSIDE THE BEDROOM, ON THE
10 WINDOW?

11 A. THERE MAY HAVE BEEN SOME TYPE OF CURTAIN, I DON'T
12 REMEMBER EXACTLY WHAT TYPE OF CURTAIN THERE WERE.

13 Q. WAS THERE A BED IN THIS BEDROOM?

14 A. THERE WAS A BED IN THE BEDROOM.

15 Q. WAS IT A DOUBLE BED?

16 A. I BELIEVE IT MAY HAVE BEEN A QUEEN SIZED BED.

17 Q. DID YOU SEE CLOTHING IN THE BEDROOM WHEN YOU DID
18 THE SEARCH?

19 A. YES, THERE WAS A LOT OF CLOTHING IN THE BEDROOM.

20 Q. WAS THERE FEMALE CLOTHING IN THE BEDROOM?

21 A. I DON'T REMEMBER SEEING ANY FEMALE CLOTHING, BUT
22 I DO REMEMBER SEEING A LARGE AMOUNT OF MALE
23 CLOTHING.

24 Q. COULD THERE HAVE BEEN FEMALE CLOTHING YOU MISSED?

25 A. IT'S POSSIBLE IT COULD HAVE BEEN FEMALE CLOTHING

CROSS - JOSEPH PRESTON AVINGER BY MR. KRAMER

266

1 IN THERE, BUT IT WAS, I DO REMEMBER THE MAJORITY
2 BEING MALE CLOTHING.

3 MR. KRAMER: THANK YOU. YOUR
4 WITNESS, COUNSELLOR.

5 THE COURT: REDIRECT.

6 SOLICITOR COLLINS: NO QUESTIONS,
7 YOUR HONOR.

8 THE COURT: THANK YOU, YOU MAY STEP
9 DOWN.

10 DOES THE JURY NEED A BREAK? THE
11 JURY NEEDS A BREAK, WE'RE GOING TO TAKE ABOUT A FIFTEEN
12 MINUTE BREAK. LADIES AND GENTLEMEN OF THE JURY, I TOLD
13 YOU YESTERDAY, AND LET ME TELL YOU AGAIN, IT'S IMPORTANT
14 THAT YOU UNDERSTAND THIS, DO NOT DISCUSS THIS CASE WITH
15 ONE ANOTHER DURING THE TRIAL, AFTER THE TRIAL, BEFORE
16 THE TRIAL, AT HOME AT NIGHT OR ANY OTHER TIME. THE
17 APPROPRIATE TIME TO DISCUSS THIS CASE IS AFTER YOU'VE
18 HEARD ALL THE EVIDENCE AND ALL THE TESTIMONY AND ALL THE
19 ARGUMENTS AND THE JUDGE'S CHARGE, WHEN YOU GO BACK AT
20 THE CLOSE OF THE CASE TO DELIBERATE. DON'T BE TALKING
21 ABOUT THE CASE WHILE THE CASE IS GOING ON. OKAY? THANK
22 YOU. WE'LL TAKE A FIFTEEN MINUTE BREAK.

23 (Whereupon, the jury retires
24 to the jury room.)

25 THE COURT: ALRIGHT, WE'LL STAND AT

CROSS - JOSEPH PRESTON AVINGER BY MR. KRAMER

267

1 EASE FOR ABOUT FIFTEEN MINUTES.

2 (Recess)

3 THE COURT: BRING THEM OUT.

4 (Whereupon, the following
5 takes place in the
6 presence of the jury.)

7 THE COURT: CALL YOUR NEXT WITNESS,
8 PLEASE.

9 SOLICITOR COLLINS: THE STATE CALLS
10 TONY POWELL.

11 THE COURT: ANTONIA POWELL.
12 (Whereupon, the witness
13 enters the courtroom.)

14 THE COURT: COME AROUND HERE,
15 PLEASE, MA'AM, PLACE YOUR LEFT HAND ON THE BIBLE AND
16 RAISE YOUR RIGHT.
17 (Whereupon, Witness Antonia Powell
18 is duly sworn.)

19 CLERK: PLEASE HAVE A SEAT AND STATE
20 AND SPELL YOUR FULL NAME.

21 WITNESS: ANTONIA T. POWELL, A-N-
22 T-O-N-I-A POWELL.

23 (NOTE: Blank lines on this page do not indicate any
24 part of record has been omitted.)

DIRECT - ANTONIA T. POWELL BY SOL. COLLINS

268

1 DIRECT EXAMINATION OF ANTONIA T. POWELL

2 BY SOLICITOR COLLINS:

3 Q. OFFICER POWELL, WHERE ARE YOU EMPLOYED?

4 A. THE ORANGEBURG COUNTY SHERIFF'S OFFICE.

5 Q. WHAT DO YOU DO THERE?

6 A. I'M A NARCOTICS INVESTIGATOR.

7 Q. HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

8 A. FIVE YEARS.

9 Q. HAS THAT SOLELY BEEN IN NARCOTICS?

10 A. NO, SIR.

11 Q. ABOUT HOW MANY ARRESTS HAVE YOU MADE DURING THE
12 COURSE OF YOUR NARCOTICS EXPERIENCE?

13 A. CLOSE TO A HUNDRED.

14 Q. DO YOU REMEMBER THE DATE OF OCTOBER SEVENTEENTH,
15 TWO THOUSAND AND THREE?

16 A. YES, SIR.

17 Q. DO YOU REMEMBER WHAT YOU DID THAT DAY?

18 A. YES, SIR.

19 Q. WHAT DID YOU DO?

20 A. WE EXECUTED A SEARCH WARRANT ON BELLINGER LANE IN
21 ORANGEBURG.

22 Q. AFTER Y'ALL MADE -- WHAT HAPPENED WHEN YOU ARRIVED
23 AT THE HOME?

24 A. WE GOT TO THE HOUSE, WE KNOCKED ON THE DOOR, I
25 BELIEVE WE SPOKE WITH SOMEONE THROUGH THE DOOR, WE

DIRECT - ANTONIA T. POWELL BY SOL COLLINS

269

1 MADE ENTRY INTO THE HOUSE. THERE WAS A FEMALE
2 THERE AND A MALE. I MAINLY DEALT WITH THE FEMALE,
3 AND BOTH PERSONS WERE DETAINED, AND WE BEGAN OUR
4 SEARCH.

5 Q. OKAY. YOU SAY, SEARCH OF THE HOUSE, WHERE DID YOU
6 SEARCH?

7 A. DOWN THE HALL, AND MAINLY IN THE DEN AREA, JUST
8 MAINLY DOWN THE HALL, WHAT I MEAN, TO THE RIGHT OF
9 THE FRONT DOOR.

10 Q. WHAT WAS DOWN THE HALL?

11 A. THERE WAS A BEDROOM AND A BATH ROOM AND A DEN.

12 Q. WAS ANYTHING, DID YOU LOCATE ANYTHING IN THERE?

13 A. NO, SIR.

14 Q. OKAY. YOU SAID, WERE YOU THERE WHEN, YOU KNOW, HE
15 WAS READ HIS RIGHTS?

16 A. YES, SIR, I WAS.

17 Q. WHO READ HIM HIS RIGHTS?

18 A. INVESTIGATOR LYN SHIRER.

19 Q. OKAY. DID -- FOLLOWING THE READING OF THE RIGHTS,
20 WHAT HAPPENED?

21 A. HE MADE A BRIEF STATEMENT THAT THERE WAS NOTHING
22 ELSE IN THE HOUSE, THAT THE GIRL THAT WAS THERE
23 DIDN'T LIVE THERE, AND THAT HE HAD GOTTEN SOME
24 CRACK COCAINE FROM A GUY NAMED MARK JOHNSON THE
25 FRIDAY BEFORE.

DIRECT - ANTONIA T. POWELL BY SOL. COLLINS

270

1 Q. DID YOU ---

2 SOLICITOR COLLINS: THE COURT'S
3 INDULGENCE, YOUR HONOR.

4 Q. WHERE WAS THIS, WHERE IS BELLINGER LANE LOCATED AT?

5 A. IT'S OFF OF OLD EDISTO DRIVER.

6 Q. AND WHERE AT?

7 A. IT'S NEAR ---

8 Q. THE GENERAL AREA, WHAT COUNTY?

9 A. ORANGEBURG COUNTY.

10 Q. OKAY. CAN YOU POINT OUT THE PERSON YOU ARRESTED
11 THAT DAY, IS HE IN THE COURTROOM?

12 A. YES.

13 Q. COULD YOU PLEASE POINT HIM OUT?

14 A. MR. SANDERS.

15 SOLICITOR COLLINS: FOR THE COURT
16 RECORD, SHE POINTED OUT THE DEFENDANT, MR. VONDELL
17 SANDERS.

18 NO FURTHER QUESTIONS, YOUR HONOR.

19 THE COURT: CROSS.

20 MR. KRAMER: THANK YOU, YOUR HONOR.

21 (NOTE: Blank lines on this page do not indicate any
22 part of record has been omitted. Headers on testimony
23 pages and hard page breaks between testimony are now
24 required by the Court. See next ensuing page for
25 sequential continuation of record.)

CROSS - ANTONIA T. POWELL BY MR. KRAMER

271

CROSS-EXAMINATION OF ANTONIA T. POWELL

BY MR. KRAMER:

Q. GOOD AFTERNOON, INVESTIGATOR POWELL.

A. HOW ARE YOU DOING, MR. KRAMER?

Q. IT'S NICE TO SEE YOU TODAY.

A. NICE TO SEE YOU.

Q. NOW, I BELIEVE YOU JUST TESTIFIED THAT YOU MAINLY
DEALT WITH THE FEMALE THAT WAS IN THE TRAILER, IS
THAT CORRECT?

A. AS FAR AS THE SEARCHING, YES, SIR.

Q. CAN YOU IDENTIFY WHO THAT FEMALE WAS?

A. I DON'T EXACTLY RECALL HER NAME. I KNOW SHE WAS A
BLACK FEMALE.

Q. WHEN YOU WENT INTO THE TRAILER WHERE WAS THE FEMALE
AT?

A. SHE WAS IN THE ROOM TO THE RIGHT, IN THE DOORWAY.
OF THE ROOM TO THE RIGHT. MR. SANDERS, I GUESS
THAT'S HIS ROOM TO THE RIGHT. -- TO THE LEFT, I'M
SORRY, TO THE LEFT, I APOLOGIZE.

Q. THANK YOU. YOU EARLIER TESTIFIED TO THE JURY THAT
YOU WERE PRESENT WHEN MIRANDA WARNINGS WERE READ
TO VONDELL SANDERS, ---

A. YES.

Q. --- IS THAT CORRECT?

A. YES.

CROSS - ANTONIA T. POWELL BY MR. KRAMER

272

1 Q. WAS THERE EVER WRITTEN, A WRITTEN WARNING OF
2 MIRANDA RIGHTS GIVEN TO VONDELL SANDERS?

3 A. NO, SIR, NOT IN MY PRESENCE.

4 Q. WAS THE FEMALE PRESENT WHEN THOSE MIRANDA WARNINGS
5 WERE READ?

6 A. YES, SIR.

7 Q. HOW CLOSE WAS SHE TO MR. SANDERS?

8 A. POSSIBLY FROM ME TO PROBABLY AT THE END OF THE
9 TABLE RIGHT THERE, NOT FAR.

10 Q. WOULD THIS BE THE DISTANCE THAT I'M STANDING?

11 A. A LITTLE FARTHER BACK.

12 Q. A LITTLE FARTHER?

13 A. YES, SIR.

14 Q. THAT CLOSE?

15 A. YES, IT WASN'T THAT FAR.

16 Q. THAT CLOSE TO MR. SANDERS?

17 A. YES, SIR.

18 Q. AND HOW LONG DID YOU SPEND WITH THIS BLACK FEMALE
19 IN THE HOME, HOW MUCH TIME DID YOU SPEND WITH HER?

20 A. I WOULD SAY ABOUT, I BELIEVE WE WERE THERE ABOUT
21 AN HOUR, I WAS WITH HER ABOUT, MOST OF THE TIME,
22 I WOULD SAY ABOUT FORTY MINUTES.

23 Q. FORTY MINUTES?

24 A. YES.

25 Q. DID YOU SEARCH HER?

CROSS - ANTONIA T. POWELL BY MR. KRAMER

273

1 A. YES, I DID.

2 Q. DID YOU FIND ANYTHING ON HER?

3 A. NO, I DIDN'T.

4 Q. DID YOU FIND ANY DRUGS ON HER?

5 A. NO, I DIDN'T.

6 Q. DID YOU SEE MR. SANDERS BEING SEARCHED?

7 A. NO, I DIDN'T, I DIDN'T, I WAS DEALING WITH HER AT
8 THE TIME.

9 Q. OKAY. WHEN YOU WENT IN THE TRAILER YOU EARLIER
10 TESTIFIED THAT THE FEMALE WAS WHERE, IN THE
11 BEDROOM?

12 A. YEAH, COMING OUT OF THE BEDROOM.

13 Q. COMING OUT OF THE BEDROOM?

14 A. YEAH.

15 Q. WAS IT THE SAME BEDROOM THAT MR. SANDERS WAS IN?

16 A. I DON'T KNOW WHICH ONE HE WAS IN, NOW, I DIDN'T
17 DEAL WITH HIM.

18 Q. HOW MANY BEDROOMS ARE IN THE TRAILER?

19 A. TO MY MEMORY, I BELIEVE IT WAS TWO.

20 Q. TWO?

21 A. YEAH.

22 Q. CAN YOU TELL THE JURY HOW BIG THIS BEDROOM WAS?

23 A. WHICH BEDROOM?

24 Q. THE ONE YOU WENT IN.

25 A. THE ONE I SEARCHED?

CROSS - ANTONIA T. POWELL BY MR. KRAMER

274

- 1 Q. UH HUH.
- 2 A. OH, IT WAS A, NOT A VERY BIG BEDROOM, IT WAS KIND
- 3 OF A SMALL BEDROOM.
- 4 Q. DID YOU SEARCH IT WITH ANOTHER OFFICER?
- 5 A. UM, YES.
- 6 Q. DID YOU FIND ANYTHING?
- 7 A. NO.
- 8 Q. COULD YOU TELL WHOSE ROOM IT WAS?
- 9 A. NO.
- 10 Q. WAS THERE MALE AND FEMALE CLOTHING PRESENT?
- 11 A. TO ME IT APPEARED TO BE FEMALE THINGS.
- 12 Q. OKAY. DID YOU ASK THIS FEMALE ANY QUESTIONS?
- 13 A. I DIDN'T ASK HER ANYTHING, I ASKED HER, I HAD HER
- 14 ID AND THAT WAS IT. I ASKED HER WAS IT HER ID.
- 15 Q. YOU NEVER ASKED HER IF SHE HAD ANY DRUGS, DID YOU?
- 16 A. I SEARCHED HER AND DIDN'T FIND ANY, NO, SIR.
- 17 Q. BUT DID YOU ASK HER, DO YOU HAVE DRUGS?
- 18 A. NO, SIR, I DIDN'T ASK HER ANYTHING.
- 19 Q. DID YOU RUN ANY TESTS ON HER TO DETERMINE IF SHE
- 20 WAS UNDER THE INFLUENCE OF ANY DRUGS ---
- 21 A. NO, SIR.
- 22 Q. --- OR ALCOHOL? OKAY. DID YOU READ HER HER
- 23 RIGHTS?
- 24 A. NO, SIR, I DIDN'T READ ANYTHING.
- 25 Q. OKAY. YOU WERE JUST A WITNESS, IS THAT CORRECT?

CROSS - ANTONIA T. POWELL BY MR. KRAMER

275

1 A. YES, SIR.

2 Q. AND THERE WAS NO WRITTEN RIGHTS WARNING OBTAINED
3 FROM THIS FEMALE, WAS THERE?

4 A. NO, SIR.

5 MR. KRAMER: NO FURTHER QUESTIONS.

6 THANK YOU.

7 THE COURT: REDIRECT.

8 SOLICITOR COLLINS: THANK YOU, YOUR
9 HONOR.

10 (NOTE: Blank lines on this page do not indicate any
11 part of record has been omitted. Headers on testimony
12 pages and hard page breaks between testimony are now
13 required by the Court. See next ensuing page for
14 sequential continuation of record.)

REDIRECT - ANTONIA T. POWELL BY SOL. COLLINS

276

REDIRECT EXAMINATION OF ANTONIA T. POWELL

BY SOLICITOR COLLINS

Q. MR. KRAMER WAS ASKING YOU ABOUT MIRANDA WARNINGS.

THAT'S LIKE YOUR RIGHT TO REMAIN SILENT, RIGHT TO
AN ATTORNEY, RIGHT TO, ALL THAT STUFF, AND IF HE
WANTS TO KNOW WHETHER OR NOT THERE'S A WRITTEN
REQUIREMENT, WHETHER OR NOT ANYTHING WAS WRITTEN,
ARE YOU REQUIRED TO, IS HE REQUIRED, THE DEFENDANT,
BEFORE HE MAKES STATEMENTS, IS HE REQUIRED TO MAKE
A WRITTEN WAIVER OR CAN IT BE VERBAL?

A. IT CAN BE VERBAL.

Q. IT CAN BE VERBAL?

A. YES, SIR.

Q. AND WHICH ONE DID MR. SANDERS DO THAT DAY?

A. VERBAL.

Q. OR THAT EVENING, RATHER.

SOLICITOR COLLINS: JUST A SECOND,
YOUR HONOR.

Q. YOU SEARCHED A ROOM, IS THAT CORRECT?

A. YES, SIR.

Q. YOU KNOW WHAT WAS FOUND IN THE HOUSE AS FAR AS THE
DRUGS AND EVERYTHING, WERE THE DRUGS FOUND IN THIS
ROOM THAT YOU SEARCHED?

A. NO, SIR.

Q. AND WHAT, WHAT TYPE OF ITEMS WERE, WAS IT MALE OR

REDIRECT - ANTONIA T. POWELL BY SOL. COLLINS

277

1 FEMALE IN THAT ROOM?

2 A. MAINLY FEMALE.

3 Q. MAINLY FEMALE?

4 A. YES, SIR.

5 Q. DID YOU, DID YOU DO THE BOOKING REPORT ---

6 A. YES, SIR.

7 Q. --- FOR THE DEFENDANT?

8 A. YES, SIR.

9 Q. DO YOU REMEMBER WHAT ADDRESS HE LISTED AS HIS
10 ADDRESS?

11 A. [REDACTED] I BELIEVE THAT'S THE
12 ADDRESS I'M NOT SURE EXACTLY, BUT I BELIEVE IT WAS
13 BELLINGER LANE.

14 Q. OKAY. BELLINGER LANE?

15 A. IT WAS BELLINGER LANE, YES, SIR.

16 Q. JUST A SECOND. WAS THE ADDRESS THAT HE LISTED THE
17 SAME ADDRESS THAT YOU EXECUTED THE SEARCH WARRANT
18 AT?

19 A. YES, SIR.

20 Q. THAT WAS?

21 SOLICITOR COLLINS: NO FURTHER
22 QUESTIONS, YOUR HONOR.

23 THE COURT: REDIRECT, I MEAN,
24 RECROSS?

25 MR. KRAMER: THANK YOU, YOUR HONOR.

RECROSS - ANTONIA T. POWELL BY MR. KRAMER

278

RECROSS-EXAMINATION OF ANTONIA T. POWELL

BY MR. KRAMER:

Q. NOW, INVESTIGATOR POWELL, YOU JUST TESTIFIED THAT MR. SANDERS MADE A VERBAL WAIVER OF HIS RIGHTS. WHAT KIND OF VERBAL WAIVER DID HE GIVE?

A. LYN SHIRER ASKED HIM DID HE UNDERSTAND HIS RIGHTS, AND HE SAID, YES.

Q. OKAY. AND THERE'S NO WRITTEN RECORD, YOU JUST TESTIFIED TO, OF HIS RIGHTS WARNING, IS THAT CORRECT?

A. YES, SIR.

Q. DID MR. SANDERS SAY TO LYN SHIRER, I WAIVE MY RIGHTS?

A. NO, SIR.

Q. DID HE SAY ANYTHING AT ALL?

A. OTHER THAN, YES, HE UNDERSTOOD, AND MADE THE STATEMENT, AND NOTHING ELSE.

Q. SO, THERE WAS NOT A VERBAL RIGHTS WARNING STATEMENT, AS FAR AS A WAIVER OF RIGHTS, WAS THERE?

A. YOU MEAN, WRITTEN?

Q. NOT JUST WRITTEN, VERBAL, WHAT I JUST SAID, WAS, DID HE SAY, I WAIVE MY RIGHTS, I WANT TO TALK?

SOLICITOR COLLINS: YOUR HONOR, I OBJECT. HE'S TRYING TO IMPLY THAT THERE NEEDS TO BE A, AN ARTICULATE WAIVER AND THAT'S NOT NECESSARILY THE WAY

RECROSS - ANTONIA T. POWELL BY MR. KRAMER

279

1 IT IS, THAT THE LAW HAS TO READ:

2 THE COURT: AN ARTICULATE WAIVER?

3 SOLICITOR COLLINS: THAT HE HAS TO
4 SAY, YES, SIR, I WAIVE MY RIGHTS, HERE IS MY STATEMENT.
5 AND THAT'S WHAT COUNSELLOR IS TRYING TO IMPLY.

6 THE COURT: COME UP HERE TO THE
7 BENCH A MINUTE.

8 (Whereupon, a bench conference
9 is held out of the hearing of
10 the jury and the court reporter.)

11 MR. KRAMER: THANK YOU, YOUR HONOR.

12 Q. NOW, WHEN YOU WENT TO THIS TRAILER, INVESTIGATOR
13 POWELL, DID YOU GO TO [REDACTED]
14 INITIALLY?

15 A. WE STOPPED AND CHECKED WITH A CAR THAT WAS PULLED
16 UP AT ANOTHER TRAILER.

17 Q. SO, YOU WENT TO ANOTHER TRAILER FIRST?

18 A. TO THE OTHER CAR, TO THE CAR.

19 Q. UH HUH. WAS THE CAR CLOSE TO THAT TRAILER?

20 A. WHICH TRAILER?

21 Q. THE ONE YOU WENT TO FIRST?

22 A. YES.

23 Q. THAT WASN'T [REDACTED], WAS IT?

24 A. NO.

25 Q. HOW LONG WERE YOU THERE AT THE OTHER TRAILER?

RECROSS -- ANTONIA T. POWELL BY MR. KRAMER

280

1 A. NOT LONG, I'M NOT SURE, BUT NOT VERY LONG.

2 Q. COULD YOU TELL US IN TIME, WAS IT FIFTEEN MINUTES,
3 A HALF AN HOUR?

4 A. NO, MAYBE ABOUT TEN OR FIFTEEN MINUTES AT THE MOST,
5 AT THE MOST.

6 Q. WAS ANYBODY TAKEN OUT OF THE CAR?

7 A. I DIDN'T SEE ANYBODY TAKEN OUT OF THE CAR.

8 Q. DID YOU SEARCH ANYBODY?

9 A. I DIDN'T SEARCH ANYBODY.

10 Q. WERE THERE BACK UP FOR ANY OTHER OFFICERS WHO
11 CONDUCTED SEARCHES OF OTHER PEOPLE?

12 A. I DIDN'T SEE ANYBODY SEARCHING ANYBODY.

13 Q. OKAY. NOW, YOU TESTIFIED EARLIER THERE WERE TWO
14 BEDROOMS IN THIS HOME, IS THAT CORRECT?

15 A. YES, THAT I REMEMBER.

16 Q. DID YOU DO ANY INVESTIGATIVE WORK AS FAR AS WHO
17 OWNS THE TRAILER?

18 A. NO, SIR.

19 Q. OKAY. MR. COLLINS ASKED THE QUESTION ON THE
20 BOOKING REPORT ABOUT [REDACTED], AND YOU
21 ANSWERED THAT EARLIER AND SAID THAT THAT'S THE
22 ADDRESS MR. SANDERS GAVE, ISN'T THAT CORRECT?

23 A. YES.

24 Q. BUT YOU DON'T KNOW, DO YOU, WHETHER MR. SANDERS WAS
25 THE OWNER OR RENTER OF THAT TRAILER, DO YOU?

RECROSS - ANTONIA T. POWELL BY MR. KRAMER

281

1 A. NO.

2 Q. YOU DIDN'T INVESTIGATE THAT?

3 A. I JUST ASKED THE ADDRESS, HIS ADDRESS.

4 Q. AND THERE WAS ANOTHER PERSON IN THE TRAILER WHEN
5 YOU WENT IN, WASN'T THERE?

6 A. YES.

7 Q. THAT WAS THE FEMALE?

8 A. YES.

9 Q. RIGHT. SO, YOU DIDN'T CHECK, OR ASK THAT FEMALE,
10 DO YOU OWN THIS TRAILER?

11 A. I ASKED IF SHE LIVED THERE AND SHE GAVE AN ADDRESS.

12 Q. SHE SAID SHE LIVED THERE?

13 A. NO.

14 Q. SHE NEVER DID?

15 A. NO.

16 Q. DID YOU ASK VONDELL SANDERS IF HE LIVED THERE?

17 A. I ASKED HIM, YES, WHAT IS HIS ADDRESS, HE SAID THE
18 ADDRESS.

19 Q. BUT THAT WASN'T IN THE TRAILER, THAT WAS BACK AT
20 HEADQUARTERS, RIGHT?

21 A. NO, WE DO THE BOOKING REPORT BEFORE WE LEAVE.

22 Q. OKAY. SO, BEFORE YOU LEFT THE TRAILER YOU HAD TIME
23 TO DO A BOOKING REPORT?

24 A. YES, SIR.

25 Q. OKAY. BUT THERE WAS NO TIME TO DO A WRITTEN

RECROSS - ANTONIA T. POWELL BY MR. KRAMER

282

1 MIRANDA WARNING, EVEN THOUGH THERE WAS TIME TO DO
2 A BOOKING REPORT, IS THAT CORRECT?

3 A. WE ALWAYS DO A BOOKING REPORT PRIOR TO TRANSPORTING
4 TO JAIL.

5 Q. UH HUH. AND HOW LONG WERE YOU IN THE TRAILER, YOU
6 PERSONALLY?

7 A. MAYBE AN HOUR.

8 Q. OKAY. SO, LONG ENOUGH TO DO A BOOKING REPORT BUT
9 NOT LONG ENOUGH TO DO A WRITTEN WAIVER OF MIRANDA
10 RIGHTS?

11 A. I DIDN'T ASK HIM ANYTHING.

12 Q. OKAY.

13 MR. KRAMER: YOUR WITNESS, COUNSEL.

14 (NOTE: Blank lines on this page do not indicate any
15 part of record has been omitted. Headers on testimony
16 pages and hard page breaks between testimony are now
17 required by the Court. See next ensuing page for
18 sequential continuation of record.)

REDIRECT -- ANTONIA T. POWELL BY SOL. COLLINS

283

REDIRECT EXAMINATION OF ANTONIA T. POWELL

BY SOLICITOR COLLINS:

Q. JUST FOR CLARIFICATION, WAS THE DEFENDANT GIVEN
HIS, READ HIS RIGHTS?

A. YES.

Q. HE WAS?

A. YES.

Q. AFTER HE WAS READ HIS RIGHTS, WHAT DID HE DO?

A. HE SAID, LYN ASKED HIM DID HE UNDERSTAND, AND HE
SAID, YES, AND THEN HE MADE THE STATEMENT.

SOLICITOR COLLINS: THANK YOU. NO
FURTHER QUESTIONS, YOUR HONOR.

MR. KRAMER: NO FURTHER QUESTIONS.

THE COURT: THANK YOU, MA'AM, YOU
MAY STEP DOWN.

WITNESS: THANK YOU.

THE COURT: WE'RE GOING TO BREAK FOR
LUNCH NOW, LADIES AND GENTLEMEN. A QUARTER TO ONE, A
QUARTER TO TWO -- BE BACK IN YOUR JURY ROOM AT
TWO:FIFTEEN. IT'S IMPORTANT, AGAIN, NOT TO DISCUSS THIS
CASE OR ALLOW ANYONE TO DISCUSS IT WITH YOU. ENJOY YOUR
LUNCH AND BE BACK AT TWO:FIFTEEN. THANK YOU.

(Whereupon, the jury leaves
the courtroom.)

THE COURT: WE'LL BREAK FOR LUNCH

REDIRECT - ANTONIA T. POWELL BY SOL. COLLINS

284

NOW AND BE BACK AT TWO:FIFTEEN.

COURT REPORTER: JUDGE, WOULD YOU
ASK THEM TO LOCK THE COURTROOM DURING LUNCH?

THE COURT: I WILL.

(Recess)

THE COURT: IS THE STATE READY?

SOLICITOR COLLINS: THE STATE'S
READY, YOUR HONOR.

THE COURT: IS DEFENSE READY?

MR. KRAMER: YES, SIR.

THE COURT: ALRIGHT, LET'S GET
EVERYONE OUT AND GET ON WITH THIS TRIAL.
(Whereupon, the following
takes place in the
presence of the jury.)

THE COURT: ALRIGHT, WE'RE READY TO
PROCEED, CALL YOUR NEXT WITNESS, PLEASE.

SOLICITOR COLLINS: THE STATE CALLS
MELISSA HORNE.

(Whereupon, the witness
enters the courtroom.)

THE COURT: COME AROUND HERE,
PLEASE, MA'AM, AND PLACE YOUR LEFT HAND ON THE BIBLE AND
RAISE YOUR RIGHT HAND.

(Whereupon, Witness Melissa T. Horne

REDIRECT - ANTONIA T. POWELL BY SOL. COLLINS

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1 is duly sworn.)

2 THE COURT: BE SEATED, PLEASE.

3 (NOTE: Blank lines on this page do not indicate any
4 part of record has been omitted. Headers on testimony
5 pages and hard page breaks between testimony are now
6 required by the Court. See next ensuing page for
7 sequential continuation of record.)

DIRECT - MELISSA T. HORNE BY SOL. COLLINS

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DIRECT EXAMINATION OF MELISSA T. HORNE

BY SOLICITOR COLLINS:

Q. PLEASE STATE YOUR NAME FOR THE RECORD, SPELLING
YOUR LAST NAME?

A. MY NAME IS MELISSA T. HORNE, AND THAT'S H-O-R-N-
E.

Q. WHERE ARE CURRENTLY EMPLOYED, MS. HORNE?

A. I WORK FOR LEXINGTON COUNTY SHERIFF'S OFFICE.

Q. OKAY. MS. HORNE, WHAT'S YOUR TITLE THERE?

A. I'M A CHEMIST IN THE FORENSIC DRUG LAB.

Q. WHAT DOES THAT MEAN, WHAT DO YOU DO?

A. I ANALYZE ALL THE CONTROLLED AND NON-CONTROLLED
SUBSTANCES THAT ARE PUT INTO EVIDENCE.

Q. OKAY. HOW LONG HAVE YOU BEEN EMPLOYED THERE?

A. I'VE BEEN THERE A LITTLE OVER A YEAR NOW.

Q. AND WHAT DID YOU DO BEFORE?

A. I WORKED FOR SOUTH CAROLINA LAW ENFORCEMENT
DIVISION, ALSO KNOWN AS SLED, AND I WAS THERE FOR
FIVE AND A HALF YEARS.

Q. WHAT'S YOUR EDUCATIONAL BACKGROUND AS IT RELATES
TO FORENSICS, PARTICULAR IN THE FIELD OF DRUG
ANALYSIS?

A. I HAVE A BACHELOR OF SCIENCE DEGREE IN BIO
CHEMISTRY FROM THE COLLEGE OF CHARLESTON, I HAVE
EIGHT YEARS ENVIRONMENTAL LABORATORY EXPERIENCE,

DIRECT - MELISSA T. HORNE BY SOL. COLLINS

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1 I'VE BEEN TRAINED THROUGH SLED AND DEA IN DRUG
2 ANALYSIS, AND THEN, LIKE I SAID, I HAVE WORKED AT
3 SLED FOR FIVE AND A HALF YEARS.

4 Q. HAVE YOU EVER TESTIFIED AS AN EXPERT IN SOUTH
5 CAROLINA COURTS?

6 A. YES, I HAVE.

7 Q. HOW MANY TIMES?

8 A. APPROXIMATELY ABOUT FIFTY-TWO TIMES.

9 Q. OKAY.

10 SOLICITOR COLLINS: I'D LIKE TO
11 PRESENT MS. HORNE AS AN EXPERT WITNESS AT THIS TIME,
12 YOUR HONOR.

13 THE COURT: IN WHAT RANK, WHAT
14 FIELD?

15 SOLICITOR COLLINS: FORENSICS,
16 PARTICULAR IN THE DRUG ANALYSIS FIELD.

17 THE COURT: ANY OBJECTION?

18 MR. KRAMER: I OBJECT TO THAT, YOUR
19 HONOR, I BELIEVE THAT SHE'S NOT FULLY QUALIFIED AS AN
20 EXPERT, YOUR HONOR.

21 THE COURT: DO YOU WANT A CROSS,
22 VOIR DIRE?

23 MR. KRAMER: THAT'S A REASONABLE
24 REQUEST, YOUR HONOR.

25 THE COURT: I'M SORRY?

DIRECT - MELISSA T. HORNE BY SOL. COLLINS

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1 MR. KRAMER: YES, SIR, I WOULD LIKE
2 TO DO THAT.

3 THE COURT: HAVE A GO.

4 MR. KRAMER: THANK YOU, YOUR HONOR.

5 (NOTE: Blank lines on this page do not indicate any
6 part of record has been omitted. Headers on testimony
7 pages and hard page breaks between testimony are now
8 required by the Court. See next ensuing page for
9 sequential continuation of record.)

CROSS - MELISSA T. HORNE BY MR. KRAMER

289

CROSS-EXAMINATION OF MELISSA T. HORNE

BY MR. KRAMER:

Q. GOOD AFTERNOON, ---

A. GOOD AFTERNOON.

Q. --- MS. HORNE. YOU STATED EARLIER YOUR NAME WAS
MELISSA HORNE, ARE YOU ALSO KNOWN AS MISSY?

A. YES, I AM, THAT'S MY NICK NAME.

Q. OKAY. NOW, YOU STATED THAT YOU HAVE A BACHELOR'S
DEGREE IN THIS FIELD OF CHEMISTRY, IS THAT WHAT I
BELIEVE YOU SAID?

A. I HAVE A BACHELOR OF SCIENCE DEGREE IN BIO
CHEMISTRY FROM THE COLLEGE OF CHARLESTON.

Q. BIO CHEMISTRY. HAVE YOU DONE ANY GRADUATE,
ADDITIONAL GRADUATE TRAINING IN BIO CHEMISTRY?

A. NO, I HAVE NOT.

Q. OKAY. HAVE YOU DONE ANY ADDITIONAL TRAINING IN
MASS CHEMICAL SPECTROGRAPHY TO DO ADVANCED DRUG
TESTING?

A. I HAVE HAD A COURSE IN MASS SPECTRO ANALYSIS.

Q. HOW RECENT WAS THAT COURSE?

A. I THINK IT WAS APRIL OF LAST YEAR, WHEN I WENT TO
HEWLETT PACKARD, WHICH IS NOT KNOWN AS ADJUTANT.

Q. OKAY. AND HOW MANY TIMES, MS. HORNE, HAVE YOU HAD
TO BE QUALIFIED IN THIS PARTICULAR FIELD, HOW OFTEN
DOES THE SHERIFF'S DEPARTMENT REQUIRE YOU TO BE

CROSS - MELISSA T. HORNE BY MR. KRAMER

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1 QUALIFIED, TRAINING-WISE?

2 A. I'M SORRY, I DON'T UNDERSTAND THE QUESTION.

3 Q. HOW OFTEN DO YOU HAVE TO REQUALIFY AS AN EXPERT?

4 THE COURT: TO GET RECERTIFIED?

5 MR. KRAMER: YES, SIR, TO GET
6 RECERTIFIED IN YOUR FIELD?

7 A. TO GET RECERTIFIED IN WHAT?

8 Q. TO DO DRUG TESTING.

9 A. I GET AN UNKNOWN SAMPLE TWICE A YEAR, AND I HAVE
10 TO PASS THAT EXAM.

11 Q. IS THAT LIKE A BLIND SAMPLE, WHEN YOU SAY, AN
12 UNKNOWN SAMPLE?

13 A. THAT IS A BLIND SAMPLE.

14 Q. DO THEY EVER GIVE YOU THINGS THAT ARE NOT DRUGS,
15 THAT ARE OTHER MATERIALS TO TEST?

16 A. EVERYTHING I'VE EVER HAD HAS BEEN DRUG MATERIAL.

17 Q. IT'S BEEN DRUG MATERIAL.. YOU'VE NEVER BEEN FLOUR
18 OR SUGAR OR ANY OTHER KIND OF MATERIAL TO TEST AS
19 THE BLIND TEST THAT YOU JUST SAID TO THE JURY?

20 A. NOT THROUGH THE UNKNOWN SAMPLES THAT I GET TWICE
21 A YEAR.

22 Q. OKAY. HOW HAVE YOU GOTTEN THOSE OTHER SAMPLES?

23 A. I'M SORRY, WHAT SAMPLES?

24 Q. THE ONES YOU'RE SAYING YOU GET THAT ARE NOT TWICE
25 A YEAR. HOW DO YOU GET THOSE OTHER SAMPLES?

CROSS - MELISSA T. HORNE BY MR. KRAMER

291

1 A. ARE YOU TALKING ABOUT THE CERTIFIED SAMPLES OR -

2 --

3 Q. YES, MA'AM.

4 A. --- ARE THEY SAMPLES THAT I GET EVERY DAY?

5 Q. NO, NOT THE SAMPLES YOU GET EVERY DAY, THE
6 CERTIFIED SAMPLES THAT YOU'RE REQUIRED TO BE TESTED
7 ON.

8 A. WELL, I'M NOT REQUIRED -- IT'S ONLY THROUGH ASCLAD
9 CERTIFICATION THAT -- WE ARE NOT CERTIFIED AT
10 LEXINGTON COUNTY, BUT WHEN I WAS AT SLED WE DID
11 ASCLAD CERTIFICATION, SO WHEN I LEFT TO GO TO
12 LEXINGTON, I JUST KEPT THAT CERTIFICATION ONGOING.
13 SO, NOW I GET TWO SAMPLES A YEAR THROUGH THIS
14 CHEMICAL PLACE THAT SENDS ME TWO BLIND SAMPLES A
15 YEAR.

16 Q. DO YOU GET PAID ANY EXTRA AMOUNT OF MONEY TO BE
17 RECERTIFIED OR TO BE QUALIFIED ON NEW TYPES OF DRUG
18 TESTING?

19 A. NO, I DO NOT.

20 Q. IS THERE A BONUS PROGRAM OR ANYTHING?

21 A. NO, THERE IS NOT.

22 MR. KRAMER: NO FURTHER QUESTIONS,
23 YOUR HONOR.

24 THE COURT: I FIND THAT SHE'S
25 QUALIFIED TO TESTIFY IN THE FIELD OF DRUG ANALYSIS AS

CROSS - MELISSA T. HORNE BY MR. KRAMER

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1 AN EXPERT TO OFFER AN OPINION.

2 SOLICITOR COLLINS: THANK YOU, YOUR
3 HONOR.

4 (NOTE: Blank lines on this page do not indicate any
5 part of record has been omitted. Headers on testimony
6 pages and hard page breaks between testimony are now
7 required by the Court. See next ensuing page for
8 sequential continuation of record.)

DIRECT - MELISSA T. HORNE BY SOL. COLLINS

293

1 DIRECT EXAMINATION OF MELISSA T. HORNE

2 BY SOLICITOR COLLINS CONTINUES:

3 Q. DID YOU EVER HAVE AN OPPORTUNITY TO RECEIVE ANY
4 EVIDENCE PERTAINING TO THIS CASE, THE STATE OF
5 SOUTH CAROLINA VERSUS VONDELL SANDERS?

6 A. YES, I DID.

7 SOLICITOR COLLINS: PERMISSION TO
8 APPROACH THE WITNESS, YOUR HONOR.

9 THE COURT: YES, SIR.

10 SOLICITOR COLLINS: MARK THIS.

11 COURT REPORTER: EXCUSE ME?

12 SOLICITOR COLLINS: GO AHEAD AND
13 MARK THAT FOR IDENTIFICATION.

14 COURT REPORTER: DO YOU WANT TO PUT
15 A STICKER ON IT?

16 SOLICITOR COLLINS: NOT ON THIS ONE,
17 BUT YOU PUT ONE ON THAT, OR DID YOU MARK THEM TOGETHER?

18 COURT REPORTER: DO YOU WANT THIS
19 NUMBER?

20 SOLICITOR COLLINS: I THOUGHT IT WAS
21 NUMBER THREE AND FOUR -- TWO AND THREE, RATHER.

22 COURT REPORTER: IT WAS THREE AND
23 FOUR.

24 SOLICITOR COLLINS: THREE AND FOUR.

25 THE COURT: AND THIS ONE SHOULD BE

DIRECT - MELISSA T. HORNE BY SOL. COLLINS

294

1 STATE'S FOUR. HOLD ON A MINUTE. THAT'S STILL FOR ID.
2 OKAY.

3 SOLICITOR COLLINS: MAY I APPROACH
4 THE WITNESS, YOUR HONOR?

5 THE COURT: YES.

6 SOLICITOR COLLINS: PLEASE LET THE
7 RECORD REFLECT I'M HANDING HER STATE FOR ID NUMBER FOUR.

8 Q. DID YOU HAVE THE OPPORTUNITY TO TEST THAT EVIDENCE
9 THAT YOU HAVE THERE BEFORE YOU?

10 A. YES, I DID.

11 Q. OKAY. WHEN YOU RECEIVED THE EVIDENCE WAS IT
12 SEALED?

13 A. YES, IT WAS.

14 Q. HOW CAN YOU TELL IF THE EVIDENCE HAS BEEN TAMPERED
15 WITH?

16 A. THE EVIDENCE IS IN A TAMPER EVIDENT BAG, SO IF IT
17 HAD BEEN TAMPERED WITH I WOULD HAVE KNOWN ON THE
18 SIDES AND THE ENDS OF THE BAGS WHERE IT'S TAMPER
19 EVIDENT, AND TO VERIFY THAT IT WAS NOT, HAD NOT
20 BEEN TAMPERED WITH, I WRITE, OKAY, THE DATE I OPEN
21 IT, AND MY INITIALS ON THE FRONT OF THE BAG.

22 Q. OKAY. AND WHAT DO YOU RECEIVE IT OUT OF?

23 A. I RECEIVE IT IN THIS BEST EVIDENCE KIT, WHICH ALSO
24 COMES IN THIS ENVELOPE.

25 Q. DO YOU GET IT OUT OF SOMEWHERE, THOUGH, AT YOUR

DIRECT - MELISSA T. HORNE BY SOL. COLLINS

295

1 OFFICE?

2 A. I PICK IT UP AT THE EVIDENCE, FROM THE EVIDENCE
3 PEOPLE AT LEXINGTON COUNTY SHERIFF'S DEPARTMENT.

4 Q. DID YOU HAVE THE OPPORTUNITY -- YOU HAD THE
5 OPPORTUNITY TO ANALYZE THAT PARTICULAR EVIDENCE.
6 WHAT WERE YOUR FINDINGS?

7 A. ITEM ONE, PLASTIC BAG CONTAINING ROCK SUBSTANCE,
8 RESULTS, COCAINE CRACK FOUND, FIVE POINT SIX SEVEN
9 GRAMS, AND THAT'S CONTROL TWO SUBSTANCE.

10 Q. IF IT WAS NOT SEALED PROPERLY WOULD YOU ANALYZE THE
11 EVIDENCE?

12 A. NO, I WOULD NOT HAVE.

13 Q. OKAY. SO, THERE WAS A REPORT THEN GENERATED AS A
14 RESULT OF THAT ---

15 A. YES.

16 Q. --- AS A RESULT OF ANALYZING THE CASE. AND CAN I
17 PLEASE SEE IT -- WAS THAT THE REPORT?

18 A. YES, THIS IS THE ORIGINAL REPORT WITH THE CHAIN.

19 SOLICITOR COLLINS: COULD I HAVE
20 THIS MARKED AS STATE'S, ID.

21 COURT REPORTER: THAT WOULD BE
22 EIGHT, ID.

23 (State's Exhibit Eight,
24 Drug analysis report and chain of custody,
25 marked for identification.)

DIRECT - MELISSA T. HORNE BY SOL. COLLINS

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1 Q. THIS IS YOUR REPORT THAT YOU GENERATED AS A RESULT
2 OF THAT?

3 A. THAT IS THE REPORT AND ALSO THE CHAIN OF CUSTODY.

4 SOLICITOR COLLINS: I'D ALSO LIKE
5 TO HAVE THAT MOVED INTO EVIDENCE AT THIS TIME.

6 THE COURT: ANY OBJECTION TO THIS
7 COMING INTO EVIDENCE?

8 MR. KRAMER: NO, YOUR HONOR.

9 THE COURT: VERY WELL, IT'S ADMITTED
10 INTO EVIDENCE.

11 COURT REPORTER: DO YOU WANT ME TO
12 STAPLE THESE TOGETHER?

13 SOLICITOR COLLINS: YES, MA'AM.

14 COURT REPORTER: STATE'S EIGHT.

15 (State's Exhibit Eight
16 marked and filed.)

17 Q. HOW DO YOU MATCH THE EVIDENCE TO THE REPORT AND
18 ALL, EVERYTHING LIKE THAT, AND SO FORTH?

19 A. EACH BAG HAS A CONTROL NUMBER ON THE BAG, AND I
20 KEEP UP WITH THE PAPERWORK AND THE EVIDENCE BY THAT
21 NUMBER, THAT CONTROL NUMBER.

22 SOLICITOR COLLINS: THE COURT'S
23 INDULGENCE, YOUR HONOR.

24 SOLICITOR COLLINS: YOUR HONOR, I'D
25 LIKE AT THIS POINT TO MOVE STATE'S EXHIBIT NUMBER FOUR

DIRECT - MELISSA T. HORNE BY SOL. COLLINS

297

1 INTO EVIDENCE.

2 THE COURT: ANY OBJECTION?

3 MR. KRAMER: NO OBJECTION, YOUR
4 HONOR.

5 THE COURT: WITHOUT OBJECTION, IT'S
6 ADMITTED INTO EVIDENCE.

7 SOLICITOR COLLINS: CAN I PUBLISH
8 THIS TO THE JURY, YOUR HONOR?

9 COURT REPORTER: LET ME HOLD THAT.

10 SOLICITOR COLLINS: I'M SORRY.

11 COURT REPORTER: STATE'S FOUR.

12 (State's Exhibit Four
13 marked and filed.)

14 SOLICITOR COLLINS: YOUR HONOR, CAN
15 I SHOW IT TO THE JURY?

16 THE COURT: HAND IT TO THEM? YOU
17 MAY.

18 (Whereupon, State's Exhibit Four
19 is handed to the jury.)

20 Q. UPON READING YOUR REPORT, THERE WAS NO QUESTION
21 WHATSOEVER THAT THAT SUBSTANCE THERE IS CRACK
22 COCAINE, IS THAT CORRECT?

23 A. THAT'S CORRECT.

24 Q. WHAT TYPE OF TEST DID YOU RUN ON IT?

25 A. I DID A CHEMICAL AND INSTRUMENTAL ANALYSIS.

DIRECT - MELISSA T. HORNE BY SOL. COLLINS

298

1 Q. IS THAT GENERALLY THE TESTS THAT YOU RUN FOR SUCH,
2 THAT'S THE TEST YOU RAN ON IT?

3 MR. KRAMER: OBJECTION, YOUR HONOR,
4 HE'S LEADING THE WITNESS.

5 THE COURT: TRY NOT TO LEAD YOUR
6 WITNESS.

7 SOLICITOR COLLINS:

8 MR. KRAMER: YES, SIR, YOUR HONOR.
9 THAT'S ALL THE QUESTIONS I HAVE AT THIS TIME, YOUR
10 HONOR.

11 THE COURT: CROSS.

12 MR. KRAMER: THANK YOU, YOUR HONOR.

13 (NOTE: Blank lines on this page do not indicate any
14 part of record has been omitted. Headers on testimony
15 pages and hard page breaks between testimony are now
16 required by the Court. See next ensuing page for
17 sequential continuation of record.)

CROSS - MELISSA T. HORNE BY MR. KRAMER

299

CROSS-EXAMINATION OF MELISSA T. HORNE

BY MR. KRAMER CONTINUES:

Q. GOOD AFTERNOON, MS. HORNE.

A. GOOD AFTERNOON.

Q. THANK YOU FOR TAKING THE TIME TO BE HERE WITH US.
NOW, YOU EARLIER TESTIFIED THAT YOU GET THESE BAGS
IN AND YOU DON'T KNOW WHERE THEY COME FROM, IS THAT
RIGHT?

A. I GET THEM THROUGH MY EVIDENCE DEPARTMENT.

Q. OKAY. YOU PICK THEM UP THERE, BUT YOU DON'T KNOW,
WHEN YOU GET THE DRUGS, WHO THEY'RE CONNECTED TO?

A. ONLY BY THE PAPERWORK THAT IS HANDED TO ME, THAT'S
THE ONLY THING I KNOW.

Q. OKAY. YOU DON'T KNOW VONDELL SANDERS, DO YOU?

THE COURT: LET HER FINISH ANSWERING
THE QUESTION BEFORE YOU ASK THE NEXT ONE.

MR. KRAMER: THANK YOU, YOUR HONOR.

THE COURT: ARE YOU THROUGH WITH
THAT ANSWER, MA'AM?

A. YES, I THINK SO.

MR. KRAMER: OKAY. JUST TO REPHRASE,
YOUR HONOR, IN CASE THERE WAS SOME CONFUSION, ---

Q. YOU HAVE NO KNOWLEDGE OF ANY DRUGS THAT YOU TESTED
BELONGING TO VONDELL SANDERS, DO YOU?

A. I ONLY KNOW WHAT THE PAPERWORK THAT THE OFFICER

CROSS - MELISSA T. HORNE BY MR. KRAMER

300

1 FILLED OUT.

2 Q. YOU DON'T KNOW VONDELL SANDERS, DO YOU?

3 A. NO, I DO NOT KNOW VONDELL SANDERS.

4 Q. AND YOU DO NOT KNOW WHEN YOU RECEIVE THESE BAGS FOR
5 TESTING WHICH PERSON ALLEGEDLY THOSE DRUGS BELONG
6 TO, DO YOU?

7 A. I ONLY KNOW THE INFORMATION THAT IS ON THE
8 PAPERWORK.

9 Q. BUT THE INFORMATION YOU GOT DID NOT CONTAIN VONDELL
10 SANDERS'S NAME, DID IT?

11 A. YES, IT DID.

12 Q. BUT YOU DON'T KNOW HIM, IS THAT CORRECT?

13 A. THAT'S CORRECT.

14 Q. OKAY.

15 MR. KRAMER: THANK YOU. NO FURTHER
16 QUESTIONS.

17 THE COURT: ANYTHING FURTHER?

18 SOLICITOR COLLINS: NOTHING FURTHER,
19 YOUR HONOR.

20 THE COURT: THANK YOU, MA'AM, YOU
21 MAY STEP DOWN.

22 WITNESS: THANK YOU.

23 COURT REPORTER: YOU DON'T HAVE ANY
24 OF MY EXHIBITS, DO YOU? THIS IS ALL?

25 WITNESS: MA'AM, NO, THAT'S IT.

CROSS - MELISSA T. HORNE BY MR. KRAMER

301

1 COURT REPORTER: OKAY. I JUST WANTED
2 TO BE SURE.

3 SOLICITOR COLLINS: YOUR HONOR,
4 COULD MS. HORNE BE EXCUSED?

5 THE COURT: ANY OBJECTION TO HER
6 BEING EXCUSED?

7 MR. KRAMER: NO, YOUR HONOR, WE HAVE
8 NO OBJECTION.

9 THE COURT: THANK YOU, YOU MAY BE
10 EXCUSED, THANK YOU, MA'AM.

11 SOLICITOR COLLINS: THANK YOU,
12 MA'AM.

13 THE STATE CALLS TROY LIVINGSTON.

14 (Whereupon, the witness
15 enters the courtroom.)

16 THE COURT: PLACE YOUR LEFT HAND ON
17 THE BIBLE AND RAISE YOUR RIGHT HAND.

18 (Whereupon, Witness Troy Livingston
19 is duly sworn.)

20 THE COURT: BE SEATED, PLEASE.

21 (NOTE: Blank lines on this page do not indicate any
22 part of record has been omitted. Headers on testimony
23 pages and hard page breaks between testimony are now
24 required by the Court. See next ensuing page for
25 sequential continuation of record.)

DIRECT - TROY LIVINGSTON BY SOL. COLLINS

302

DIRECT EXAMINATION OF TROY LIVINGSTON

BY SOLICITOR COLLINS:

Q. PLEASE STATE YOUR NAME FOR THE RECORD, SPELLING
YOUR LAST NAME?

A. TROY LIVINGSTON, L-I-V-I-N-G-S-T-O-N.

Q. OFFICER LIVINGSTON, WHERE ARE YOU EMPLOYED?

A. ORANGEBURG COUNTY SHERIFF'S OFFICE.

Q. AND WHAT ARE YOUR PRIMARY DUTIES THERE?

A. SERGEANT, NARCOTICS, KEEPING UP WITH DAILY
OPERATIONS, ANALYZING MARIJUANA, AND KEEPING UP
WITH EVIDENCE.

Q. HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

A. I'M STARTING MY FIFTEENTH YEAR.

Q. WHAT TYPE OF TRAINING -- YOU SAID ANALYZING
MARIJUANA, WHAT TYPE OF TRAINING HAVE YOU RECEIVED?

A. I TOOK A COURSE AT SLED THAT CERTIFIED ME AS A
MARIJUANA ANALYST.

Q. HOW MANY TIMES HAVE YOU ANALYZED MARIJUANA, WOULD
YOU SAY?

A. PROBABLY A COUPLE THOUSAND A YEAR.

SOLICITOR COLLINS: I'D LIKE TO
OFFER MR. LIVINGSTON AS AN EXPERT AT THIS TIME IN THE
AREA OF ANALYSIS OF MARIJUANA.

THE COURT: I'M SORRY?

SOLICITOR COLLINS: I'D LIKE TO -

DIRECT - TROY LIVINGSTON BY SOL. COLLINS

303

1 --

2 THE COURT: ARE YOU ASKING ME A
3 QUESTION?

4 SOLICITOR COLLINS: I'D LIKE TO
5 OFFER MR. LIVINGSTON AS AN EXPERT IN THE AREA OF
6 ANALYSIS OF MARIJUANA.

7 THE COURT: WOULD YOU LIKE TO VOIR
8 DIRE THE WITNESS?

9 MR. KRAMER: NOT AT THIS TIME, YOUR
10 HONOR.

11 THE COURT: VERY WELL. THE COURT
12 FINDS HE'S QUALIFIED TO RENDER AN OPINION IN THE FIELD
13 OF MARIJUANA ANALYSIS.

14 SOLICITOR COLLINS: I'D LIKE TO HAND
15 THE EXHIBIT NUMBER ID THREE TO THE WITNESS, YOUR HONOR.

16 THE COURT: STATE'S NUMBER THREE.

17 Q. DO YOU RECOGNIZE THAT?

18 A. YES, SIR, I DO.

19 Q. HOW DO YOU RECOGNIZE IT?

20 A. I TOOK CUSTODY OF THIS ON OCTOBER TWENTIETH, TWO
21 THOUSAND AND THREE, AT ELEVEN A.M., FROM
22 INVESTIGATOR LYN SHIRER. I ANALYZED IT ON MARCH THE
23 SECOND OF TWO THOUSAND AND THREE -- EXCUSE ME, TWO
24 THOUSAND AND FOUR, I'M SORRY.

25 Q. YOU SAY YOU ANALYZED THAT?

DIRECT - TROY LIVINGSTON BY SOL. COLLINS

304

1 A. RIGHT.

2 Q. WHAT DID YOU DO?

3 A. I DO A CHEMICAL AND A MICROSCOPIC TEST. WHAT IT
4 CONTAINED WAS THIRTEEN SMALL BAGGIES OF PLANT LIKE
5 MATERIAL. TO ACTUALLY DO THE TEST YOU'VE GOT A
6 CHEMICAL AND A MICROSCOPIC TEST. THE CHEMICAL TEST
7 CAME BACK POSITIVE AND THE MICROSCOPIC TEST. AS
8 FAR AS TO CERTIFY EACH WEIGHT, I HAD TO WEIGH EACH
9 BAG AND TEST EACH BAG. SO, ON MY ANALYSIS REPORT
10 I'VE GOT EACH BAG NUMBERED, AND EACH BAG NUMBERED
11 ON HERE, AND WHAT WEIGHT WENT WITH EACH BAG WAS
12 LOGGED DOWN HERE, MARIJUANA FOUND ON EACH BAG, AND
13 TOTAL WEIGHT OF FOURTEEN POINT FIVE ZERO GRAMS.

14 Q. IS THAT THE REPORT THAT YOU GENERATED?

15 A. THAT'S CORRECT, A COPY OF IT.

16 SOLICITOR COLLINS: I'D LIKE TO
17 ENTER THE MARIJUANA INTO EVIDENCE, YOUR HONOR, STATE'S
18 EXHIBIT NUMBER THREE.

19 THE COURT: ANY OBJECTION TO IT
20 COMING INTO EVIDENCE?

21 MR. KRAMER: NO OBJECTION, YOUR
22 HONOR.

23 THE COURT: IT'S ADMITTED INTO
24 EVIDENCE.

25 (State's Exhibit Three

DIRECT - TROY LIVINGSTON BY SOL. COLLINS

305

1 marked and filed.)

2 SOLICITOR COLLINS: AS WELL AS, I'D
3 LIKE TO ADMIT HIS REPORT INTO EVIDENCE, YOUR HONOR.

4 THE COURT: HAS HE IDENTIFIED THE
5 REPORT?

6 SOLICITOR COLLINS: NO, FOR ID, AND
7 THEN MOVE IT INTO EVIDENCE.

8 A. OKAY, DO YOU WANT THE ORIGINAL OR A COPY? I THINK
9 LYN'S GOT THE ORIGINAL.

10 COURT REPORTER: DO YOU NEED ANOTHER
11 NUMBER FOR THAT?

12 MR. KRAMER: YOUR HONOR, I'M
13 OBJECTING, I'D LIKE TO KNOW WHAT HE'S DOING. HE'S
14 MOVING THINGS INTO EVIDENCE, HE'S MOVING THINGS INTO ID,
15 WHAT'S GOING ON?

16 SOLICITOR COLLINS: ID, AND THEN
17 INTO EVIDENCE.

18 THE COURT: WHAT ARE YOU DOING NOW?

19 SOLICITOR COLLINS: I'D LIKE TO
20 IDENTIFY IT AS STATE'S ID.

21 THE COURT: DO YOU WANT TO HAVE A
22 DOCUMENT MARKED FOR IDENTIFICATION?

23 SOLICITOR COLLINS: AND THEN MOVE
24 IT INTO EVIDENCE.

25 THE COURT: WELL, LET'S JUST DO IT

DIRECT - TROY LIVINGSTON BY SOL. COLLINS

306

FIRST, AND HAVE IT MARKED FOR IDENTIFICATION.

SOLICITOR COLLINS: OKAY, YOUR HONOR. I'D LIKE TO HAVE THAT MARKED FOR ID.

THE COURT: AND HAND IT TO THE WITNESS AND SEE IF HE CAN IDENTIFY IT..

SOLICITOR COLLINS: CAN I SHOW THIS TO THE JURY?

COURT REPORTER: JUST A MOMENT. STATE'S NINE FOR ID.

(State's Exhibit Nine,
Drug Analysis Report on marijuana,
marked for identification.)

Q. MR. LIVINGSTON, I SHOW YOU STATE'S NINE, YOU SAID THAT WAS A REPORT, IS THAT THE REPORT THAT YOU DID?

A. YES, SIR, THAT'S THE ORIGINAL.

SOLICITOR COLLINS: I'D LIKE STATE'S ID NINE MOVED INTO EVIDENCE, YOUR HONOR.

THE COURT: ANY OBJECTION?

MR. KRAMER: NO, YOUR HONOR.

THE COURT: WITHOUT OBJECTION, IT'S NOW IN EVIDENCE.

COURT REPORTER: STATE'S NINE.
(State's Exhibit Nine
marked and filed.)

SOLICITOR COLLINS: MAY I SHOW THIS

DIRECT - TROY LIVINGSTON BY SOL. COLLINS

307

1 TO THE JURY, YOUR HONOR?

2 THE COURT: YOU MAY, IF IT'S IN
3 EVIDENCE.

4 SOLICITOR COLLINS: IT IS.

5 Q. YOU SAID THAT YOU RECEIVED THE DRUGS FROM DETECTIVE
6 SHIRER, ---

7 A. CORRECT.

8 Q. --- IS THAT CORRECT? THE CRACK COCAINE, DID YOU
9 RECEIVE THAT FROM HIM?

10 A. THE SAME DATE, YES, SIR.

11 Q. WHAT DID YOU DO WITH THAT?

12 A. I LOCKED IT IN A VAULT UNTIL WE HAD ENOUGH TO
13 TRANSPORT IT TO LEXINGTON COUNTY SHERIFF'S OFFICE
14 TO HAVE IT ANALYZED.

15 Q. WHAT DID YOU DO WITH IT UPON HAVING IT ---

16 MR. KRAMER: OBJECTION, YOUR HONOR,
17 HE'S LEADING THE WITNESS.

18 MR. KRAMER: DON'T LEAD YOUR
19 WITNESS, PLEASE.

20 Q. WHAT DID YOU DO WITH IT AFTER YOU PUT IT IN THE
21 VAULT?

22 A. WHEN WE HAD ENOUGH TO CARRY TO HAVE ANALYZED, I
23 TOOK IT OUT OF THE VAULT AND CARRIED IT TO
24 LEXINGTON COUNTY SHERIFF'S OFFICE TO HAVE IT
25 ANALYZED.

DIRECT - TROY LIVINGSTON BY SOL. COLLINS

308

1 Q. WHAT DID YOU DO WITH IT WHEN YOU GOT THERE?

2 A. SOMETIMES WE TURN IT INTO THE EVIDENCE ROOM AT
3 LEXINGTON COUNTY SHERIFF'S OFFICE, WHICH I THINK
4 THIS ONE WAS, OR EITHER TO MISSY, HERSELF, TO HAVE
5 IT ANALYZED.

6 SOLICITOR COLLINS: FOR THE RECORD
7 I'M HANDING STATE'S EXHIBIT NUMBER FOUR TO THE WITNESS.

8 Q. IS THAT THE BAG THAT YOU RECEIVED FROM DETECTIVE
9 SHIRER -- WHAT IS THAT BAG?

10 A. THAT'S A BEST EVIDENCE KIT FROM LEXINGTON COUNTY,
11 CONTROL NUMBER C ZERO ZERO THIRTEEN THIRTY-ONE.
12 IF YOU HAVE THE CHAIN OF CUSTODY NOW, I COULD
13 VERIFY THAT THAT LOOKS LIKE WHAT I CARRIED. THAT'S
14 IT RIGHT THERE. THAT'S CORRECT, I RECEIVED THAT
15 PARTICULAR BEST KIT NUMBER FROM LYN SHIRER ON
16 TEN:TWENTY O THREE, AND IT WAS GIVEN TO BARBARA
17 MCMULLEN AT LEXINGTON COUNTY SHERIFF'S OFFICE
18 EVIDENCE ROOM ON NOVEMBER FIFTH OF TWO THOUSAND AND
19 THREE.

20 SOLICITOR COLLINS: I HAVE NO
21 FURTHER QUESTIONS OF THIS WITNESS, YOUR HONOR.

22 THE COURT: CROSS.

23 (NOTE: Blank lines on this page do not indicate any
24 part of record has been omitted.)

CROSS - TROY LIVINGSTON BY MR. KRAMER

309

CROSS-EXAMINATION OF TROY LIVINGSTON

BY MR. KRAMER:

Q. GOOD AFTERNOON, INVESTIGATOR LIVINGSTON.

A. HOW DO YOU DO, SIR?

Q. GOOD. NOW, YOU TESTIFIED EARLIER TO THIS JURY THAT THERE WAS MARIJUANA PACKAGED IN BAGGIES, DID YOU NOT?

A. CORRECT.

Q. THAT WAS CORRECT. CAN YOU TELL THE JURY HOW SMALL THOSE BAGGIES WERE?

A. BY WEIGHT?

Q. UH HUH, BY WEIGHT.

A. RIGHT, EACH ONE IS LOGGED DOWN. BAG NUMBER ONE IS POINT NINE TWO GRAMS, BAG NUMBER TWO IS POINT NINE THREE GRAMS, BAG NUMBER THREE IS ONE POINT ZERO ZERO GRAMS, BAG NUMBER FOUR IS ONE POINT ONE ONE - - EXCUSE ME, ONE POINT ONE EIGHT GRAMS, BAG NUMBER FIVE IS ONE POINT ZERO FIVE GRAMS, BAG NUMBER FOUR IS ONE POINT - - EXCUSE ME, BAG NUMBER SIX IS ONE POINT ZERO FOUR GRAMS, BAG NUMBER SEVEN IS ONE POINT THREE ZERO GRAMS, BAG NUMBER EIGHT IS ONE POINT THREE ZERO GRAMS, BAG NUMBER NINE IS ONE POINT ZERO SIX GRAMS, BAG NUMBER TEN IS ONE POINT TWO SIX GRAMS, BAG NUMBER ELEVEN IS ONE POINT ONE EIGHT GRAMS, BAG NUMBER TWELVE IS ONE POINT ONE SIX

CROSS - TROY LIVINGSTON BY MR. KRAMER

310

1 GRAMS, BAG NUMBER THIRTEEN IS ONE POINT ONE TWO
2 GRAMS.

3 Q. NOW, DID YOU WEIGH THE MARIJUANA SEPARATE FROM THE
4 BAGS WHEN YOU DID THAT?

5 A. YES, SIR, THAT'S THE ONLY WAY TO GET A CERTIFIED
6 WEIGHT.

7 Q. SO, YOU NEVER WEIGHED IT INSIDE OF THE INDIVIDUAL
8 BAGS?

9 A. THAT IS CORRECT, IT WAS WEIGHED, PLANT MATERIAL
10 ONLY.

11 Q. OKAY. SO, YOU TOOK IT OUT OF THE BAG, WEIGHED IT
12 AND PUT IT BACK IN THE BAG?

13 A. NO.

14 Q. NO. OKAY. CAN YOU GIVE THE JURY AN IDEA OF HOW
15 SMALL THESE BAGS WERE?

16 A. IF I CAN HAVE THE EVIDENCE BAG YOU CAN PRETTY WELL
17 SEE IT IN THE BAG, WHICH IS BEING PASSED AROUND AT
18 THIS TIME.

19 Q. OKAY.

20 MR. KRAMER: YOUR HONOR, MAY WE HAVE
21 THE BAILIFF RETRIEVE THE BAG?

22 A. OKAY. IT LOOKS LIKE ABOUT A, JUST A ROUGH
23 GUESSTIMATE, A ONE BY ONE BAG, A SMALL ZIP LOCK.

24 Q. SO, THOSE, THOSE BAGS APPEAR TO YOU TO BE VERY
25 TINY?

CROSS - TROY LIVINGSTON BY MR. KRAMER

311

1 A. I WOULD CALL IT A TINY ZIP LOCK, YES, CORRECT.

2 Q. A TINY ZIP LOCK BAG. OKAY. NOW, WHEN YOU RECEIVED
3 THIS MARIJUANA WAS IT IN ANY KIND OF A CONTAINER?

4 A. IT WAS IN A HEAT SEALED BAG LIKE IS IN THERE NOW,
5 AND THE PLANT MATERIAL WAS STILL IN EACH LITTLE
6 BAGGIE.

7 Q. NOW, YOU EARLIER TESTIFIED TO THE JURY THAT YOU HAD
8 THE CHAIN OF CUSTODY DOCUMENT, I THINK YOU HAD THE
9 SAME REPORT?

10 A. CORRECT.

11 Q. OKAY. CAN YOU EXPLAIN TO THE COURT AND THE JURY
12 WHY THESE DOCUMENTS ARE NOT NOTARIZED?

13 A. THEY DO NOT HAVE TO BE NOTARIZED.

14 Q. SO, WHAT YOU'RE SAYING IS, THEN, THEY'RE NEVER
15 NOTARIZED, IS THAT WHAT YOU'RE SAYING?

16 A. I'M NOT SAYING THEY'RE NEVER NOTARIZED. WHENEVER
17 I CARRY THEM INTO THE EVIDENCE ROOM AT LEXINGTON
18 OR TOWARD MISSY THEY ARE NOTARIZED AT THAT POINT.

19 Q. WELL, WOULDN'T IT SUPPORT THE CHAIN OF CUSTODY IF
20 THIS WAS, IN FACT, NOTARIZED?

21 A. POSSIBLE, BUT LYN SHIRER GAVE IT TO ME AND HE
22 SIGNED IT IN FRONT OF ME.

23 Q. UH HUH. WHERE WERE THE DRUGS KEPT BETWEEN THE TIME
24 THAT LYN SHIRER, AFTER LYN SHIRER GAVE THEM TO YOU
25 AND YOU DID YOUR ANALYSIS, WHERE WERE THEY KEPT AT?

CROSS - TROY LIVINGSTON BY MR. KRAMER

312

1 A. OUR EVIDENCE VAULT.

2 Q. OUR EVIDENCE VAULT. WHO HAS ACCESS TO THAT VAULT?

3 A. MYSELF, CAPTAIN COKELEY IN CASE SOMETHING HAPPENS
4 TO ME HAS A KEY JUST IN CASE SOMETHING HAPPENS TO
5 ME, AND WE HAVE ACCESS TO IT, OR THEY DO.

6 Q. WERE YOU ONE OF THE POLICE OFFICERS THAT WENT INTO
7 THE TRAILER?

8 A. CORRECT.

9 Q. YOU WERE. OKAY. IS IT YOUR USUAL DUTIES TO
10 PERFORM THIS ANALYSIS?

11 A. MYSELF OR EITHER TODD WILLIAMS ARE THE ONLY TWO
12 ANALYSTS THAT WE HAVE FOR THE COUNTY.

13 Q. OKAY. SO, YOU USUALLY GO ALONG ON THE RAID AND
14 THEN YOU DO THE DRUG ANALYSIS, IS THAT RIGHT?

15 A. YES, SIR.

16 Q. OKAY. I BELIEVE THERE WAS A GAP BETWEEN A
17 CERTIFICATE, A PROOF OF CHAIN OF CUSTODY OF A DAY
18 OR SO, IS THAT CORRECT, WHEN THESE DRUGS WERE
19 TRANSFERRED?

20 A. FROM BETWEEN ---

21 Q. BETWEEN MR. SHIRER TO YOU?

22 A. YES, SIR.

23 Q. THERE WAS. AND WHERE WERE THOSE DRUGS KEPT?

24 A. YOU'D HAVE TO LET DETECTIVE SHIRER TESTIFY TO THAT,
25 I DO NOT KNOW.

CROSS - TROY LIVINGSTON BY MR. KRAMER

313

1 Q. OKAY. BUT NEITHER YOU NOR LYN SHIRER NOTARIZED
2 THESE DOCUMENTS WHEN THE DRUGS WERE TRANSFERRED,
3 IS THAT CORRECT?

4 A. THAT'S CORRECT.

5 Q. OKAY. IS THAT USUAL PRACTICE?

6 A. FOR OUR DEPARTMENT, YES.

7 MR. KRAMER: OKAY. YOUR WITNESS,
8 COUNSEL.

9 THE COURT: REDIRECT.

10 SOLICITOR COLLINS: JUST A SECOND.

11 (NOTE: Blank lines on this page do not indicate any
12 part of record has been omitted. Headers on testimony
13 pages and hard page breaks between testimony are now
14 required by the Court. See next ensuing page for
15 sequential continuation of record.)

REDIRECT - TROY LIVINGSTON BY SOL. COLLINS

314

REDIRECT EXAMINATION OF TROY LIVINGSTON

BY SOLICITOR COLLINS:

Q. ONE QUICK QUESTION, FROM YOUR EXPERIENCE, WHAT'S THAT MARIJUANA BAG, THOSE INDIVIDUAL BAGGIES, WHAT'S THAT BAG LIKE? WHAT'S THE BAGS FOR?

THE COURT: WHAT'S IT LIKE?

Q. WHAT'S THE BAG FOR?

MR. KRAMER: OBJECTION, YOUR HONOR, HE'S LEADING THE WITNESS.

THE COURT: NO, HE'S NOT LEADING THE WITNESS, BUT YOU NEED TO BE MORE SPECIFIC WITH YOUR QUESTION.

A. YOU KNOW, THAT NUMBER OF BAGGIES IN THAT ---

THE COURT: CAN YOU ANSWER THE QUESTION?

A. YES, SIR.

THE COURT: GOOD, HAVE A GO.

A. USUALLY IF IT'S PACKAGED LIKE THAT AND ALTOGETHER, IT'S PACKAGED FOR SALE.

Q. HOW WOULD IT BE BAGGED IF IT WAS FOR PERSONAL USE, IN YOUR EXPERIENCE?

A. USUALLY IT WOULD BE IN ALL ONE BAG INSTEAD OF ALL THE SMALL BAGGIES, OR IF HE WAS USING IT FOR PERSONAL USE YOU'D ONLY HAVE ONE OR TWO, USUALLY.

SOLICITOR COLLINS: ONE SECOND, YOUR

REDIRECT - TROY LIVINGSTON BY SOL. COLLINS

315

1 HONOR. NO MORE QUESTIONS, YOUR HONOR.

2 THE COURT: RECROSS.

3 MR. KRAMER: YES, SIR.

4 (NOTE: Blank lines on this page do not indicate any
5 part of record has been omitted. Headers on testimony
6 pages and hard page breaks between testimony are now
7 required by the Court. See next ensuing page for
8 sequential continuation of record.)

RECROSS - TROY LIVINGSTON BY MR. KRAMER

316

RECROSS-EXAMINATION OF TROY LIVINGSTON

BY MR. KRAMER:

Q. NOW, YOU TESTIFIED EARLIER, DIDN'T YOU, TO THIS JURY, INVESTIGATOR LIVINGSTON, THAT THOSE WERE VERY SMALL, TINY BAGS?

A. YES, SIR.

Q. AND THOSE BAGS COULD HAVE BEEN FOR INDIVIDUAL USE, COULDN'T THEY?

A. THEY COULD BE, BUT ---

Q. THEY COULD BE, ---

A. --- BUT NORMALLY ---

Q. THANK YOU.

A. --- THEY ARE ---

Q. THANK YOU.

A. --- PACKAGED FOR SALE.

THE COURT: YOU CAN FINISH ANSWERING THE QUESTION.

MR. KRAMER: THANK YOU, OFFICER. THAT'S ALL, YOUR HONOR.

THE COURT: HAVE YOU FINISHED ANSWERING THE QUESTION?

A. YES, SIR.

THE COURT: VERY WELL.

A. USUALLY WHENEVER WE FIND IT LIKE THAT IT'S PACKAGED FOR SALE.

RECROSS - TROY LIVINGSTON BY MR. KRAMER

317

1 SOLICITOR COLLINS: NOTHING FURTHER
2 FROM THIS WITNESS, YOUR HONOR.

3 THE COURT: YOU CAN STEP DOWN.
4 THANK YOU.

5 SOLICITOR COLLINS: THE COURT'S
6 INDULGENCE, YOUR HONOR. THE STATE RESTS, YOUR HONOR.

7 THE COURT: DO YOU HAVE ANY MOTIONS?

8 MR. KRAMER: YES, YOUR HONOR. THE
9 DEFENSE ---

10 THE COURT: LADIES AND GENTLEMEN -
11 --

12 MR. KRAMER: SIR?

13 THE COURT: LADIES AND GENTLEMEN OF
14 THE JURY I'M GOING TO ASK YOU, IF YOU WILL, TO STEP BACK
15 INTO YOUR JURY ROOM AND DON'T DISCUSS THE CASE WHILE
16 YOU'RE BACK THERE. WE NEED TO TAKE UP SOME MATTERS OF
17 LAW OUTSIDE OF YOUR PRESENCE.

18 (Whereupon, the following
19 takes place out of the
20 presence of the jury.)

21 THE COURT: YOU HAD SOME MOTIONS?

22 MR. KRAMER: YES, YOUR HONOR. YOUR
23 HONOR, THE DEFENSE'S MOTION AT THE CONCLUSION OF THE
24 STATE'S CASE IS FOR A DIRECTED VERDICT OF NOT GUILTY FOR
25 MY CLIENT, VONDELL SANDERS, YOUR HONOR. I BELIEVE THAT

RECROSS - TROY LIVINGSTON BY MR. KRAMER

318

1 THE STATE HAS FAILED TO SHOW, YOUR HONOR, THAT THESE
2 DRUGS COULD NOT HAVE BELONGED TO SOMEONE ELSE. THERE'S
3 BEEN TESTIMONY GIVEN IN COURT THAT THERE WAS ANOTHER
4 PERSONS PRESENT. THERE'S BEEN NO TESTIMONY GIVEN, I
5 BELIEVE, THAT WOULD SHOW THAT THOSE DRUGS COULD NOT HAVE
6 BELONGED TO THE FEMALE THAT WAS ARRESTED AT THE TIME IN
7 THE TRAILER WITH VONDELL SANDERS, WHO, FOR THE COURT'S
8 INFORMATION, IS NOT CHARGED, IS NOT CHARGED WITH
9 ANYTHING BY THE SOLICITOR'S OFFICE. AND SO, I WOULD
10 ASK, YOUR HONOR, THAT THE COURT DIRECT A VERDICT IN
11 FAVOR OF VONDELL SANDERS, THAT THE STATE HAS NOT PROVEN
12 ITS CASE, AND I WOULD ALSO LIKE TO RENEW ALL OF MY
13 PRIOR MOTIONS AT THIS TIME, YOUR HONOR. THANK YOU.

14 THE COURT: VERY WELL. I DENY YOUR
15 MOTIONS. ANYTHING FURTHER?

16 SOLICITOR COLLINS: NOTHING, YOUR
17 HONOR, FROM THE STATE.

18 MR. KRAMER: NO, SIR.

19 THE COURT: I THINK THERE'S AMPLE
20 EVIDENCE TO GO PAST THIS STAGE.

21 BRING THE JURY BACK IN, PLEASE.

22 MR. KRAMER: YOUR HONOR, MAY I
23 APPROACH, WITH STATE'S COUNSEL?

24 THE COURT: YOU CAN.

25 MR. KRAMER: THANK YOU, YOUR HONOR.

RECROSS - TROY LIVINGSTON BY MR. KRAMER

319

1 THE COURT: I NEED TO KNOW, TO TELL
2 THE JURY SOMETHING.

3 MR. KRAMER: YOUR HONOR, I WISH THE
4 COURT TO INQUIRE ---

5 BAILIFF: JUST A MOMENT, YOUR HONOR.

6 (NOTE: Blank lines on this page do not indicate any
7 part of record has been omitted. Headers on testimony
8 pages and hard page breaks between testimony are now
9 required by the Court. See next ensuing page for
10 sequential continuation of record.)

EXAM, IN CAMERA - DEFENDANT SANDERS BY THE COURT 320

1 EXAMINATION, IN CAMERA, OF DEFENDANT SANDERS

2 BY THE COURT:

3 Q. SIR, DO YOU INTEND TO TESTIFY ON YOUR ON BEHALF?

4 A. YES, SIR.

5 Q. DO YOU UNDERSTAND THAT BY TESTIFYING ON YOUR OWN
6 BEHALF YOU SUBJECT YOURSELF TO CROSS-EXAMINATION?

7 A. YES, SIR.

8 Q. THERE ARE QUESTIONS THEY CAN ASK YOU CONCERNING
9 PRIOR BAD ACTS, CONCERNING PRIOR CONVICTIONS OF
10 CERTAIN CRIMES. DO YOU UNDERSTAND THAT?

11 A. YES, SIR.

12 Q. YOU DON'T HAVE TO TESTIFY IF YOU DON'T WANT TO, DO
13 YOU UNDERSTAND THAT?

14 A. YES, SIR.

15 Q. IF YOU DECIDE, OR IF YOU DON'T WANT TO TESTIFY I'LL
16 TELL THE JURY THAT THEY CAN'T HOLD THAT AGAINST
17 YOU, THAT THAT'S EXERCISING A RIGHT THAT YOU HAVE,
18 AND THAT THEY CAN'T HOLD YOUR SILENCE, SHOULD YOU
19 DECIDE NOT TO TESTIFY, THEY CAN'T HOLD THAT SILENCE
20 AGAINST YOU, YOU'RE EXERCISING A RIGHT THAT YOU
21 HAVE AND THEY CANNOT, SHALL NOT, AND MUST NOT HOLD
22 IT AGAINST YOU. I WILL FURTHER INSTRUCT THEM THAT
23 WHEN THEY RETIRE TO THEIR JURY ROOM TO DELIBERATE
24 THE VERDICTS IN THIS CASE THAT THEY CAN'T EVEN
25 BRING THAT FACT UP FOR DISCUSSION, THEY CAN'T EVEN

EXAM, IN CAMERA - DEFENDANT SANDERS BY THE COURT 321

1 DISCUSS THE FACT THAT YOU DIDN'T TESTIFY. I WANTED
2 YOU TO UNDERSTAND THAT, AND FURTHER UNDERSTAND THAT
3 IF YOU TAKE THE STAND TO TESTIFY, AND YOU TELL ME
4 YOU WISH TO DO SO, YOU DON'T HAVE TO ANSWER ANY
5 QUESTIONS THAT YOU THINK WOULD TEND TO INCRIMINATE
6 YOU, YOU CAN SAY, I RESPECTFULLY REFUSE TO ANSWER
7 THAT ON THE GROUNDS THAT IT MAY TEND TO INCRIMINATE
8 ME. AND I'M SURE YOUR LAWYER WILL EXPLAIN THE
9 RAMIFICATIONS OF THAT TO YOU. BUT YOU DO WISH TO
10 TESTIFY?

11 A. YES, SIR.

12 THE COURT: VERY WELL. IS THERE
13 ANY OTHER QUESTIONS YOU'D HAVE ME ASK YOUR WITNESS, MR.
14 KRAMER?

15 MR. KRAMER: YOUR HONOR, I HAD
16 PREVIOUSLY MENTIONED TO THE COURT THAT I WOULD LIKE TO
17 HAVE A HEARING CONDUCTED PRIOR TO HIS TESTIMONY ON THE
18 RAP SHEET AND ADMISSIBILITY OF CERTAIN CONVICTIONS UNDER
19 STATE VERSUS ALEXANDER AND STATE VERSUS GREEN, THAT
20 THOSE CONVICTIONS MAY BE UNDULY PREJUDICIAL OR
21 SUGGESTIVE TO THE JURY THAT BECAUSE OF OTHER PRIOR
22 CONVICTIONS THE JURY MAY BE INCLINED TO ADMIT THEM IF
23 THE STATE GOES AHEAD AND QUESTIONS HIM ABOUT THOSE, IT
24 MAY PREJUDICIALLY AFFECT HIS RIGHTS, YOUR HONOR. AND
25 I WOULD LIKE A HEARING ON THAT, AND I'D LIKE THE COURT

1 TO RULE ON THAT.

2 THE COURT: WHY DON'T WE HAVE THAT
3 HEARING NOW?

4 MR. KRAMER: YES, SIR, THAT'S FINE,
5 YOUR HONOR.

6 THE COURT: ALRIGHT. DO YOU HAVE
7 A COPY OF STATE VERSUS ALEXANDER AND STATE VERSUS, WHAT
8 IS IT, GREEN?

9 MR. KRAMER: YES, YOUR HONOR, I WILL
10 PROVIDE THOSE TO THE COURT.

11 THE COURT: WHEN? NOW, OR -- I
12 MEAN, DO YOU HAVE THEM ALREADY ---

13 MR. KRAMER: NO, YOUR HONOR, I'M
14 SORRY, I DIDN'T BRING COPIES OF THE CASES WITH ME, BUT
15 I CAN HAVE THOSE PRODUCED.

16 THE COURT: CAN YOU GET THOSE FOR
17 ME?

18 LAW CLERK: YES, SIR.

19 MR. KRAMER: OKAY. YOUR HONOR,
20 WE'LL ARGUE ALSO UNDER RULE FOUR O THREE ON THE
21 ADMISSIBILITY.

22 YOUR HONOR, THE RAP SHEET OF MR.
23 SANDERS, WHICH I'M SURE THE STATE HAS A COPY OF,
24 STARTING IN, JUNE TWENTY-FIFTH OF NINETEEN NINETY-FIVE,
25 SHOWS AN ARREST CHARGE FOR DRIVING UNDER SUSPENSION.

323

1 THE COURT: NINETEEN WHEN?

2 MR. KRAMER: NINETEEN NINETY-FIVE,
3 YOUR HONOR. THERE'S THINGS ON THERE FROM NINETEEN
4 NINETY-ONE, BUT I'M ONLY GOING FROM NINETEEN NINETY-
5 FIVE, JUNE TWENTY-FIFTH. THAT'S A CHARGE OF GRAND
6 LARCENY OVER A THOUSAND AND LESS THAN FIVE THOUSAND, AND
7 A CONVICTION ON THAT. THERE'S ALSO A BURGLARY, THIRD
8 DEGREE, A CONVICTION ON THAT. THERE'S ALSO, YOUR HONOR,
9 A CRACK COCAINE POSSESSION WITH INTENT TO DISTRIBUTE
10 FROM NINETEEN NINETY-SEVEN, A CONVICTION. THERE'S ALSO
11 A FAILURE TO STOP FOR AN OFFICER CONVICTION. THERE'S
12 A BURGLARY, THIRD DEGREE, FOR CONVICTION. A GRAND
13 LARCENY, CONVICTED.

14 THE COURT: WAIT A MINUTE, NOW,
15 AFTER THE BLUE LIGHTS, WHAT?

16 MR. KRAMER: I'VE GOT, YOUR HONOR,
17 GRAND LARCENY, BURGLARY, THIRD, AND I'VE GOT FROM
18 NINETY-SEVEN, YOUR HONOR, CRACK COCAINE, POSSESSION WITH
19 INTENT TO DISTRIBUTE, CONVICTED, TWELVE YEARS. AND I'VE
20 GOT A CRACK DISTRIBUTION CHARGE ON THERE ALSO,
21 CONVICTED, TWELVE YEARS, CONCURRENT. AND I MENTIONED,
22 YOUR HONOR, AFTER THAT THERE'S A BURGLARY, THIRD, A
23 GRAND LARCENY. AND THIS, THEN UP TO TWO THOUSAND --

24 THE COURT: I'M A LITTLE CONFUSED.
25 ARE YOU GOING OVER THEM TWICE, OR ARE YOU -- GO DOWN

1 THERE ONE AT A TIME AND TELL ME WHAT HIS CONVICTIONS
2 ARE.

3 MR. KRAMER: YES, SIR, YOUR HONOR.

4 THE COURT: AND JUST TELL ME THE
5 ONES THAT ARE IN THE LAST TEN YEARS.

6 MR. KRAMER: THAT'S WHAT I'M DOING,
7 YOUR HONOR. STARTING, YOUR HONOR, ---

8 THE COURT: AND THERE'S TWO
9 BURGLARIES.

10 MR. KRAMER: YES, SIR, YOUR HONOR,
11 FROM NINETEEN NINETY-FIVE FORWARD, IT LOOKS LIKE DRIVING
12 UNDER SUSPENSION. AND AFTER THAT, YOUR HONOR, GRAND
13 LARCENY.

14 THE COURT: ALRIGHT, SIR.

15 MR. KRAMER: AND BURGLARY, THIRD
16 DEGREE.

17 THE COURT: ALRIGHT, SIR.

18 MR. KRAMER: AND THEN, CRACK
19 COCAINE, POSSESSION WITH INTENT TO DISTRIBUTE.

20 THE COURT: ALRIGHT, SIR.

21 MR. KRAMER: AND THEN, CRACK
22 COCAINE, DISTRIBUTION.

23 THE COURT: ALRIGHT, SIR.

24 MR. KRAMER: THEN BURGLARY, THIRD,
25 YOUR HONOR. AND THEN, ---

325

1 THE COURT: WAIT A MINUTE.

2 MR. KRAMER: --- GRAND LARCENY.

3 THE COURT: ALRIGHT, SIR.

4 MR. KRAMER: AND THEN, STARTING IN
5 JUNE OF TWO THOUSAND, JUNE FOURTEENTH, YOUR HONOR, WE
6 HAVE MANUFACTURING, DISTRIBUTING ICE CRANK CRACK
7 COCAINE, CONVICTED.

8 THE COURT: MANUFACTURING?

9 MR. KRAMER: YES, SIR. IT SAYS, THE
10 CHARGE IS MANUFACTURE, COMMA, DISTRIBUTION, ICE CRANK
11 CRACK COCAINE, CONVICTED, TEN YEARS, SUSPENDED TO FOUR
12 YEARS. AND AFTER THAT, YOUR HONOR, WE HAVE ---

13 THE COURT: WAIT A MINUTE, I'M
14 TRYING TO WRITE THIS DOWN.

15 MR. KRAMER: I'M SORRY, YOUR HONOR.

16 THE COURT: MANUFACTURING AND
17 DISTRIBUTION OF CRACK COCAINE?

18 MR. KRAMER: YES, SIR, YOUR HONOR.
19 THAT'S FROM TWO THOUSAND.

20 THE COURT: ALRIGHT.

21 MR. KRAMER: THEN WE HAVE, YOUR
22 HONOR, POSSESSION OF A SCHEDULED SUBSTANCE, IT'S HARD
23 TO READ, IT'S A POOR COPY, LSD, SCHEDULED TWO COCAINE,
24 SECOND, AND WE HAVE ---

25 SOLICITOR COLLINS: IT'S CRACK

1 COCAINE, YOUR HONOR.

2 THE COURT: WHAT IS THAT? EXCUSE
3 ME, WHAT IS IT?

4 SOLICITOR COLLINS: IT'S COCAINE,
5 YOUR HONOR, I'M PRETTY SURE IT IS.

6 MR. KRAMER: AND THEN WE HAVE A
7 RESISTING ARREST, YOUR HONOR.

8 THE COURT: WAIT A MINUTE, Y'ALL ARE
9 LOOKING AT IT AND I'M NOT LOOKING AT IT, AND YOU'RE
10 SAYING ONE THING AND HE'S SAYING ---

11 SOLICITOR COLLINS: IT'S COCAINE,
12 YOUR HONOR, SCHEDULE TWO DRUGS, COCAINE.

13 MR. KRAMER: MAY I APPROACH, YOUR
14 HONOR?

15 THE COURT: PLEASE.

16 MR. KRAMER: IF MR. COLLINS WOULD
17 LIKE TO JOIN ME.

18 THE COURT: ALRIGHT, CALL OUT THE
19 ONE AFTER MANUFACTURING AND DISTRIBUTING OF CRACK
20 COCAINE.

21 COURT REPORTER: ARE WE ON THE
22 RECORD NOW?

23 THE COURT: YES, MA'AM.

24 COURT REPORTER: OKAY.

25 MR. KRAMER: LET ME KNOW WHEN YOU

1 WANT ME TO START, MS. HARRY DOT.

2 COURT REPORTER: THANK YOU. OKAY.

3 MR. KRAMER: THANK YOU, MA'AM. WHAT
4 I'VE GOT, YOUR HONOR, AFTER THE MANUFACTURING AND
5 DISTRIBUTION, ICE CRANK CRACK COCAINE, SECOND,
6 CONVICTION, THEN I'VE GOT A POSSESSION OF A SCHEDULED
7 TWO SUBSTANCE, IT LOOKS LIKE COCAINE, SECOND. AND THEN
8 THE LAST ONE THAT I SEE, YOUR HONOR, IS A RESISTING
9 ARREST CHARGE, A MISDEMEANOR.

10 THE COURT: AND THAT'S IT?

11 MR. KRAMER: YES, SIR, YOUR HONOR.

12 AND SO ---

13 SOLICITOR COLLINS: YOUR HONOR,
14 THERE'S ALSO A NINETY-SEVEN MANUFACTURING, I MEAN,
15 DISTRIBUTION, RATHER, OF MARIJUANA. IT'S RIGHT UNDER
16 CRACK COCAINE, THEN DIS --- THE PWID, CRACK, THEN THE
17 DISTRIBUTION OF CRACK, AND THEN, MARIJUANA DISTRIBUTION.
18 IT LOOKS LIKE HE GOT FIVE YEARS.

19 MR. KRAMER: THAT'S RIGHT, YES, YOUR
20 HONOR.

21 THE COURT: IS THAT THE SAME DATE
22 IN JUNE AS THE CRACK COCAINE?

23 MR. KRAMER: IT LOOKS LIKE IT, YOUR
24 HONOR.

25 THE COURT: THAT'S MANUFAC ---

1 MR. KRAMER: JUNE -- SIR? I'M SORRY,
2 MY COPY IS POOR, IT LOOKS LIKE JUNE FOURTEENTH OF
3 NINETY-SEVEN.

4 THE COURT: I THOUGHT THAT WAS TWO
5 THOUSAND. THAT WAS NINETY-SEVEN?

6 MR. KRAMER: THE ONE MR. COLLINS IS
7 TALKING ABOUT, YOUR HONOR, THE MARIJUANA CHARGE, IS FROM
8 NINETY-SEVEN. THAT'S THE SAME TIME THERE WAS A CRACK
9 COCAINE POSSESSION WITH INTENT, AND A CRACK DISTRIBUTION
10 CHARGE, AND A MARIJUANA DISTRIBUTION CHARGE, AND A
11 FAILURE TO STOP. IT LOOKS LIKE THEY'RE ALL AT THE SAME
12 TIME, YOUR HONOR.

13 THE COURT: AND HE GOT A YOA FOR THE
14 MANUFACTURE AND DISTRIBUTION OF MARIJUANA.

15 MR. KRAMER: THAT APPEARS TO BE
16 CORRECT, YOUR HONOR.

17 THE COURT: BURGLARY?

18 SOLICITOR COLLINS: YOUR HONOR, YOU
19 ONLY WANTED FIVE YEARS, I MEAN, TEN YEARS, BUT IN
20 NINETY-ONE HE HAD A CONVICTION FOR BURGLARY THAT HE GOT
21 A YOA FOR. YEAH, NINETY-ONE.

22 MR. KRAMER: I'M ONLY GOING FROM
23 NINETY-FIVE FORWARD, YOUR HONOR.

24 SOLICITOR COLLINS: BUT HE WAS
25 ASKING ABOUT A YOA.

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1 MR. KRAMER: RIGHT.

2 THE COURT: SOMEBODY TOLD ME HE GOT
3 A YOA IN NINETY-SEVEN.

4 MR. KRAMER: NO, SIR.

5 THE COURT: CAN WE AGREE, THEN, THAT
6 HIS RECORD SINCE NINETEEN NINETY-FIVE TO THE PRESENT ARE
7 CONVICTIONS FOR DRIVING UNDER SUSPENSION, SECOND
8 OFFENSE, GRAND LARCENY, BURGLARY, THIRD, POSSESSION WITH
9 INTENT TO DISTRIBUTE CRACK COCAINE, DISTRIBUTION OF
10 CRACK COCAINE, FAILURE TO STOP FOR A BLUE LIGHT AND
11 SIREN, MANUFACTURING OF, AND/OR DISTRIBUTION OF
12 MARIJUANA, ---

13 MS. HINDS: IT WAS A DISTRIBUTION,
14 YOUR HONOR.

15 THE COURT: I'M SORRY?

16 MS. HINDS: IT WAS A DISTRIBUTION.

17 THE COURT: ALRIGHT. DISTRIBUTION
18 OF MARIJUANA, BURGLARY, THIRD, GRAND LARCENY,
19 MANUFACTURING/DISTRIBUTION OF ICE CRACK OR CRACK
20 COCAINE, SECOND, ---

21 MR. KRAMER: YES, SIR.

22 THE COURT: --- POSSESSION OF
23 SCHEDULE TWO DRUGS, COCAINE, SECOND?

24 MR. HINDS: YES, SIR.

25 THE COURT: AND RESISTING ARREST.

1 MR. KRAMER: YES, SIR.

2 THE COURT: ALRIGHT, SIR. WHAT'S
3 THE QUESTION THAT YOU WANT TO DO ABOUT GOING OVER HIS
4 OFFENSES?

5 MR. KRAMER: WHAT I'D LIKE TO ASK
6 THE COURT TO DO, YOUR HONOR, AT THIS POINT IS TO MAKE
7 A RULING UNDER SOUTH CAROLINA RULES FOUR O THREE AND THE
8 CASES THAT I MENTIONED BEFORE, CASE LAW, THAT THE DRUG
9 CONVICTIONS, YOUR HONOR, ARE UNDULY SUGGESTIVE OR
10 PREJUDICIAL TO MY CLIENT, IF THE STATE IS ALLOWED TO
11 QUESTION MY CLIENT ABOUT HIS PRIOR DRUG CONVICTIONS, I'M
12 ONLY ASKING ABOUT THE DRUG CONVICTIONS, YOUR HONOR, NOT
13 THE OTHER CHARGES. THAT THIS WOULD PREJUDICE THE JURY'S
14 DECISION IN FAVOR OF THE STATE, BASED ON THE FACT THAT
15 THEY HEARD THESE PRIOR CONVICTIONS, YOUR HONOR, THAT HAS
16 NOTHING TO DO WITH THE CURRENT CASE BEFORE THE COURT;
17 THAT THE JURY WOULD BE PREJUDICED TO CONVICT MY CLIENT
18 BECAUSE OF WHAT HAPPENED IN THE PAST, YOUR HONOR, AND
19 THE MOST RECENT ONE IS TWO THOUSAND, WHICH IS, I
20 BELIEVE, FOUR YEARS AGO, ABOUT FOUR YEARS AGO. AND THE
21 ONE BEFORE THAT WAS IN NINETY-SEVEN, WHICH WAS THREE
22 YEARS PRIOR TO TWO THOUSAND, AND ONE IS NINETY-FIVE, TWO
23 YEARS PRIOR TO THAT. SO, I BELIEVE, YOUR HONOR, THAT
24 IF THE JURY IS ALLOWED TO HEAR OF ALL THESE PRIOR DRUG
25 CONVICTIONS THAT THIS WILL UNDULY PREJUDICE MY CLIENT

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1 IN HIS TESTIMONY AND WILL SEVERELY AFFECT HIS ABILITY
2 TO HAVE A VERDICT WHICH IS NOT PREJUDICED, YOUR HONOR,
3 BY THESE PRIOR CONVICTIONS.

4 THE COURT: ANYTHING FROM THE STATE?

5 SOLICITOR COLLINS: YES, SIR. YOUR
6 HONOR, READING FROM THE FOUR, B, ---

7 COURT REPORTER: I CANNOT HEAR YOU.

8 SOLICITOR COLLINS: I'M SORRY. IT
9 SHOWS, BUT THERE'S EXCEPTIONS TO THESE TO SHOW MOTIVE,
10 IDENTITY, THE EXISTENCE OF A COMMON SCHEME OR A PLAN
11 ABSENCE OF MISTAKE OR INTENT. I THINK THIS CLEARLY GOES
12 TO SHOW THAT, YOU KNOW, HE'S DONE THIS IN THE PAST, AND
13 THAT HE'S A DRUG DEALER, AND HENCE, IT GOES TO SHOW HIS
14 COMMON SCHEME, HIS INTENT. THEY'RE ALSO SAYING THAT
15 IT'S A MISTAKE, THAT THEY WEREN'T HIS DRUGS. I THINK
16 THIS ALSO HELPS, GOES TO SHOW THAT, YES, THEY WERE NOT
17 MISTAKEN, BECAUSE THEY GOT HIM AGAIN, EXACTLY WHAT
18 HAPPENED TO HIM IN THIS CASE. AND I THINK THAT CLEARLY,
19 THE JURY NEEDS TO HEAR THIS BECAUSE THE BENEFITS OF THIS
20 CLEARLY OUTWEIGH. AND AS A RESULT OF THAT, THE PRIOR
21 BAD ACTS SHOULD BE ADMISSIBLE.

22 THE COURT: SO, YOU'RE OFFERING IT
23 FOR PRIOR BAD ACTS OR ARE YOU OFFERING IT FOR A
24 CONVICTION TO IMPEACH HIS CREDIBILITY?

25 SOLICITOR COLLINS: BOTH, YOUR

1 HONOR.

2 MR. KRAMER: YOUR HONOR, I DO NOT
3 BELIEVE THAT THE STATE HAS A VALID POSITION IN WANTING
4 TO USE IT, YOUR HONOR, FOR BOTH PRIOR BAD ACTS AND ALSO
5 AS A CONVICTION. I SPECIFICALLY REQUESTED THE COURT NOT
6 TO EXCLUDE ALL THE PRIOR CHARGES, ONLY THE DRUG CHARGES,
7 BECAUSE THEY ARE UNDULY SUGGESTIVE, THEY ARE UNDULY
8 PREJUDICIAL. IF THE JURY HEARS ---

9 THE COURT: THAT'S PRECISELY WHY HE
10 WANTS THEM IN.

11 MR. KRAMER: I UNDERSTAND THAT, YOUR
12 HONOR, AND I'M SAYING THESE CHARGES, THE MOST RECENT ONE
13 WAS FOUR YEARS AGO. THEY WERE NOT YESTERDAY, LAST WEEK,
14 OR LAST YEAR. AND THIS IS NOT, THERE'S NO PROOF, YOUR
15 HONOR, BEFORE THIS JURY RIGHT NOW THAT HE IS A DRUG
16 DEALER, AS MR. COLLINS IS ATTEMPTING TO TELL THE COURT.

17 SOLICITOR COLLINS: YOUR HONOR, -

18 --

19 MR. KRAMER: IN FACT, HE'S THE ONLY
20 ONE CHARGED, YOUR HONOR, THEY DIDN'T CHARGE ANYBODY ELSE
21 IN THIS PARTICULAR CASE BEFORE THE COURT.

22 SOLICITOR COLLINS: YOUR HONOR, THE
23 REASON THAT ---

24 THE COURT: IS THERE SOMETHING
25 STRANGE ABOUT THAT?

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1 MR. KRAMER: NO, YOUR HONOR.

2 THE COURT: I MEAN, YOU'RE DEMEANOR
3 WOULD BE THAT THERE WAS SOMETHING STRANGE ABOUT IT.

4 MR. KRAMER: HE'S ASKING FOR, HE'S
5 MENTIONING TO THE COURT THAT THIS IS CONSPIRACY. I
6 DON'T KNOW HOW YOU CAN CONSPIRE WITH YOURSELF, IF
7 THEY'VE ONLY CHARGED ONE PERSON, TO SHOW COMMON MOTIVE,
8 CONSPIRACY OR PLAN. WHAT PLAN?

9 THE COURT: NO, COMMON SCHEME OR
10 DESIGN.

11 MR. KRAMER: COMMON SCHEME, YOUR
12 HONOR.

13 SOLICITOR COLLINS: YOUR HONOR, HE'S
14 ACTUALLY, I THINK HE'S ON SOME TYPE OF PROBATIONARY
15 SENTENCE NOW, SO OBVIOUSLY, HE JUST GO OUT OF JAIL FOR
16 THE PREVIOUS DRUG CHARGE. AND THE REASON, HE'S NOT
17 SAYING HE DOESN'T WANT TO ADMIT ANY OF THE OTHER, TO
18 DELETE THE OTHER CHARGES IS BECAUSE THEY'RE INVOLVING
19 DISHONESTY, SO THEY AUTOMATICALLY COME IN UNDER SIX O
20 NINE, A, TWO, FOR IMPEACHMENT PURPOSES.

21 THE COURT: IT'S A, IT'S A -- MR.
22 COLLINS, IT'S WHAT YOU OFFER IT FOR, THE REASON YOU
23 OFFER IT FOR. IF YOU OFFER IT TO SHOW A COMMON SCHEME
24 OR DESIGN, THAT'S ONE THING. IF YOU'RE OFFERING IT TO
25 SHOW IMPEACHMENT, THAT HE'S COMMITTED A CRIME OF MORAL

1 TURPITUDE OR LYING, STEALING OR CHEATING, THAT'S, IT
2 COMES IN UNDER A WHOLE DIFFERENT REASON, A WHOLE
3 DIFFERENT RULE, A WHOLE DIFFERENT SET OF CASES, AND I
4 NEED TO KNOW WHAT YOU'RE OFFERING IT FOR.

5 SOLICITOR COLLINS: YES, SIR. I'M
6 JUST SAYING THE REASON THAT WE'RE NOT, THAT HE'S SAYING,
7 OH, WELL, WE'RE GOING TO LET -- BECAUSE HE ACTUS LIKE
8 HE'S DOING ME A FAVOR, YOUR HONOR, LETTING IN THE GRAND
9 LARCENY AND STUFF LIKE THAT. IT AUTOMATICALLY COMES IN
10 IS WHAT I'M SAYING, IS BECAUSE IT'S A CRIME INVOLVING
11 DISHONESTY, SO IT AUTOMATICALLY COMES IN. IT'S NOT LIKE
12 HE'S GIVING ME SOMETHING, I GUESS, IS MY POINT. WE WANT
13 TO INTRODUCE THE DRUG CONVICTIONS BECAUSE IT DOES SHOW
14 A COMMON SCHEME, YOU KNOW, PLAN, PRESENCE, AND IT ALSO
15 SHOWS ---

16 MR. KRAMER: YOUR HONOR, HE CAN'T
17 HAVE IT BOTH WAYS.

18 THE COURT: YES, HE CAN.

19 MR. KRAMER: YES, SIR?

20 THE COURT: YES, HE CAN HAVE IT BOTH
21 WAYS. HE CAN HAVE IT BOTH WAYS, I MEAN, IF HE'S OFFERING
22 IT TO SHOW THAT.

23 MR. KRAMER: YES, SIR.

24 THE COURT: IT'S VERY TENUOUS, I'M
25 GOING TO TELL YOU THAT RIGHT NOW, BECAUSE I'M NOT SURE,

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1 WITH ALL DUE RESPECT TO THE SUPREME COURT, I MEAN THAT
2 SINCERELY, THAT LAW IS IN A STATE OF SERIOUS FLUX, AND
3 HAS BEEN FOR THE LAST FIVE OR SIX YEARS, ABOUT PRIOR BAD
4 ACTS, WHAT IT CAN COME IN FOR, WHAT IS A COMMON SCHEME
5 OR DESIGN, OR IF YOU ARE LETTING IT IN FOR THAT, DO YOU
6 WEIGH THE PROBATIVE VALUE AGAINST THE RISK OF PREJUDICE,
7 AND THE WHOLE IDEA IS TO LET THIS MAN BE TRIED ON THE
8 CRIMES FOR WHICH HE IS CHARGED TODAY, NOT BASED ON THE
9 CONVICTIONS THAT HE HAS IN THE PAST. NOW, IF YOU'RE
10 OFFERING THEM TO SHOW HE'S CONVICTED A BUNCH OF TIMES,
11 BEEN CONVICTED A BUNCH OF TIMES, SO HIS CREDIBILITY IS
12 NOT GOOD, HIS ABILITY TO TELL THE TRUTH IS IMPUGNED BY
13 HIS PREVIOUS CONVICTIONS, THAT'S ONE THING. AND MR.
14 COLLINS IS RIGHT, THEY COME IN FOR THAT PURPOSE IF
15 NOTHING ELSE, THE NON DRUG CASES. THE QUESTION HERE,
16 IF A PRIOR CONVICTION FOR A DRUG OFFENSE COMES IN UNDER
17 PRIOR -- IT CAN'T COME IN FOR PRIOR CONVICTION ON
18 CREDIBILITY BECAUSE HE AIN'T OFFERING IT FOR THAT, HE'S
19 OFFERING IT TO SHOW A COMMON SCHEME OR DESIGN, AND HIS
20 COMMON SCHEME OR DESIGN IS THAT HE'S A DRUG DEALER, HE
21 WAS CONVICTED OF THAT IN THE PAST, WITH DISTRIBUTION,
22 AND HE'S CHARGED NOW WITH POSSESSION WITH INTENT TO
23 DISTRIBUTE. IF HE WAS CONVICTED IN THE PAST HE'S
24 PROBABLY GUILTY OF THIS ONE. IT'S KIND OF LIKE MAKE A
25 SIGNATURE CRIME. BUT IF EVERYBODY, SAY A MURDER CASE

1 WHERE ALL THE VICTIMS ARE HUNG AND THE, THEIR INITIALS
2 ARE CUT IN THE NECK, YOU KNOW, AND SOMEBODY DOES THAT
3 TIME AND TIME AGAIN, THOSE PRIOR CONVICTIONS FOR THAT
4 COME TO SHOW, THIS IS THE GUY WHO CUTS THE INITIALS IN
5 THE NECK. BUT IT'S NOT THAT SIMPLE HERE, IT'S NOT A
6 SIGNATURE CRIME, IT'S A VERY COMMON, UNFORTUNATELY, A
7 VERY COMMON CRIME, THAT OF BEING A DRUG DEALER OR
8 DEALING IN DRUGS, SELLING DRUGS. SO, THE QUESTION IS,
9 AS I UNDERSTAND IT, WHETHER TO ALLOW THIS IN TO SHOW A
10 -- PRIOR BAD ACTS TO SHOW COMMON SCHEME OR DESIGN, AND
11 RUN THE RISK OF HIM BEING CONVICTED BASED ON HIS PRIOR
12 CONVICTIONS, AS OPPOSED TO NOT LETTING THIS IN BECAUSE
13 IT'S TOO PREJUDICIAL, AND LETTING HIM BE IMPEACHED, HIS
14 CREDIBILITY BE IMPEACHED BY HIS PRIOR CONVICTIONS. THE
15 SAFE THING TO DO FOR THE STATE IS TO NOT OFFER IT. IF
16 YOU DON'T OFFER IT YOU CAN'T BE REVERSED ON IT, OR I
17 CAN'T BE REVERSED ON IT. IF I LEAVE IT OUT AND OMIT IT,
18 SAYING IT'S TOO PREJUDICIAL TO ALLOW IN TO SIMPLY SHOW
19 HE WAS CONVICTED TWO PREVIOUS TIMES FOR THIS, THEY CAN'T
20 REVERSE IT ON THAT GROUND. IF I LET IT IN AND THEY
21 CONVICT HIM AND YOU GO BEFORE THE SUPREME COURT AND SAY,
22 JUDGE, THEY, I BELIEVE THEY CONVICTED HIM BECAUSE HE HAD
23 TWO PRIOR CONVICTIONS FOR SIMILAR CRIMES IN THE PAST AND
24 THAT'S WHY THEY CONVICTED HIM, THEN THEY MIGHT SAY,
25 WELL, JUDGE BREEDEN SHOULDN'T HAVE LET THAT IN, THAT WAS

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1 TOO PREJUDICIAL TO LET IN. OR THEY MIGHT SAY, WELL, YOU
2 KNOW, THAT'S A GOOD REASON TO LET IT IN. AND I FRANKLY
3 DON'T KNOW WHAT THEY WOULD DO. THE LAW IS IN SUCH A
4 CHANGE OF FLUX, IN MY HUMBLE OPINION, UNTIL I'M NOT
5 GOING TO ALLOW IT TO COME INTO EVIDENCE BECAUSE I'M
6 AFRAID THAT TO DO SO -- I'M GOING TO RESOLVE THIS MATTER
7 IN FAVOR OF THE DEFENDANT AND NOT ALLOW IT TO COME IN
8 TO SHOW COMMON SCHEME OR DESIGN, AND LET THIS CASE STAND
9 ON IT'S ON. IF HE'S GUILTY OF THAT, OF POSSESSION WITH
10 INTENT TO DISTRIBUTE, AND POSSESSION WITH INTENT TO
11 DISTRIBUTE NEAR SCHOOLS OR PARKS OR WHAT HAVE YOU, SO
12 BE IT. I'M NOT GOING TO ALLOW IT IN. I'LL ALLOW ALL
13 THE OTHER CONVICTIONS IN, FOR PURPOSES OF IMPEACHING HIS
14 CREDIBILITY.

15 SOLICITOR COLLINS: YES, SIR.

16 THE COURT: ANYTHING ELSE WE NEED
17 TO TALK ABOUT BEFORE WE LET THE JURY COME BACK?

18 SOLICITOR MASSERVY: YOUR HONOR, IF
19 HE SAYS SOMETHING THAT HE DIDN'T KNOW WHAT -- YOU KNOW,
20 IF HE PUTS HIS INFORMATION INTO EVIDENCE COULD WE THEN
21 USE IT?

22 THE COURT: PUT HIS INFORMATION INTO
23 EVIDENCE?

24 SOLICITOR MASSERVY: IF HE SAYS, I
25 DON'T KNOW WHAT CRACK COCAINE LOOKS LIKE, I DON'T KNOW

1 WHAT IT'S GOING TO BE, BUT YOU KNOW, TO PROVE THAT HE
2 DOES KNOW WHAT IT'S ABOUT, YOU KNOW, I DON'T KNOW
3 ANYBODY THAT SELLS IT, YOU KNOW. THERE ARE ALL SORTS
4 OF THINGS THAT HE COULD DO. I WOULDN'T DO SOMETHING LIKE
5 THAT, YOU KNOW.

6 THE COURT: THEN IT COMES IN, ON
7 CROSS.

8 MR. KRAMER: THANK YOU, YOUR HONOR.
9 YOUR HONOR, I BELIEVE WE'LL HAVE
10 THREE WITNESSES, I WILL GET MY FIRST WITNESS INTO THE
11 COURT IF I CAN HAVE A SHORT BREAK, TEN MINUTES.

12 THE COURT: NO. CAN YOU GET THEM
13 HERE IN THREE MINUTES, OR DOES IT TAKE TEN MINUTES TO
14 GET THEM HERE?

15 MR. KRAMER: WELL, THEY SHOULD BE
16 RIGHT OUTSIDE, THEY'RE SEQUESTERED, YOUR HONOR.

17 THE COURT: LET'S SEE IF THEY'RE
18 RIGHT OUTSIDE. I WANT TO GET AS MUCH OF THIS THING DONE
19 TODAY, BEFORE I COMMIT SUICIDE, AS POSSIBLE.

20 (Recess)

21 THE COURT: MR. MURPHY, I'M INCLINED
22 TO COME BACK TOMORROW AND START WITH THE DEFENSE'S CASE
23 TOMORROW, AS OPPOSED TO TAKING ONE WITNESS TODAY,
24 PARTICULARLY SINCE WE ARE SEQUESTERING WITNESSES, AND
25 HAVE THE SECOND ONE TESTIFY TOMORROW, THERE BEING NO WAY

1 TO SEQUESTER THEM OVERNIGHT, NO REASONABLE WAY TO DO
2 THAT. AND I UNDERSTAND THAT YOU'RE HERE REPRESENTING
3 ONE OF THE PROPOSED WITNESSES, AND THAT YOU'VE ADVISED
4 HER NOT TO TESTIFY IN THIS CASE.

5 MR. MURPHY: YES, SIR, THAT'S SHARON
6 SANDERS, WHO IS THE DEFENDANT'S SISTER. YOUR HONOR, SHE
7 IS, I HAVE ADVISED HER OF, OF -- EVERYBODY, BOTH PARTIES
8 KNOW THE SUBSTANCE OF WHAT SHE WILL TESTIFY TO TOMORROW.
9 I'VE ADVISED HER AGAINST THAT, YOUR HONOR. I'VE ADVISED
10 HER OF THE CONSEQUENCES IF SHE SO CHOOSES AGAINST MY
11 WISHES TO TESTIFY TO WHAT SHE WISHES TO TESTIFY TO, WHAT
12 THE CONSEQUENCES ARE, AND THE FACT THAT THERE COULD BE
13 CRIMINAL CHARGES OR THERE COULD BE PERJURY CHARGES, OR
14 THERE COULD BE BOTH. I'VE EXPLAINED TO HER THE RIGHT,
15 THAT SHE DOES NOT HAVE TO TESTIFY, AND SHE HAS THE FIFTH
16 AMENDMENT GUARANTEES NOT TO INCRIMINATE HERSELF. SHE
17 HAS ADVISED ME, I DO NOT THINK THAT I WILL BE ABLE TO
18 SWAY HER ONE WAY OR THE OTHER, AND SHE WISHES TO TESTIFY
19 TOMORROW ON BEHALF OF THE DEFENSE. I HAVE PREVIOUSLY
20 SCHEDULED APPOINTMENTS AND I HAVE TO BE IN GENERAL
21 SESSIONS COURT IN DORCHESTER COUNTY FOR A BOND HEARING
22 TOMORROW AROUND ELEVEN. I DON'T FEEL THAT I CAN BE
23 HERE, BUT I DON'T FEEL THAT IT IS A NECESSITY. I FEEL
24 THAT I'VE ADEQUATELY ADVISED MY CLIENT OF HER
25 CONSTITUTIONAL RIGHTS AND THE CONSEQUENCES OF HER

1 ACTIONS.

2 THE COURT: VERY WELL. AS I
3 UNDERSTAND IT, THE INTENT WAS TO CALL THE OTHER WITNESS
4 FIRST ANYWAY, WAS IT NOT?

5 MR. KRAMER: YES, YOUR HONOR. MY
6 INTENT WAS TO CALL SHARON SANDERS FIRST, YOUR HONOR.

7 THE COURT: OH, I THOUGHT WE WERE
8 GOING TO CALL THE OTHER ONE FIRST.

9 MR. KRAMER: NO, YOUR HONOR, MY
10 INTENT WAS TO CALL SHARON SANDERS, MR. MURPHY'S CLIENT,
11 AND THEN SYLVIA WRIGHT SECOND. THERE'S ONLY TWO
12 WITNESSES. I DON'T KNOW HOW LONG THE CROSS-EXAM IS
13 GOING TO TAKE.

14 THE COURT: ALRIGHT, SIR. WE WILL
15 CALL THE JURY BACK AND SEND THEM HOME, AND WE'RE GOING
16 TO START WITH THE DEFENSE TOMORROW. I THINK YOU'VE
17 DOCUMENTED YOUR POSITION WELL, MR. MURPHY. I SEE NO
18 REASON, IF YOU'VE ADVISED HER AND MADE HER AWARE OF THE
19 DANGERS OF HER TESTIMONY, WHAT MIGHT HAPPEN, THE
20 POSSIBLE CONSEQUENCES OF HER TESTIMONY, OTHER THAN JUST
21 BEING HERE TO HOLD HER HAND, AND THAT WON'T DO ANY GOOD
22 IF SHE'S ON THE STAND AND YOU'RE NOT.

23 MR. MURPHY: YES, SIR.

24 THE COURT: SO, I THINK YOU'RE WELL
25 PROTECTED, AND I SEE NO REASON FOR YOU TO HAVE TO BE

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1 HERE IN THE MORNING.

2 MR. KRAMER: YOUR HONOR, FOR THE
3 RECORD I DID MEET WITH MR. MURPHY AND MS. SHARON
4 SANDERS, AND I FULLY ADVISED HER OF HER RIGHTS AND TOLD
5 HER ABOUT THE CONSEQUENCES OF THE SAME THING THAT MR.
6 MURPHY SAID, THE POSSIBILITY OF CRIMINAL CHARGES,
7 PERJURY OR OTHER DRUGS CHARGES, AND THAT SHE SHOULD SEEK
8 COUNSEL. SHE RETAINED MR. MURPHY AND I TALKED TO HER
9 WITH MR. MURPHY PRESENT, YOUR HONOR, AND SHE INDICATED
10 TO ME, AS AN OFFICER OF THE COURT, THAT SHE FULLY
11 INTENDED TO GO FORWARD WITH HER TESTIMONY AGAINST THE
12 ADVICE OF HER LAWYER, MR. MURPHY, YOUR HONOR.

13 THE COURT: VERY WELL, THANK YOU.

14 MR. KRAMER: THANK YOU, YOUR HONOR.

15 THE COURT: I'M GLAD WE GOT THAT
16 DONE.

17 MR. MURPHY: THANK YOU, YOUR HONOR.

18 THE COURT: BRING THE JURY OUT,
19 PLEASE.

20 (Whereupon, the following
21 takes place in the
22 presence of the jury.)

23 THE COURT: LADIES AND GENTLEMEN OF
24 THE JURY, I TOLD YOU, OF COURSE, REMINDING YOU THAT YOU
25 ARE THE JUDGE OF THE FACTS OF THE CASE, THE COURT'S THE

1 JUDGE OF THE LAW. WE'VE BEEN TAKING UP SOME LEGAL
2 MATTERS OUTSIDE OF YOUR PRESENCE. YOU NEVER KNOW WHAT
3 THESE LEGAL MATTERS ARE UNTIL YOU HEAR THEM, AND YOU
4 CERTAINLY DON'T KNOW HOW LONG IT'S GOING TO TAKE TO
5 RESOLVE THEM. IT TOOK A LITTLE LONGER THAN I ANTICIPATED
6 TO RESOLVE THEM, IF THEY ARE, IN FACT, RESOLVED, BUT
7 BECAUSE OF THAT, AND BECAUSE OF THE HOUR, AT TWENTY
8 MINUTES TO FIVE THIS AFTERNOON, I KNOW SOME OF YOU
9 HUSBANDS HAVE TO GO COOK DINNER FOR YOUR WIVES, OR WHAT
10 HAVE YOU, AND WE CERTAINLY DON'T WANT TO STOP YOU FROM
11 DOING THAT. WE'RE GOING TO LET YOU GO HOME NOW, OR GO
12 WHEREVER YOU WANT TO GO, WE'RE GOING TO EXCUSE YOU NOW.
13 WE'RE GOING TO START BACK AT NINE:THIRTY, OR TEN O'CLOCK
14 IN THE MORNING. DO NOT DISCUSS THIS CASE WITH ANYONE
15 OVER THE EVENING, DON'T LET ANYONE DISCUSS IT WITH YOU.
16 THAT INCLUDES YOUR FELLOW JURORS. WE'LL CONTINUE THIS
17 CASE IN THE MORNING. IT'S NOT ANTICIPATED TO TAKE LONG,
18 THE DECISION THAT NEEDED TO BE MADE AS TO WHETHER WE
19 WERE GOING TO TAKE PART OF THE WITNESSES FROM THE STATE
20 THIS AFTERNOON, I MEAN, FROM THE DEFENSE THIS AFTERNOON
21 AND THE REST OF THEM TOMORROW, AND I THINK BREAKING
22 RIGHT NOW IS A GOOD BREAKING PLACE, PARTICULARLY AT THIS
23 HOUR. ENJOY YOUR EVENING, BE BACK IN YOUR JURY ROOM AT
24 TEN O'CLOCK IN THE MORNING. THANK YOU KINDLY.
25 . (Whereupon, the jury leaves

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1 the courtroom for the day.)

2 THE COURT: GENTLEMEN, MS. HINDS,
3 I NEED FOR YOU TO TELL YOUR WITNESSES, THOSE THAT
4 HAVEN'T TESTIFIED, I GUESS ALL OF THE STATE'S WITNESSES
5 HAVE TESTIFIED, TELL YOUR WITNESSES, MR. KRAMER, THAT
6 THEY ARE NOT TO DISCUSS THIS CASE OVER THE EVENING, NOT
7 TO TALK TO ANYBODY ABOUT IT, NOT TO TALK ABOUT THEIR
8 TESTIMONY OR ANYBODY ELSE'S TESTIMONY, OR WHAT WAS SAID
9 DURING THE TRIAL OF THE CASE, JUST DON'T TALK TO ANYBODY
10 ABOUT THE CASE. BE BACK TOMORROW MORNING AND THEY'LL
11 BE SEQUESTERED IN THE MORNING.

12 MR. KRAMER: THANK YOU, YOUR HONOR.

13 THE COURT: THANK YOU VERY MUCH, AND
14 I APPRECIATE YOUR UNDERSTANDING.

15 MR. KRAMER: THANK YOU, YOUR HONOR.

16 SOLICITOR COLLINS: THANK YOU, YOUR
17 HONOR.

18 THE COURT: WE'LL STAND AT EASE
19 UNTIL TEN IN THE MORNING.

20 (Recess for the day.)

21 DATE:

22 APRIL 22, 2004

23 MR. KRAMER: GOOD MORNING, YOUR
24 HONOR.

25 THE COURT: GOOD MORNING.

1 MR. KRAMER: MAY IT PLEASE THE
2 COURT. I'D LIKE TO MAKE A MOTION AT THIS POINT, YOUR
3 HONOR, TO DISMISS THE PROXIMITY CHARGES FOR POSSESSION
4 WITH INTENT TO DISTRIBUTE CRACK COCAINE WITHIN PROXIMITY
5 OF A SCHOOL OR PARK AND POSSESSION WITH INTENT TO
6 DISTRIBUTE MARIJUANA WITHIN PROXIMITY OF A SCHOOL OR A
7 PARK. I BELIEVE, YOUR HONOR, THAT THE STATE HAS NOT
8 INTRODUCED ANY MAPS OR MEASUREMENTS TO SUBSTANTIATE ITS
9 CLAIM THAT THIS WAS WITHIN ONE-HALF MILE OF RIVELON
10 ELEMENTARY SCHOOL ON RIVELON ROAD. THERE'S NOT EVIDENCE
11 BEEN INTRODUCED EITHER BY TESTIMONY BY THE STATE THAT
12 DRUGS WERE SOLD TO SCHOOL CHILDREN, THAT SCHOOL CHILDREN
13 WERE PRESENT, THERE WAS NO INDICATION OF THAT, AS FAR
14 AS I CAN ASCERTAIN, YOUR HONOR, LISTENING TO ALL OF THE
15 TESTIMONY THAT THE STATE HAS PRODUCED FROM ANY OF THE
16 POLICE OFFICERS. AND SO, YOUR HONOR, I WOULD MAKE A
17 MOTION TO THE COURT AT THIS POINT, PRIOR TO BEGINNING
18 MY CASE, THE DEFENSE, THAT THE COURT TAKE INTO
19 CONSIDERATION MY MOTION TO DISMISS THE TWO PROXIMITY
20 CHARGES, YOUR HONOR, AT THIS POINT. AGAIN, THE STATE
21 HAS NOT ESTABLISHED FROM MAPS OR MEASUREMENTS THAT THIS
22 WAS WITHIN ONE-HALF MILE OF THE TRAILER.

23 THE COURT: THERE'S TESTIMONY IN THE
24 RECORD IT WAS POINT SOMETHING MILE, ---

25 MR. KRAMER: YES, SIR.

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1 THE COURT: --- POINT TWO OR POINT
2 THREE, OR SOMETHING LIKE THAT.

3 MR. KRAMER: YES, SIR, I BELIEVE
4 THAT THERE WAS SOME TESTIMONY ABOUT POINT THREE. AGAIN,
5 NO MAPS OR MEASUREMENTS WERE INTRODUCED, NO EXPERT
6 TESTIMONY WAS GIVEN, NO OFFICIAL MEASURING DEVICE WAS
7 USED FROM THE SOUTH CAROLINA DEPARTMENT OF
8 TRANSPORTATION OR ANY OTHER MEANS FOR THAT DISTANCE,
9 YOUR HONOR. AND AGAIN, THERE'S NO EVIDENCE THAT ANY
10 DRUGS WERE SOLD AT RIVELON SCHOOL OR THAT THERE WERE
11 SCHOOL CHILDREN INVOLVED. AND SO, I WOULD ASK THE COURT
12 TO DISMISS THOSE TWO CHARGES AT THIS POINT AGAINST MY
13 CLIENT, YOUR HONOR.

14 THE COURT: OF COURSE, NEITHER OF
15 THOSE ARE ELEMENTS OF THE OFFENSE. IT CAN BE PROVED BY
16 VERBAL, BY TESTIMONY ---

17 MR. KRAMER: YES, SIR.

18 THE COURT: --- AS WELL. SO, WITH
19 RESPECT, I'LL DENY YOUR MOTION.

20 MR. KRAMER: YES, SIR. THANK YOU,
21 YOUR HONOR.

22 THE COURT: FOR THE RECORD ALSO, LET
23 ME SAY THAT I, THE MATTER I TOOK UNDER ADVISEMENT LAST
24 NIGHT, AND THAT WAS THE MATTER OF WHETHER OR NOT THE
25 DRUG CHARGES ON THE DEFENDANT'S RECORD WOULD BE

1 ADMISSIBLE OR NOT, I'M NOT GOING TO LET THOSE IN,
2 FEARING THAT IT WOULD BE MORE PREJUDICIAL THAN
3 PROBATIVE, AND I WILL, HOWEVER, SINCE IT'S BEEN ASKED,
4 ALLOW THE DEFENSE TO ASK IF THERE'S ANY FELONY
5 CONVICTIONS ON HIS RECORD, WITHOUT REFERRING TO THEM AS
6 DRUG CHARGES. AS WELL, THERE WAS A MATTER THAT CAME UP
7 ABOUT HIS BEING ON PROBATION. YOU CAN MENTION THE FACT
8 HE WAS ON PROBATION OR BRING THAT OUT AS LONG AS THE
9 CRIME FOR WHICH HE'S ON PROBATION, IF IT'S ONE OF THOSE
10 DRUG OFFENSES, IS NOT MENTIONED.

11 ANYTHING FURTHER?

12 SOLICITOR COLLINS: YOUR HONOR, FOR
13 THE RECORD, HE WAS ACTUALLY PAROLE, A TYPE OF PAROLE, -
14 --

15 THE COURT: WELL, PAROLE RATHER THAN
16 PROBATION, I'M SORRY.

17 SOLICITOR COLLINS: --- JUST FOR
18 CLARIFICATION.

19 MR. KRAMER: YOUR HONOR, DOES THE
20 STATE WISH TO PUT ANYTHING ON THE RECORD CONCERNING MY
21 MOTION, CONCERNING DISMISSAL OF THE CHARGES?

22 THE COURT: OH YEAH, DID YOU WANT
23 TO?

24 SOLICITOR COLLINS: NOTHING, YOUR
25 HONOR.

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1 MR. KRAMER: THANK YOU, YOUR HONOR.

2 THE COURT: VERY WELL.

3 MR. KRAMER: YOUR HONOR, AT THIS
4 POINT I MOVE THAT WE BRING IN THE JURY AND I'LL BE READY
5 WITH MY FIRST WITNESS, SIR.

6 THE COURT: CALL THE JURY BACK,
7 PLEASE, MA'AM.

8 (Whereupon, the following
9 takes place in the
10 presence of the jury.)

11 MR. KRAMER: I CALL MS. SANDERS,
12 PLEASE.

13 (Whereupon, the witness
14 enters the courtroom.)

15 MR. KRAMER: MS. SANDERS, WILL YOU
16 COME UP TO THE WITNESS STAND, PLEASE.

17 CLERK: PLACE YOUR LEFT HAND ON THE
18 BIBLE AND RAISE YOUR RIGHT HAND.

19 (Whereupon, Witness Sharon Sanders
20 is duly sworn.)

21 CLERK: PLEASE HAVE A SEAT.

22 (NOTE: Blank lines on this page do not indicate any
23 part of record has been omitted. Headers on testimony
24 pages and hard page breaks between testimony are now
25 required by the Court.)

DIRECT - SHARON SANDER BY MR. KRAMER

348

DIRECT EXAMINATION OF SHARON SANDERS

BY MR. KRAMER:

Q. GOOD MORNING, MS. SANDERS.

A. GOOD MORNING.

Q. WOULD YOU PLEASE STATE YOUR NAME FOR THE RECORD?

A. SHARON SANDERS.

Q. WOULD YOU PLEASE STATE YOUR ADDRESS FOR THE RECORD?

A. [REDACTED]

Q. HOW OLD ARE YOU, MS. SANDERS?

A. TWENTY.

Q. WHAT IS YOUR TRADE OR OCCUPATION?

A. CASHIER.

Q. WHAT IS YOUR RELATIONSHIP TO VONDELL SANDERS?

A. SISTER.

Q. LET ME TAKE YOU BACK TO OCTOBER SEVENTEENTH, TWO THOUSAND AND THREE, MS. SANDERS. DID YOU LIVE AT BELLINGER LANE?

A. YES, SIR.

Q. FOR HOW LONG?

A. FOR ABOUT THREE MONTHS.

Q. OKAY. WHO OWNS THE TRAILER AT [REDACTED]

[REDACTED]?

A. DORIS SANDERS.

Q. WHO IS DORIS SANDERS?

A. MY SISTER.

DIRECT - SHARON SANDER BY MR. KRAMER

349

1 Q. WHERE DOES SHE LIVE?

2 A. NOW SHE IS IN NEW YORK.

3 Q. DID YOU GO TO THE TRAILER OCTOBER THE SEVENTEENTH?

4 A. YES.

5 Q. WERE YOU PRESENT AT THE TRAILER?

6 A. I WAS JUST ARRIVING.

7 THE COURT: I'M SORRY, I DIDN'T HEAR
8 YOU, MA'AM.

9 A. I WAS JUST ARRIVING.

10 Q. OKAY.

11 MR. KRAMER: THE COURT'S INDULGENCE,
12 YOUR HONOR.

13 Q. WAS VONDELL SANDERS AT THE TRAILER?

14 A. YES, SIR.

15 Q. WAS SYLVIA WRIGHT AT THE TRAILER?

16 A. YES, SIR.

17 Q. DID YOU SPEAK TO VONDELL SANDERS?

18 A. YES.

19 Q. HOW DID YOU SPEAK TO HIM?

20 A. HE WAS WAVING ME AWAY.

21 Q. WHY WAS HE WAVING YOU AWAY?

22 A. BECAUSE THE POLICE WAS THERE.

23 Q. OKAY. WHY DID VONDELL DO THIS?

24 A. I GUESS SO I WOULDN'T GO TO JAIL.

25 Q. THE POLICE FOUND CRACK COCAINE IN THE TRAILER.

DIRECT - SHARON SANDER BY MR. KRAMER

350

1 A. YES, SIR.

2 Q. WAS THE CRACK COCAINE YOURS?

3 A. YES, SIR.

4 Q. DID THE CRACK COCAINE IN THE TRAILER BELONG TO YOU?

5 A. YES, SIR.

6 Q. PLEASE THE JURORS WHERE YOU KEPT THE CRACK COCAINE?

7 A. IN THE SEVEN UP CAN.

8 MR. KRAMER: YOUR HONOR, LET THE
9 RECORD REFLECT THAT THE WITNESS IS IDENTIFYING THIS
10 SEVEN UP CAN AS WHERE SHE KEPT CRACK COCAINE.

11 Q. WOULD YOU PLEASE DEMONSTRATE TO THE JURY, MS.
12 SANDERS, HOW YOU KEPT THE CRACK COCAINE IN THE
13 SEVEN UP CAN?

14 A. HONESTLY, I FORGOT HOW TO OPEN IT.

15 Q. BUT YOU DID OPEN IT?

16 A. YES.

17 Q. DOES IT OPEN IN ANY WAY?

18 A. YES.

19 Q. HOW DOES IT OPEN?

20 A. UM, ---

21 Q. IS THAT WHERE YOU KEPT CRACK COCAINE?

22 A. YES, SIR.

23 Q. DID YOU PUT THE CRACK COCAINE IN THERE?

24 A. YES, SIR.

25 Q. WAS THERE ALSO MARIJUANA IN THE TRAILER?

DIRECT - SHARON SANDER BY MR. KRAMER

351

1 A. YES, SIR.

2 Q. WHO DID THE MARIJUANA BELONG TO?

3 A. SYLVIA WRIGHT.

4 Q. WHERE WAS THE MARIJUANA KEPT?

5 A. IN THE SUN KIST CAN.

6 Q. WHO KEPT IT THERE?

7 A. SYLVIA WRIGHT.

8 Q. ARE YOU AWARE, MS. SHARON SANDERS, THAT YOU MAY
9 FACE CRIMINAL CHARGES TODAY FROM YOUR TESTIMONY?

10 A. YES, SIR.

11 Q. ARE YOU REPRESENTED BY AN ATTORNEY?

12 A. YES, SIR.

13 Q. WHAT IS THAT ATTORNEY'S NAME?

14 A. CHRISTOPHER MURPHY.

15 Q. ARE YOU TESTIFYING AGAINST THE ADVICE OF YOUR
16 ATTORNEY, CHRISTOPHER MURPHY, TODAY?

17 A. AM I?

18 Q. YES.

19 A. NO, SIR.

20 Q. DID YOUR ATTORNEY TELL YOU NOT TO TESTIFY TODAY?

21 A. NO.

22 Q. OKAY. WHY DID YOU WAIT UNTIL NOW BEFORE COMING
23 FORWARD TO TESTIFY?

24 SOLICITOR COLLINS: YOUR HONOR, I
25 OBJECT, HE'S LEADING THE WITNESS.

DIRECT - SHARON SANDER BY MR. KRAMER

352

THE COURT: OVERRULED.

Q. LET ME REPEAT THE QUESTION, MS. SANDERS. WHY DID YOU WAIT UNTIL NOW BEFORE COMING FORWARD WITH THIS INFORMATION?

A. I WAS SCARED, SIR.

Q. YOU KNEW THAT VONDELL WAS ARRESTED THAT DAY, ISN'T THAT CORRECT?

A. THAT DAY, THAT NIGHT.

Q. OKAY. WHY DID YOU NOT CONTACT THE POLICE?

A. COULD YOU ASK ME THAT QUESTION AGAIN?

Q. LET ME REPHRASE MY QUESTION, WHY DID YOU NOT TELL THE POLICE THE CRACK COCAINE WAS YOURS?

A. BECAUSE MY BROTHER WAS TRYING TO HELP ME. I GUESS HE WAS SCARED FOR ME TO GO TO JAIL, HE WAS TELLING ME TO LEAVE, LIKE I SHOULDN'T BE INVOLVED.

Q. ARE YOU AWARE, MS. SANDERS, THAT YOU ARE UNDER OATH IN THIS COURTROOM?

A. YES, SIR.

Q. ARE YOU TELLING, MS. SANDERS, THESE JURORS THE TRUTH TODAY?

A. YES.

MR. KRAMER: YOUR WITNESS, COUNSELLOR.

(NOTE: Blank lines on this page do not indicate any part of record has been omitted.)

CROSS - SHARON SANDERS BY SOL. COLLINS

353

CROSS-EXAMINATION OF SHARON SANDERS

BY SOLICITOR COLLINS:

Q. HOW ARE YOU DOING, MS. SANDERS?

A. FINE.

Q. YOU ARE THE DEFENDANT'S SISTER, IS THAT CORRECT?

A. YES.

Q. DID YOU TWO GROW UP TOGETHER?

A. NO.

Q. YOU DID NOT. YOU LOVE YOUR BROTHER, THOUGH, DON'T
YOU?

A. SURE.

Q. YOU'RE CONCERNED ABOUT HIM, RIGHT?

A. YES.

Q. YOU'RE CONCERNED ABOUT, REALLY ABOUT THE OUTCOME
OF THIS CASE?

A. NO.

Q. YOU'RE NOT CONCERNED?

A. FOR ME, YES.

Q. YOU'RE NOT CONCERNED ABOUT WHAT HAPPENS TO YOUR
BROTHER?

A. YES.

Q. ARE YOU -- OKAY. YOU'D LIKE TO HELP HIM OUT,
WOULDN'T YOU?

A. WHAT YOU MEAN, HELP HIM OUT?

Q. WOULD YOU, YOU'D LIKE TO HELP YOUR BROTHER OUT

CROSS - SHARON SANDERS BY SOL. COLLINS

354

1 TODAY, WOULDN'T YOU?

2 A. WHAT YOU MEAN, HELP HIM OUT?

3 Q. WOULD YOU LIKE TO HELP YOUR BROTHER OUT TODAY?

4 A. WITH WHAT?

5 Q. BY TESTIFYING.

6 A. NO.

7 MR. KRAMER: YOUR HONOR, OBJECTION,
8 I DON'T THINK THE WITNESS UNDERSTANDS THE QUESTION.

9 THE COURT: I DO. THANK YOU. GO
10 AHEAD. I OVERRULE YOUR OBJECTION.

11 Q. HOW LONG DID YOU, YOU SAY YOU RESIDED THREE MONTHS
12 AT [REDACTED] [REDACTED] [REDACTED]?

13 A. UH HUH, ABOUT THREE MONTHS, MAYBE LONGER.

14 Q. WHAT'S YOUR CURRENT ADDRESS?

15 A. FROM BELLINGER -- BEFORE BELLINGER LANE?

16 Q. YEAH, BEFORE.

17 A. [REDACTED]

18 Q. WHAT'S YOUR ADDRESS NOW?

19 A. [REDACTED]

20 Q. [REDACTED]?

21 A. YES.

22 Q. WHAT ABOUT, WHAT ABOUT [REDACTED]
23 WHERE IS THAT?

24 A. THAT'S ON MY DRIVER'S LICENSE, THAT WAS A COUPLE
25 OF YEARS AGO.

CROSS -- SHARON SANDERS BY SOL. COLLINS

355

1 Q. SO, YOU JUST DON'T UP DATE YOUR DRIVER'S LICENSE?
2 HAVE YOU EVER HAD ---

3 MR. KRAMER: OBJECTION, YOUR HONOR,
4 THAT'S GOT NOTHING -- WHAT'S THE RELEVANCY OF UPDATING
5 A DRIVER'S LICENSE IN THIS PROCEEDING?

6 SOLICITOR COLLINS: THE RELEVANCY
7 IS, YOUR HONOR, THAT I DON'T THINK ---

8 THE COURT: THAT'S YOUR TESTIMONY -
9 - STRIKE THAT FROM THE RECORD. THE JURY WILL DISREGARD
10 THAT REMARK.

11 MR. KRAMER: SHE'S TESTIFYING, YOUR
12 HONOR, THANK YOU.

13 THE COURT: THANK YOU, YOU MADE
14 YOUR POINT, AND I'VE RULED WITH YOU.

15 MR. KRAMER: THANK YOU.

16 Q. HAVE YOU EVER HAD [REDACTED] ON YOUR
17 DRIVER'S LICENSE?

18 A. NO, SIR.

19 Q. WHERE DO YOU GET YOUR MAIL AT?

20 A. A P. O. BOX.

21 Q. YOU SAID YOU HAD SOME PROBLEMS OPENING THE CAN?

22 A. UH HUH.

23 Q. YOU SAID YOU FORGOT ABOUT IT, IS THAT CORRECT?

24 A. YES.

25 Q. HOW MANY TIMES HAD YOU OPENED THAT CAN?

CROSS - SHARON SANDERS BY SOL. COLLINS

356

1 A. TWICE.

2 Q. YOU'VE ONLY OPENED IT TWICE?

3 A. YES.

4 Q. WHEN WAS THAT?

5 A. TWO -- THREE DAYS BEFORE THE POLICE BUSTED THE
6 HOUSE.

7 Q. AND WHAT OTHER TIME?

8 A. THREE DAYS BEFORE THAT.

9 Q. OKAY. HOW LONG HAVE YOU OWNED THAT CAN?

10 A. THREE DAYS.

11 Q. YOU'D ONLY OWNED THE CAN FOR THREE DAYS?

12 A. YES.

13 Q. OKAY. THANK YOU. WHO DID YOU BUY THE DRUGS FROM?

14 A. UM, ---

15 MR. KRAMER: OBJECTION, YOUR HONOR.

16 A. I'M NOT ALLOWED TO ANSWER THAT QUESTION.

17 THE COURT: WHAT'S YOUR OBJECTION?

18 MR. KRAMER: HE'S ASKING A WITNESS
19 TO ADMIT TO SOMETHING THAT'S OUTSIDE THE PURVIEW, I
20 BELIEVE, OF THIS CASE.

21 THE COURT: HE'S NOT ASKING HER TO
22 ADMIT TO ANYTHING. I OVERRULE YOUR OBJECTION.

23 MR. KRAMER: THANK YOU, YOUR HONOR.

24 A. COULD I TAKE MY FIFTH COMMANDMENT? MY LAWYER TOLD
25 ME I COULD NOT ANSWER QUESTIONS LIKE THAT.

CROSS - SHARON SANDERS BY SOL. COLLINS

357

1 Q. THAT YOU COULDN'T TELL WHO YOU BOUGHT THE DRUGS
2 FROM?

3 A. NO. THAT'S ANOTHER CRIME.

4 Q. YOU DON'T KNOW WHO YOU BOUGHT THE DRUGS FROM, DO
5 YOU?

6 A. YES.

7 Q. BECAUSE YOU DIDN'T REALLY BUY THE DRUGS, DID YOU?

8 A. YES.

9 Q. WELL, WHO DID YOU BUY THEM FROM?

10 THE COURT: SHE'S INDICATED SHE
11 WANTS TO TAKE ADVANTAGE OF THE FIFTH AMENDMENT, I
12 BELIEVE, IS THAT WHAT YOU WANT TO DO?

13 A. YES, SIR.

14 MR. KRAMER: YOUR HONOR, I'D LIKE
15 TO OBJECT ON THE RECORD, NOTING THAT THE WITNESS HAS
16 INVOKED HER FIFTH AMENDMENT RIGHTS.

17 THE COURT: YOU'RE OBJECTING TO
18 WHAT?

19 MR. KRAMER: I'M OBJECTING TO THE
20 STATE CONTINUING TO QUESTION HER AS TO THAT.

21 THE COURT: HE'S THROUGH.

22 MR. KRAMER: THANK YOU, YOUR HONOR.

23 THE COURT: SHE'S INVOKING HER FIFTH
24 AMENDMENT RIGHT, AND THAT IS A RIGHT AGAINST SELF-
25 INCRIMINATION. I ASSUME, MA'AM, THAT YOU REFUSE TO

CROSS - SHARON SANDERS BY SOL. COLLINS

358

1 ANSWER ON THE GROUND THAT YOUR ANSWER MIGHT INCRIMINATE
2 YOU, IS THAT RIGHT?

3 A. UH HUH.

4 THE COURT: IS THAT RIGHT, MA'AM.

5 A. YES, SIR. OR SOMEONE ELSE.

6 THE COURT: IS THAT THE PROVISION
7 OF THE FIFTH AMENDMENT THAT YOU WANT TO CLAIM?

8 A. SIR?

9 THE COURT: IS THAT THE PROVISION
10 OF THE FIFTH AMENDMENT THAT YOU WANT TO CLAIM, THE
11 PROTECTION OF THE FIFTH AMENDMENT?

12 A. YES, SIR.

13 THE COURT: THANK YOU.

14 Q. HOW MUCH DRUGS DID YOU BUY?

15 A. WELL, I HAD A, LIKE A QUARTER.

16 Q. A QUARTER BAG?

17 A. HUH?

18 Q. YOU BOUGHT A QUARTER BAG?

19 A. NO, SIR, IT WAS ABOUT, I'D SAY FIVE GRAMS.

20 Q. YOU BOUGHT FIVE GRAMS?

21 A. MAYBE SIX.

22 Q. YOU SAY YOU BOUGHT FIVE GRAMS?

23 A. IT WAS SIX WHEN I GOT IT.

24 Q. SO, YOU SOLD SOME?

25 A. YES.

CROSS - SHARON SANDERS BY SOL. COLLINS

359

1 Q. SO, WAS, THE CRACK COCAINE WAS KEPT IN A SUN KIST,
2 IS THAT CORRECT?

3 A. SIR?

4 Q. THIS SUN KIST CAN IS WHAT YOU ---
5 (Holds up Sun Kist can.)

6 A. THE SEVEN UP CAN, SIR.

7 Q. OKAY. HOW MANY TIMES DID YOU TALK TO THE
8 DEFENDANT, VONDELL SANDERS, SINCE HE WAS PLACED
9 UNDER ARREST?

10 A. NONE.

11 Q. YOU HAVEN'T TALKED TO HIM SINCE THEN?

12 A. NO.

13 Q. HOW MANY TIMES HAVE YOU WENT TO SEE HIM IN JAIL?

14 A. SINCE HE WAS LOCKED UP ---

15 Q. YES.

16 A. --- THIS WEEK? NONE.

17 Q. HOW MANY TIMES DID YOU TALK TO HIM ON THE PHONE?

18 A. NONE.

19 Q. THE ONLY QUESTION I HAVE IS THAT YOU'VE GOT, SINCE
20 THE OFFENSE WAS COMMITTED BACK IN OCTOBER, NOW THIS
21 IS APRIL TWENTY-SECOND, OKAY; YOU DIDN'T COME
22 FORWARD BETWEEN NOW AND THEN, IS THAT CORRECT?

23 A. YES, SIR.

24 Q. HAVE YOU EVER CAME FORWARD AND TALKED TO THE POLICE
25 ABOUT IT?

CROSS - SHARON SANDERS BY SOL. COLLINS

360

1 A. NO, SIR.

2 Q. DO YOU KNOW MARION BROTHERS?

3 A. YES, WELL, I HAVE MET HIM.

4 Q. OKAY. WHEN DID YOU HAVE THE OPPORTUNITY TO MEET
5 MR. MARION BROTHERS?

6 A. ABOUT TWO WEEKS AGO, MAYBE.

7 Q. OKAY. IN WHAT CONTEXT DID YOU MEET MR. MARION
8 BROTHERS?

9 A. WHAT YOU MEAN?

10 Q. HOW -- DID HE COME TO YOUR HOUSE, DID YOU COME TO
11 MEET HIM, OR WHAT?

12 A. HE CAME TO MY HOUSE.

13 Q. AND THEN, WHO IS MR. MARION BROTHERS, DO YOU KNOW?

14 A. INVESTIGATOR.

15 Q. FOR WHO?

16 A. I'M NOT SURE.

17 Q. WOULD YOU SAY HE'S FOR THE PUBLIC DEFENDER'S
18 OFFICE?

19 MR. KRAMER: HE'S ASKING THE WITNESS
20 TO SPECULATE, YOUR HONOR, OBJECTION.

21 A. I'M NOT SURE, SIR, HE DIDN'T TOLD ME.

22 THE COURT: NO, HE'S NOT, HE'S
23 ASKING A QUESTION, SHE CAN ANSWER IT OR NOT.

24 A. HE DIDN'T TOLD ME.

25 Q. HE DIDN'T TELL YOU?

CROSS - SHARON SANDERS BY SOL. COLLINS

361

1 A. NO. HE JUST SAY HE WAS AN INVESTIGATOR.

2 Q. DID HE WANT YOU TO MAKE A STATEMENT TO HELP YOUR
3 BROTHER OUT?

4 A. NO.

5 Q. WHAT DID HE ASK YOU TO DO?

6 A. TO WRITE A STATEMENT ABOUT WHAT HAPPENED.

7 Q. THAT THE DRUGS WERE YOURS?

8 A. NO, SIR.

9 Q. DID HE ASK YOU TO MAKE A STATEMENT THAT THE DRUGS
10 WERE YOURS?

11 A. NO, I TOLD HIM THAT I WANT TO MAKE A STATEMENT,
12 SAYING THE DRUGS WAS MINE.

13 Q. AND THAT WAS TWO WEEKS AGO?

14 A. YES.

15 Q. WELL, WHAT HAPPENED TO ALL THE OTHER TIME, WHAT
16 DIDN'T YOU MAKE A STATEMENT THAT NIGHT?

17 A. BECAUSE I WAS SCARED, I DIDN'T WANT TO GO TO JAIL.

18 Q. WHY DIDN'T -- BUT YOU WANTED YOUR BROTHER TO GO TO
19 JAIL INSTEAD, IS THAT CORRECT?

20 A. NO, HE WAS TELLING ME TO LEAVE.

21 MR. KRAMER: OBJECTION, HE'S
22 BADGERING THE WITNESS, YOUR HONOR.

23 THE COURT: OVERRULED.

24 Q. THAT NIGHT YOU SAID THE OFFICERS WERE THERE, YOU
25 SAW THEM.

CROSS - SHARON SANDERS BY SOL. COLLINS

362

1 A. AND THEY WAS PUSHING ME OUT OF THE HOUSE. THEY WAS
2 TELLING ME NOT TO GO IN THE HOUSE, EVEN THOUGH I
3 TOLD THEM THAT I OWNED THE HOUSE, I DIDN'T OWN THE
4 HOUSE BUT I WAS STAYING THERE, I WAS PAYING BILLS
5 THERE. I WAS TELLING, ASKING THEM COULD I COME IN.
6 THEY WAS PUSHING ME BACK OUT THE DOOR. WHEN I
7 FOUND OUT MY BROTHER WAS IN THERE HE'S TELLING ME
8 TO LEAVE. SO, WHAT DO I SUPPOSED TO DO?

9 A. OKAY. WHAT ROOM DID YOU STAY IN IN THE HOUSE?

10 A. BOTH.

11 Q. YOU STAYED IN BOTH ROOMS?

12 A. YES, BASICALLY.

13 Q. YOU SWITCHED BEDS?

14 A. YES, BASICALLY.

15 Q. WHAT ROOM DID YOUR BROTHER STAY IN?

16 A. THE MASTER.

17 Q. HE STAYED IN THE MASTER BED ROOM?

18 A. YES.

19 Q. YOUR BROTHER DID?

20 A. WHEN HE WAS THERE.

21 Q. WHICH ONE IS THAT, WHEN YOU WALK IN THE TRAILER,
22 YOU'VE GOT THE LEFT, YOU CAN GO TO THE RIGHT. WHERE
23 IS THE MASTER BED ROOM?

24 A. TO THE LEFT.

25 Q. OKAY. IT'S OVER TO THE LEFT. THAT'S WHERE YOUR

CROSS - SHARON SANDERS BY SOL. COLLINS

363

1 BROTHER STAYED. THAT'S WHERE THE -- WHERE DID YOU
2 KEEP THE DRUGS AT?

3 MR. KRAMER: OBJECTION, YOUR HONOR,
4 ASKED AND ANSWERED AS TO THE LOCATION OF THE BED ROOM.

5 THE COURT: OVERRULED. CONTINUE.

6 Q. WHERE DID YOU KEEP THE DRUGS AT?

7 A. WELL, THE MORNING BEFORE I LEFT, I LEFT THE CAN ON
8 TOP OF THE ENTERTAINMENT CENTER IN HIS ROOM WHERE
9 I WASHED AND PUT ON CLOTHES AT.

10 Q. OKAY. YOU WASHED AND PUT ON CLOTHES IN THE MASTER
11 BED ROOM?

12 A. YES.

13 Q. BUT YOU STAYED IN BOTH BED ROOMS -- WHERE WERE YOUR
14 CLOTHES AT?

15 A. MOSTLY WAS IN HIS AND MINE.

16 Q. HIS AND YOURS. OKAY. I GUESS, YOU'RE BROTHER AND
17 SISTER, Y'ALL CAN SHARE, Y'ALL SHARE BEDS, SHARE
18 CLOTHES, WHATEVER?

19 A. NOT CLOTHES, JUST THE BEDS.

20 Q. OKAY. LET'S GET BACK TO THE TIME SPAN. THE DATE
21 YOUR BROTHER WAS ARRESTED YOU CAME UP TO THE HOUSE,
22 YOU WENT IN THE HOUSE THAT DAY?

23 A. NO, THEY WOULDN'T LET ME IN.

24 Q. THEY WOULDN'T LET YOU IN. HOW MANY OFFICERS WERE
25 THERE THAT NIGHT, TWO?

CROSS - SHARON SANDERS BY SOL. COLLINS

364

1 A. I WASN'T COUNTING.

2 Q. WERE THERE TWO OFFICERS?

3 A. ABOUT TEN, ABOUT TEN.

4 Q. I THINK THERE WERE ACTUALLY, THERE WERE FIVE,
5 WEREN'T THERE? THERE WERE FIVE OFFICERS.

6 A. I WASN'T COUNTING.

7 MR. KRAMER: OBJECTION, OBJECTION.

8 THE COURT: OVERRULED.

9 Q. YOU'RE STILL GOT THIS TIME SPAN. WHY SO LONG,
10 BECAUSE YOU WERE SCARED, WHAT WERE YOU SCARED OF?

11 A. OF GOING TO PRISON.

12 Q. BUT YOU CAME FORWARD TODAY BECAUSE WHY, BECAUSE
13 YOU'RE NOT, ---

14 A. BECAUSE SOMEBODY LET MY ---

15 Q. --- BECAUSE YOU WANT TO HELP YOUR BROTHER OUT, YOU
16 WANT TO KEEP HIM ---

17 THE COURT: WHOA, WHOA, WHOA.

18 MR. KRAMER: OBJECTION, YOUR HONOR.

19 THE COURT: LET'S HEAR YOUR
20 OBJECTION.

21 MR. KRAMER: YES, SIR. HE'S
22 BADGERING THE WITNESS, YOUR HONOR.

23 THE COURT: OVERRULED. ASK A
24 QUESTION, AND WHEN YOU FINISH ASKING IT, BE QUIET AND
25 LET HER ANSWER THE QUESTION. WHEN SHE ANSWERS THE

CROSS - SHARON SANDERS BY SOL. COLLINS

365

1 QUESTION, THEN YOU CAN ASK ANOTHER QUESTION. THERE WE
2 GO.

3 SOLICITOR COLLINS: YES, SIR.

4 Q. BECAUSE YOU WANT TO KEEP HIM OUT OF JAIL, DON'T
5 YOU?

6 A. NO. WHAT WAS THE QUESTION?

7 Q. YOU WANT TO KEEP YOUR BROTHER OUT OF JAIL IS THE
8 REASON YOU'RE COMING TODAY, ISN'T IT?

9 A. NO.

10 Q. OKAY. WELL, IF THEY WERE YOUR DRUGS, WHY DIDN'T
11 YOU COME FORWARD IN THE BEGINNING?

12 MR. KRAMER: THAT'S BEEN ASKED AND
13 ANSWERED, YOUR HONOR, OBJECTION.

14 THE COURT: SUSTAINED.

15 A. LIKE I SAY, I WAS SCARED.

16 THE COURT: YOU DON'T HAVE TO ANSWER
17 THAT, MA'AM, YOU'VE ALREADY ANSWERED IT.

18 A. OKAY.

19 SOLICITOR COLLINS: JUST A SECOND,
20 YOUR HONOR.

21 Q. YOU'RE SAYING THAT YOU MET WITH MR. BROTHERS TWO
22 WEEKS AGO, IS THAT CORRECT?

23 A. YES, SIR.

24 Q. WHEN DID YOU FIRST, DID YOU HAVE AN OPPORTUNITY TO
25 WRITE A STATEMENT?

CROSS - SHARON SANDERS BY SOL. COLLINS

366

1 A. NO.

2 Q. YOU'VE NEVER WRITTEN A STATEMENT?

3 A. YES.

4 Q. WHEN DID YOU WRITE THAT STATEMENT?

5 A. THIS WEEK I BELIEVE.

6 SOLICITOR COLLINS: YOUR HONOR, I'D
7 LIKE TO MARK THIS FOR STATE'S ID.

8 COURT REPORTER: STATE'S TEN, ID.

9 (State's Exhibit Ten,
10 Statement of Sharon Sanders,
11 marked for identification)

12 SOLICITOR COLLINS: MAY I APPROACH
13 THE WITNESS, YOUR HONOR?

14 THE COURT: YES.

15 Q. IS THAT YOUR STATEMENT THAT YOU GAVE TO MR.
16 BROTHERS?

17 A. SURE DID.

18 Q. WHAT'S THE DATE ON THAT STATEMENT?

19 A. THE THIRTEENTH.

20 THE COURT: I'M SORRY, I DIDN'T HEAR
21 YOU.

22 A. THE THIRTEENTH. I MADE A MISTAKE ON THIS, ON THIS
23 RIGHT HERE.

24 THE COURT: THE THIRTEENTH OF WHAT
25 MONTH?

CROSS - SHARON SANDERS BY SOL. COLLINS

367

1. A. APRIL.

2. THE COURT: APRIL THIRTEENTH.

3. A. I MADE A COUPLE OF MISTAKES ON THAT.

4. Q. PLEASE LOOK AND SEE WHEN MR. BROTHERS NOTARIZED
5. THAT STATEMENT, PLEASE TELL THE JURY WHAT THAT DATE
6. IS, APRIL, WHAT DATE?

7. A. COULD YOU TELL ME? I DON'T SEE IT.

8. SOLICITOR COLLINS: CAN I TELL HER,
9. YOUR HONOR?

10. THE COURT: YOU CAN SHOW HER WHERE
11. THE NOTARY IS, SHE MIGHT NOT KNOW WHAT A NOTARY IS.

12. SOLICITOR COLLINS: THANK YOU, YOUR
13. HONOR.

14. Q. IT'S DOWN THERE.

15. A. SO, WHAT, THAT'S APRIL THE NINETEEN?

16. Q. YES.

17. A. SO, THE NINETEENTH WOULD BE MONDAY.

18. Q. HOW MUCH DID YOU PAY FOR THE DRUGS WHEN YOU BOUGHT
19. THEM?

20. A. DO I HAVE TO ANSWER THAT?

21. MR. KRAMER: OBJECTION, YOUR HONOR,
22. ASKED AND ANSWERED, HE ASKED THAT QUESTION BEFORE.

23. THE COURT: I'M SORRY, I WAS
24. TALKING, I DIDN'T HEAR THE QUESTION.

25. SOLICITOR COLLINS: I ASKED HER HOW

CROSS - SHARON SANDERS BY SOL. COLLINS

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1 MUCH SHE PAID FOR THE DRUGS.

2 THE COURT: OVERRULED.

3 A. SO I HAVE TO ANSWER THAT QUESTION?

4 THE COURT: YES.

5 A. HOW MUCH?

6 Q. HOW MUCH MONEY, HOW MUCH CASH MONEY DID YOU GIVE
7 THE PERSON YOU BOUGHT THE DRUGS FROM?

8 A. TWO FIFTY.

9 Q. YOU GAVE HIM TWO HUNDRED AND FIFTY DOLLARS?

10 A. TWO HUNDRED AND FIFTY DOLLARS, SIR.

11 Q. OKAY. AND WHO DID YOU SELL THE DRUGS TO?

12 MR. KRAMER: OBJECTION, YOUR HONOR,
13 ASKED AND ANSWERED.

14 THE COURT: OVERRULED.

15 A. MY FIFTH COMMANDMENT, OR WHATEVER THAT'S SUPPOSE
16 TO MEAN, I REFUSE TO ANSWER THAT QUESTION.

17 THE COURT: VERY WELL.

18 A. MY LAWYER IS NOT PRESENT.

19 THE COURT: YOU REFUSE TO ANSWER ON
20 THE GROUNDS THAT IT MIGHT TEND TO INCRIMINATE YOU, IS
21 THAT WHAT YOU'RE SAYING?

22 A. YES.

23 Q. WHO ALL LIVED IN THE HOUSE AT [REDACTED]

24 [REDACTED]?

25 A. ME AND MY BROTHER.

CROSS - SHARON SANDERS BY SOL. COLLINS

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1 Q. JUST YOU AND YOUR BROTHER. YOU SAID THAT THE
2 MARIJUANA WAS MS. WRIGHT'S?

3 A. YES.

4 Q. WHAT DID SHE HAVE IT THERE FOR?

5 A. WELL, SHE WASN'T STAYING THERE, SHE WASN'T PAYING
6 BILLS THERE, BUT SHE USED TO STAY THERE, LIKE TWO
7 NIGHTS, OR SOMETHING LIKE THAT. EVERY BLUE MOON
8 SHE WAS DROPPING IN, OR WHATEVER, BUT SHE WASN'T
9 STAYING THERE, SHE WASN'T PAYING BILLS THERE, SO
10 IT WASN'T HER HOUSE.

11 Q. WAS THE ELECTRIC BILL IN YOUR NAME?

12 A. MY SISTER'S.

13 Q. IN YOUR SISTER'S NAME. HOW MANY PEOPLE LIVED IN
14 THE HOUSE?

15 A. ME AND VONDELL.

16 Q. WHEN DID MS. WRIGHT PUT THE MARIJUANA IN THE CAN?

17 A. THE NIGHT THE POLICE CAME.

18 Q. THE NIGHT -- WHEN DID YOU SAY YOU PUT THE CRACK IN
19 THE ---

20 A. THE MORNING BEFORE I LEFT.

21 Q. WHICH WAS?

22 A. ON A FRIDAY.

23 Q. THAT WAS, LIKE, OCTOBER TWENTIETH, OR SOMETHING
24 LIKE THAT, IS THAT CORRECT, IT WAS OCTOBER
25 TWENTIETH?

CROSS - SHARON SANDERS BY SOL. COLLINS

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1 A. IT WAS DURING FAIR TIME.

2 Q. SO, IT WAS OCTOBER TWENTIETH?

3 MR. KRAMER: YOUR HONOR, I OBJECT,
4 HE'S CREATING DATES HERE FOR HER, SHE OBVIOUSLY DOESN'T
5 UNDERSTAND WHAT HE'S DOING.

6 SOLICITOR COLLINS: I'M JUST ASKING
7 HER WHEN SHE PUT THE CRACK IN THERE.

8 THE COURT: I'M GOING TO ALLOW HIM
9 TO ASK THE QUESTION. ASK THE QUESTION IN A CLEAR AND
10 UNDERSTANDABLE TERM. WHAT IS YOUR QUESTION?

11 Q. DID YOU PUT THE CRACK IN THAT CONTAINER ON OCTOBER
12 TWENTIETH, AND THEN LEAVE THE HOUSE?

13 A. COULD I SEE A CALENDAR?

14 THE COURT: DO YOU HAVE A CALENDAR?

15 SOLICITOR COLLINS: NO, SIR.

16 SOLICITOR COLLINS: I WITHDRAW THE
17 QUESTION, YOUR HONOR.

18 MR. KRAMER: YOUR HONOR, I ASK THAT
19 THAT QUESTION BE STRICKEN FROM THE RECORD.

20 THE COURT: OVERRULED.

21 Q. IN FACT, THE DAY YOU SAW YOUR BROTHER GET ARRESTED,
22 WHAT WERE YOU DOING THAT DAY, WHAT HAD YOU BEEN
23 DOING EARLIER, WERE YOU AT WORK, WERE YOU WORKING
24 THAT DAY?

25 A. UM, ---

CROSS - SHARON SANDERS BY SOL. COLLINS

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1 COURT REPORTER: WHAT'S YOUR -- NO?

2 A. NO, MA'AM.

3 MR. KRAMER: OBJECTION, YOUR HONOR,
4 WHAT'S THE RELEVANCY OF WHETHER SHE WAS WORKING?

5 THE COURT: IT'S CROSS-EXAMINATION.

6 MR. KRAMER: THANK YOU, YOUR HONOR.

7 THE COURT: OVERRULED.

8 Q. ABOUT WHAT TIME DID YOU ARRIVE AT THE HOUSE, DID
9 YOU ARRIVE THERE ABOUT FOUR O'CLOCK?

10 A. NO. IT WAS DARK, IT WAS ABOUT SEVEN OR EIGHT.

11 SOLICITOR COLLINS: I'D LIKE TO
12 ENTER STATE'S ID NUMBER TEN ---

13 Q. IS THAT THE STATEMENT THAT YOU, THAT IS THE
14 STATEMENT THAT YOU GAVE MR. BROTHERS?

15 THE COURT: SHE'S ALREADY IDENTIFIED
16 THAT.

17 SOLICITOR COLLINS: I'D LIKE TO MOVE
18 THAT INTO EVIDENCE.

19 THE COURT: ANY OBJECTION TO THAT
20 COMING INTO EVIDENCE?

21 MR. KRAMER: JUST A SECOND, YOUR
22 HONOR, THE COURT'S INDULGENCE. NO, YOUR HONOR, NO
23 OBJECTION.

24 THE COURT: IT'S ADMITTED.

25 COURT REPORTER: STATE'S TEN.

CROSS - SHARON SANDERS BY SOL. COLLINS

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1 (State's Exhibit Ten
2 marked and filed.)

3 SOLICITOR COLLINS: THANK YOU. MAY
4 I SHOW THIS TO THE JURY, YOUR HONOR?

5 THE COURT: YOU MAY.
6 (Whereupon, State's Exhibit Ten
7 is published to the jury.)

8 SOLICITOR COLLINS: THE COURT'S
9 INDULGENCE, YOUR HONOR. NO FURTHER QUESTIONS OF THIS
10 WITNESS.

11 THE COURT: REDIRECT?

12 MR. KRAMER: YOUR HONOR, MAY I
13 APPROACH WITH STATE'S COUNSEL, PLEASE?

14 SOLICITOR COLLINS: YOUR HONOR, CAN
15 I PLEASE, CAN WE GET THE CAN BACK? THANK YOU.

16 THE COURT: ANYTHING FURTHER FROM
17 THIS WITNESS?

18 MR. KRAMER: I DO HAVE REDIRECT,
19 YOUR HONOR.

20 THE COURT: VERY WELL.

21 (NOTE: Blank lines on this page do not indicate any
22 part of record has been omitted. Headers on testimony
23 pages and hard page breaks between testimony are now
24 required by the Court. See next ensuing page for
25 sequential continuation of record.)

REDIRECT - SHARON SANDERS BY MR. KRAMER

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REDIRECT EXAMINATION OF SHARON SANDERS

BY MR. KRAMER:

Q. NOW, WERE YOU PRESENT, MS. SANDERS, WHEN THE POLICE
EXECUTED THE SEARCH WARRANT?

A. FROM MY UNDERSTANDING, THEY DIDN'T HAVE A SEARCH
WARRANT.

Q. DID YOU AND VONDELL SANDERS SHARE THE SAME BED
ROOM?

A. NOT TOGETHER, BUT WHEN HE IS NOT THERE I TAKE HIS
ROOM IF I HAVE COMPANY, BECAUSE I DIDN'T RECEIVE
MY BED ROOM SUIT THEN, SO ---

Q. WHEN HE IS NOT THERE DO YOU SLEEP IN THE BED?

A. YES.

Q. YOU USE THE BED ROOM?

A. BASICALLY, IT'S MY ROOM.

Q. DO YOU KEEP CLOTHING IN THE BED ROOM?

A. YES.

Q. NOW, VONDELL SANDERS DID NOT KNOW THAT THE CRACK
COCAINE WAS IN THE CAN, DID HE?

A. NO, HE DID NOT.

Q. YOU EARLIER TESTIFIED TO THESE JURORS THAT SYLVIA
WRIGHT ALSO LIVED IN THE HOME OCCASIONALLY, IS THAT
TRUE?

A. YES.

Q. NOW, THIS SEVEN UP DRINK CAN ---

REDIRECT - SHARON SANDERS BY MR. KRAMER

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1 A. UH HUH.

2 Q. --- YOU TESTIFIED TO THIS JURY THAT YOU OWNED THIS
3 CAN, IS THAT TRUE?

4 A. YES. WELL, I DIDN'T PAY FOR IT, BUT IT WAS GIVEN
5 TO ME.

6 Q. OKAY. IT'S YOUR PROPERTY?

7 A. UH HUH.

8 Q. NOW, YOU ALSO TESTIFIED TO THE JURY ---

9 SOLICITOR MASSERVY: YOUR HONOR,
10 THIS IS JUST GOING OVER THE SAME THING HE DID IN, IN
11 DIRECT, I MEAN, YOU KNOW, IT'S ALL BEEN ASKED AND
12 ANSWERED.

13 THE COURT: ASK ANOTHER QUESTION IF
14 YOU WILL, AND LET ME REMIND YOU, MR. KRAMER, THIS IS
15 YOUR WITNESS, NOW.

16 MR. KRAMER: THANK YOU, YOUR HONOR.

17 THE COURT: AND YOU CAN'T LEAD YOUR
18 WITNESS.

19 Q. YOU ONLY OWNED THE CAN TWICE, ---

20 THE COURT: YOU OWNED THE CAN TWICE?

21 MR. KRAMER: EXCUSE ME, YOUR HONOR.

22 Q. YOU ONLY OWNED THE CAN THREE DAYS, IS THAT WHAT YOU
23 TESTIFIED TO?

24 A. YES, SIR.

25 Q. WAS IT THREE DAYS THAT YOU OWNED IT PRIOR TO WHEN

REDIRECT - SHARON SANDERS BY MR. KRAMER

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1 THE POLICE CAME TO THE TRAILER?

2 A. YES.

3 MR. KRAMER: THANK YOU. NO FURTHER
4 QUESTIONS. YOUR WITNESS.

5 SOLICITOR COLLINS: MAY I APPROACH
6 THE WITNESS?

7 THE COURT: YES.

8 (NOTE: Blank lines on this page do not indicate any
9 part of record has been omitted. Headers on testimony
10 pages and hard page breaks between testimony are now
11 required by the Court. See next ensuing page for
12 sequential continuation of record.)

RE CROSS - SHARON SANDERS BY SOL. COLLINS

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RE CROSS-EXAMINATION OF SHARON SANDERS

BY SOLICITOR COLLINS:

Q. I'D LIKE TO HAND YOU WHAT'S BEEN MARKED AS STATE'S
EXHIBIT NUMBER SEVEN, DO YOU KNOW WHAT THAT IS, MS.
SANDERS?

A. I GUESS. I SHOULD OPEN IT UP?

Q. IF YOU'D LIKE.

A. YES.

Q. WHAT IS IT?

A. A SCALE.

Q. A SCALE. IS THAT YOUR SCALE?

A. YES.

Q. THAT'S YOUR SCALE?

A. UH HUH.

Q. WHAT DID YOU USE THAT SCALE FOR?

A. DO I HAVE TO ANSWER THAT QUESTION?

THE COURT: MA'AM, YOU HAVE AN
ATTORNEY AND HE'S NOT HERE. LET ME ---

A. HE'S NOT HERE, AND HE TOLD ME ---

THE COURT: WELL, WHAT DID YOUR
ATTORNEY TELL YOU?

A. IF I FEEL LIKE I'M COMMITTING TO ANOTHER CRIME I
DON'T HAVE TO ANSWER IT.

THE COURT: THAT'S EXACTLY RIGHT.
DO YOU WANT TO CLAIM THE PROTECTION OF THE FIFTH

RECROSS - SHARON SANDERS BY SOL. COLLINS

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1 AMENDMENT ON THIS QUESTION?

2 A. YES.

3 THE COURT: I'M GOING TO ASSUME
4 EVERY TIME YOU SAY THE FIFTH COMMANDMENT YOU'RE TALKING
5 ABOUT THE FIFTH AMENDMENT, IS THAT RIGHT?

6 A. YES.

7 THE COURT: AND YOU WANT TO INVOKE,
8 TO USE THE PROTECTION OF THE FIFTH AMENDMENT AGAINST
9 SELF-INCRIMINATION?

10 A. YES.

11 THE COURT: ALRIGHT. IS THAT WHAT
12 YOU WANT TO DO TO THIS QUESTION?

13 A. UH HUH.

14 THE COURT: VERY WELL. LET THE
15 RECORD REFLECT THAT THIS WITNESS REFUSES TO ANSWER THE
16 QUESTION ON THE GROUND THAT IT MIGHT TEND TO INCRIMINATE
17 HER. ASK ANOTHER QUESTION, PLEASE.

18 Q. HOW MANY TIMES DID YOU USE THIS SCALE?

19 MR. KRAMER: OBJECTION, YOUR HONOR,
20 THAT'S PART OF THE FIFTH AMENDMENT.

21 THE COURT: OVERRULED.

22 MR. KRAMER: THANK YOU, YOUR HONOR.

23 A. I DON'T REMEMBER.

24 Q. TWO, FORTY?

25 MR. KRAMER: OBJECTION, HE'S ASKING

RECROSS - SHARON SANDERS BY SOL. COLLINS

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1 THE WITNESS TO SPECULATE.

2 A. MAYBE FORTY.

3 Q. HOW MANY TIMES, DID YOU USE IT FORTY TIMES JUST FOR
4 THIS AMOUNT OF CRACK THAT YOU BOUGHT?

5 MR. KRAMER: OBJECTION, ASKED AND
6 ANSWERED, YOUR HONOR.

7 THE COURT: OVERRULED.

8 Q. DID YOU USE IT FORTY TIMES WITH THIS AMOUNT OF
9 CRACK THAT WAS LOCATED IN THAT SEVEN UP CAN, DID
10 YOU USE IT FORTY TIMES?

11 A. NO.

12 Q. YOU'D USED IT BEFORE, IS THAT WHAT YOU'RE TELLING
13 ME?

14 A. UH HUH.

15 COURT REPORTER: ANSWER YES OR NOT.

16 A. YES, MA'AM.

17 Q. SO, THESE ARE THE TWO ITEMS THAT YOU USED FOR YOUR
18 DRUG DEALING?

19 A. YES.

20 Q. ACTUALLY, IT WAS THESE TWO ITEMS, WASN'T IT?

21 A. NO, SIR.

22 Q. OKAY. HOW MUCH MONEY DID YOU HAVE, DID YOU HAVE
23 ANY MONEY IN THE HOUSE OR ANYTHING LIKE THAT?

24 A. NO.

25 Q. OKAY. IT'S BEEN ESTABLISHED THAT YOUR BROTHER AND

RECROSS - SHARON SANDERS BY SOL. COLLINS

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1 YOU LIVED IN THE HOME, ---

2 A. UH HUH.

3 Q. --- AT YOUR AUNT'S HOUSE, YOU WERE SELLING DRUGS
4 OUT OF THAT HOUSE?

5 A. NO.

6 Q. YOU WERE NOT SELLING DRUGS?

7 A. HUH UH.

8 Q. BUT YOUR BROTHER KNEW YOU WERE SELLING DRUGS OUT
9 THERE?

10 A. NO.

11 Q. HE KNEW YOU HAD DRUGS IN THE HOUSE?

12 A. NO.

13 Q. DID HE KNOW ABOUT THESE CANS?

14 A. NO.

15 Q. HE DIDN'T KNOW? THEY WERE SITTING, WELL, DIDN'T
16 YOU SAY EARLIER THAT YOU PUT THE CANS ON TOP OF THE
17 IN HIS BED ROOM, ON TOP OF THE T.V. STAND?

18 A. UH HUH.

19 Q. IS THAT WHAT YOU SAID? BUT HE DIDN'T KNOW THEY
20 WERE THERE?

21 A. NO.

22 Q. HE WAS THERE THAT DAY, THOUGHT, WASN'T HE?

23 A. NO.

24 Q. YOUR BROTHER WASN'T THERE THAT WHOLE DAY?

25 A. HE PROBABLY WAS, BUT THE DAY, THE TIME THAT I LEFT

RECROSS - SHARON SANDERS BY SOL. COLLINS

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1 I GAVE HIM SOME MONEY FOR THE PHONE BILL AND HALF
2 ON THE RENT, AND I LEFT.

3 Q. OKAY. WHERE DID YOU BUY THESE CANS FROM?

4 A. SOMEONE GAVE THEM TO ME.

5 Q. WHO GAVE YOU THE CANS?

6 A. SYLVIA WRIGHT.

7 Q. SHE GAVE YOU BOTH THE CANS?

8 A. ONE, AND SHE KEPT ONE.

9 Q. OKAY. WHEN DID SHE GIVE THOSE TO YOU?

10 A. THREE DAYS BEFORE.

11 Q. WHERE DID YOU GET THIS FROM?

12 A. I CAN'T REMEMBER.

13 SOLICITOR COLLINS: ONE SECOND, YOUR
14 HONOR.

15 Q. CAN YOU EXPLAIN TO THIS JURY, YOU SAID THAT VONDELL
16 DIDN'T KNOW THE DRUGS WERE THERE?

17 A. UH HUH.

18 Q. WHY WAS HE TRYING TO PROTECT YOU FROM SOMETHING,
19 DO YOU KNOW? YOU SAID HE WAS WAVING YOU OFF,
20 TELLING YOU, NO, NO, DON'T COME UP HERE, YOU'LL GET
21 IN TROUBLE.

22 A. UH HUH. MAYBE THEY ALREADY DONE FOUND THE DRUGS
23 AND HE PROBABLY THOUGHT THEY WAS MINE, OR HE KNOW
24 THEY WAS MINE AND DIDN'T WANT ME TO GO TO JAIL, I
25 HAVE NO IDEA, TRYING TO PROTECT ME, DIDN'T WANT TO

RECROSS - SHARON SANDERS BY SOL. COLLINS

381

1 SEE ME IN PRISON SOMEWHERE.

2 Q. YOU WORK IN, YOU WORK AS A CASHIER, IS THAT
3 CORRECT?

4 A. UH HUH.

5 Q. WHERE DO YOU WORK?

6 A. EASY SHOP.

7 Q. YOU WORK IN THE EASY SHOP?

8 A. UH HUH.

9 Q. DOES VONDELL WORK AT THE EASY SHOP, TOO, WITH YOU?

10 A. NO, HE WAS A MECHANIC.

11 Q. HE WAS A MECHANIC?

12 A. UH HUH.

13 Q. WHERE WAS VONDELL A MECHANIC?

14 A. IN CORDOVA.

15 Q. IN CORDOVA?

16 A. UH HUH.

17 Q. THAT'S A PRETTY BIG PLACE, I'M NOT FROM ORANGEBURG
18 COUNTY, HOWEVER, I THINK THAT'S A PRETTY BIG PLACE?

19 A. REALLY?

20 Q. WHERE IS, WHERE AT IN CORDOVA?

21 A. IT'S ON THE CORDOVA ROAD.

22 Q. OKAY. ON THE CORDOVA ROAD IS WHERE HE WORKED. HE
23 WASN'T WORKING AT THE TIME, THOUGH, AND PLEASE
24 REMEMBER, YOU ARE UNDER OATH, HE WASN'T WORKING AT
25 THAT TIME?

RECROSS - SHARON SANDERS BY SOL. COLLINS

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1 A. YES, HE WAS.

2 Q. WHAT WAS THE NAME OF THE PLACE THAT HE WORKED?

3 A. J. J.'S SHOP.

4 Q. J. J.'S SHOP?

5 A. UH HUH.

6 SOLICITOR COLLINS: NO FURTHER
7 QUESTIONS, YOUR HONOR.

8 THE COURT: ANYTHING FURTHER?

9 MR. KRAMER: YES, SIR, YOUR HONOR.

10 (NOTE: Blank lines on this page do not indicate any
11 part of record has been omitted. Headers on testimony
12 pages and hard page breaks between testimony are now
13 required by the Court: See next ensuing page for
14 sequential continuation of record.)

REDIRECT - SHARON SANDERS BY MR. KRAMER

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REDIRECT EXAMINATION OF SHARON SANDERS

BY MR. KRAMER:

Q. YOU HAVE, MS. SANDERS, NO PRIOR CONVICTIONS, IS
THAT TRUE?

A: NO, SIR.

MR. KRAMER: THANK YOU, MS. SANDERS.

THE COURT: ANYTHING ELSE OF THIS
WITNESS?

SOLICITOR COLLINS: NOTHING, YOUR
HONOR.

THE COURT: THANK YOU, MA'AM, YOU
MAY STEP DOWN.

WITNESS: DO I GO BACK OUTSIDE?

THE COURT: I WOULDN'T SUGGEST YOU
LEAVE THE COURT HOUSE.

WITNESS: OH, OKAY.

MR. KRAMER: MAY I APPROACH, YOUR
HONOR, WITH STATE'S COUNSEL?

THE COURT: YOU MAY.

(Whereupon, a bench conference
is held out of the hearing of
the jury and the court reporter.)

THE COURT: LADIES AND GENTLEMEN,
GO TO YOUR JURY ROOM.

(Whereupon, the jury retires

REDIRECT - SHARON SANDERS BY MR. KRAMER

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1 to the jury room and the following
2 takes place outside the presence
3 of the jury.)

4 MR. KRAMER: YOUR HONOR, OUR NEXT
5 WITNESS, SYLVIA WRIGHT, IS DOWNSTAIRS IN OUR OFFICE
6 CALLING BILLY RHODE, HER ATTORNEY WHO REPRESENTS HER.
7 WE EXPECT HER TO TESTIFY BUT WE'RE WAITING TO HEAR WHEN
8 MR. RHODE IS GOING TO BE PRESENT WHEN SHE GIVES HER
9 TESTIMONY. SHE'S IN THE COURT HOUSE, JUDGE, SHE IS
10 REPRESENTED.

11 THE COURT: WE AIN'T GOING TO WAIT
12 FOR MR. RHODE TO ARRIVE TO TAKE HER TESTIMONY.

13 MR. KRAMER: THAT' FINE, JUDGE.

14 MR. HINDS: YOUR HONOR, I'LL GO
15 DOWNSTAIRS AND GET HER, ---

16 THE COURT: THAT WILL BE GOOD.

17 MR. HINDS: --- SHE HAD SAID TO ME
18 THAT SHE HAD CONCERNS AND WANTED TO TALK TO HER
19 ATTORNEY. I SENT HER DOWN TO OUR OFFICE TO CALL HIM.
20 I'LL GO GET HER RIGHT NOW.

21 THE COURT: WELL, GO GET HER, WE
22 NEED TO GO ON WITH THE TRIAL.

23 MR. KRAMER: YOUR HONOR, ---

24 COURT REPORTER: ARE YOU ON THE
25 RECORD?

REDIRECT - SHARON SANDERS BY MR. KRAMER

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1 THE COURT: YES.

2 MR. KRAMER: YES, YOUR HONOR, I
3 WOULD LIKE TO MAKE A MOTION AT THIS TIME WITH MR.
4 COLLINS PRESENT, YOUR HONOR. YOUR HONOR, I WOULD LIKE
5 TO MAKE A MOTION FOR A MISTRIAL AT THIS POINT BASED ON
6 THE FACT THAT I BELIEVE THIS JURY HAS BEEN PREJUDICED
7 BY THE ARREST OF THE FIRST WITNESS DIRECTLY OUTSIDE THE
8 COURT HOUSE DOORS TO THE COURTROOM WHERE THE JURY
9 OBVIOUSLY HEARD SCREAMING, HEARD HER FIGHTING THE
10 POLICE. I BELIEVE THE JURY HAS BEEN UNDULY PREJUDICED
11 AT THIS POINT, AND THEY CANNOT RENDER ---

12 THE COURT: HOW WOULD THAT PREJUDICE
13 THE JURY?

14 MR. KRAMER: I BELIEVE, YOUR HONOR,
15 THEY'RE GOING TO BE PREJUDICED AGAINST VONDELL SANDERS,
16 MY POINT ---

17 THE COURT: HOW WOULD THAT PREJUDICE
18 VONDELL SANDERS?

19 MR. KRAMER: I BELIEVE, YOUR HONOR,
20 THERE WILL BE A PROPENSITY ON THE JURY'S PART TO CONVICT
21 HIM BASED ON WHAT HAPPENED TO OUR FIRST WITNESS, WHICH
22 WAS HIS SISTER, AND OBVIOUSLY SHE WAS ARRESTED RIGHT
23 OUTSIDE THE COURT -- RIGHT IN THE DOOR WHEN SHE WENT OUT
24 THE COURTROOM DOOR. THE JURY HEARD THAT, THEY COULD SEE
25 IT, IT WAS IN THEIR VIEW, YOUR HONOR, IT WAS PLAIN VIEW

REDIRECT - SHARON SANDERS BY MR. KRAMER

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1 HERE FROM THE JURY BOX. YOU CAN SEE THE DOOR, THERE'S
2 A VIEW THROUGH THE DOOR TO THE WINDOW, AND I BELIEVE
3 THAT THEY COULD HEAR AND SEE THIS WITNESS BEING
4 ARRESTED. I BELIEVE THAT WOULD PREJUDICE ---

5 THE COURT: YOU THINK SEEING
6 SOMEBODY ARRESTED WOULD PREJUDICE SOMEBODY ELSE ---

7 MR. KRAMER: I WILL ---

8 THE COURT: EXCUSE ME, I'M TALKING.

9 MR. KRAMER: YES, SIR.

10 THE COURT: DO YOU BELIEVE SEEING
11 SOMEBODY ELSE ARRESTED FOR THE CRIME THAT YOUR CLIENT
12 IS CHARGED WITH WILL PREJUDICE THE JURY AGAINST YOUR
13 CLIENT?

14 MR. KRAMER: I BELIEVE, YOUR HONOR,
15 THAT THE JURY SAW SHARON SANDERS BEING ARRESTED, AND
16 THAT THE SISTER OF VONDELL SANDERS, I BELIEVE, YOUR
17 HONOR, THERE WILL BE A PROPENSITY ON THE PART OF THE
18 JURY TO CONVICT MR. SANDERS BASED ON WHAT HAPPENED TO
19 HIS SISTER RIGHT AT THE COURT HOUSE DOOR, YOUR HONOR.
20 AND I BELIEVE THE JURY IS PREJUDICED AND I WOULD MOVE
21 AGAIN FOR A MISTRIAL AT THIS POINT, YOUR HONOR.

22 THE COURT: I RESPECTFULLY DENY YOUR
23 MOTION, I DON'T THINK THEY SHOULD HAVE EXPECTED ANYTHING
24 BUT WHAT THEY SAW, ---

25 MR. KRAMER: THANK YOU, YOUR HONOR.

REDIRECT - SHARON SANDERS BY MR. KRAMER

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1 THE COURT: --- IF SHE ADMITS TO A
2 CRIME, SHE ADMITTED ON THE STAND TO BEING IN POSSESSION
3 OF A CONTROL SUBSTANCE, SHE ADMITTED TO SELLING THE
4 CONTROL SUBSTANCE, AND SHE WALKED OUT OF THE COURTROOM
5 AND WAS ARRESTED OUTSIDE OF THE COURTROOM. IF SHE MAKES
6 A BUNCH OF NOISE WHILE SHE'S OUT THERE BEING ARRESTED,
7 I'M SORRY, BUT I DON'T THINK THAT PREJUDICES THE JURY
8 AGAINST YOUR CLIENT. IF ANYTHING, IT MIGHT PREJUDICE THE
9 JURY AGAINST HER, BUT SHE WAS THE ONE THAT ADMITTED THE
10 OFFENSE ON THE STAND. I WOULD ASSUME THEY WOULD HAVE
11 EXPECTED HER TO BE ARRESTED IF YOU ADMIT AN OFFENSE
12 UNDER OATH. AND SHE WAS. YOU KNOW, IF WE GRANTED A
13 MISTRIAL EVERY TIME SOMEBODY HOLLERED OR SCREAMED
14 WHENEVER THEY WERE GETTING ARRESTED, WE'D NEVER GET TO
15 FINISH A TRIAL. I TOLD THE JURY TO GO TO THEIR JURY
16 ROOM, I THOUGHT RATHER QUICKLY, AS SOON AS I HEARD THAT
17 THERE WAS A DISTURBANCE OUTSIDE. WHETHER THEY SAW IT,
18 I DON'T KNOW. I DON'T KNOW THAT THEY DID SEE IT, I'M
19 SURE THEY HEARD A DISTURBANCE, I'M SURE THEY ASSUMED IT
20 WAS THE WITNESS THAT JUST WALKED OUT OF THE COURTROOM,
21 BECAUSE I INFORMED HER IT WOULD BE SMART NOT TO LEAVE
22 THE COURT HOUSE AFTER HER TESTIMONY. SO, I DON'T THINK
23 ANYTHING HAPPENED THAT WASN'T EXPECTED, OTHER THAN THE
24 DISTURBANCE CAUSED --- I WASN'T THERE EITHER BUT IT
25 CERTAINLY SOUNDED LIKE THE DISTURBANCE WAS CAUSED BY MS.

REDIRECT - SHARON SANDERS BY MR. KRAMER

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1 SANDERS. AND I DON'T THINK IN ANY WAY THAT WOULD
2 PREJUDICE THE JURY AGAINST YOUR CLIENT. SO, BASED ON
3 THAT I RESPECTFULLY DENY YOUR MOTION.

4 MR. KRAMER: THANK YOU, YOUR HONOR.

5 THE COURT: YES, SIR. NOW, LET'S
6 GET THE JURY BACK.

7 (Whereupon, the following
8 takes place in the
9 presence of the jury.)

10 (Whereupon, the witness
11 enters the courtroom.)

12 MR. KRAMER: YOUR HONOR, AT THIS
13 POINT THE DEFENSE WISHES TO CALL MARION BROTHERS TO THE
14 STAND.

15 THE COURT: MR. BROTHERS, COME
16 AROUND, PLEASE, SIR.

17 CLERK: PLACE YOUR LEFT HAND ON THE
18 BIBLE AND RAISE YOUR RIGHT HAND.

19 (Whereupon, Witness Marion R. Brothers
20 is duly sworn.)

21 CLERK: PLEASE HAVE A SEAT.

22 (NOTE: Blank lines on this page do not indicate any
23 part of record has been omitted. Headers on testimony
24 pages and hard page breaks between testimony are now
25 required by the Court.)

DIRECT - MARION BROTHERS BY MR. KRAMER

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DIRECT EXAMINATION OF MARION R. BROTHERS

BY MR. KRAMER:

Q. GOOD MORNING, MR. BROTHERS.

A. GOOD MORNING.

Q. PLEASE STATE YOUR NAME FOR THE RECORD.

A. MARION R. BROTHERS.

Q. WOULD YOU PLEASE, MR. BROTHERS, STATE YOUR ADDRESS FOR THE RECORD?

A. [REDACTED] IN ORANGEBURG, SOUTH CAROLINA.

Q. WOULD YOU PLEASE TELL THESE JURORS, MR. BROTHERS, YOUR OCCUPATION?

A. I'M A PRIVATE INVESTIGATOR.

Q. AND HOW LONG, MR. BROTHERS, HAVE YOU BEEN A PRIVATE INVESTIGATOR?

A. THIRTEEN YEARS.

Q. HAVE YOU BEEN THROUGH ANY TRAINING AS A PRIVATE INVESTIGATOR, MR. BROTHERS?

A. YES, I HAVE.

Q. WHAT KIND OF TRAINING WAS THAT?

A. VARIOUS TRAININGS, SEMINARS AND DIFFERENT THINGS THAT WAY. PRIOR TO THAT I WAS A LAW ENFORCEMENT OFFICER FOR EIGHTEEN YEARS WITH THE ORANGEBURG COUNTY SHERIFF'S DEPARTMENT AND THE CITY POLICE.

Q. THANK YOU, MR. BROTHERS. NOW, IN ANY OF YOUR

DIRECT - MARION BROTHERS BY MR. KRAMER

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1 TRAINING, MR. BROTHERS, DID IT INVOLVE TAKING
2 AFFIDAVITS AND STATEMENTS?

3 A. YES, SIR, CERTAINLY.

4 Q. OKAY. NOW, ---

5 MR. KRAMER: MAY I APPROACH THE
6 WITNESS, YOUR HONOR?

7 THE COURT: YES.

8 MR. KRAMER: THANK YOU.

9 Q. MR. BROTHERS, IS THIS A COPY OF A STATEMENT THAT
10 WAS TAKEN BY YOU FROM SHARON SANDERS?

11 A. YES, SIR.

12 Q. AND WOULD YOU PLEASE TELL THESE JURORS, MR.
13 BROTHERS, WHAT DATE THAT SHARON SANDERS GAVE THAT
14 STATEMENT?

15 A. I WITNESSED HER SIGNATURE ON THE NINETEENTH OF
16 APRIL, TWO THOUSAND FOUR.

17 Q. WHY DID SHARON SANDERS MEET WITH YOU?

18 A. IN ORDER TO GIVE, TO EXPLAIN TO ME, OR GIVE ME,
19 RENDER THIS STATEMENT TO ME.

20 Q. DID SHARON SANDERS MEET WITH YOU VOLUNTARILY?

21 A. YES, SIR, SHE DID.

22 Q. MR. BROTHERS, WHAT I WOULD LIKE YOU TO DO IS TO
23 READ THE STATEMENT INTO THE RECORD, PLEASE, THAT
24 SHARON SANDERS GAVE?

25 A. OKAY. "THE DRUG THAT WAS IN MY BROTHER'S ROOM WAS

DIRECT - MARION BROTHERS BY MR. KRAMER

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1 NOT HIS, IT WAS ALL MINE. THE ONE THE" THAT SHE
2 MEANT TO SAY, I THINK, "WAS IN THE ORANGE SODA CAN,
3 AND HE DID NOT KNOW IT WAS THERE."

4 Q. SHARON SANDERS IS THE SISTER OF VONDELL SANDERS,
5 IS THAT CORRECT?

6 A. THAT'S WHAT SHE TOLD ME, YES, SIR.

7 Q. ALRIGHT. NOW, AT THE BOTTOM OF THIS STATEMENT THAT
8 SHE GAVE, MR. BROTHERS, YOU NOTARIZED IT, ---

9 A. YES, SIR.

10 Q. --- IS THAT CORRECT?

11 A. YES, SIR.

12 Q. AND WHAT IS THE DATE THAT YOU NOTARIZED IT?

13 A. THE NINETEENTH OF APRIL, TWO THOUSAND FOUR.

14 Q. AND YOU ARE A CURRENTLY LICENSED NOTARY IN THE
15 STATE OF SOUTH CAROLINA?

16 A. YES, I AM.

17 Q. THERE IS A DATE IN THIS STATEMENT THAT SHARON
18 SANDERS GAVE OF THE THIRTEENTH OF APRIL, ---

19 A. UH HUH.

20 Q. -- IS THAT AN ERROR?

21 A. APPARENTLY SO, YEAH, THAT'S AN ERROR, BECAUSE IT
22 WAS ON THE NINETEENTH.

23 Q. ALRIGHT.

24 A. SHE WROTE THIS STATEMENT, EVERYTHING ON IT.

25 Q. OKAY.

DIRECT - MARION BROTHERS BY MR. KRAMER

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1 MR. KRAMER: YOUR WITNESS,
2 COUNSELLOR.

3 SOLICITOR COLLINS: NOTHING, NO
4 QUESTIONS OF THIS WITNESS, YOUR HONOR.

5 THE COURT: THANK YOU, YOU MAY STEP
6 DOWN.

7 COURT REPORTER: LEAVE THE STATEMENT
8 THERE, PLEASE.

9 MR. KRAMER: MAY I APPROACH WITH THE
10 STATE'S COUNSEL, YOUR HONOR?

11 THE COURT: YES.

12 (Whereupon, a bench conference
13 is held out of the hearing of
14 the jury and the court reporter.)

15 THE COURT: THE STATEMENT THAT YOU
16 SHOWED MR. BROTHERS AND THAT HE PUBLISHED TO THE JURY
17 WAS THE SAME AS STATE'S NUMBER TEN?

18 MR. KRAMER: YES, I BELIEVE SO, YOUR
19 HONOR.

20 THE COURT: WELL IS IT?

21 MR. KRAMER: YES, YOUR HONOR.

22 THE COURT: VERY WELL.

23 SOLICITOR COLLINS: IT IS, YOUR
24 HONOR.

25 THE COURT: VERY WELL. CALL YOUR

1 NEXT WITNESS.

2 MR. KRAMER: THE COURT'S INDULGENCE,
3 YOUR HONOR. YOUR HONOR, MAY I APPROACH WITH STATE'S
4 COUNSEL?

5 THE COURT: YES, SIR.

6 (Whereupon, a bench conference
7 is held out of the hearing of
8 the jury and the court reporter.)

9 MR. KRAMER: THE DEFENSE CALLS
10 SYLVIA WRIGHT TO THE STAND AT THIS TIME.

11 MR. KRAMER: MAY WE APPROACH?

12 THE COURT: WHY DON'T Y'ALL JUST
13 STAY UP HERE. THAT WAY WE CAN AVOID ALL THIS.

14 (Whereupon, a bench conference
15 is held out of the hearing of
16 the jury and the court reporter.)

17 THE COURT: LADIES AND GENTLEMEN,
18 GO BACK TO YOUR JURY ROOM FOR JUST A MOMENT, WE NEED TO
19 TAKE UP A MATTER OF LAW OUTSIDE OF YOUR PRESENCE. DON'T
20 DISCUSS THE CASE WHILE YOU'RE BACK THERE.

21 (Whereupon, the following
22 takes place out of the
23 presence of the jury.)

24 THE COURT: YES, SIR. MR. KRAMER..

25 MR. KRAMER: YES, SIR, YOUR HONOR.

1 I WOULD LIKE TO MAKE A MOTION, YOUR HONOR, THAT MY
2 WITNESS, SYLVIA WRIGHT, IS UNAVAILABLE. SHE, I DON'T
3 KNOW WHERE SHE'S AT, YOUR HONOR, SHE WAS PRESENT IN THE
4 COURTROOM THIS MORNING, SHE WAS PRESENT, I BELIEVE, IN
5 THE LAST HOUR IN THE COURTROOM. AND ALSO, YOUR HONOR,
6 I BELIEVE SHE'S REPRESENTED BY MR. BILLY RHODE, A
7 LICENSED ATTORNEY IN SOUTH CAROLINA. I ALSO, YOUR HONOR,
8 WOULD LIKE TO AT SOME POINT RECALL MR. BROTHERS TO THE
9 STAND AS A DEFENSE WITNESS. BUT AT THIS POINT I'D LIKE
10 TO HAVE MS. SYLVIA WRIGHT DECLARED UNAVAILABLE, AND SHE
11 IS REPRESENTED BY MR. BILLY RHODE. SHE HAD INDICATED
12 TO THE DEFENSE THAT SHE WISHED TO GO AHEAD AND TESTIFY
13 AGAINST THE ADVICE OF MR. BILLY RHODE, AND SHE HAD
14 PREVIOUSLY STATED, YOUR HONOR, THAT SHE WAS GOING TO BE
15 IN THE COURTROOM, THAT MR. BILLY RHODE WOULD ALSO BE
16 AVAILABLE IN THIS TRIAL TO COUNSEL HER ON HER TESTIMONY.
17 AT THIS POINT, YOUR HONOR, I DO NOT KNOW WHERE MR. BILLY
18 RHODE, HER ATTORNEY, IS, OR SYLVIA WRIGHT, MY WITNESS.

19 THE COURT: ALRIGHT. DID YOU CALL
20 HER NAME THREE TIMES?

21 BAILIFF: I DID, YOUR HONOR, NO
22 RESPONSE.

23 THE COURT: VERY WELL. ALRIGHT, DO
24 YOU WANT TO RECALL MR. ---

25 MR. KRAMER: I BEG THE COURT'S

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1 INDULGENCE. YOUR HONOR, THE REASON I WISH TO RECALL MR.
2 MARION BROTHERS IS, THERE IS A STATEMENT THAT HE TOOK
3 FROM SYLVIA WRIGHT THAT I WOULD LIKE FOR HIM TO TESTIFY
4 ABOUT TO THE COURT AND THE JURY. I'D LIKE TO PROFFER
5 THAT STATEMENT, BECAUSE SYLVIA WRIGHT IS AN UNAVAILABLE
6 WITNESS BUT SHE HAS GIVEN A STATEMENT.

7 THE COURT: WELL, I DON'T KNOW IF
8 SHE'S UNAVAILABLE, SHE JUST NOT HERE.

9 MR. KRAMER: YES, SIR.

10 THE COURT: ANY OBJECTION FROM THE
11 STATE?

12 SOLICITOR MASSERVY: WE HAVEN'T
13 HEARD IT, I MEAN, YOU KNOW ANY -- YOU KNOW, WE DON'T
14 HAVE THE RIGHT TO CROSS-EXAM, ETCETERA, AND WE WERE NOT
15 GIVEN THE OPPORTUNITY -- I ASSUME SHE TOOK HER FIFTH
16 AMENDMENT RIGHTS BECAUSE, YOU KNOW, SHE SAID SHE WAS
17 GOING TO CONTINUE TO ---

18 MR. KRAMER: I THINK THE STATE'S
19 CONFUSED, YOUR HONOR, WITH THE PREVIOUS WITNESS, SHARON
20 SANDERS. OBVIOUSLY, MS. WRIGHT WAS NOT HERE TO INVOKE
21 HER FIFTH AMENDMENT RIGHTS BECAUSE WE WOULDN'T BE IN THE
22 SITUATION WE'RE IN IF SHE WAS. WE DO HAVE A STATEMENT
23 TO PROFFER, YOUR HONOR, TAKEN BY MARION BROTHERS. HE WAS
24 THE PERSON WHO NOTARIZED THE STATEMENT.

25 THE COURT: YOU CAN PROFFER IT, I'M

1 NOT GOING TO ALLOW IT INTO EVIDENCE.

2 MR. KRAMER: YES, SIR, YOUR HONOR.

3 SOLICITOR MASSERVY: YOUR HONOR, TO
4 SAVE TIME, WE WOULD STIPULATE THAT MR. BROTHERS WOULD
5 SAY THAT WAS THE STATEMENT SHE GAVE.

6 MR. KRAMER: OH, I'M SORRY, YOUR
7 HONOR, IT APPEARS THAT THE WITNESS IS HERE, SO WE CAN
8 PROCEED WITH THE TRIAL, YOUR HONOR.

9 THE COURT: DO YOU WISH TO CALL MR.
10 BROTHERS, OR DO YOU NOT WISH TO CALL MR. BROTHERS?

11 MR. KRAMER: I WILL CALL MR.
12 BROTHERS, YOUR HONOR, AFTER THIS WITNESS TESTIFIES,
13 AFTER SYLVIA WRIGHT TESTIFIES.

14 THE COURT: BRING THE JURY BACK IN.
15 (Whereupon, the following
16 takes place in the
17 presence of the jury.)

18 SOLICITOR COLLINS: YOUR HONOR, WE
19 ASK THAT MR. BROTHERS BE SEQUESTERED AT THIS POINT.

20 MR. KRAMER: WE HAVE NO OBJECTION,
21 YOUR HONOR.

22 THE COURT: MR. BROTHERS, IF YOU
23 WOULD, PLEASE ABSENCE YOURSELF FROM THE COURTROOM DURING
24 THIS TESTIMONY.

25 (Whereupon, Witness Brothers

1 leaves the courtroom.)

2 MR. KRAMER: WE NEED TO CHECK ON THE
3 WITNESS, YOUR HONOR.

4 THE COURT: YOU MIGHT BETTER. IS
5 SHE PRESENT, IS SHE NOT PRESENT?

6 MR. KRAMER: YOUR HONOR, SHE'S BEING
7 BROUGHT UP FROM THE PUBLIC DEFENDER'S OFFICE.

8 THE COURT: BEING BROUGHT UP.
9 ALRIGHT, SIR.

10 MR. KRAMER: SHE'S BEING ESCORTED
11 BY MS. MONICA SMOAK FROM OUR OFFICE, YOUR HONOR.

12 THE COURT: VERY WELL.

13 (Whereupon, Witness Wright
14 enters the courtroom.)

15 MR. KRAMER: YOUR HONOR, MAY I
16 APPROACH WITH MR. COLLINS, PLEASE, STATE'S COUNSEL?

17 (Whereupon, a bench conference
18 is held out of the hearing of
19 the jury and the court reporter.)

20 THE COURT: LADIES AND GENTLEMEN,
21 GO BACK TO YOUR JURY ROOM JUST A MOMENT, PLEASE. PLEASE
22 DO NOT DISCUSS THE CASE WHILE YOU'RE BACK THERE.

23 (Whereupon, the following
24 takes place out of the
25 presence of the jury.)

1 THE COURT: THERE IS AN ATTORNEY
2 PRESENT FOR THE DEFENSE. I WANT TO ADDRESS MS. WRIGHT.
3 MS. WRIGHT, YOU'RE UNDER SUBPOENA AS A WITNESS. NOW, I'M
4 TOLD THAT YOU DON'T WANT TO TESTIFY UNTIL YOUR ATTORNEY
5 IS HERE. HOW LONG HAVE YOU RETAINED MR. RHODES, HOW LONG
6 HAS HE BEEN YOUR LAWYER?

7 WITNESS WRIGHT: LIKE, MONDAY.

8 THE COURT: LIKE, MONDAY. AND TODAY
9 IS THURSDAY. AND HE KNEW THE TRIAL WAS TODAY AND YOU
10 KNEW THE TRIAL WAS TODAY, AND YOU KNEW YOU WERE GOING
11 TO BE CALLED AS A WITNESS TODAY. IS THAT RIGHT OR
12 WRONG?

13 WITNESS WRIGHT: YES, SIR.

14 THE COURT: ALRIGHT. WELL, YOU CAN
15 EITHER TESTIFY NOW, WITH HIM OR WITHOUT HIM, OR YOU'RE
16 NOT GOING TO TESTIFY AT ALL. NOW, I'M NOT GOING TO WAIT
17 AND HOLD THIS TRIAL UP WHILE HE'S IN A DEPOSITION SOME
18 PLACE IN ORDER FOR YOU TO TESTIFY. EVERYBODY KNEW THIS
19 TRIAL WAS TODAY. IF YOU WANT TO TESTIFY WITHOUT HIM,
20 THAT'S FINE. IF YOU DON'T, THAT'S FINE, TOO, BUT WE'RE
21 GOING FORWARD WITH OR WITHOUT MR. RHODES.

22 LET'S GET THE JURY BACK IN HERE,
23 PLEASE.

24 DO YOU WANT TO TESTIFY OR NOT? IT'S
25 YOUR DECISION, MA'AM. WHAT DOES THAT MEAN?

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1 WITNESS WRIGHT: YES.

2 THE COURT: YOU DO WANT TO TESTIFY?

3 WITNESS WRIGHT: YES.

4 THE COURT: VERY WELL.

5 (Whereupon, the following
6 takes place in the presence
7 of the jury.)

8 CLERK: PLACE YOUR LEFT HAND ON THE
9 BIBLE AND RAISE YOUR RIGHT HAND.

10 (Whereupon, Witness Sylvia Wright
11 is duly sworn.)

12 (NOTE: Blank lines on this page do not indicate any
13 part of record has been omitted. Headers on testimony
14 pages and hard page breaks between testimony are now
15 required by the Court. See next ensuing page for
16 sequential continuation of record.)

DIRECT - SYLVIA WRIGHT BY MR. KRAMER

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DIRECT EXAMINATION OF SYLVIA WRIGHT

BY MR. KRAMER:

Q. MS. WRIGHT, WILL YOU PLEASE STATE YOUR NAME FOR THE RECORD?

A. SYLVIA CICILLY WRIGHT.

Q. WOULD YOU PLEASE STATE YOUR ADDRESS FOR THE RECORD?

A. [REDACTED] COPE, SOUTH CAROLINA, TWO NINE ZERO THREE EIGHT.

Q. OKAY. WOULD YOU PLEASE TELL THESE JURORS HOW OLD YOU ARE?

A. I'M TWENTY-ONE.

Q. WHAT IS YOUR TRADE OR OCCUPATION?

A. NONE.

Q. WHAT IS YOUR RELATIONSHIP TO VONDELL SANDERS, MS. WRIGHT?

A. I'M HIS GIRL FRIEND.

Q. NOW, LET ME TAKE YOU BACK TO OCTOBER THE SEVENTEENTH OF TWO THOUSAND AND THREE, MS. WRIGHT.

A. UH HUH.

Q. WERE YOU IN THE TRAILER AT [REDACTED]

[REDACTED]?

A. UH HUH, YES.

Q. DID YOU HEAR THE POLICE KNOCK?

A. YEAH, I HEARD THEM BEAT ON THE DOOR.

Q. OKAY. WHO WAS THE FIRST POLICE OFFICER THAT CAME

DIRECT - SYLVIA WRIGHT BY MR. KRAMER

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1 THROUGH THE DOOR?

2 A. THE DUDE RIGHT WITH A BIG GUN.

3 COURT REPORTER: WOULD YOU TALK
4 LOUDER, PLEASE, MA'AM?

5 A. I DON'T KNOW HIS NAME, HIM, WITH A BIG GUN.

6 Q. THIS GENTLEMAN OVER HERE?

7 A. UH HUH.

8 Q. WHAT DID THE POLICE OFFICER DO WHEN HE CAME IN THE
9 TRAILER, MS. WRIGHT?

10 A. UM, THEY WAS YELLING, GET DOWN.

11 COURT REPORTER: SIT UP A LITTLE BIT
12 AND TALK INTO THE ---

13 A. THEY WAS YELLING, GET DOWN ON THE FLOOR.

14 Q. DID ANY POLICE OFFICERS READ VONDELL SANDERS HIS
15 RIGHTS?

16 A. NO.

17 Q. DID VONDELL SANDERS MAKE ANY STATEMENT AT ALL TO
18 THE POLICE?

19 A. HE ASKED FOR THE SEARCH WARRANT.

20 Q. DID VONDELL SANDERS SAY HE HAD GOTTEN FOUR POINT
21 FIVE OUNCES OF CRACK COCAINE FROM MARK JOHNSON?

22 A. NO.

23 Q. HOW CLOSE WERE YOU TO VONDELL SANDERS WHEN OFFICER
24 SHIRER AND INVESTIGATOR POWELL QUESTIONED HIM?

25 A. UM, ARE YOU TALKING ABOUT LIKE WHEN HE TOLD ME TO

DIRECT - SYLVIA WRIGHT BY MR. KRAMER

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1 GO OUTSIDE, I WAS ON THE PORCH, BUT BEFORE THAT,
2 WHEN HE WAS ASKING HIM WHERE WAS IT AT I WAS ON THE
3 OTHER COUCH, I THINK, OR MAYBE WE WAS STILL IN THE
4 KITCHEN. I WASN'T FAR FROM HIM.

5 Q. DID YOU TELL THE POLICE THAT YOU WERE ONLY THERE
6 FOR SEX?

7 A. UH HUH.

8 Q. WHY DID YOU SAY THAT TO THE POLICE?

9 A. BECAUSE HE WAS ACTING REAL HIGH STYLE AND HE WAS
10 ALL UP IN MY FACE TALKING AND SPITTING, LIKE HE WAS
11 OUT OF CONTROL, AND SO, HE WAS, LIKE, WHY ARE YOU
12 HERE? AND I WAS, LIKE, WHY ARE YOU HERE? FOR SEX.

13 Q. WHY DID YOU TELL THE POLICE AT THE TIME THAT YOU
14 DID NOT LIVE THERE?

15 A. BECAUSE I DIDN'T LIVE THERE.

16 Q. WERE YOU A GUEST?

17 A. UH HUH.

18 Q. DID YOU LIVE THERE OCCASIONALLY?

19 A. I SPENT A FEW NIGHTS THERE.

20 Q. WHICH BED ROOM DID YOU SLEEP IN?

21 A. WELL, WE SLEPT IN HIS SISTER'S BEDROOM WHEN WE WAS
22 THERE TOGETHER.

23 Q. DID YOU SLEEP IN THE MASTER BEDROOM?

24 A. UH HUH.

25 Q. DID YOU SLEEP WITH VONDELL SANDERS?

DIRECT - SYLVIA WRIGHT BY MR. KRAMER

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1 A. UH HUH.

2 Q. DID YOU TELL VONDELL SANDERS THAT YOU HAD MARIJUANA
3 IN THE BEDROOM?

4 A. NO.

5 Q. DID YOU KEEP MARIJUANA IN A CONTAINER IN THE
6 BEDROOM?

7 A. UH HUH.

8 Q. WHAT CONTAINER WAS THAT?

9 A. THE SUN KIST CAN.

10 MR. KRAMER: YOUR HONOR, LET THE
11 RECORD REFLECT THAT THE WITNESS HAS IDENTIFIED STATE'S
12 EXHIBIT NUMBER SIX, A SUN KIST DRINK CAN, AS WHERE SHE
13 KEPT THE DRUGS.

14 Q. MS. SANDERS, ---

15 A. WRIGHT.

16 MR. KRAMER: EXCUSE ME. PARDON ME,
17 YOUR HONOR.

18 Q. MS. WRIGHT, WOULD YOU DEMONSTRATE TO THE JURY HOW
19 YOU KEPT DRUGS IN THE SUN KIST CAN?

20 A. (Witness screws off Sun Kist can.)

21 Q. HOW MUCH MARIJUANA DID YOU KEEP IN THE CAN, ---

22 A. IT WAS ABOUT TWENTY ---

23 Q. --- MS. WRIGHT?

24 A. ABOUT TWENTY NICKEL BAGS.

25 Q. HOW WAS IT PACKAGED?

DIRECT - SYLVIA WRIGHT BY MR. KRAMER

404

1 A. IN, I THINK THE BAGS WERE PURPLE.

2 COURT REPORTER: PURPLE?

3 A. UH HUH.

4 Q. DID VONDELL SANDERS KNOW THAT YOU KEPT MARIJUANA
5 IN THE SUN KIST CAN?

6 A. NO.

7 Q. DID YOU REALIZE THE POLICE FOUND DRUGS IN THE
8 TRAILER?

9 A. NOT UNTIL THEY BROUGHT IT OUT.

10 Q. WHEN THE POLICE CAME IN THE TRAILER WHAT DID YOU
11 DO?

12 A. I GOT DOWN ON THE FLOOR.

13 Q. DID THE POLICE PUT YOU ON THE FLOOR?

14 A. I HAD A LITTLE BIT OF HELP, YOU KNOW, BUT I WAS
15 GETTING DOWN, I HAD A LITTLE BIT OF HELP.

16 Q. WERE YOU PLACED ON THE FLOOR WITH VONDELL SANDERS?

17 A. UH HUH.

18 Q. WHEN THE POLICE QUESTIONED VONDELL SANDERS WERE YOU
19 WITH HIM?

20 A. WELL, AT FIRST I WAS IN THERE WITH HIM, AND THEN
21 THEY TOLD ME TO STEP OUTSIDE ON THE PORCH.

22 Q. UH HUH.

23 A. BUT I COULD STILL HEAR.

24 Q. HOW FAR AWAY WERE YOU FROM VONDELL SANDERS WHEN THE
25 POLICE QUESTIONED HIM?

DIRECT - SYLVIA WRIGHT BY MR. KRAMER

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1 A. WELL, HE WAS ON THE COUCH ON THIS SIDE, AND OUTSIDE
2 THE DOOR, BY THE WINDOW.

3 Q. WAS THE DOOR OPEN OR CLOSED?

4 A. IT WAS CLOSED.

5 Q. COULD YOU STILL HEAR WHAT WAS GOING ON INSIDE?

6 A. UH HUH.

7 Q. DID YOU EVER HEAR MIRANDA RIGHTS BEING READ TO
8 VONDELL SANDERS?

9 A. NO.

10 Q. WERE THE POLICE ASKING VONDELL SANDERS QUESTIONS?

11 A. BEFORE THEY FOUND THE DRUGS, YEAH, WHERE IS IT AT.

12 Q. ARE YOU AWARE, MS. SYLVIA WRIGHT, THAT YOU MAY BE
13 FACING CRIMINAL CHARGES TODAY FROM YOUR TESTIMONY
14 TO THIS JURY?

15 A. UH HUH.

16 Q. ARE YOU REPRESENTED BY AN ATTORNEY?

17 A. UH HUH.

18 Q. WHAT IS THAT ATTORNEY'S NAME?

19 A. BILLY RHODES.

20 Q. ARE YOU UNDER SUBPOENA TO BE IN THIS COURTROOM?

21 A. I AIN'T NEVER GOT ONE, BUT I BELIEVE I AM.

22 Q. WHY DID YOU WAIT THIS LONG, MS. SYLVIA WRIGHT,
23 BEFORE COMING FORWARD TO TESTIFY TO THIS JURY?

24 A. WHO WANTS TO GO TO JAIL?

25 Q. MS. WRIGHT, WHY DID YOU NOT CONTACT THE POLICE

DIRECT - SYLVIA WRIGHT BY MR. KRAMER

406

1 BEFORE NOW?

2 A. BECAUSE I DIDN'T WANT TO GO TO JAIL. I'M ON
3 PAROLE, AND IT'S A VIOLATION.

4 Q. DO YOU REALIZE YOU'RE UNDER OATH IN FRONT OF THIS
5 JURY, IS THAT CORRECT, MS. WRIGHT?

6 A. UH HUH.

7 Q. ARE YOU TELLING THE TRUTH TO THESE JURORS NOW?

8 A. UH HUH.

9 COURT REPORTER: SAY YES OR NO.

10 A. YES.

11 Q. DOES THIS SUN KIST BELONG TO YOU?

12 A. YES.

13 Q. DID YOU BUY IT?

14 A. YES.

15 Q. DID YOU KEEP DRUGS IN IT?

16 A. YES.

17 Q. DID YOU BUY THIS SEVEN UP CAN?

18 A. YES.

19 Q. WHO KEPT DRUGS IN THAT CAN?

20 A. MY SISTER IN LAW.

21 Q. WHAT'S HER NAME?

22 A. SHARON.

23 Q. SHARON WHAT?

24 A. SHARON SANDERS.

25 Q. SO, EACH OF YOU KEPT DRUGS IN THESE CONTAINERS?

DIRECT - SYLVIA WRIGHT BY MR. KRAMER

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1 A. UH HUH.

2 COURT REPORTER: ANSWER YES OR NO.

3 A. YES.

4 Q. WHY, MS. SANDERS, DID THE POLICE NOT CHARGE YOU AT
5 THE TIME?

6 SOLICITOR COLLINS: OBJECTION, YOUR
7 HONOR.

8 THE COURT: SUSTAINED.

9 A. BECAUSE HE ASKED ---

10 THE COURT: YOU DON'T HAVE TO ANSWER
11 THAT QUESTION, YOU DON'T KNOW WHY THEY DIDN'T, I MEAN,
12 THAT'S IN THEIR MIND THAT'S NOT IN YOUR MIND.

13 Q. WHO LIVED IN THIS TRAILER, MS. SANDERS, BESIDES
14 YOU?

15 A. SHARON AND VONDELL.

16 Q. HOW MANY BEDROOMS WERE IN THE TRAILER?

17 A. TWO.

18 Q. ON THE SEVENTEENTH OF OCTOBER, TWO THOUSAND AND
19 THREE, WERE YOU IN THE TRAILER?

20 A. UH HUH. YES.

21 Q. WHICH BEDROOM WERE YOU USING THAT DAY?

22 A. THE MASTER BEDROOM.

23 Q. HAD YOU SPENT THE NIGHT IN THAT BEDROOM?

24 A. THE NIGHT BEFORE, YES.

25 MR. KRAMER: YOUR WITNESS, COUNSEL.

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

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CROSS-EXAMINATION OF SYLVIA WRIGHT

BY SOLICITOR COLLINS:

Q. HOW ARE YOU?

A. FINE, HOW ABOUT YOU?

Q. I'M DOING OKAY. WHAT'S YOUR RELATIONSHIP TO THE
DEFENDANT?

A. I'M HIS GIRL FRIEND.

Q. YOU'RE HIS GIRL FRIEND?

A. UH HUH.

Q. OKAY. YOU JUST STATED THAT THE FIRST GUY TO IN THE
HOUSE WAS THE GUY THERE WITH THE RED TIE ---

THE COURT: I'M SORRY, I DIDN'T
UNDERSTAND YOU.

Q. WAS THE GUY WITH THE RED TIE THERE, THAT'S SITTING
OVER THERE ON THE FAR LEFT ON THOSE, THAT WAS THE
FIRST GUY THAT ENTERED THE HOUSE?

A. THAT'S THE FIRST THING I SEEN WAS THAT BIG OLD GUN.

SOLICITOR COLLINS: WILL YOU STAND
UP? WILL YOU PLEASE LET THE RECORD REFLECT THAT MR.,
INVESTIGATOR TROY LIVINGSTON JUST STOOD UP.

Q. AND IS THAT THE GENTLEMAN THAT FIRST WENT IN THE
HOUSE?

A. THAT'S THE FIRST THING I SEEN.

Q. OKAY.

SOLICITOR COLLINS: THANK YOU.

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

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- 1 Q. YOU'RE SAYING THAT VONDELL, THEY READ HIM NO
2 RIGHTS, HE MADE NO STATEMENTS, OR ANYTHING LIKE
3 THAT?
- 4 A. HUH UH.
- 5 Q. AND HOW LONG HAVE YOU KNOWN VONDELL?
- 6 A. SINCE LAST YEAR.
- 7 Q. ABOUT HOW LONG HAVE YOU KNOWN HIS SISTER?
- 8 A. SINCE LAST YEAR.
- 9 Q. OKAY. HAVE Y'ALL BEEN DATING SINCE THEN?
- 10 A. UH HUH.
- 11 Q. Y'ALL HAVE? SO, ABOUT HOW LONG?
- 12 A. ABOUT SEVEN MONTHS.
- 13 Q. YOU CARE FOR HIM A LOT, DON'T YOU?
- 14 A. UH HUH.
- 15 Q. DO Y'ALL HAVE ANY CHILDREN TOGETHER?
- 16 A. NO.
- 17 Q. NO CHILDREN. OKAY. YOU STATED THAT THERE WERE
18 TWENTY NICKEL BAGS ---
- 19 A. ABOUT TWENTY.
- 20 Q. --- CAN YOU TELL ME WHAT A NICKEL BAG LOOKS LIKE?
- 21 A. IT'S A LITTLE, YOU KNOW, A LITTLE ---
- 22 Q. TELL ME.
- 23 A. IT'S A LITTLE, YOU KNOW, LIKE I ZIP LOCK SANDWICH
24 BAG WITH THE SEAL ON IT, IT'S LIKE LITTLE.
- 25 Q. AND YOU PURCHASED THESE TWO CANS?

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

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1 A. UH HUH.

2 Q. WHERE DID YOU PURCHASE THEM FROM?

3 A. IN MIAMI.

4 Q. IN MIAMI? WHERE AT IN MIAMI?

5 A. AT THE FLEA MARKET.

6 Q. AT THE FLEE MARKET? OKAY. LET ME SHOW YOU WHAT'S
7 BEEN MARKED AS STATE'S EXHIBIT NUMBER SEVEN, --

8 A. UH HUH.

9 Q. --- IS THAT YOURS? IS THAT YOURS?

10 COURT REPORTER: WHAT'S YOUR ANSWER?

11 A. YES.

12 Q. WHAT DID YOU USE THAT FOR?

13 A. TO WEIGH.

14 Q. WEIGH WHAT?

15 A. IT'S A SCALE. DRUGS.

16 Q. SO YOU WEIGHED THE DRUGS ON THERE?

17 A. UH HUH.

18 Q. BEFORE YOU SOLD THEM, BEFORE YOU SOLD THEM. WHY
19 DID YOU WEIGH THE DRUGS?

20 A. TO MAKE SURE YOU'RE GIVING THE CUSTOMER THE RIGHT
21 THING.

22 Q. YOU ALSO STATED ABOUT -- WE SEEM TO BE GETTING A
23 LITTLE CONFUSED. YOU FIRST SAY THAT THAT'S YOUR
24 GIRL FRIEND, BUT THEN I HEARD YOU REFER TO MS.
25 SANDERS AS YOUR SISTER IN LAW. WHICH ONE IS IT?

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

411

1 A. NO. THAT'S MY BOY FRIEND, AND MS. SANDERS IS MY
2 SISTER IN LAW. IT'S HIS SISTER. SHARON IS HIS
3 SISTER.

4 Q. OKAY. SO, MS. SANDERS IS YOUR SISTER IN LAW BUT
5 THAT'S YOUR BOY FRIEND?

6 A. UH HUH.

7 Q. I'M A LITTLE CONFUSED.

8 A. WELL, I MEAN, BECAUSE WE GO TOGETHER, I CALL HER
9 MY SISTER IN LAW.

10 Q. OKAY. THANK YOU FOR THE CLARIFICATION. HOW LONG
11 HAVE YOU, HAD YOU OWNED THOSE CANS?

12 A. UM, I JUST CAME BACK FROM MIAMI THAT TUESDAY.

13 Q. OKAY. AND WHAT WERE YOU DOING IN MIAMI?

14 A. VACATIONING. I WENT TO THE TRINIDAD FESTIVALS.

15 Q. YOU HAD THE MARIJUANA. HOW MUCH MARIJUANA DID YOU
16 ORIGINALLY START WITH, HOW MUCH MARIJUANA DID YOU
17 BUY?

18 A. NOT MUCH, MAYBE AN OUNCE.

19 Q. AN OUNCE. OKAY. WHAT, WHEN YOU GOT IT WHAT DID
20 YOU DO WITH IT?

21 A. I SMOKED IT, I SOLD IT.

22 Q. DID YOU BAG IT UP, THE OUNCE, DID YOU CUT IT UP
23 YOURSELF OR DID IT COME PREPACKAGED IN LITTLE
24 INDIVIDUAL BAGGIES?

25 A. NO, YOU'VE GOT TO BAG IT UP YOURSELF.

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

412

1 Q. OKAY. WHO DID YOU BUY IT FROM?

2 A. HUH?

3 Q. WHO DID YOU BUY IT FROM, WHO DID YOU PURCHASE THE
4 MARIJUANA FROM?

5 A. I'M NOT GOING TO ANSWER THAT QUESTION.

6 Q. ON THE GROUNDS OF?

7 A. ON THE GROUNDS OF, I'M NOT GOING TO ANSWER THAT
8 QUESTION. IT AIN'T MY BUSINESS TO TELL.

9 COURT REPORTER: GROUNDS OF WHAT?

10 A. BECAUSE IT'S NOT MY BUSINESS TO TELL.

11 SOLICITOR COLLINS: YOUR HONOR, I'D
12 ASK THE COURT TO ---

13 MR. KRAMER: YOUR HONOR, I'D LIKE
14 TO OBJECT AT THIS POINT, I BELIEVE THE WITNESS IS TRYING
15 TO INVOKE HER FIFTH AMENDMENT RIGHT HERE, I'M NOT SURE.

16 THE COURT: I DON'T KNOW WHETHER SHE
17 IS OR NOT. ARE YOU TRYING TO INVOKE YOUR FIFTH
18 AMENDMENT RIGHT?

19 A. UH HUH.

20 THE COURT: DO YOU KNOW WHAT THE
21 RIGHTS AGAINST SELF-INCRIMINATION IS?

22 A. UH HUH.

23 THE COURT: WOULD YOU LIKE TO INVOKE
24 THE PROTECTION OF THE FIFTH AMENDMENT ON THE GROUNDS
25 THAT YOUR ANSWER MIGHT TEND TO INCRIMINATE YOU?

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

413

1 A. UH HUH.

2 THE COURT: I'M GOING TO ALLOW IT.
3 I'M GOING TO ALLOW HER TO INVOKE HER FIFTH AMENDMENT
4 RIGHTS. YOU DON'T HAVE TO ANSWER THAT QUESTION.

5 A. THANK YOU.

6 Q. WHERE DO YOU RESIDE?

7 A. NOW?

8 Q. WHERE DID YOU RESIDE THEN?

9 A. [REDACTED]

10 Q. YOU SAID HE'S YOUR BOY FRIEND, BUT WHEN POLICE, YOU
11 TALKED TO THE POLICE YOU JUST TOLD THEM, WHAT DID
12 YOU TELL THEM YOU WERE THERE FOR, JUST SEX, IS THAT
13 WHAT YOU ---

14 A. YEAH.

15 Q. WELL, IS HE YOUR BOY FRIEND OR YOU WERE JUST HAVING
16 SEX WITH HIM?

17 A. WELL, HE'S MY BOY FRIEND. THAT I HAVE SEX WITH.

18 Q. WELL, I MEAN, WE'VE GOT COMPANIONSHIP AND WE HAVE
19 SEX. BOY FRIEND LEADS YOU TO HAVE THE
20 COMPANIONSHIP, SEX ---

21 MR. KRAMER: OBJECTION, YOUR HONOR,
22 HE'S TESTIFYING HERE.

23 THE COURT: SUSTAINED. SUSTAINED.

24 SOLICITOR COLLINS: THANK YOU.

25 Q. HAVE YOU EVER BEEN CONVICTED OF A CRIME?

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

414

1 A. UH HUH.

2 Q. WHAT IS THAT?

3 A. I THINK IT'S THREE COUNTS OF BURGLARY, THE THIRD,
4 NINETEEN NINETY-NINE.

5 Q. WHAT WAS, WHAT HAPPENED WITH THAT?

6 A. I GOT LOCKED UP, I HAD A YOA ONE TO FIVE, I DID
7 THREE YEARS AND EIGHT MONTHS.

8 Q. SO, YOU'RE ON PROBATION, PAROLE?

9 A. PAROLE.

10 Q. CURRENTLY?

11 A. UH HUH.

12 Q. OKAY.

13 SOLICITOR COLLINS: JUST A SECOND,
14 YOUR HONOR.

15 Q. YOU SAID YOU CAME EARLIER, THE DAY BEFORE TO THE
16 HOUSE, IS THAT RIGHT?

17 A. NO, I SAID I HAD SPENT THE NIGHT THE NIGHT BEFORE.

18 Q. OKAY. BUT THAT WHOLE DAY WHEN MR. SANDERS GOT
19 ARRESTED, WHAT HAD Y'ALL BEEN DOING?

20 A. JUST SITTING IN THE HOUSE AND WATCHING MOVIES.

21 Q. JUST YOU AND HIM?

22 A. HIS SISTER WAS IN AND OUT.

23 COURT REPORTER: I'M SORRY?

24 A. HIS SISTER WAS IN AND OUT.

25 Q. Y'ALL, YOU TWO, YOU AND MR. SANDERS, AND MY

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

415

1 ASSUMPTION IS THAT YOU SLEPT TOGETHER WHENEVER YOU
2 STAYED THERE, WELL, THAT'S ---

3 MR. KRAMER: ASKED AND ANSWERED,
4 OBJECTION, YOUR HONOR. HE ASKED A QUESTION ABOUT SEX
5 BEFORE, HE ASKED THE QUESTION ABOUT THE BOY FRIEND
6 BEFORE.

7 THE COURT: WELL, THIS IS ABOUT
8 SLEEPING, PERHAPS, I DON'T KNOW.

9 SOLICITOR COLLINS: IT IS, YOUR
10 HONOR.

11 THE COURT: I'LL ALLOW IT. GO
12 AHEAD.

13 Q. YOU SLEPT TOGETHER. DID YOU SLEEP IN THE MASTER
14 BEDROOM?

15 A. YES.

16 Q. OKAY. YOU'RE SAYING MR. SANDERS KNEW NOTHING
17 ABOUT, KNEW NOTHING ABOUT THE DRUGS, IS THAT WHAT
18 YOU'RE TRYING TO TELL THIS JURY?

19 A. UH HUH.

20 Q. HE KNEW NOTHING AT ALL?

21 A. YES.

22 Q. WHEN YOU PICK UP THIS CAN, CAN YOU NOT TELL IT'S
23 NOT -- DID HE KNOW THE CANS WERE THERE? HE DIDN'T
24 SEE THE CANS?

25 A. I MEAN, HE SEEN THEM BECAUSE THEY WERE SITTING ON

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

416

1 THE ENTERTAINMENT STAND, BUT HE DIDN'T KNOW WHAT
2 THAT WAS ABOUT.

3 Q. OKAY. WHERE WAS THIS FOUND, WHERE DID YOU HIDE
4 THIS?

5 A. IN THE CLOSET.

6 Q. IN THE CLOSET. YOU HID IT IN THAT SHOE BOX, DIDN'T
7 YOU?

8 A. I DON'T THINK SO, I DON'T THINK I HAD IT IN THERE.

9 Q. YOU JUST HAD IT SITTING, YOU ACTUALLY HAD IT
10 SITTING UP ON THE COUNTER -- RIGHT UP ON THE SHELF,
11 IS THAT RIGHT?

12 A. UH HUH, I BELIEVE SO.

13 Q. IN PLAIN VIEW?

14 A. I THINK A HAT WAS OVER IT.

15 Q. YEAH, A HAT WAS OVER IT. I THOUGHT THAT'S WHAT IT
16 WAS.

17 SOLICITOR COLLINS: ONE SECOND, YOUR
18 HONOR.

19 Q. AND YOU WERE SELLING DRUGS OUT OF THE RESIDENCE,
20 IS THAT CORRECT?

21 A. NO.

22 Q. YOU WEREN'T SELLING DRUGS OUT OF THE RESIDENCE?

23 A. NOT OUT OF THERE, NO, THAT AIN'T MY HOUSE.

24 COURT REPORTER: I CAN'T UNDERSTAND
25 .YOU.

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

417

1 A. NO.

2 MR. KRAMER: YOUR HONOR, OBJECTION,
3 ASKED AND ANSWERED. HE ASKED THIS QUESTION BEFORE THE
4 WITNESS ---

5 THE COURT: OVERRULED.

6 Q. IF YOU WEREN'T SELLING DRUGS, WHY DID YOU HAVE THE
7 DRUGS IN THE HOUSE?

8 A. I WASN'T SELLING OUT OF THAT HOUSE.

9 Q. YOU JUST CARRIED THEM WITH YOU?

10 A. UH HUH.

11 Q. YOU JUST WALKED AROUND TOTING THIS COKE CAN WITH
12 THE DRUGS IN IT, IS THAT CORRECT?

13 A. NOT LIKE THAT, NO. I MEAN, IF YOU CALL ME AND YOU
14 WANT SOMETHING I'LL BRING IT TO YOU.

15 Q. YOU JUST WENT AND GOT THE CAN, AND YOU JUST -- IS
16 THIS THE WAY YOU DID IT? I'M CURIOUS, IS THIS THE
17 WAY YOU DID IT?

18 A. NO.

19 Q. I MEAN, YOU JUST SOLD THE DRUGS DIRECTLY OUT OF THE
20 CAN OR WHAT?

21 MR. KRAMER: YOUR HONOR, OBJECTION,
22 HE'S TESTIFYING.

23 A. NOT IN FRONT OF ANYBODY.

24 THE COURT: OVERRULED.

25 Q. I'M JUST TRYING TO GET A GRASP ON THIS, I'M SORRY.

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

418

1 I'VE NEVER DEALT WITH A DRUG TRADE.

2 MR. KRAMER: YOUR HONOR, MAY I
3 APPROACH THE STATE'S COUNSEL?

4 THE COURT: I GUESS SO.

5 MR. KRAMER: THANK YOU.

6 (Whereupon, a conference is held
7 between counsel out of the hearing of
8 the jury and the court reporter.)

9 A. DO YOU WANT ME TO GET THAT ONE?

10 THE COURT: NO, MA'AM, NOT YOU, I'M
11 TALKING TO THE ATTORNEYS.

12 Q. MS. SANDERS, WAS SHE DEALING DRUGS OUT OF THAT
13 HOUSE?

14 THE COURT: THAT'S ASKED AND
15 ANSWERED. OH, MR. SANDERS?

16 SOLICITOR COLLINS: MS. SANDERS.

17 THE COURT: I'M SORRY, MS. SANDERS,
18 MR. SANDERS -- REPEAT YOUR QUESTION, PLEASE.

19 Q. MS. SANDERS, THE SISTER.

20 A. (Witness shrugs shoulders.)

21 THE COURT: WHAT DOES THAT MEAN,
22 MA'AM?

23 A. I CAN'T TELL YOU HOW SHE, I MEAN, YEAH.

24 SOLICITOR COLLINS: LET'S HAVE THIS
25 MARKED AS STATE'S FOR ID.

CROSS - SYLVIA WRIGHT BY SOL. COLLINS.

419

1 THE COURT: I'M, I MUST BE HARD OF
2 HEARING, HARDER OF HEARING THAN I THOUGHT.

3 SOLICITOR COLLINS: I'D LIKE TO HAVE
4 THAT MARKED AS A STATE'S ---

5 THE COURT: I'M NOT TALKING ABOUT
6 YOU I'M TALKING ABOUT THE ANSWER TO THE QUESTION. WHAT
7 WAS YOUR ANSWER, MA'AM?

8 A. YES.

9 THE COURT: SHE'S DEALING DRUGS OUT
10 OF THE HOUSE, IS THAT WHAT YOUR ANSWER WAS?

11 A. UH HUH.

12 THE COURT: VERY WELL.

13 COURT REPORTER: DID YOU SAY, ID?
14 STATE'S ELEVEN, ID.

15 (State's Exhibit Eleven,
16 Written Statement of Sylvia Wright,
17 marked for identification.)

18 Q. IS THAT YOUR STATEMENT?

19 A. YEAH, THIS IS MY STATEMENT.

20 Q. THAT'S YOUR STATEMENT?

21 A. UH HUH.

22 Q. AND IN THAT -- WHO DID YOU GIVE THAT STATEMENT TO?

23 A. TO MR. MARION BROTHERS.

24 Q. WHEN DID YOU GIVE THAT STATEMENT TO HIM?

25 A. LIKE, MONDAY, MAYBE LAST WEEK.

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

420

1 Q. YOUR BOY FRIEND GOT ARRESTED MONTHS GO, IS THAT
2 CORRECT?

3 A. UH HUH. YES.

4 Q. WHY DID IT TAKE YOU SO LONG TO COME FORWARD AND
5 SAY, THESE ARE MY DRUGS?

6 A. WELL, I DON'T WANT TO GO TO JAIL, BUT I'VE GOT A
7 CONSCIENCE, AND I CAN'T LIVE LIKE THAT.

8 Q. DID YOU HAVE A CONSCIENCE WHEN YOU BROKE INTO THOSE
9 PEOPLE'S HOUSES?

10 A. I DIDN'T BREAK INTO ANYBODY'S ANYTHING, I BROKE THE
11 CAR.

12 Q. OKAY. I SEE.

13 SOLICITOR COLLINS: I'D LIKE TO HAVE
14 THIS MOVED INTO EVIDENCE.

15 THE COURT: ANY OBJECTION?

16 SOLICITOR COLLINS: STATE'S NUMBER
17 ELEVEN.

18 MR. KRAMER: NO OBJECTION, YOUR
19 HONOR.

20 THE COURT: IT'S ADMITTED.

21 COURT REPORTER: STATE'S ELEVEN.

22 (State's Exhibit Eleven
23 marked and filed.)

24 Q. HOW DID YOU KNOW THAT MS. SANDERS WAS DEALING DRUGS
25 OUT OF THAT HOUSE?

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

421

1 A. I MEAN, I ---

2 Q. YOU DON'T KNOW?

3 A. I MEAN, SHE WAS DOING IT, I MEAN, ---

4 Q. HOW DO YOU KNOW?

5 A. BECAUSE SHE WAS DOING IT, I MEAN, I SEEN HER DOING
6 IT BEFORE.

7 MR. KRAMER: OBJECTION, YOUR HONOR,
8 ASKED AND ANSWERED.

9 THE COURT: SUSTAINED.

10 Q. SO, YOU GAVE HER THIS CAN, THIS IS YOUR CAN, IS
11 THAT CORRECT?

12 A. I DIDN'T GIVE HER THAT CAN.

13 Q. OKAY.

14 THE COURT: YOU'VE ASKED THAT
15 QUESTION. MOVE ON, PLEASE.

16 Q. YOU DIDN'T GIVE HER THE CAN?

17 SOLICITOR COLLINS: OBJECTION, YOUR
18 HONOR, ASKED AND ANSWERED.

19 THE COURT: PLEASE, I'M DOING THIS
20 RIGHT NOW, I'M DOING IT FOR YOU. YOU'VE ASKED THAT
21 QUESTION.

22 A. I GAVE HER THAT CAN.

23 THE COURT: YOU CAN ASK ANOTHER
24 QUESTION NOW.

25 SOLICITOR COLLINS: THANK YOU. I'D

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

422

1 LIKE TO PUBLISH THIS TO THE JURY, YOUR HONOR.

2 THE COURT: VERY WELL.

3 (Whereupon, State's Exhibit Eleven
4 is published to the jury.)

5 SOLICITOR COLLINS: JUST A SECOND,
6 YOUR HONOR.

7 Q. HOW MUCH MARIJUANA DID YOU PACKAGE WHEN YOU CUT IT
8 -- DID YOU PACKAGE IN EACH ONE OF THOSE INDIVIDUAL
9 BAGS?

10 A. WHAT YOU MEAN, HOW MUCH?

11 Q. HOW MUCH MARIJUANA DID YOU PLACE IN EACH ONE OF
12 THOSE INDIVIDUAL BAGGIES THAT WERE IN THAT HOUSE?

13 A. ABOUT TWO BLUNTS.

14 COURT REPORTER: ABOUT TWO WHAT?

15 Q. HOW MUCH IS THAT?

16 COURT REPORTER: ABOUT TWO WHAT?

17 A. BLUNTS.

18 Q. HOW MUCH DOES THAT WEIGH.

19 A. I DON'T KNOW.

20 Q. DID YOU NOT TESTIFY TO THIS JURY THAT YOU HAD THIS
21 SCALE ---

22 A. YEAH.

23 Q. --- FOR MEASURING?

24 A. BUT WHY AM I GOING TO WEIGH A NICKEL? ALL YOU'VE
25 GOT TO DO IS FILL THE BAG UP. WHY WOULD YOU WEIGH

CROSS - SYLVIA WRIGHT BY SOL. COLLINS

423

1 THE NICKEL? YOU WOULD WEIGH IT WHEN YOU GET IT TO
2 MAKE SURE YOU'RE GETTING WHAT YOU'RE SUPPOSED TO
3 GET. IF THEY WAS BUYING A QUARTER, YEAH, I'LL WEIGH
4 IT FOR YOU, BUT I'M NOT GOING TO WEIGH NO NICKEL.

5 Q. YOU HAD, THERE WERE TWENTY IN -- YOU HAD TWENTY
6 BAGS OF MARIJUANA IN THAT CAN, IS THAT CORRECT?

7 A. UH HUH.

8 Q. TWENTY?

9 A. IN THAT CAN.

10 Q. OKAY.

11 SOLICITOR COLLINS: THANK YOU. NO
12 FURTHER QUESTIONS OF THIS WITNESS.

13 THE COURT: REDIRECT?

14 MR. KRAMER: REDIRECT, YOUR HONOR,
15 YES, SIR. THANK YOU.

16 (NOTE: Blank lines on this page do not indicate any
17 part of record has been omitted. Headers on testimony
18 pages and hard page breaks between testimony are now
19 required by the Court. See next ensuing page for
20 sequential continuation of record.)

REDIRECT - SYLVIA WRIGHT BY MR. KRAMER

424

REDIRECT EXAMINATION OF SYLVIA WRIGHT

BY MR. KRAMER:

Q. MS. SYLVIA WRIGHT, YOU EARLIER TESTIFIED TO THESE JURORS THAT YOU SAW AN OFFICER COME THROUGH THE DOOR OF THE TRAILER, ---

A. UH HUH.

Q. --- IS THAT CORRECT?

A. UH HUH.

Q. COULD YOU HAVE BEEN MISTAKEN AS TO WHICH OFFICER CAME TO THE DOOR?

THE COURT: IT'S YOUR WITNESS, NOW.

A. I COULD HAVE, YOU KNOW, BUT THE FIRST THING I SEEN WAS THAT BIG OLD GUN, AND I KNOW THAT MAN RIGHT THERE HAD IT.

Q. HOW WERE THE POLICE DRESSED?

A. THEY HAD ON, LIKE, LIKE MAYBE LIKE THEM CARGO, LIKE ARMY FATIGUE PANTS WITH ALL THE POCKETS AND STUFF ON IT, AND THEIR LITTLE VESTS.

Q. WERE THEY DRESSED THE SAME?

A. PRETTY MUCH.

Q. YOU EARLIER TESTIFIED TO THESE JURORS THAT THIS SCALE WAS YOURS ---

SOLICITOR MASSERVY: HE'S LEADING, YOUR HONOR.

THE COURT: SUSTAINED. THIS IS YOUR

REDIRECT - SYLVIA WRIGHT BY MR. KRAMER

425

1 WITNESS, MR. KRAMER.

2 Q. WAS THIS SCALE SOMEONE ELSE'S BESIDES YOURS?

3 A. DID SOMEBODY ELSE USE IT? YES.

4 Q. DID YOU AND SHARON BOTH USE THIS SCALE?

5 SOLICITOR MASSERVY: OBJECTION, YOUR
6 HONOR, ---

7 A. YES.

8 SOLICITOR MASSERVY: --- THAT'S
9 LEADING, ONCE AGAIN.

10 THE COURT: SUSTAINED. MR. KRAMER,
11 YOU'RE WALKING ON REAL THIN ICE NOW.

12 MR. KRAMER: THANK YOU, YOUR HONOR.

13 Q. WERE YOU IN A COMMON LAW MARRIAGE ---

14 THE COURT: SUSTAINED, YOU'RE
15 LEADING YOUR WITNESS, MR. KRAMER.

16 MR. KRAMER: YES, SIR.

17 THE COURT: I'M GOING TO TELL YOU
18 ONCE MORE, DO NOT LEAD YOUR WITNESS. YOU CAN ASK A
19 QUESTION THAT DOES NOT SUGGEST AN ANSWER, BUT DON'T
20 SUGGEST AN ANSWER WHEN YOU ASK THE QUESTION.

21 MR. KRAMER: THANK YOU, YOUR HONOR.
22 THE COURT'S INDULGENCE, YOUR HONOR.

23 Q. DO YOU RECOGNIZE THIS?

24 A. (Witness nods head.)

25 THE COURT: THAT'S A YES, MA'AM?

REDIRECT - SYLVIA WRIGHT BY MR. KRAMER

426

1 A. YES.

2 Q. PLEASE TELL THE JURY WHAT IT IS.

3 THE COURT: NOW, TELL THEM WHAT YOU
4 WERE HOLDING UP TO BEGIN WITH, IS THAT STATE'S NUMBER
5 WHAT?

6 MR. KRAMER: PARDON, YOUR HONOR. MAY
7 I APPROACH?

8 THE COURT: ALRIGHT.

9 MR. KRAMER: THANK YOU. THIS IS
10 MARKED, YOUR HONOR, AS STATE'S EXHIBIT NUMBER THREE.

11 THE COURT: VERY WELL, THAT'S ALL
12 YOU NEED TO SAY --- IT'S STATE'S NUMBER THREE.

13 MR. KRAMER: THANK YOU, YOUR HONOR.

14 THE COURT: AND SHE, THE QUESTION
15 IS, DO YOU RECOGNIZE IT?

16 A. YEAH.

17 SOLICITOR MASSERVY: YOUR HONOR, SHE
18 DOESN'T NEED TO SEE IT. IF SHE SAID SHE RECOGNIZES IT
19 THEN SHE KNOWS WHAT'S IN IT. SHE DOESN'T HAVE TO READ
20 WHAT'S IN IT.

21 A. I'M NOT READING IT. THIS IS ---

22 THE COURT: IT DOESN'T MAKE ANY
23 DIFFERENCE, THAT -- PLEASE, GENTLEMEN. ANSWER WHATEVER
24 QUESTION IT WAS THAT WAS ASKED.

25 A. YES. THAT'S CHRONIC.

REDIRECT - SYLVIA WRIGHT BY MR. KRAMER

427

1 COURT REPORTER: THAT'S WHAT?

2 A. CHRONIC.

3 Q. WHAT IS THAT DRUG?

4 A. MARIJUANA.

5 Q. IS IT YOURS?

6 A. YES.

7 MR. KRAMER: THANK YOU. NO FURTHER
8 QUESTIONS, YOUR HONOR.

9 THE COURT: ANYTHING ELSE?

10 SOLICITOR COLLINS: NOTHING, YOUR
11 HONOR.

12 THE COURT: THANK YOU, MA'AM, YOU
13 MAY STEP DOWN.

14 WITNESS: DO I NEED TO GO OUTSIDE
15 AGAIN, OUT THE ROOM?

16 THE COURT: YOU MAY STEP DOWN AND
17 GO BACK TO WHERE YOU WERE.

18 DO YOU HAVE ANOTHER WITNESS TO CALL?

19 MR. KRAMER: YES, YOUR HONOR. AT
20 THIS POINT, YOUR HONOR, WE WOULD WANT TO CALL AS A
21 DEFENSE WITNESS THE DEFENDANT, VONDELL SANDERS.

22 THE COURT: MR. SANDERS, COME
23 AROUND, PLEASE.

24 CLERK: PLACE YOUR LEFT HAND ON THE
25 BIBLE AND RAISE YOUR RIGHT HAND.

REDIRECT - SYLVIA WRIGHT BY MR. KRAMER

428

1 (Whereupon, Defendant Vondell Sanders
2 is duly sworn.)

3 MR. KRAMER: THE COURT'S INDULGENCE,
4 YOUR HONOR.

5 (NOTE: Blank lines on this page do not indicate any
6 part of record has been omitted. Headers on testimony
7 pages and hard page breaks between testimony are now
8 required by the Court. See next ensuing page for
9 sequential continuation of record.)

DIRECT -- VONDELL SANDERS BY MR. KRAMER

429

DIRECT EXAMINATION OF VONDELL SANDERS

BY MR. KRAMER:

Q. MR. SANDERS, ---

A. YES, SIR.

Q. --- PLEASE STATE YOUR NAME FOR THE RECORD.

A. VONDELL SANDERS.

Q. HOW OLD ARE YOU, MR. SANDERS?

A. THIRTY YEARS OLD.

Q. WHAT IS YOUR ADDRESS, MR. SANDERS?

A. MY RECENT ADDRESS?

Q. YES, MR. SANDERS.

A. [REDACTED]

Q. WHAT IS YOUR OCCUPATION, MR. SANDERS?

A. I DO MECHANICAL WORK AT J J'S GARAGE.

Q. WERE YOU PRESENT AT THE TRAILER ON THE NIGHT THAT
THE POLICE SEARCHED IT?

A. YES, SIR.

Q. DID YOU ANSWER THE KNOCK ON THE DOOR?

A. I ASKED, WHO.

Q. WHAT HAPPENED NEXT, MR. SANDERS?

A. I HEARD AN OFFICER SAY, ORANGEBURG COUNTY SHERIFF,
AND THEN THEY KICKED IN THE DOOR.

Q. WHO CAME IN THE TRAILER FIRST?

A. OFFICER LYN SHIRER.

Q. WHAT HAPPENED THEN?

DIRECT - VONDELL SANDERS BY MR. KRAMER

430

1 A. HE'S SCREAMING, EVERYBODY GET DOWN, EVERYBODY GET
2 DOWN. I GOT ON THE GROUND, I MEANT, I GOT ON THE
3 FLOOR AND HE HAND CUFFED ME.

4 Q. WHAT HAPPENED NEXT, MR. SANDERS?

5 A. HE GOT ME UP OFF THE FLOOR AND THEN WE WENT INTO
6 THE LIVING ROOM, AND THEN HE WAS ASKING ME, WHERE
7 IS IT, I KNOW YOU GOT IT IN HERE, WHERE IS IT AT,
8 WHERE IS IT AT.

9 Q. HOW CLOSE WAS SYLVIA WRIGHT TO YOU?

10 A. ACROSS FROM ME.

11 Q. IN DISTANCE, HOW CLOSE IN FEET, PLEASE?

12 A. THREE TO FOUR FEET.

13 Q. DID LYN SHIRER READ YOU YOUR RIGHTS?

14 A. NO, SIR.

15 Q. DID YOU MAKE ANY STATEMENT TO ANY POLICE OFFICERS?

16 A. NO, SIR.

17 Q. DID ANY MARIJUANA OR CRACK COCAINE IN THE TRAILER
18 BELONG TO YOU?

19 A. NO, SIR.

20 Q. WHO LIVED IN THE TRAILER?

21 A. ME AND MY SISTER, SHARON..

22 Q. WHO PAID RENT ON THE TRAILER?

23 A. WELL, DORIS, SHE USED TO WIRE US SOME MONEY FROM
24 NEW YORK AND ME AND SHARON WOULD PUT THE REST WITH
25 IT.

DIRECT - VONDELL SANDERS BY MR. KRAMER

431

1 Q. HOW MANY BEDROOMS IN THE TRAILER?

2 A. ONLY TWO.

3 Q. WHICH BEDROOMS DID YOU USE?

4 A. THE BOTH OF THEM.

5 Q. WHEN THE POLICE SEARCHED THE BEDROOM WAS THE DOOR
6 OPEN OR CLOSED?

7 A. THEY HAD CLOSED THE DOOR ONCE THEY WENT IN, THE TWO
8 OFFICES.

9 Q. HOW LONG WERE YOU AND SYLVIA WRIGHT ON THE FLOOR?

10 A. PROBABLY FOR ABOUT A MINUTE OR SO.

11 Q. DID THE POLICE QUESTION YOU?

12 A. YEAH.

13 Q. HOW MANY POLICE OFFICERS QUESTIONED YOU?

14 A. ONE OFFICER.

15 Q. HOW MANY POLICE OFFICERS CAME INTO YOUR TRAILER?

16 A. ABOUT EIGHT.

17 Q. DID THIS SCALE BELONG TO YOU?

18 A. NO, SIR.

19 Q. DID YOU KNOW WHAT WAS IN THESE DRINK CANS?

20 A. NO, SIR.

21 MR. KRAMER: YOUR WITNESS, MR.
22 COLLINS.

23 (NOTE: Blank lines on this page do not indicate any
24 part of record has been omitted.)

CROSS - VONDELL SANDERS BY SOL. COLLINS

432

CROSS-EXAMINATION OF VONDELL SANDERS

BY SOLICITOR COLLINS

Q. MR. SANDERS, HOW LONG DID YOU LIVE AT [REDACTED]

[REDACTED]?

A. AT THE TIME THE OFFICERS HAD CAME IN THE HOUSE I
THINK I HAD MOVED IN THERE LIKE THE END OF AUGUST
OR SOMETHING LIKE THAT, OR IT COULD HAVE BEEN THE
MIDDLE OF AUGUST.

Q. WHO OWNED THAT HOUSE?

A. THE ORIGINAL OWNER?

Q. WHO OWNED THE HOUSE?

A. IT'S AN OLDER LADY, I THINK HER NAME, BETTY WADE
OR SOMETHING LIKE THAT.

Q. WHERE DOES MS. WADE LIVE?

A. SHE STAY OVER THERE BY THE MALL, I DON'T KNOW THE
NAME OF THE STREET.

Q. WHAT ALL HAD YOU DONE THAT -- LET ME TAKE YOU BACK
TO THAT DAY, WHAT HAD YOU DONE THAT DAY?

A. WELL, I WENT TO THE GROCERY STORE, WALKED UP THE
STREET, I WAS AT MY BROTHER'S HOUSE EARLIER THAT
AFTERNOON, HE STAYED ON THE STREET ACROSS FROM ME.
AND I CAME BACK HOME.

Q. YOU KIND OF HUNG HOME, DID YOU DO ANYTHING IN
PARTICULAR?

A. EARLIER THAT DAY -- WELL, THAT EVENING, LIKE, AN

CROSS - VONDELL SANDERS BY SOL. COLLINS

433

1 HOUR BEFORE THEY HAD CAME I WENT TO THE STORE RIGHT
2 DOWN THE STREET ON THE CORNER.

3 Q. WHAT DID YOU DO THERE?

4 A. I BOUGHT SOMETHING FROM THE STORE.

5 Q. WHAT DID YOU BUY?

6 A. SOME CROWN ROYAL.

7 Q. DID YOU DO ANYTHING ELSE THAT DAY, WHAT DID YOU
8 EAT, DRINK, OR WHATEVER?

9 A. I CAN'T REMEMBER WHAT I ATE BACK THEN.

10 MR. KRAMER: OBJECTION, YOUR HONOR,
11 WHAT'S THE RELEVANCY OF THIS?

12 THE COURT: I DON'T KNOW, BUT HE'S
13 ON CROSS-EXAMINATION. I'LL ALLOW IT, ---

14 SOLICITOR COLLINS: YES, SIR, YOUR
15 HONOR.

16 THE COURT: --- IT MIGHT BE
17 RELEVANT.

18 Q. CAN YOU OPEN THAT FOR ME?

19 A. WHAT, OPEN THE TOP?

20 Q. YEAH, OPEN THE TOP.

21 A. THE LID ALREADY OFF OF IT.

22 Q. OKAY. CAN YOU OPEN THAT? SHOW ME HOW TO GET INTO
23 THAT ONE.

24 A. IT WON'T OPEN.

25 Q. IT WON'T OPEN?

CROSS - VONDELL SANDERS BY SOL. COLLINS

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1 A. NO.

2 Q. OKAY. DID YOU SMOKE ANY -- DID YOU DO ANY DRUGS
3 OR DRINKING THAT DAY?

4 A. I THINK I PROBABLY HAD SMOKED SOME MARIJUANA
5 EARLIER THAT DAY.

6 Q. WHOSE WAS IT?

7 A. WHOSE WAS IT?

8 Q. YEAH.

9 A. I WENT AND HAD BOUGHT IT OFF OF STILL AVENUE.

10 Q. WHO DID YOU BUY IT FROM?

11 A. I DON'T KNOW THE GUY, THE GUYS THAT WAS ON THE
12 STREET.

13 Q. OH. HOW -- DID YOU SMOKE IT WITH YOUR GIRL FRIEND?

14 A. NO.

15 Q. HOW LONG HAD SHE BEEN THERE AT THE TIME?

16 A. AT THAT DAY?

17 Q. YES. HOW LONG HAD SHE BEEN AT THE HOUSE, PERIOD,
18 FOR A CONTINUOUS TIME?

19 A. I DON'T UNDERSTAND THAT QUESTION.

20 Q. WHEN DID SHE GET THERE AND WHEN DID ---

21 A. THAT PARTICULAR DAY?

22 Q. YEAH.

23 A. PROBABLY ABOUT TWELVE OR ONE, SOMETHING LIKE THAT.

24 Q. TWELVE TO ONE. OKAY. WHERE DID YOU SMOKE, DO THE
25 DRUGS AT?

CROSS - VONDELL SANDERS BY SOL. COLLINS

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1 A. THE MARIJUANA?

2 Q. YEAH.

3 A. OUTSIDE.

4 Q. YOU SMOKED OUTSIDE IN THE YARD?

5 A. IN THE BACK YARD.

6 Q. YOU SAY IT WAS YOUR GIRL FRIEND, YOUR SISTER AND
7 YOURSELF WERE SELLING DRUGS OUT OF THE TRAILER?

8 A. NO.

9 Q. OKAY. WHO SELLING DRUGS OUT OF THE TRAILER?

10 A. FROM WHAT I UNDERSTOOD NOBODY WAS SELLING DRUGS OUT
11 OF THE TRAILER.

12 Q. IS THIS, IS IT NORMAL -- SO, I GUESS IT'S NORMAL
13 FOR FULL DRINK CANS TO SIT ON TOP OF YOUR
14 TELEVISION?

15 A. ON TOP OF MINE?

16 Q. YEAH.

17 A. YEAH, I HAVE, I HAVE ALL KIND OF DRINKS IN THERE.

18 Q. OKAY. YOU HAVE ALL KIND OF -- BUT ARE THEY, WHERE
19 DO YOU NORMALLY KEEP THEM?

20 A. CABINETS, THE COUNTER IN THE KITCHEN, THE
21 REFRIGERATOR.

22 Q. OKAY. IN THE REFRI -- YOU NORMALLY KEEP THEM IN
23 THE REFRIGERATOR?

24 A. YEAH.

25 Q. OKAY.

CROSS - VONDELL SANDERS BY SOL. COLLINS

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1 A. BUT WHEN YOU'VE GOT A MASS AMOUNT YOU CAN'T PUT ALL
2 OF THEM IN THE REFRIGERATOR.

3 Q. I SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
4 ONE, CAN YOU TELL ME HOW MANY DRINK CANS ARE ON TOP
5 OF THERE?

6 A. ONLY TWO, IT LOOKS LIKE THOSE TWO.

7 Q. OKAY. THANK YOU. HAVE YOU EVER BEEN ARRESTED,
8 MR. SANDERS?

9 A. YES, SIR.

10 Q. OUTSIDE OF THIS POINT. CAN YOU TELL US ---

11 COURT REPORTER: SIR, WOULD YOU
12 KEEP YOUR VOICE UP.

13 Q. CAN YOU TELL US WHEN -- WHAT YOU'VE BEEN, HAVE YOU
14 BEEN ARRESTED FOR GRAND LARCENY ---

15 A. YES, SIR.

16 Q. --- AND BEEN CONVICTED? SERVED TIME FOR THAT?

17 A. YES, SIR.

18 Q. HOW ABOUT FOR BURGLARY?

19 A. YES, SIR.

20 Q. OKAY. THAT WAS WHEN?

21 A. NINETY-SEVEN, I THINK.

22 Q. NINETY-SIX, ACTUALLY.

23 A. I WAS CONVICTED IN NINETY-SEVEN, I THINK IT IS.

24 Q. HAVE YOU BEEN CONVICTED OF NUMEROUS OTHER FELONIES?

25 A. TRESPASSING I KNOW OF.

CROSS - VONDELL SANDERS BY SOL. COLLINS

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- 1 Q. THAT'S THE ONLY ONES?
- 2 A. I DON'T UNDERSTAND THE QUESTION.
- 3 Q. WERE YOU CONVICTED OF A FELONY ON MARCH FOURTEENTH,
- 4 NINETEEN NINETY-SEVEN, TWO OTHER FELONIES?
- 5 A. I CAN'T REMEMBER.
- 6 Q. WERE YOU CONVICTED IN TWO THOUSAND AND ONE OF A
- 7 FELONY?
- 8 A. TWO THOUSAND AND ONE?
- 9 Q. YES.
- 10 A. NO, I DON'T THINK SO.
- 11 Q. TWO THOUSAND, I'M SORRY, TWO THOUSAND.
- 12 A. I THINK SO.
- 13 Q. ARE YOU ON PAROLE NOW?
- 14 A. YES, SIR.
- 15 Q. OKAY.
- 16 A. I'M ON PROBATION NOW, COMMUNITY SUPERVISION, THAT'S
- 17 WHAT THAT IS.
- 18 Q. OKAY. PAROLE. YOU'RE ON PROBATION, PAROLE,
- 19 WHATEVER YOU WANT TO CALL IT?
- 20 A. NO, THEY CALL IT COMMUNITY SUPERVISION.
- 21 Q. OKAY. WELL, THAT'S FINE. ARE YOU SUPPOSED TO BE
- 22 SMOKING DOPE WHEN YOU'RE ON THAT?
- 23 A. NO.
- 24 Q. BUT YOU WERE SMOKING DOPE?
- 25 A. YEAH.

CROSS - VONDELL SANDERS BY SOL. COLLINS

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1 Q. AND YOU'RE AROUND DRUGS, AND DRUG DEALERS?

2 A. NOT TO MY KNOWLEDGE.

3 Q. AND DRUG DEALERS. YOU WEREN'T AROUND DRUGS?

4 A. WELL, THE MARIJUANA, YEAH.

5 Q. AND DRUG DEALERS?

6 A. YEAH.

7 SOLICITOR COLLINS: NO FURTHER
8 QUESTIONS, YOUR HONOR.

9 THE COURT: REDIRECT?

10 MR. KRAMER: YES, YOUR HONOR,
11 REDIRECT.

12 (NOTE: Blank lines on this page do not indicate any
13 part of record has been omitted. Headers on testimony
14 pages and hard page breaks between testimony are now
15 required by the Court. See next ensuing page for
16 sequential continuation of record.)

REDIRECT. - VONDELL SANDERS BY MR. KRAMER

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REDIRECT EXAMINATION OF VONDELL SANDERS

BY MR. KRAMER:

Q. MR. SANDERS, BRIEFLY, WHY DID YOU TELL THE POLICE
THE DRUGS WERE YOUR?

A. I NEVER TOLD THE POLICE THAT.

Q. DID YOU SHARE A BEDROOM WITH SYLVIA WRIGHT?

A. YES.

Q. HOW OFTEN?

A. PROBABLY THREE TIMES A WEEK, SOMETHING LIKE THAT.

Q. WHAT BEDROOM WAS THAT?

A. BOTH OF THEM.

MR. KRAMER: NO FURTHER QUESTIONS.

SOLICITOR COLLINS: NO QUESTIONS.

THE COURT: THANK YOU, YOU CAN STEP
DOWN.

THE COURT: DO YOU HAVE ANOTHER
WITNESS?

MR. KRAMER: YOUR HONOR, THE DEFENSE
HAS NO FURTHER WITNESSES, YOUR HONOR.

THE COURT: VERY WELL. LADIES AND
GENTLEMEN, STEP BACK TO YOUR JURY ROOM JUST A MOMENT AND
LET ME SEE HOW WE'RE GOING TO PROCEED NOW. DON'T
DISCUSS THE CASE WHILE YOU'RE BACK THERE.

(Whereupon, the following
takes place out of the

1 presence of the jury.)

2 THE COURT: ANY MOTIONS?

3 MR. KRAMER: ONE MOMENT, YOUR HONOR.

4 YOUR HONOR, AT THE CONCLUSION OF THE DEFENSE'S CASE I
5 WOULD MAKE A MOTION, YOUR HONOR, AT THIS POINT FOR A
6 DIRECT VERDICT IN FAVOR OF MY CLIENT, VONDELL SANDERS.
7 TESTIMONY HAS BEEN GIVEN TO THE COURT TODAY, YOUR HONOR,
8 THAT MARIJUANA AND THE CRACK COCAINE BELONGED TO TWO
9 OTHER INDIVIDUALS IN THE TRAILER, THE MARIJUANA TO
10 SYLVIA WRIGHT, THE CRACK COCAINE TO SHARON SANDERS. AND
11 I WOULD STATE, YOUR HONOR, THAT I DO NOT BELIEVE THAT
12 THE STATE HAS MADE A CASE AND SHOWN THAT THESE DRUGS
13 COULD NOT HAVE BEEN SHARON SANDERS' OR SYLVIA WRIGHT'S,
14 AND THAT VONDELL SANDERS, YOUR HONOR, ACCORDING TO
15 TESTIMONY GIVEN BEFORE THE COURT TODAY, OF SHARON
16 SANDERS AND SYLVIA WRIGHT, THAT VONDELL SANDERS HAD NO
17 KNOWLEDGE OF THESE DRUGS, YOUR HONOR. THE TESTIMONY
18 WAS, YOUR HONOR, THAT THE DRUGS WERE IN A SUN KIST CAN
19 AND A SEVEN UP SCREW TOP SAFE TYPE CAN, AND THAT
20 TESTIMONY WAS ALSO GIVEN, YOUR HONOR, THAT SHARON
21 SANDERS AND SYLVIA WRIGHT BOTH USED THE BEDROOM WHERE
22 THESE DRUGS WERE FOUND IN. TESTIMONY WAS ALSO GIVEN
23 EARLIER, YOUR HONOR, IN THE TRIAL BY THE STATE'S POLICE
24 OFFICERS, INVESTIGATOR PRESTON AVINGER, THAT IT TOOK
25 THESE PROFESSIONAL INVESTIGATORS TWENTY TO THIRTY

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1 MINUTES TO SEARCH THIS BEDROOM BEFORE THESE DRUGS WERE
2 FOUND, AND THESE ARE PROFESSIONAL POLICE INVESTIGATORS.
3 AND YOUR HONOR, IT TOOK THE PROFESSIONAL POLICE
4 INVESTIGATORS THIS LONG TO FIND THESE DRUGS, IT ALSO
5 INDICATES THAT VONDELL SANDERS HAD NO KNOWLEDGE EITHER,
6 BECAUSE THE COURT HEARD THE TESTIMONY OF TWO WITNESSES -

7 --
8 THE COURT: EXCUSE ME. ARE YOU
9 SAYING THE COURT SHOULD MAKE THE QUANTUM LEAP FROM THE
10 OFFICERS TAKING THIRTY MINUTES TO FIND THEM, THAT THAT
11 INDICATES THAT HE DIDN'T KNOW THE DRUGS WERE THERE?

12 MR. KRAMER: THAT INDICATES, YOUR
13 HONOR, BASED ON THE WOMEN'S TESTIMONY, SYLVIA WRIGHT AND
14 SHARON SANDERS, THAT THEY HAD CONCEALED, THOSE TWO
15 INDIVIDUALS, IN THESE TWO SODA CANS, AND YOU HEARD THE
16 DEFENDANT TESTIFY, VONDELL SANDERS, THAT HE HAD NO
17 KNOWLEDGE THAT THE DRUGS WERE IN THE SODA CANS. WHAT
18 I'M POINTING OUT TO THE COURT IS THAT THE POLICE
19 INVESTIGATORS SWEEPED THE ROOM, SWEEPED THE ROOM, AND IT
20 TOOK THEM THIRTY MINUTES TO DETERMINE THAT THERE WERE
21 DRUGS IN THE CANS. AND I WOULD SAY, YOUR HONOR, THAT THE
22 EVIDENCE PRESENTED AND THE TESTIMONY GIVEN WOULD
23 INDICATE TO THE COURT THAT VONDELL SANDERS DID NOT HAVE
24 THE ACTUAL KNOWLEDGE OF THE PRESENCE OF THESE DRUGS IN
25 THE TRAILER AT ONE TWENTY BELLINGER AVENUE, YOUR HONOR.

1 AND I WOULD ASK THE COURT FOR A DIRECTED VERDICT OF NOT
2 GUILTY IN FAVOR OF MY CLIENT, VONDELL SANDERS.

3 THE COURT: I RESPECTFULLY DENY YOUR
4 MOTION. I THINK THAT THE TESTIMONY IS THAT, PART OF THE
5 TESTIMONY, OR PART OF THE EVIDENCE IS THAT MS. SANDERS
6 HAD HER DRUGS IN THE ORANGE CAN, IS WHAT THE STATEMENT
7 SAYS. SHE TESTIFIED IN COURT THAT THEY WERE IN THE
8 GREEN CAN. THE TESTIMONY IS VERY CONTRADICTORY
9 TESTIMONY AND THE COURT IS GOING TO CHARGE THE JURY WITH
10 REGARD TO CREDIBILITY, WHICH IS THAT THEY CAN BELIEVE
11 ALL OF A WITNESS'S TESTIMONY, PART OF IT, OR NONE OF IT.
12 IT MIGHT VERY WELL BELIEVE THAT THEY BELIEVE NONE OF THE
13 WITNESS'S TESTIMONY AND BELIEVE THAT THEY WERE, IN FACT,
14 THE DEFENDANT'S DRUGS. THEY CAN BELIEVE NONE OF THE
15 WITNESS'S TESTIMONY, THEY CAN BELIEVE ALL OF IT, I DON'T
16 KNOW WHAT THEY'RE GOING TO DO, BUT I CAN'T SAY THAT IT'S
17 NOT POSSIBLE FOR THE JURY TO BE FIRMLY CONVINCED THAT
18 THE DRUGS WERE THE DEFENDANT'S. SO, I, WITH RESPECT,
19 I'M GOING TO DENY YOUR MOTION FOR A DIRECTED VERDICT.

20 MR. KRAMER: YES, YOUR HONOR. I'D
21 LIKE TO RENEW MY PREVIOUS MOTIONS, YOUR HONOR, AT THIS
22 TIME, ALL PREVIOUS MOTIONS.

23 THE COURT: SAME RULING AS BEFORE
24 ON THOSE.

25 MR. KRAMER: THANK YOU, YOUR HONOR.

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1 THE COURT: THANK YOU.

2 ANYTHING ELSE BEFORE WE GO TO LUNCH?

3 ANYTHING FROM THE STATE?

4 SOLICITOR COLLINS: NOTHING FROM THE
5 STATE, YOUR HONOR.

6 MR. KRAMER: NOTHING FROM THE
7 DEFENSE, YOUR HONOR.

8 THE COURT: ALRIGHT, IT'S ONE
9 O'CLOCK, WE'LL BE BACK AT TWO:THIRTY. AT TWO:THIRTY
10 WE'LL HAVE CLOSING ARGUMENTS AND THE CHARGE. HOW LONG
11 DO YOU ANTICIPATE YOUR CLOSING ARGUMENTS WILL TAKE?

12 SOLICITOR COLLINS: TWENTY MINUTES,
13 YOUR HONOR, AT THE MOST, MAYBE NOT EVEN THAT LONG.

14 MR. KRAMER: I'D SAY TWENTY TO
15 THIRTY MINUTES, YOUR HONOR. IT MAY GO QUICKER.

16 THE COURT: I HOPE SO.

17 SOLICITOR COLLINS: I COULD MAKE
18 MINE SHORTER.

19 THE COURT: YOU DON'T WANT TO DAZZLE
20 THEM WITH TOO MUCH TO THINK ABOUT. I WOULD THINK YOU
21 OUGHT TO --- BOTH OF YOU OUGHT TO BE ABLE TO DO IT IN
22 FIFTEEN MINUTES EACH, AND THAT WAY WE CAN GET TO THE
23 JURY WITHIN A REASONABLE PERIOD OF TIME. BUT TRY TO
24 MAKE IT AS SUCCINCT AS YOU CAN, I DON'T WANT TO UNDULY
25 LIMIT YOU ON TIME, BUT SEE IF YOU CAN MAKE IT AS

1 SUCCINCT AS YOU CAN.

2 MR. KRAMER: YES, SIR.

3 SOLICITOR COLLINS: YES, SIR.

4 THE COURT: THANK YOU, WE'LL BE BACK
5 AT TWO:THIRTY.

6 MR. KRAMER: THANK YOU, YOUR HONOR.

7 (Whereupon, the following
8 takes place in the
9 presence of the jury.)

10 THE COURT: MR. FOREMAN, AND LADIES
11 AND GENTLEMEN OF THE JURY, I TOLD YOU THE CASE WOULD BE
12 DIVIDED UP INTO PHASES. YOU REMEMBER THAT PART I TOLD
13 YOU ABOUT? OPENING STATEMENTS, WHICH YOU'VE HEARD, THE
14 PRESENTATION OF THE EVIDENCE, WHICH YOU'VE NOW HEARD.
15 THERE WON'T BE ANYMORE EVIDENCE. ALL THE EVIDENCE THAT
16 YOU CAN CONSIDER IS BEFORE YOU NOW. IF ONCE WE GET TO
17 THAT PART OF THE TRIAL WHERE YOU DELIBERATE AND YOU'LL
18 HAVE ALL THE INFORMATION BACK THERE, ALL THE EXHIBITS
19 BACK THERE, IF THERE'S SOMETHING YOU FEEL LIKE YOU NEED
20 THAT'S NOT BACK THERE YOU CAN'T HAVE IT, BECAUSE IT'S
21 NOT IN EVIDENCE. YOU WILL HAVE EVERYTHING THAT'S IN
22 EVIDENCE BACK THERE WITH YOU. YOU'VE HEARD THE EVIDENCE
23 NOW, YOU'RE GOING TO HEAR AFTER LUNCH THE CLOSING
24 ARGUMENTS OF THE ATTORNEYS AND THE JUDGE'S INSTRUCTIONS
25 TO YOU ON THE LAW THAT APPLIES TO THIS CASE. WE'RE GOING

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1 TO EXCUSE YOU NOW TO GO TO LUNCH BUT IT'S VERY
2 IMPORTANT, IT'S EXTREMELY IMPORTANT THAT YOU NOT DISCUSS
3 THIS CASE WITH ANYONE OR PARTICULARLY ALLOW ANYONE TO
4 DISCUSS IT WITH YOU. YOU'VE HEARD ALL THE EVIDENCE IN
5 THE CASE NOW AND WE'RE NOT GOING TO HERD YOU OFF SOME
6 PLACE TO EAT, WE'RE NOT GOING TO BRING IN SOME BOX OF
7 CHICKEN FOR YOU IN THERE AND MAKE YOU EAT THAT, WE'RE
8 GOING TO LET YOU GO ABOUT YOUR OWN DEVICES AS FAR AS
9 LUNCH IS CONCERNED. BUT PLEASE, WHEN YOU GO OUT INTO THE
10 PUBLIC TO DO THAT DON'T LET ANYBODY TALK TO YOU ABOUT
11 THIS CASE. IF ANYBODY SHOULD ATTEMPT TO, TELL THEM YOU
12 CAN'T TALK TO THEM, YOU'RE ON A JURY. IF THEY PERSIST
13 SEE IF YOU CAN GET THEIR NAME OR A DESCRIPTION OF THEM,
14 AND REPORT THAT TO THE COURT, AND THE COURT WILL DEAL
15 WITH THEM IN THE APPROPRIATE FASHION. ENJOY YOUR LUNCH
16 AND BE BACK IN YOUR JURY ROOM AT TWO:THIRTY AND WE'LL
17 RESUME THE CASE AT THAT TIME. THANK YOU.

18 (Whereupon, the jury leaves
19 the courtroom for lunch break.)

20 (Recess)

21 THE COURT: ARE WE READY FOR THE
22 JURY?

23 SOLICITOR COLLINS: WE'RE READY FOR
24 THE JURY.

25 THE COURT: BRING THE JURY BACK,

1 PLEASE.

2 (Whereupon, the following
3 takes place in the
4 presence of the jury.)

5 THE COURT: ALRIGHT, MR. FOREMAN AND
6 LADIES AND GENTLEMEN OF THE JURY, WE'RE ABOUT READY TO
7 WIND UP THE PHASES OF THIS TRIAL THAT I HAD INITIALLY
8 TOLD YOU ABOUT, AND THOSE ARE THE PHASES THAT COME AFTER
9 THE OPENING STATEMENTS AND THE PRESENTATION OF THE
10 EVIDENCE, WHICH YOU'VE SEEN AND HEAR. NOW WE'RE GOING
11 TO HAVE OUR CLOSING ARGUMENTS OF COUNSEL, SOMETIMES
12 CALLED THE SUMMATION. AGAIN, I REMIND YOU THAT WHAT THE
13 ATTORNEYS SAY IS NOT EVIDENCE IN THE CASE. YOU SHOULD
14 LISTEN CLOSELY AND INTENTLY TO WHAT THEY HAVE TO SAY,
15 BUT IT IS NOT EVIDENCE IN THE CASE. THE EVIDENCE COMES
16 FROM, AS IT TURNED OUT, TWO SOURCES. THERE WERE NO
17 STIPULATIONS SO THE EVIDENCE COMES FROM TWO SOURCES, AND
18 ONLY TWO SOURCES, AND THAT'S THE SWORN TESTIMONY FROM
19 THE WITNESS STAND AND ANY EXHIBITS, ANY TANGIBLE THINGS
20 THAT THE COURT'S ALLOWED INTO EVIDENCE, WHICH YOU WILL
21 HAVE IN YOUR JURY ROOM WITH YOU, AND NO OTHER SOURCES.

22 THE CLOSING ARGUMENTS OF COUNSEL
23 WILL BE FOLLOWED BY THE JUDGE'S INSTRUCTIONS TO YOU ON
24 THE LAW THAT'S APPLICABLE TO THIS CASE, AND THEN YOU
25 WILL RETIRE TO YOUR JURY ROOM TO DELIBERATE YOUR

1 VERDICT.

2 VERY WELL, ARE YOU READY TO PROCEED?

3 MR. KRAMER: YES, YOUR HONOR.

4 THE COURT: VERY WELL.

5 SOLICITOR COLLINS: YES, YOUR HONOR.

6 THE COURT: DO YOU WAIVE OPENING?

7 SOLICITOR COLLINS: YES, YOUR HONOR.

8 CLOSING ARGUMENT BY MR. KRAMER

9 GOOD AFTERNOON, MEMBERS OF THE JURY.

10 WHEN I FIRST MADE MY OPENING REMARKS TO YOU SEVERAL DAYS
11 AGO I TALKED ABOUT JUROR EMPOWERMENT. EACH OF YOU
12 JURORS HAS THE POWER TO CONTROL ANOTHER PERSON'S LIFE
13 AT THIS POINT. WE TALK ABOUT THE PRESIDENT HAVING
14 POWER, OTHER PEOPLE HAVING A LOT OF POWER. IN THIS
15 COURTROOM THIS AFTERNOON YOU HAVE THE POWER TO PUT
16 ANOTHER HUMAN BEING INTO PRISON OR TO SET THEM FREE. AND
17 I HAVE NEVER BEEN A JUROR, I HAVE NEVER BEEN ON A JURY
18 OR HAD THAT PRIVILEGE, AND SO, I KNOW THAT EVERYONE HERE
19 HAS WORKED HARD AND BEEN RESPONSIBLE, YOU'VE ALL PAID
20 CLOSE ATTENTION TO THE EVIDENCE, YOU'VE DONE A TRUE DUTY
21 TO YOUR COUNTRY BY BEING HERE AND BEING JURORS, AND I
22 APPRECIATE THAT VERY MUCH.

23 NOW, WHEN I WAS PUTTING TOGETHER MY
24 IDEAS OF WHAT TO TALK TO EACH OF YOU ABOUT THIS
25 AFTERNOON, I WAS REMINDED OF A GREAT TRIAL LAWYER NAMED

1 EDWARD BENNETT WILLIAMS, WHO LIVED IN WASHINGTON, TOOK
2 MANY FAMOUS CASES. AND SO, WHAT EDWARD BENNETT WILLIAMS
3 SAID WAS, HE DESCRIBED THE BURDEN ON THE GOVERNMENT, MR.
4 COLLINS, IS ONE IN WHICH THE GOVERNMENT WANTS YOU, THE
5 JURY, TO LOOK AT THE FACTS AND EVIDENCE THROUGH A
6 CRYSTAL CLEAR WINDOW BEFORE THEY HAVE MET THEIR BURDEN
7 OF PROOF. IF THE WINDOW IS DIRTY THAT YOU LOOK THROUGH,
8 OR IS STREAKED OR SMUDGED AND THE JURY CAN'T SEE IT
9 CLEARLY, THERE WAS A REASONABLE DOUBT, AND THE DEFENDANT
10 WAS ENTITLED TO A VERDICT OF ACQUITTAL. I BELIEVE WHEN
11 YOU LOOK AT THE EVIDENCE IN THIS CASE AND THE FACTS
12 PRESENTED BY THE GOVERNMENT, THE WINDOW THAT THEY'RE
13 ASKING YOU TO LOOK THROUGH DOES NOT GIVE A CLEAR
14 PICTURE, I BELIEVE THERE ARE SOME SMUDGES ON THAT
15 WINDOW.

16 AND I WANT TO TALK TO YOU ABOUT SOME
17 TESTIMONY, LADIES AND GENTLEMEN, THAT YOU HEARD TODAY.
18 I WANT TO TALK TO YOU FIRST ABOUT THE TESTIMONY OF
19 SHARON SANDERS. SHARON SANDERS TESTIFIED TO YOU THAT
20 THE MARIJUANA FOUND IN THE SEVEN UP CAN WAS HERS, NOT
21 VONDELL SANDERS'. SHE ALSO TESTIFIED TO YOU THAT VONDELL
22 SANDERS DID NOT KNOW THAT THE MARIJUANA IN THE CAN WAS
23 THERE. THE CAN WAS DEMONSTRATED TO YOU. NOW, IT TOOK
24 TWO HIGHLY TRAINED INVESTIGATIVE POLICE OFFICERS
25 SEARCHING FOR TWENTY TO THIRTY TO FORTY MINUTES BEFORE

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1 THEY FOUND THESE SODA CANS. NOW, THAT'S A LONG TIME,
2 AN EXTREMELY LONG TIME FOR PROFESSIONAL INVESTIGATORS
3 TO LOCATE EVIDENCE. SHARON SANDERS ALSO TESTIFIED TO
4 YOU THAT SHE USED THE BEDROOM THAT VONDELL SANDERS WAS
5 IN, SHE WAS IN THERE, TOO, SHE SLEPT THERE SOMETIMES
6 WHEN VONDELL WAS NOT THERE. SHE KEPT CLOTHES IN THERE
7 ALSO. SO, HER TESTIMONY SHOWED YOU JURORS THAT SHE WAS
8 IN AND OUT OF THAT BEDROOM AND HAD THE OPPORTUNITY TO
9 KEEP THOSE DRUGS IN THAT SEVEN UP CAN. SHE TESTIFIED
10 ALSO THAT IT WAS SYLVIA WRIGHT WHO KEPT DRUGS, TOO. SHE
11 TESTIFIED TO YOU THAT SYLVIA WRIGHT KEPT DRUGS, AND HER
12 DRUGS WERE IN THE SEVEN UP CAN. SHARON'S WERE IN THE
13 SUN KIST SODA CAN, JUST TO MAKE IT CLEAR TO YOU. YOU'VE
14 GOT TESTIMONY OF TWO WITNESSES THAT SHOW THEY ALSO ARE
15 IN AND OUT OF THIS HOUSE. AND THE TRAILER IS OWNED,
16 ACCORDING TO THOSE WITNESSES' TESTIMONY, BY A LADY NAMED
17 DORIS SANDERS IN NEW YORK CITY.

18 LET'S TALK ABOUT, LADIES AND
19 GENTLEMEN, THE TESTIMONY ALSO YOU HEARD TODAY OF SYLVIA
20 RIGHT. SYLVIA WRIGHT TESTIFIED TO YOU THAT THE
21 MARIJUANA WAS HERS IN THE BAGGIES, IN THE SMALL BAGS,
22 SHE TESTIFIED THAT IT BELONGED TO HER,

23 SYLVIA WRIGHT ALSO TESTIFIED TO YOU,
24 LADIES AND GENTLEMEN, THAT VONDELL SANDERS WAS NEVER
25 READ HIS MIRANDA RIGHTS. SHE WAS CLOSE BY HIM WHEN THE

1 POLICE WERE QUESTIONING HIM, AND SHE NEVER READ HIM HIS
2 MIRANDA RIGHTS. NEVER READ THOSE RIGHTS. YOU HEARD THE
3 POLICE TESTIFY THAT A WRITTEN WAIVER OF MIRANDA RIGHTS
4 WAS NEVER OBTAINED. AND THEY WERE IN THE HOUSE FOR A
5 LONG TIME, LADIES AND GENTLEMEN. AND ONE POLICE
6 OFFICER, ANTONIA POWELL, TESTIFIED THAT SHE WAS THERE
7 FOR FORTY-FIVE MINUTES, AND WROTE A REPORT, WROTE A
8 BOOKING REPORT.

9 NOW, SYLVIA WRIGHT FURTHER TESTIFIED
10 TO YOU THAT SHE WAS PRESENT AND THAT SHE WAS SCARED AND
11 THAT'S WHY SHE DIDN'T COME FORWARD AND TELL THE POLICE
12 THAT THE MARIJUANA WAS HERS. AND SYLVIA WRIGHT KNEW
13 WHEN SHE TESTIFIED TODAY, LADIES AND GENTLEMEN, THAT SHE
14 COULD FACE CRIMINAL CHARGES. SHE KNEW IT. SHE CAME IN
15 HERE AND TESTIFIED.

16 NOW, SYLVIA WRIGHT ALSO TESTIFIED
17 SHE WAS ALSO CLOSE TO VONDELL SANDERS AND SHE COULD HEAR
18 WHAT THE POLICE WERE ASKING HIM, EVEN WHEN SHE WAS ON
19 THE PORCH WITH THE DOOR OPEN SHE COULD HEAR WHAT
20 QUESTIONS THE POLICE WERE ASKING VONDELL SANDERS. SHE
21 TESTIFIED ALSO, SYLVIA WRIGHT, THAT VONDELL SANDERS DID
22 NOT KNOW ABOUT THE DRUGS IN THE HOUSE. SHE TESTIFIED
23 THAT THOSE DRUGS, THE MARIJUANA WAS HERS AND THE CRACK
24 COCAINE WAS SHARON SANDERS'. VONDELL SANDERS HAD NO
25 KNOWLEDGE THAT THE CRACK COCAINE AND MARIJUANA WERE IN

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1 THE SODA CANS. THE MARIJUANA BELONGED, ACCORDING TO THE
2 TESTIMONY, TO SYLVIA WRIGHT, THE CRACK COCAINE BELONGED
3 TO SHARON SANDERS. WHY DID THEY WAIT UNTIL NOW? THEY
4 BOTH TESTIFIED THEY WERE SCARED, THEY KNEW THEY FACED
5 CRIMINAL CHARGES TO COME TO COURT.

6 NOW, THE POLICE TESTIFIED HERE, I
7 BELIEVE IT WAS INVESTIGATOR LIVINGSTON TESTIFIED TO YOU
8 THAT HE WAS IN THE RAID, HE WAS IN THE HOUSE, BUT HE'S
9 ALSO THE SAME PERSON THAT TESTIFIED THAT HE CONDUCTED
10 THE ANALYSIS OF THE MARIJUANA, HE ANALYZED IT, HE WROTE
11 A REPORT. I DON'T KNOW WHY THEY DIDN'T USE SOMEBODY
12 ELSE. THAT CAME OUT IN THE TESTIMONY, HE'S ON THE RAID
13 AND HE'S ALSO DOING THE ANALYSIS WHEN SOMEONE ELSE WAS
14 PRESENT.

15 NOW, TESTIMONY WAS GIVEN BY VONDELL
16 SANDERS, SHARON SANDERS, AND SYLVIA WRIGHT, THERE WERE
17 TWO BEDROOMS IN THE TRAILER AND THERE WERE THREE PEOPLE
18 USING THOSE BEDROOMS. SHARON TESTIFIED SOMETIMES SHE
19 SLEPT IN THE MASTER BEDROOM, SOMETIMES ACROSS THE HALL,
20 BUT WHENEVER VONDELL WASN'T USING IT, SHE WAS IN THERE.

21 NOW, AN IMPORTANT ELEMENT OF THE
22 CASE THAT YOU HAVE TO DECIDE WITH YOUR EXPERIENCE AND
23 YOUR KNOWLEDGE IS THAT FOR POSSESSION OF ANY KIND YOU
24 MUST HAVE KNOWLEDGE, KNOWLEDGE OF THE DRUGS, KNOWLEDGE
25 THAT THEY WERE THERE. THE TESTIMONY THAT YOU HEARD FROM

1 SHARON SANDERS, FROM SYLVIA WRIGHT, FROM VONDELL SANDERS
2 ALL SAID THE SAME THING. THE TWO LADIES SAID, I, HE HAD
3 NO KNOWLEDGE OF THESE DRUGS. VONDELL SAID HE HAD NO
4 KNOWLEDGE OF THESE DRUGS.

5 NOW, THE TESTIMONY OF THESE
6 WITNESSES INDICATES THAT WHERE THE DRUGS WERE FOUND WAS
7 IN THE BEDROOM. YOU HEARD TESTIMONY FROM THE POLICE
8 THAT THE DRUGS WERE NEVER FINGER PRINTED, NEVER. THESE
9 CANS, LADIES AND GENTLEMEN, WERE NEVER FINGER PRINTED,
10 NEVER. NOW, MR. COLLINS AND THE GOVERNMENT HAVE GOT A
11 REAL LARGE, IMPRESSIVE AMOUNT OF EVIDENCE HERE FOR YOU
12 TO LOOK AT IN THE JURY ROOM. NOW, THAT EVIDENCE DOES
13 NOT CONTAIN ONE FINGER PRINT ON THESE DRUGS, NOR DOES
14 IT INDICATE THAT VONDELL SANDERS HAD ANY DRUGS ON HIM
15 WHEN HE WAS ARRESTED. HE TESTIFIED RIGHT HERE IN FRONT
16 OF THIS JURY, ON THIS BIBLE, UNDER OATH, THAT HE DIDN'T
17 HAVE ANY DRUGS ON HIM, THAT -- THE POLICE ALSO
18 TESTIFIED, OFFICER SHIRER, OFFICER HAIGLER, OFFICER
19 LIVINGSTON, OFFICER POWELL THAT THE DRUGS WERE NEVER
20 FINGER PRINTED, THAT NOTHING WAS TAKEN OFF OF VONDELL
21 SANDERS PERSONALLY. THEN, INVESTIGATOR AVINGER
22 TESTIFIED WHEN HE SEARCHED THE BEDROOM THEY SEARCHED IT
23 AND SEARCHED IT AND SEARCHED IT, AND IT TOOK THEM A
24 GREAT AMOUNT OF TIME TO FIND IT, SO IT WASN'T ON VONDELL
25 SANDERS WHEN THE POLICE CAME IN.

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1 AND THEN, SHARON SANDERS TESTIFIED
2 IN FRONT OF YOU THIS MORNING, IN THIS VERY COURTROOM
3 THAT SHE WAS ON THE OUTSIDE OF THE TRAILER WHEN THE
4 POLICE WERE CONDUCTING THIS SEARCH, AND THAT VONDELL
5 WAIVED HER OFF. BUT SHE STILL CAME FORWARD TODAY
6 BECAUSE SHE SAID SHE HAD A CONSCIENCE, SHE WANTED TO
7 COME IN AND ADMIT TO EACH OF YOU JURORS AND TO OWN UP
8 THAT THOSE WERE HER DRUGS. NOW, LADIES AND GENTLEMEN,
9 IT TAKES A STRONG PERSON TO COME IN BEFORE A JURY AND
10 ADMIT TO A CRIME UNDER OATH, ESPECIALLY WHEN THEY'VE
11 RETAINED A LAWYER, WHICH BOTH OF THESE LADIES HAD, BUT
12 THEY STILL CAME IN HERE AND ADMITTED TO A CRIME, TO GO
13 TO JAIL. WHY? BECAUSE THESE JURORS TESTIFIED -- EXCUSE
14 ME, BOTH OF THESE WITNESSES TESTIFIED THAT VONDELL
15 SANDERS, WHO IS PRESUMED INNOCENT TODAY, DID NOT HAVE
16 KNOWLEDGE OF THE DRUGS IN THE SEVEN UP CAN, IN THE SUN
17 KIST CAN. SHARON SAID THE CRACK COCAINE IN THIS SUN
18 KIST CAN WAS HERS. SYLVIA WRIGHT SAID THE MARIJUANA IN
19 THE SEVEN UP CAN WAS HERS. YOU HEARD TESTIMONY ALSO THAT
20 SYLVIA GOT THE TWO CANS IN MIAMI, FLORIDA, THREE DAYS
21 BEFORE THE SEVENTEENTH OF OCTOBER. AND THEN, SHARON
22 ALSO TESTIFIED THAT SYLVIA GOT THE CANS ABOUT THREE DAYS
23 BEFORE THIS DRUG SEARCH WENT ON, THE SEVENTEENTH OF
24 OCTOBER. NOW, SHARON TESTIFIED THAT SHE DIDN'T KNOW
25 MUCH ABOUT THE CANS. IT'S BECAUSE SYLVIA BOUGHT THEM.

1 AND THEY EACH TESTIFIED TO YOU THAT THESE WERE THEIR
2 DRUGS IN THEIR CANS. NOW, YOU, AS A JURY, HAVE HAD A
3 CHANCE TO EXAMINE THESE TWO CANS. IF IT TOOK
4 PROFESSIONAL INVESTIGATORS FROM THE POLICE DEPARTMENT
5 THIRTY TO FORTY MINUTES TO DETERMINE THAT THERE WERE
6 DRUGS IN THESE CANS, IT WOULD CERTAINLY TAKE SOMEONE
7 LIKE VONDELL SANDERS, NO KNOWLEDGE OF ANY DRUGS IN THESE
8 CANS. HE SEES TWO SODA CANS SITTING THERE. IF YOU TAKE
9 A CAN LIKE THIS AND YOU PUT IT IN THE FREEZER, THEY'RE
10 PUT IN THE FREEZER, THE SODA FREEZES, THE CAN FEELS KIND
11 OF HEAVY BECAUSE IT'S FROZEN INSIDE, I DON'T KNOW.

12 WHAT THE GOVERNMENT WANTS YOU TO DO,
13 WHAT THEY WANT YOU TO DO IS TAKE ALL OF THIS EVIDENCE
14 AND PUT THIS MAN IN JAIL, POSSIBLY FOR THE REST OF HIS
15 LIFE. AND MR. VONDELL SANDERS HAS YOUNG CHILDREN, TWO
16 SONS, EIGHT AND NINE YEARS OLD. I WANT YOU TO KNOW
17 THAT. BECAUSE IT IS YOUR POWER, YOUR DECISION OF
18 WHETHER MR. VONDELL SANDERS LEAVES THIS COURTROOM TODAY
19 AS A FREE MAN.

20 NOW, WHAT I'M ASKING YOU TO DO,
21 LADIES AND GENTLEMEN, IS TO CONSIDER THE TESTIMONY THAT
22 YOU HEARD IN THIS COURTROOM FROM VONDELL SANDERS, FROM
23 SYLVIA WRIGHT, FROM SHARON SANDERS, AND FROM THE POLICE,
24 OFFICERS, TOO. YEAH. AND I BELIEVE, LADIES AND
25 GENTLEMEN, WHEN YOU EXAMINE ALL THE EVIDENCE, ALL THE

1 TESTIMONY IN YOUR MIND, YOU WILL ACQUIT VONDELL SANDERS
2 OF THIS CRIME.

3 THANK YOU, LADIES AND GENTLEMEN.

4 CLOSING ARGUMENT BY SOLICITOR COLLINS

5 LADIES AND GENTLEMEN, I WOULD LIKE
6 TO THANK YOU ON BEHALF OF THE STATE FOR TAKING YOUR TIME
7 FOR THE TRIAL OF THIS CASE.

8 LADIES AND GENTLEMEN OF THE JURY,
9 THIS IS A VERY STRAIGHT FORWARD CASE. YOU'VE HEARD FROM
10 ALL OF THE OFFICERS. THERE WAS A VALID SEARCH WARRANT.
11 THE SEARCH WARRANT WAS EXECUTED ON A HOUSE AT ONE TWENTY
12 BELLINGER LANE. THE DEFENDANT WAS ARRESTED AFTER THE
13 EXECUTION OF THAT SEARCH WARRANT. YOU'VE HEARD HOW -
14 - DETECTIVE SHIRER SAY HOW HE SPOKE WITH A MALE THROUGH
15 THE DOOR. EVEN DESPITE SPEAKING WITH HIM HE STILL HAD
16 TO GO IN AND MAKE FORCED ENTRY TO THE DOOR BECAUSE THE
17 DEFENDANT WOULDN'T OPEN THE DOOR. UPON ENTERING THE
18 HOUSE THE ONLY MALE TO BE FOUND SITS RIGHT OVER THERE,
19 THE DEFENDANT. HE WAS ALSO FOUND COMING FROM THE MASTER
20 BEDROOM. LADIES AND GENTLEMEN, I ASK, WHY WOULD YOU RUN
21 WHEN THE COPS KNOCK AT YOUR DOOR? WHY DON'T YOU JUST
22 PICK UP THE DOOR AND OPEN IT? WHY DON'T YOU JUST OPEN
23 THE DOOR? THE DEFENDANT RAN TO THE BEDROOM BECAUSE
24 THAT'S WHERE HIS DRUGS WERE. AS DETECTIVE AVINGER SAYS,
25 DRUGS EQUAL MONEY. AND AS A RESULT THEY WERE KEPT IN A

1 SAFE PLACE BY MR. SANDERS. HIS SAFE PLACE WAS HIS FAKE
2 CANS. MR. KRAMER KEEPS SAYING IT TOOK TWENTY MINUTES
3 TO FIND THEM. IT TOOK THEM TWENTY MINUTES TO SEARCH THE
4 WHOLE ROOM, I MEAN, IT'S AN AVERAGE SIZED BEDROOM, THERE
5 ARE POTENTIALLY A LOT OF HIDING PLACES AND THEY WANTED
6 TO MAKE SURE THEY DID A THOROUGH SEARCH AND FIND
7 EVERYTHING. PLEASE LOOK AT EVERYTHING FOUND IN THE
8 HOUSE THAT NIGHT, LADIES AND GENTLEMEN.

9 THE OFFICERS HAVE STATED THE
10 MARIJUANA WAS PACKAGED FOR SALE. IT HAS BEEN ESTABLISHED
11 AS WELL THAT THERE WAS SOME FIVE POINT SIX SEVEN GRAMS
12 OF CRACK COCAINE THAT WERE FOUND. THE LAW SAYS THAT THE
13 JURY CAN EVEN INFER THAT THE DEFENDANT WAS DEALING DRUGS
14 IF IT WAS ABOVE A CERTAIN WEIGHT. THE CRACK THE
15 DEFENDANT HAD WAS WELL ABOVE THE ONE GRAM THRESHOLD, AS
16 THE JUDGE WILL INSTRUCT YOU. THE LAW ALSO SAYS THAT YOU
17 CAN INFER THE DRUGS ARE HELD FOR THE PURPOSE OF SALE BY
18 THE WAY THEY ARE PACKAGED. THE OFFICERS SAID, IN THEIR
19 EXPERIENCE, THAT THE WAY THESE, THE MARIJUANA WAS
20 PACKAGED WAS, THEY WERE BEING HELD FOR SALE.

21 YOU MUST ALSO LOOK TO THE OTHER
22 ITEMS IN THE HOUSE, LADIES AND GENTLEMEN. YOU HAVE TO
23 LOOK TO THE CANS, YOU ALSO HAVE TO LOOK TO THE SCALES,
24 YOU HAVE TO LOOK TO THE MONEY. YOU HAVE TO LOOK TO THE
25 SCALES THAT THEY HAD DRUG RESIDUE ON THEM. YOU ALSO

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1 HAVE TO LOOK TO THE CUTE LITTLE HIDING PLACE, THE LITTLE
2 CANS. LADIES AND GENTLEMEN, YOU HAVE TO LOOK AT THE
3 WHOLE OPERATION.

4 IF THIS WAS A SHOW ABOUT DEALING
5 DRUGS, THE DEFENDANT WOULD HAVE ALL THE PROPS. IF HE
6 WAS MAKING A T.V. SHOW, HE'D HAVE THE DRUGS, HE'D HAVE
7 A PLACE TO CONCEAL THEM SHOULD HE NEED TO, HE HAVE THE
8 SCALES TO MAKE SURE HE SOLD EVERY ONE THE CORRECT
9 AMOUNTS. HE'D ALSO HAVE SOME MONEY. HOWEVER, THESE
10 AREN'T PROPS, LADIES AND GENTLEMEN, THESE ARE THE REAL
11 MCCOYS. HE HAD EVERYTHING HE NEEDED TO CONDUCT HIS DRUG
12 BUSINESS.

13 NOW, LET'S TALK ABOUT THE LAW AS IT
14 RELATES TO POSSESSION WITH INTENT TO DISTRIBUTE WITHIN
15 CLOSE PROXIMITY OF A SCHOOL OR A PARK OF THE MARIJUANA,
16 AS WELL AS THE CRACK COCAINE. THE LAW STATES IT'S
17 UNLAWFUL TO POSSESSION WITH INTENT TO DISTRIBUTE CRACK
18 COCAINE, AS WELL AS MARIJUANA, WITHIN CLOSE PROXIMITY
19 OF A SCHOOL OR A PARK, WHICH MEANS WITHIN A HALF A MILE
20 OF A SCHOOL OR A PARK. YOU HEARD DETECTIVE LYN SHIRER
21 SAY HE MEASURED IT ON HIS ODOMETER, IT WAS LESS THAN A
22 HALF A MILE.

23 CLEARLY, ALL THE ELEMENTS HERE HAVE
24 BEEN MET. NOW, LET'S TALK ABOUT THE DEFENDANT'S
25 STATEMENT TO LAW ENFORCEMENT. DETECTIVE SHIRER AND

1 DETECTIVE POWELL GOT ON THE STAND AND TOLD YOU HOW HE
2 WAS READ HIS RIGHTS. THEY EXPLAINED HOW HE CHOSE TO
3 ADMIT THAT THE DRUGS WERE HIS, EVEN AFTER HE GOT THOSE
4 RIGHTS. THEY EVEN SAID WHO HE BOUGHT THE DRUGS FROM,
5 WHEN HE BOUGHT THE DRUGS, AND HOW MUCH HE ORIGINALLY HAD
6 PURCHASED. WHY WOULD SOMEONE SAY THAT THE DRUGS WERE
7 THEIRS IF THEY'RE NOT? IT JUST DOESN'T MAKE SENSE. THE
8 DEFENDANT SAID THEY WERE HIS, PLAIN AND SIMPLE, BECAUSE
9 THEY WERE. THE DEFENDANT SAID, WELL, THEY WERE HIS
10 DRUGS. MR. KRAMER SEEMS TO MAKE A BIG DEAL OUT OF THE
11 FINGER PRINT THING. I DON'T UNDERSTAND. THERE'S NO NEED
12 FOR FINGER PRINTS. WHY FINGER PRINT ANYTHING AND THE
13 DEFENDANT SAID THEY WERE HIS DRUGS? AFTER HE WAS TOLD
14 OF HIS RIGHTS, HE SAID HE HAD A RIGHT TO REMAIN SILENT,
15 AND AN ATTORNEY, AND LYN SHIRER SAID HE READ IT OFF THE
16 CARD TO HIM. HE SAYS, AND SURE, HE DIDN'T GIVE A WRITTEN
17 WAIVER, HE GAVE A VERBAL WAIVER, WHICH THAT HAS CLEARLY
18 BEEN ESTABLISHED THAT YOU'RE ALLOWED TO THAT, IT CAN BE
19 WRITTEN OR IT CAN BE VERBAL.

20 LADIES AND GENTLEMEN, YOU HAVE TO
21 WEIGH THE CREDIBILITY OF ALL OF THE WITNESSES. YOU'VE
22 HEARD FROM SEVERAL AT THIS TIME. YOU HAVE TO LOOK, DO
23 THE WITNESSES HAVE ANYTHING TO GAIN, ANYONE TO PROTECT?
24 IS THERE ANYONE PERHAPS TO KEEP OUT OF JAIL? ALL OF THE
25 OFFICERS, THEY'VE TOLD YOU BASICALLY THE SAME THING.

1 THERE WAS A SEARCH WARRANT ISSUED, THE SEARCH WARRANT
2 WAS EXECUTE, THE DEFENDANT WAS FOUND IN THE HOUSE, HE
3 WAS ARRESTED AND HE WAS TAKEN TO JAIL. THEY ALSO TOLD
4 YOU HOW HE KNOWINGLY WAIVED THOSE RIGHTS, AND THEN HE
5 SAID THE DRUGS WERE HIS. NOW YOU HAVE PEOPLE COMING AND
6 SAYING, OH, THE DRUGS WERE MINE. THOSE PEOPLE WERE
7 THERE THAT NIGHT. IF YOU BELIEVE WHAT THEY SAY, CLEARLY,
8 MS. WRIGHT WAS THERE, BUT THIS IS KIND OF THE FIRST
9 WE'VE HEARD ABOUT MS. SANDERS BEING THERE, JUST WHAT SHE
10 SAYS, BUT YOU'VE HEARD NO TESTIMONY FROM THE OFFICERS
11 SAYING THAT SHE WAS WAIVED OFF OR ANYTHING LIKE THAT.
12 THE DEFENDANT WAS THE ONLY PERSON WHO CLAIMED THE DRUGS
13 THAT EVENING. NOW, SOME FIVE MONTHS LATER YOU HAVE TWO
14 PEOPLE COMING FORWARD AND SAYING, THE DRUGS ARE MINE.
15 THIS IS THE WEEK OF TRIAL, LADIES AND GENTLEMEN OF THE
16 JURY. THEY'RE HERE TO HELP A LOVED ONE OUT. YOU MUST
17 LOOK AT EVERYTHING THEY TESTIFIED TO. SO, -- YOU DON'T
18 KNOW, YOU MUST LOOK AT EVERYTHING THEY TESTIFIED TO. YOU
19 MUST LOOK AT THE PERSON WHO CALLED, WHO SAID THEY OWNED
20 THE CANS, MS. SANDERS, OR WAS USING THE CANS TO PROTECT
21 THEIR MONEY, THE DRUGS, AS MR. AVINGER SAID, BECAUSE
22 DRUGS EQUAL MONEY. BOTH OF THE WOMEN ALSO CLAIMED THAT
23 THE SCALES WERE THEIRS, AND BOTH OF THEM SAID, THEY'RE
24 MY SCALES. I DON'T KNOW WHOSE SCALES THEY WERE, BUT
25 OBVIOUSLY, I GUESS MAYBE BOTH OF THEM OWNED IT. YOU

1 JUDGE THE CREDIBILITY OF THAT, LADIES AND GENTLEMEN.

2 MS. WRIGHT ALSO SAYS THAT SHE USED
3 THOSE SCALES, SHE USED THEM TO MEASURE HER MARIJUANA,
4 AND WHEN ASKED HOW MUCH MARIJUANA DID YOU PUT IN YOUR
5 LITTLE BAGGIES, SHE COULDN'T TELL ME. I DON'T KNOW WHAT
6 TO SAY ABOUT THAT. AND ALSO, SHE SAID THAT THERE WERE
7 TWENTY BAGS OF HER MARIJUANA FOUND IN THAT LITTLE CAN.
8 HOWEVER, YOU'LL LOOK AT THE OFFICER'S REPORT, THERE WERE
9 FOURTEEN BAGS OF MARIJUANA. SHE DIDN'T EVEN KNOW WHERE
10 THE SCALE WAS KEPT. SHE SAID IT WAS KEPT UNDER SOME HAT
11 IN THE CLOSET. IT WAS ACTUALLY FOUND IN A LITTLE BAG,
12 I THINK. DO YOU REMEMBER, LADIES AND GENTLEMEN --
13 PLEASE REMEMBER THE THINGS THAT DETECTIVE AVINGER SAID,
14 THAT DRUGS EQUAL MONEY. SHE, LIKE I SAID, DIDN'T EVEN
15 KNOW HOW MUCH MONEY WAS IN HER CAN. I THINK YOU ALWAYS
16 KNOW BASICALLY HOW MUCH MONEY IS IN YOUR POCKET OR IN
17 YOUR WALLET, SHE OBVIOUSLY DIDN'T KNOW, BECAUSE IT'S AN
18 OBVIOUS LIE.

19 MR. SANDERS THOUGHT, AND THEN, MR.
20 SANDERS, WHEN HE TRIED TO OPEN THE CAN, THE FIRST CAN
21 THEY HANDED HIM, HE DIDN'T SEEM TO HAVE A PROBLEM, AND
22 THEN THE SECOND ONE HE SEEMED TO HAVE A PROBLEM WITH,
23 HE WAS TRYING TO POP THE TOP LIKE A REGULAR CAN. THE
24 FUNNY THING IS, THOUGH, HE HAD BEEN SITTING HERE THE
25 WHOLE WEEK LOOKING AT THAT AND WATCHING PEOPLE

1 UNSCREWING THE CANS. IT WAS JUST KIND OF CONVENIENT,
2 I DON'T KNOW, IT SEEM TO BE CONVENIENT THAT HE COULDN'T
3 POP, HE COULDN'T GET THE TOP OFF AT THIS TIME.

4 YOU MUST ALSO LOOK AT THE
5 DIFFERENCES IN MS. SANDERS' AND MS. WRIGHT'S TESTIMONY.
6 THEY -- AND ALSO LOOK AT WHAT THEY SAID DURING THE
7 STATEMENTS THAT THEY GAVE TO MR. BROTHERS A FEW DAYS
8 AGO, THE DIFFERENCES COULD PERHAPS BE DRAMATIC. THEY
9 STORIES HAVE SEEMED TO EVOLVE. NOT TO MENTION, THEY JUST
10 CAME BACK, JUST CAME FORWARD LAST WEEK. I MEAN, THEY'VE
11 HAD FIVE MONTHS. JUST LOOK AT THAT, LADIES AND
12 GENTLEMEN.

13 LOOK AT THE FACT -- YOU HAVE TO ALSO
14 LOOK AT THE FACT OF THEIR PREVIOUS RECORDS. THEY'RE
15 CONVICTED FELONS. YOU HAVE TO WEIGH THAT CREDIBILITY.
16 THEY'RE ON PROBATION CURRENTLY.

17 THE JUDGE AT THE BEGINNING OF THE
18 TRIAL TOLD YOU THAT I, AS THE STATE, HAD THE BURDEN OF
19 PROOF, AND I DO. AND I KNOWINGLY, I ACCEPT THAT BURDEN,
20 LADIES AND GENTLEMEN, BECAUSE I HAVE TO PROVE THE
21 DEFENDANT GUILTY BEYOND A REASONABLE DOUBT. IT'S NOT
22 EVERY DOUBT, IT'S JUST A REASONABLE DOUBT. LADIES AND
23 GENTLEMEN, BACK HERE WITH CAPTAIN KELLY, YOU DIDN'T
24 CHECK YOUR COMMON SENSE, THOUGH, YOUR KNOWLEDGE, AND ALL
25 YOUR EXPERIENCES AT THE DOOR, YOU BROUGHT THOSE IN HERE

1 WITH YOU. YOU HAVE TO USE THOSE THINGS TODAY WHEN YOU
2 GO BACK TO YOUR JURY ROOM AND YOU WEIGH THE FACTS AND
3 ALL THE EVIDENCE THAT YOU'VE HEARD IN THE CASE. YOU
4 HAVE TO REMEMBER ALL OF THESE WITNESSES, THEIR Demeanor
5 AS THEY SAT THERE IN THE CHAIR, AND HOW THEY ACTED TO
6 MY QUESTIONS, AND HOW THEY ACTED TO MR. KRAMER'S
7 QUESTIONS, WHAT THEY TOLD YOU, THERE AGAIN, THE PREVIOUS
8 RUN INS WITH LAW ENFORCEMENT.

9 THE EVIDENCE AND THE LAW IN THIS
10 CASE CLEARLY SHOWS BEYOND A REASONABLE DOUBT THAT MR.
11 SANDERS IS GUILTY OF POSSESSION WITH INTENT TO
12 DISTRIBUTE MARIJUANA, POSSESSION WITH INTENT TO
13 DISTRIBUTE CRACK COCAINE, POSSESSION WITH INTENT TO
14 DISTRIBUTE CRACK COCAINE WITHIN CLOSE PROXIMITY OF A
15 SCHOOL OR A PARK, AND POSSESSION WITH INTENT TO
16 DISTRIBUTE MARIJUANA WITHIN CLOSE PROXIMITY OF A SCHOOL
17 OR A PARK, THE SCHOOL BEING, AND IT WAS WITHIN A HALF
18 MILE OF RIVELON SCHOOL.

19 TODAY I ASK YOU FOR A VERDICT,
20 LADIES AND GENTLEMEN, THAT SPEAKS THE TRUTH. I ASK YOU
21 FOR A GUILTY VERDICT.

22 THANK YOU.

23 CHARGE BY THE COURT

24 MR. FOREMAN AND LADIES AND GENTLEMEN
25 OF THE JURY, THE STATE OF SOUTH CAROLINA CHARGES THIS

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1 DEFENDANT, VONDELL SANDERS, WITH FOUR OFFENSES. THEY
2 ARE POSSESSION OF MARIJUANA WITHIN PROXIMITY OF A SCHOOL
3 OR A PARK, THAT'S POSSESSION WITH INTENT TO DISTRIBUTE;
4 POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE
5 WITHIN PROXIMITY OF A SCHOOL OR A PARK; POSSESSION WITH
6 INTENT TO DISTRIBUTE CRACK COCAINE; AND POSSESSION WITH
7 INTENT TO DISTRIBUTE SCHEDULE ONE, TWO OR THREE DRUGS,
8 SPECIFICALLY MARIJUANA.

9 NOW, TO THESE INDICTMENTS THE
10 DEFENDANT HAS PLED NOT GUILTY. THE BASIC CONCEPT OF OUR
11 LEGAL SYSTEM IS THAT A PERSON IS PRESUMED TO BE INNOCENT
12 UNTIL YOU, THE JURY, UNANIMOUSLY FIND HIM OR HER GUILTY
13 BEYOND A REASONABLE DOUBT. NOW, THIS PRESUMPTION OF
14 INNOCENCE REMAINS WITH THE DEFENDANT FROM THE TIME THAT
15 HE'S FIRST CHARGED UNTIL THE TIME YOU RETURN A VERDICT
16 OF GUILTY, OR RETURN A VERDICT. A DEFENDANT IS NEVER
17 REQUIRED TO PROVE HIMSELF INNOCENT. TO SAY IT ANOTHER
18 WAY, HE'S ALWAYS PRESUMED TO BE INNOCENT UNTIL THE STATE
19 HAS STRIPPED AWAY THAT PRESUMPTION OF INNOCENCE BY
20 PROVING TO YOU BEYOND A REASONABLE DOUBT THE GUILT OF
21 THE DEFENDANT. THEREFORE, THE STATE HAS THE BURDEN TO
22 PROVE TO YOU BEYOND A REASONABLE DOUBT THAT THE
23 DEFENDANT IS GUILTY. THE STATE ALWAYS HAS THE BURDEN
24 OF PROVING BEYOND A REASONABLE DOUBT ANYTHING THEY
25 ALLEGE TO BE TRUE.

1 IF, AFTER LISTENING TO ALL THE
2 TESTIMONY AND CONSIDERING ALL OF THE EVIDENCE PRESENTED
3 YOU HAVE A REASONABLE DOUBT IN YOUR MIND AS TO THE
4 DEFENDANT'S GUILT OR INNOCENCE, THEN IT IS YOUR DUTY TO
5 RETURN A VERDICT OF NOT GUILTY. HOWEVER, IF YOU FIND THE
6 STATE HAS PROVEN THE DEFENDANT GUILTY BEYOND A
7 REASONABLE DOUBT, THEN YOU HAVE A DUTY TO FIND THE
8 DEFENDANT GUILTY. REMEMBER, THE BURDEN OF PROOF IS UPON
9 THE STATE FROM THE BEGINNING TO THE END TO ESTABLISH BY
10 THE EVIDENCE BEYOND A REASONABLE DOUBT THE GUILT OF THE
11 DEFENDANT FOR THE CRIME WITH WHICH HE IS CHARGED, OR THE
12 CRIMES WITH WHICH HE IS CHARGED.

13 THE PROPER MANNER TO WEIGH THE
14 EVIDENCE PRESENTED DURING THE TRIAL OF THIS CASE,
15 REGARDLESS OF ITS SOURCE, IN ORDER TO DETERMINE IF THE
16 STATE HAS MET ITS BURDEN OF PROOF IS THROUGH THE
17 EXERCISE OF YOUR GOOD COMMON SENSE AND JUDGEMENT, NOT
18 SIMPLY BY COUNTING WITNESSES. YOU MUST ASK YOURSELF
19 WHAT EVIDENCE CONVINCES ME THAT IT'S TRUE? IT'S
20 ENTIRELY A MENTAL PROCESS. IN THIS MANNER YOU SHALL
21 WEIGH THE EVIDENCE AND RENDER A FAIR AND IMPARTIAL AND
22 A JUST VERDICT.

23 NOW, LADIES AND GENTLEMEN OF THE
24 JURY, UNDER THE CONSTITUTION AND LAWS OF SOUTH CAROLINA
25 YOU ARE THE SOLE FINDERS OF THE FACTS IN THIS CASE. I

1 DON'T HAVE THE RIGHT TO PASS UPON THE FACTS OR EVEN TO
2 EXPRESS ANY OPINION I MIGHT HAVE AS TO THEM, NOR MAY I
3 INTIMATE IN ANY WAY WHAT I MAY THINK ABOUT THE GUILT OR
4 THE INNOCENCE OF THE DEFENDANT. IF I HAVE AT ANYTIME
5 DURING THIS TRIAL THROUGH ANY FACIAL EXPRESSION, ANY
6 VOICE INFLECTION, ANY GESTURE OR ANYTHING AT ALL THAT
7 I SAID OR DID THAT WOULD HAVE GIVEN YOU THE IMPRESSION
8 THAT I FAVOR ONE SIDE OR THE OTHER, I ASK YOU NOW TO
9 PLEASE DISREGARD THAT, IT WOULD HAVE BEEN PURELY
10 UNINTENTIONAL ON MY PART, FOR NOT ONLY CAN I NOT FAVOR
11 ONE SIDE OR THE OTHER IN THIS CONTEST, I TELL YOU I DO
12 NOT FAVOR ONE SIDE OR THE OTHER.

13 BECAUSE YOU ARE THE SOLE JUDGES OF
14 THE FACTS OF THE CASE YOU ARE THE SOLE JUDGES OF THE
15 CREDIBILITY. NOW, THAT'S A FANCY WORD FOR BELIEVABILITY
16 OF THE WITNESSES, AND THE VALUE OR WEIGHT TO BE GIVEN
17 TO THEIR TESTIMONY. YOU ALONE MUST DECIDE THE FORCE AND
18 THE EFFECT AND THE TRUTH OF THE TESTIMONY. IN MAKING
19 THIS DECISION THERE ARE MANY THINGS YOU MAY AND SHOULD
20 TAKE INTO CONSIDERATION, SUCH AS THE APPEARANCE AND THE
21 MANNER OF THE WITNESS ON THE STAND, SOMETIMES REFERRED
22 TO AS THE DEMEANOR OF THE WITNESS. THE MANNER IN WHICH
23 A WITNESS TESTIFIED, WAS THE WITNESS FORTHRIGHT OR
24 HESITANT? WHAT WAS THE ABILITY OF THE WITNESS TO KNOW
25 THE FACTS ABOUT WHICH HE OR SHE TESTIFIED? THE EXTENT

1 OF A WITNESS'S CAPACITY TO PERCEIVE, TO RECOLLECT OR TO
2 COMMUNICATE ABOUT ANY MATTER ABOUT WHICH HE OR SHE
3 TESTIFIED. THE EXISTENCE OR NON-EXISTENCE OF A BIAS,
4 AN INTEREST OR OTHER MOTIVE. DID THE WITNESS HAVE A
5 CAUSE OR A REASON TO BE BIASED? WAS THE TESTIMONY
6 CORROBORATED AND MADE STRONGER BY OTHER TESTIMONY, OR
7 WAS IT MADE WEAKER? YOU, AS JURORS HAVE A RIGHT TO
8 BELIEVE A SMALL PORTION OF A WITNESS'S TESTIMONY AND
9 DISCARD THE LARGER PORTION, OR VICE VERSA. YOU MAY
10 BELIEVE ALL OF A WITNESS'S TESTIMONY, OR YOU MAY BELIEVE
11 NONE OF IT. YOU MAY BELIEVE THE TESTIMONY OF A SINGLE
12 WITNESS AGAINST THAT OF MANY WITNESSES, OR THE OTHER WAY
13 AROUND. ALL THESE THINGS YOU WILL CONSIDER, BEARING IN
14 MIND THAT YOU ALONE MUST GIVE THIS DEFENDANT THE BENEFIT
15 OF EVERY REASONABLE DOUBT.

16 NOW, BY THE SAME CONSTITUTION AND
17 LAW WHICH MAKES YOU THE FINDERS OF THE FACTS AND THE
18 EVIDENCE, I AM, AS THE TRIAL JUDGE, MADE THE SOLE AND
19 ONLY INSTRUCTOR IN THE LAW. YOU MUST ACCEPT AS CORRECT
20 THE LAW WHICH I CHARGE AND APPLY IT TO THE EVIDENCE AS
21 YOU FIND IT TO BE, AND REACH YOUR VERDICT. YOUR VERDICT
22 MUST BE A UNANIMOUS VERDICT, A TRUE VERDICT, A VERDICT
23 WHICH SPEAKS THE TRUTH. I CHARGE YOU IN THIS REGARD THAT
24 NEITHER YOU NOR I SHOULD BE CONCERNED ABOUT WHAT WE
25 THINK THE LAW OUGHT TO BE, BUT RATHER BY WHAT I CHARGE

1 YOU THE LAW IS. IT WOULD BE A VIOLATION OF YOUR OATH TO
2 BASE YOUR VERDICT UPON ANYTHING OTHER THAN THE LAW AND
3 THE FACTS IN THIS CASE.

4 YOU MUST NOT CONSIDER ANY EVIDENCE
5 THAT WAS STRICKEN BY THE COURT, IT'S TO BE TREATED AS
6 THOUGH YOU HAD NEVER HEARD IT.

7 QUESTIONS, REMEMBER THIS, ARE NOT
8 EVIDENCE, AND ARE ONLY IMPORTANT WHEN THEY SUPPLY
9 MEANING TO AN ANSWER.

10 LADIES AND GENTLEMEN, THE GOVERNMENT
11 HAS THE BURDEN OF PROVING THE DEFENDANT GUILTY BEYOND
12 A REASONABLE DOUBT. NOW, SOME OF YOU HAVE SERVED AS
13 JURORS IN CIVIL CASES WHERE YOU WERE TOLD IT'S ONLY
14 NECESSARY TO PROVE THAT A FACT IS MORE LIKELY TRUE THAN
15 NOT TRUE. IN CRIMINAL CASES THE GOVERNMENT'S TRUTH MUST
16 BE MORE POWERFUL THAN THAT, IT MUST BE BEYOND A
17 REASONABLE DOUBT. PROOF BEYOND A REASONABLE DOUBT IS
18 PROOF THAT LEAVES YOU FIRMLY CONVINCED OF THE
19 DEFENDANT'S GUILT, FOR THERE ARE VERY FEW THINGS IN THIS
20 WORLD THAT WE KNOW WITH ABSOLUTE CERTAINTY, AND IN
21 CRIMINAL CASES THE LAW DOES NOT REQUIRE THAT THAT PROOF
22 OVERCOMES EVERY POSSIBLE DOUBT. IF, BASED ON YOUR
23 CONSIDERATION OF THE EVIDENCE, YOU ARE FIRMLY CONVINCED
24 THAT THE DEFENDANT IS GUILTY OF THE CRIME CHARGED, THEN
25 YOU MUST FIND HIM GUILTY. ON THE OTHER HAND, IF YOU

1 THINK THERE IS A REAL POSSIBILITY THAT HE IS NOT GUILTY,
2 YOU MUST GIVE HIM THE BENEFIT OF THE DOUBT AND FIND HIM
3 NOT GUILTY.

4 LADIES AND GENTLEMEN, I CHARGE YOU
5 WITH CRIMINAL INTENT. CRIMINAL INTENT IS A NECESSARY
6 ELEMENT OF EACH CRIME THAT MUST BE PROVED BY THE STATE
7 BEYOND A REASONABLE DOUBT. CRIMINAL INTENT, LADIES AND
8 GENTLEMEN, IS ALWAYS A MATTER THAT MUST BE DETERMINED
9 BY THE JURY FROM THE CIRCUMSTANCES SURROUNDING THE
10 SITUATION. THERE'S NO WAY, OF COURSE, TO PROVE CRIMINAL
11 INTENT TO A MATHEMATICAL CERTAINTY. THERE'S NO WAY
12 SCIENCE CAN DISSECT A PERSON'S BRAIN AND DETERMINE WHAT
13 HE HAD IN HIS MIND, SO THE LAW SAYS THAT CRIMINAL INTENT
14 CAN BE INFERRED OR NOT INFERRED FROM THE CIRCUMSTANCES
15 SHOWN TO HAVE EXISTED. THIS IS HOW THE JURY MAKES SUCH
16 A DETERMINATION OF WHETHER OR NOT THE ELEMENT REQUIRING
17 INTENT WAS PRESENT. CRIMINAL INTENT, LADIES AND
18 GENTLEMEN, IS A STATE OF MIND, IT IS A MENTAL STATE, IT
19 IS A CONSCIOUS WRONG DOING. IT'S UP TO YOU, THE JURY,
20 TO DETERMINE WHAT THE DEFENDANT INTENDED TO DO BASED ON
21 THE CIRCUMSTANCES SHOWN TO HAVE EXISTED. I TELL YOU THAT
22 THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THE FACT
23 OF CRIMINAL INTENT, JUST AS THE STATE MUST PROVE EVERY
24 ELEMENT BEYOND A REASONABLE DOUBT, AS I HAVE PREVIOUSLY
25 EXPLAINED TO YOU.

1 I CHARGE YOU, LADIES AND GENTLEMEN,
2 THAT THERE ARE FOUR COUNTS OF ALLEGED CRIMINAL CONDUCT
3 BEING TRIED TOGETHER IN THIS CASE, THE FOUR INDICTMENTS
4 THAT I READ TO YOU, THE FOUR CHARGES. WHATEVER VERDICT
5 YOU FIND MUST BE SEPARATE AS TO EACH COUNT. HOWEVER,
6 THE VERDICT DOES NOT HAVE TO BE THE SAME AS TO EACH
7 COUNT. YOU TAKE EACH COUNT SEPARATELY, CONSIDER THE
8 EVIDENCE AS TO THAT COUNT, AND WRITE YOUR VERDICT
9 ACCORDINGLY, AND IN ACCORDANCE AND IN CONFORMITY WITH
10 THE EVIDENCE AND THE INSTRUCTIONS THAT I HAVE GIVEN AND
11 WILL HEREAFTER GIVE YOU, AND YOU MAY FIND THE DEFENDANT
12 GUILTY OR NOT GUILTY ON EACH COUNT IN THE INDICTMENT.

13 DURING THE TRIAL OF THIS CASE, IN
14 ADDITION TO THE TESTIMONY OF LAY WITNESSES YOU HEARD
15 TESTIMONY FROM INDIVIDUALS WHO ARE GENERALLY CALLED
16 EXPERTS. AS I STATED DURING THE TRIAL OF THIS MATTER,
17 ORDINARILY A WITNESS IS NOT PERMITTED TO COME IN AND
18 TESTIFY TO ANYTHING OTHER THAN MATTERS WHICH ARE CAPABLE
19 OF BEING PERCEIVED BY SOME PERSON'S SENSES, SUCH AS, I
20 SMELLED, I FELT, I TOUCHED, I TASTED, THINGS OF THAT
21 NATURE, I SAW. USUALLY WITNESSES ARE NOT PERMITTED TO
22 GIVE THEIR OPINIONS ON ISSUES. OUR RULES DO PERMIT IN
23 SOME CASES, HOWEVER, THAT SOME PERSONS WHO, BECAUSE OF
24 THEIR EDUCATION, EXPERIENCE, OR TRAINING, PROFESS SOME
25 EXPERTISE. THEY MAY BE PERMITTED TO GIVE AN OPINION IN

1 REGARD TO THEIR FIELD OF EXPERTISE. NOW, THAT DOESN'T
2 MEAN THAT THEIR TESTIMONY NECESSARILY HAS TO RECEIVE
3 MORE WEIGHT THAN ANY OTHER WITNESS. YOU SHOULD CONSIDER
4 THE EXPERT TESTIMONY IN THE SAME MANNER AS YOU DO ANY
5 OTHER TESTIMONY AND GIVE TO IT SUCH WEIGHT AS YOU MAY
6 BELIEVE IT TO BE ENTITLED. WHEN CONSIDERED WITH ALL
7 THE OTHER EVIDENCE IN THE CASE -- EXCUSE ME, I SAID THAT
8 WRONG. YOU SHOULD CONSIDER THE EXPERT TESTIMONY IN THE
9 SAME MANNER AS YOU DO ANY OTHER TESTIMONY AND GIVE TO
10 IT SUCH WEIGHT AS YOU MAY BELIEVE IT TO BE ENTITLED WHEN
11 CONSIDERED WITH ALL THE OTHER EVIDENCE IN THE CASE.
12 SUCH TESTIMONY IS TO BE GIVEN FOR THE PURPOSE OF HELPING
13 YOU UNDERSTAND THE EVIDENCE AND NOT FOR THE PURPOSE OF
14 CONTROLLING YOUR JUDGEMENT. THE VALUE OF IT DOES NOT
15 DEPEND ON THE SKILL AND THE KNOWLEDGE PROFESSED BY THE
16 EXPERT, BUT RATHER UPON THE SKILL AND KNOWLEDGE HE OR
17 SHE ACTUALLY POSSESSES. IT'S FOR YOU TO JUDGE WHETHER
18 AN EXPERT DOES POSSESS SUCH KNOWLEDGE, AND IN THIS
19 REGARD YOU MAY CONSIDER HIS OR HER TRAINING, HIS OR HER
20 EXPERTISE, THEIR ABILITY TO COMMUNICATE THEIR IDEAS, THE
21 LOGIC OF THEIR OPINIONS, AND THE FACTUAL SUPPORT FOR THE
22 OPINION, AND ALL THE OTHER FACTORS YOU USE TO JUDGE AND
23 WEIGH THE TESTIMONY OF ANY OTHER WITNESS. NO MERE
24 OPINION OF AN EXPERT CAN BE ACCEPTED, IN AND OF ITSELF,
25 AS TRUTHFUL AND RELIABLE, IT FIRST MUST BE WEIGHED BY

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1 YOU AND CONVINCED YOUR JUDGEMENT BEYOND A REASONABLE
2 DOUBT AND WITH THE SAME FORCE AND EFFECT AS ANY OTHER
3 FACT PROVED IN THIS CASE BEFORE YOU CAN RELY UPON IT.
4 THEREFORE, LADIES AND GENTLEMEN, GIVE SUCH EXPERT
5 TESTIMONY THE WEIGHT, IF ANY, TO WHICH YOU DEEM IT
6 ENTITLED.

7 THE DEFENDANT, LADIES AND GENTLEMEN,
8 IS CHARGED, AMONG OTHER CRIMES, IN ONE OF THESE
9 INDICTMENTS WITH POSSESSION WITH INTENT TO DISTRIBUTE
10 CRACK COCAINE, AND POSSESSION WITH INTENT TO DISTRIBUTE
11 MARIJUANA. THE STATE MUST PROVE BEYOND A REASONABLE
12 DOUBT THAT THE DEFENDANT POSSESSED CRACK COCAINE AND
13 MARIJUANA WITH THE INTENT TO DISTRIBUTE IT. TO PROVE
14 POSSESSION THE STATE MUST PROVE BEYOND A REASONABLE
15 DOUBT THAT THE DEFENDANT HAD BOTH THE POWER AND THE
16 INTENT TO CONTROL THE DISPOSITION OR USE OF THE DRUGS.

17 POSSESSION, LADIES AND GENTLEMEN,
18 MAY EITHER BE ACTUAL OR CONSTRUCTIVE. ACTUAL POSSESSION
19 MEANS THAT THE CRACK COCAINE AND MARIJUANA WAS IN THE
20 ACTUAL PHYSICAL CUSTODY OF THE DEFENDANT. CONSTRUCTIVE
21 POSSESSION MEANS THAT THE DEFENDANT HAD DOMINION AND
22 CONTROL, OR THE RIGHT TO EXERCISE DOMINION AND CONTROL
23 OVER THE CRACK COCAINE AND THE MARIJUANA, ITSELF, OR THE
24 PROPERTY ON WHICH THE CRACK COCAINE AND MARIJUANA WAS
25 FOUND.

1 MERE PRESENCE AT THE SCENE WHERE THE
2 DRUGS WERE FOUND IS NOT ENOUGH TO PROVE POSSESSION.
3 ACTUAL KNOWLEDGE OF THE PRESENCE OF THE CRACK COCAINE
4 AND MARIJUANA IS STRONG EVIDENCE OF THE DEFENDANT'S
5 INTENT TO CONTROL ITS DISTRIBUTION OR USE. THE
6 DEFENDANT'S KNOWLEDGE AND POSSESSION MAY BE INFERRED
7 WHEN A SUBSTANCE IS FOUND ON THE PROPERTY UNDER THE
8 DEFENDANT'S CONTROL. HOWEVER, THIS INFERENCE IS SIMPLY
9 AN EVIDENTIARY FACT TO BE TAKEN INTO CONSIDERATION BY
10 YOU ALONG WITH, OF COURSE, THE OTHER EVIDENCE IN THE
11 CASE, AND TO BE GIVEN THE WEIGHT YOU DECIDE IT SHOULD
12 HAVE.

13 THE STATE MUST ALSO PROVE BEYOND A
14 REASONABLE DOUBT THAT THE DEFENDANT INTENDED TO
15 DISTRIBUTE THE CRACK COCAINE AND THE MARIJUANA.
16 DISTRIBUTE MEANS TO DELIVER OR TRANSFER OTHER THAN BY
17 ADMINISTERING OR DISPENSING A DRUG. INTENT MAY BE SHOWN
18 BY ACTS AND CONDUCT OF THE DEFENDANT AND OTHER
19 CIRCUMSTANCES FROM WHICH YOU MAY NATURALLY AND
20 REASONABLY INFER INTENT. IN DETERMINING WHETHER THE
21 DEFENDANT HAD THE INTENT TO DISTRIBUTE THE CRACK COCAINE
22 AND MARIJUANA YOU MAY CONSIDER THE CIRCUMSTANCES
23 SURROUNDING THE DEFENDANT'S ALLEGED POSSESSION. YOU MAY
24 CONSIDER THE AMOUNT OF THE SUBSTANCE ALLEGED TO HAVE
25 BEEN POSSESSED, THE MANNER IN WHICH IT WAS ALLEGEDLY

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1 POSSESSED, THE PLACE WHERE IT WAS ALLEGEDLY POSSESSED,
2 AND OTHER FACTORS TO WHICH YOU CONSIDER TO BE IMPORTANT.
3 YOU MUST FIND THAT THE DEFENDANT DID NOT INTEND TO HAVE
4 THE CRACK COCAINE AND THE MARIJUANA SOLELY FOR HIS OWN
5 USE.

6 POSSESSION OF MORE THAN TWENTY-
7 EIGHT GRAMS OR ONE OUNCE OF MARIJUANA AND ONE OR MORE
8 GRAMS OF CRACK COCAINE IS AN INFERENCE THAT THE
9 DEFENDANT POSSESSED THE CRACK COCAINE AND THE MARIJUANA
10 WITH INTENT TO DISTRIBUTE IT. THIS INFERENCE DOES NOT
11 RELIEVE THE STATE FROM PROVING BEYOND A REASONABLE DOUBT
12 THAT THE DEFENDANT HAD THE INTENT TO DISTRIBUTE, IT IS
13 SIMPLY AND EVIDENTIARY FACT TO BE TAKEN INTO
14 CONSIDERATION BY YOU ALONG WITH THE OTHER EVIDENCE IN
15 THE CASE AND TO BE GIVEN THE WEIGHT YOU DECIDE IT SHOULD
16 HAVE.

17 POSSESSION WITH INTENT TO DISTRIBUTE
18 CRACK COCAINE NEAR A PARK OR IN CLOSE PROXIMITY TO A
19 PARK OR A SCHOOL. THE DEFENDANT HAS ALSO BEEN INDICTED
20 FOR THAT OFFENSE, THAT IS, POSSESSION WITH INTENT TO
21 DISTRIBUTE CRACK COCAINE IN CLOSE PROXIMITY TO A PARK
22 OR A SCHOOL, AND THE SAME OFFENSE WITH REGARD TO
23 MARIJUANA. THE ELEMENTS OF THIS OFFENSE WHICH THE STATE
24 MUST PROVE BEYOND A REASONABLE DOUBT ARE: ONE, THAT THE
25 DEFENDANT DID UNLAWFULLY POSSESS; TWO, THAT HE INTENDED

1 TO DISTRIBUTE THE CRACK COCAINE AND THE MARIJUANA; AND
2 THREE, IN, ON OR WITHIN A ONE-HALF MILE RADIUS OF A
3 PUBLIC PARK OR A SCHOOL.

4 LADIES AND GENTLEMEN, I CHARGE YOU
5 WITH CIRCUMSTANTIAL EVIDENCE. NOW, THERE ARE TWO TYPES
6 OF EVIDENCE THAT ARE GENERALLY PRESENTED DURING A TRIAL,
7 DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE. DIRECT
8 EVIDENCE IS THE TESTIMONY OF A PERSON WHO ASSERTS OR
9 CLAIMS TO HAVE ACTUAL KNOWLEDGE OF A FACT, SUCH AS AN
10 EYE WITNESS. CIRCUMSTANTIAL EVIDENCE IS PROOF OF A
11 CHAIN OF FACTS AND CIRCUMSTANCES INDICATING THE
12 EXISTENCE OF ANOTHER FACT. THE LAW MAKES ABSOLUTELY NO
13 DISTINCTION BETWEEN THE WEIGHT OR VALUE TO BE GIVEN TO
14 EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE, NOR IS A
15 GREATER DEGREE OF CERTAINTY REQUIRED OF CIRCUMSTANTIAL
16 EVIDENCE THAN THAT OF DIRECT EVIDENCE. YOU SHOULD WEIGH
17 ALL THE EVIDENCE IN THE CASE, AND AFTER WEIGHING ALL THE
18 EVIDENCE IF YOU ARE NOT CONVINCED OF THE GUILT OF THE
19 DEFENDANT BEYOND EVERY REASONABLE DOUBT YOU MUST FIND
20 HIM NOT GUILTY.

21 LADIES AND GENTLEMEN, YOU'VE BEEN
22 SELECTED TO BE FAIR AND IMPARTIAL JURORS, SWORN TO
23 IMPARTIALLY TRY AND DETERMINE THE FACTS OF THIS CASE,
24 AND WHEN YOU COMPLY WITH YOUR OATH TO DO SO, THEN NO ONE
25 WILL HAVE A RIGHT TO CRITICIZE YOUR VERDICT AND YOU WILL

1 HAVE FULLY DISCHARGED YOUR DUTY AS JURORS. YOUR VERDICT
2 MUST NOT BE BASED ON PASSION OR PREJUDICE OR ON PUBLIC
3 OPINION, BUT MUST BE BASED ON THE EVIDENCE AND THE LAW
4 ONLY. AND WHEN YOU DO THAT, THAT IS TO SAY, BASE YOUR
5 VERDICT ON THE LAW AND THE EVIDENCE, NO ONE CAN FIND
6 FAULT WITH YOUR VERDICT.

7 LET ME SHOW YOU THE VERDICT FORM.
8 I'M GOING TO GO -- LET ME STEP DOWN HERE AND GO OVER AND
9 SHOW THE JURY. THIS IS THE VERDICT FORM THAT I HOLD IN
10 MY HAND, LADIES AND GENTLEMEN, AND AS YOU CAN SEE, MR.
11 FOREMAN, YOU WILL BE THE ONE FILLING THIS OUT, AND IT
12 SAYS HERE, THE STATE OF SOUTH CAROLINA VERSUS VONDELL
13 SANDERS, THE DEFENDANT. AND IT SAYS, "WE, THE JURY, BY
14 UNANIMOUS DECISION, IN REGARD TO THE CHARGE OF
15 POSSESSION OF CRACK COCAINE WITH INTENT TO DISTRIBUTE,
16 FIND THE DEFENDANT, VONDELL SANDERS," AND YOU HAVE TWO
17 CHOICES, GUILTY OR NOT GUILTY. I COULD HAVE PUT NOT
18 GUILTY FIRST AND GUILTY SECOND, OR GUILTY FIRST AND NOT
19 GUILTY SECOND. SOMETHING'S GOT TO COME FIRST AND
20 SOMETHING'S GOT TO COME SECOND. THE WAY IT'S WRITTEN
21 HERE HAS ABSOLUTELY NOTHING, SHOULDN'T MEAN ONE THING
22 TO YOU, JUST ONE OF THEM HAS TO COME FIRST AND ONE OF
23 THEM HAS TO COME SECOND. AND IN HERE IT'S GUILTY OR NOT
24 GUILTY. SECONDLY. "WE, THE JURY," -- AND WHICHEVER ONE
25 OF THESE YOU FIND UNANIMOUSLY, MR. FOREMAN, YOU CHECK

1 THAT PARTICULAR DETERMINATION, GUILTY OR NOT GUILTY, AND
2 SIGN YOUR NAME. THEN YOU GO TO THIS CHARGE, "WE, THE
3 JURY, BY UNANIMOUS DECISION IN REGARD TO THE CHARGE OF
4 POSSESSION OF SCHEDULE ONE, TWO OR THREE DRUGS WITH
5 INTENT TO DISTRIBUTE," AND OF COURSE, WE ARE TALKING
6 ABOUT MARIJUANA, "FIND THE DEFENDANT, VONDELL SANDERS,"
7 -- GUILTY OR NOT GUILTY. IF YOU FIND HIM GUILTY BY
8 UNANIMOUS DECISION, YOU CHECK GUILTY. IF YOU FIND HIM
9 NOT GUILTY BY UNANIMOUS DECISION, YOU CHECK NOT GUILTY,
10 AND THEN YOU SIGN YOUR NAME. NOW, UNLESS YOU FOUND HIM
11 GUILTY OF ONE OR MORE OF THESE YOU CAN'T GO TO THE
12 SECOND PAGE, BECAUSE HE CAN'T BE FOUND GUILTY OF
13 POSSESSION WITH INTENT TO DISTRIBUTE WITHIN CLOSE
14 PROXIMITY UNLESS HE'S BEEN FOUND GUILTY OF POSSESSION
15 WITH INTENT TO DISTRIBUTE. DO YOU FOLLOW ME ON THAT?
16 I THINK IT'S PRETTY CLEAR. HE CAN'T BE CONVICTED OF
17 THESE LAST TWO CRIMES UNLESS HE'S GUILTY OF THESE FIRST
18 TWO CRIMES. NOW, AND EACH OF THESE IS SEPARATE. FOR
19 INSTANCE, FOR INSTANCE ONLY, HE COULD BE FOUND GUILTY
20 OF POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE
21 AND NOT GUILTY OF POSSESSION WITH INTENT TO DISTRIBUTE
22 MARIJUANA, IN WHICH CASE, YOU CANNOT FIND HIM GUILTY OF
23 POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA WITHIN
24 CLOSE PROXIMITY BECAUSE HE HASN'T EVEN BEEN FOUND GUILTY
25 OF THAT OFFENSE IN GENERAL. HOWEVER, AGAIN, YOU COULD

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1 FIND HIM GUILTY OF BOTH OF THESE AND YOU COULD FIND HIM
2 NOT GUILTY OF THESE TWO, IF THE STATE HASN'T PROVED TO
3 YOU BEYOND A REASONABLE DOUBT THAT HE'S GUILTY OF THESE.
4 SO, YOU CANNOT FIND HIM GUILTY OF THE PROXIMITY CHARGES
5 UNLESS YOU FOUND HIM GUILTY OF THE INITIAL CHARGES, AND
6 THAT IS POSSESSION WITH INTENT TO DISTRIBUTE THE DRUGS.
7 IF YOU FIND HIM GUILTY OF POSSESSION WITH INTENT TO
8 DISTRIBUTE THE DRUGS, THAT DOES NOT MEAN YOU HAVE TO
9 FIND HIM GUILTY OF THE PROXIMITY CHARGES. I HOPE I'VE
10 MADE MYSELF CLEAR ON THAT, IT'S SOMEWHAT CONFUSING, BUT
11 I THINK YOU FOLLOW MY INSTRUCTIONS. IF YOU CANT, AND YOU
12 DON'T UNDERSTAND IT, COME BACK OUT AND WE'LL DO IT
13 AGAIN, I'LL TRY ANOTHER WAY.

14 BUT MR. FOREMAN, ONCE THE JURY HAS
15 CONSIDERED THE CHARGES THAT THEY WILL CONSIDER, YOU HAVE
16 TO CONSIDER THESE FIRST TWO, AND DEPENDING ON THE
17 OUTCOME OF THEM YOU MAY CONSIDER THE SECOND TWO. ONCE
18 YOU DECIDE WHATEVER THE ANSWER IS TO THESE, GUILTY OR
19 NOT GUILTY, OR THESE GUILTY OR NOT GUILTY, YOU CHECK THE
20 APPROPRIATE BOX AND SIGN YOUR NAME.

21 AND I REMIND YOU AGAIN THAT THESE
22 VERDICTS HAVE TO BE UNANIMOUS, THEY HAVE TO BE THE
23 UNANIMOUS VERDICTS OF ALL TWELVE JURORS. NOW, THAT MAY
24 SOUND REDUNDANT TO YOU, THE UNANIMOUS VERDICT OF ALL
25 TWELVE JURORS. IT'S NOT. I RECALL HAVING A JURY COME

1 BACK AT ONE TIME AND SAID, IS YOUR VERDICT UNANIMOUS?
2 YES, SIR, EVERYBODY THAT VOTED VOTED NOT GUILTY. BUT
3 ONLY ELEVEN OF THEM VOTED. ONE GUY REFUSED TO VOTE. SO,
4 THAT THREW A LITTLE KINK IN IT. BUT WHEN I SAY THE
5 UNANIMOUS OF ALL TWELVE JURORS THAT'S WHAT I MEAN.

6 NOW, I'M GOING TO ASK THE ALTERNATE
7 -- MA'AM, THANK YOU SO MUCH FOR BEING WITH US.
8 OBVIOUSLY, YOU WERE HERE IN THE EVENT WE HAD A JUROR
9 BECOME ILL OR SOMETHING HAPPENED TO ONE OF THE JURORS.
10 THANK GOODNESS THAT HAS NOT HAPPENED. I'M GOING TO ASK
11 YOU TO STAY OUT HERE FOR JUST A MINUTE, AND I'M GOING
12 TO ASK THE OTHER JURORS TO STEP BACK TO THEIR JURY ROOM
13 IN JUST A MOMENT, BECAUSE I'M GOING TO NOW ASK THE
14 ATTORNEYS IF I'VE MISSPOKEN MYSELF IN ANY OF THESE
15 CHARGES. AND IF I HAVE SAID THE WRONG THING OR IF I'VE
16 SAID DEFENDANT WHEN I SHOULD HAVE SAID STATE, OR IF I
17 HAVE FAILED TO CHARGE YOU SOMETHING THAT I SHOULD HAVE,
18 OR IF I HAVE CHARGED YOU WITH SOMETHING THAT I SHOULDN'T
19 HAVE, IN SHORT, IF THERE'S ANY OBJECTIONS TO MY CHARGE
20 OR CORRECTIONS TO MY CHARGE, I DON'T THINK I HAVE, BUT
21 IF THEY CONVINCE ME THAT I HAVE, I'LL HAVE TO BRING YOU
22 BACK OUT AND CORRECT THAT. BUT LET ME TELL YOU NOW,
23 SHOULD I HAVE TO DO THAT, WHAT I TELL YOU THEN WON'T BE
24 ANYMORE IMPORTANT THAN WHAT I'VE JUST TOLD YOU. IT'S
25 NOT TO BRING ANY EMPHASIS TO THAT, IT'S JUST THAT I

1 MESSED UP THE FIRST TIME, AND THAT'S ALL IT MEANS. I
2 HOPE I WON'T HAVE TO BRING YOU BACK OUT, BUT IF I DO IT
3 WILL BE JUST TO CORRECT A MISTAKE THAT I'VE MADE NOW,
4 IT'S NOT IN AN EFFORT TO SHOW ANY EMPHASIS ON THAT
5 WHATSOEVER.

6 IF YOU WOULD, PLEASE STEP BACK TO
7 YOUR JURY ROOM, DO NOT COMMENCE YOUR DISCUSSIONS UNTIL
8 TOLD TO DO SO, AND ONCE WE'VE CLEARED THIS UP, THEN I'LL
9 SEND IN THE EXHIBITS AND YOU CAN START YOUR
10 DELIBERATIONS. THANK YOU.

11 (Whereupon, the jury
12 retires to the jury room.)

13 THE COURT: LET ME THANK YOU AGAIN,
14 MA'AM, FOR STAYING WITH US AND SITTING THROUGH THIS
15 RATHER LENGTHY TRIAL, IT WAS LONGER THAN WE THOUGHT IT
16 WAS GOING TO TAKE AND YOU HAD TO SPEND A LOT OF TIME
17 BACK THERE. I HOPE YOU MADE SOME NEW FRIENDS. BUT I
18 DO APPRECIATE YOU COMING DOWN AND HELPING US OUT WITH
19 THIS CASE. YOU MAY, AND ARE CERTAINLY WELCOME TO STAY
20 AROUND AND WAIT FOR THE VERDICT WITH THE REST OF US, OR
21 YOU CAN GO HOME, DO WHATEVER YOU WANT TO DO, BUT YOU'RE
22 EXCUSED NOW. THANK YOU SO MUCH.

23 JUROR: THANK YOU.

24 THE COURT: THE CHECK'S IN THE MAIL,
25 THE CLERK WILL SEND YOU A CHECK, OF COURSE, FOR YOUR

1 SERVICE, AND YOU WON'T HAVE TO COME BACK. THIS IS THE
2 LAST CASE WE WILL TRY THIS WEEK, BUT THANK YOU SO MUCH.
3 GIVE US YOUR NAME, MA'AM?

4 JUROR BAMBERG: LILLIE BAMBERG.

5 THE COURT: MS. BAMBERG, THAT'S
6 RIGHT.

7 ARE THERE ANY CORRECTIONS OR
8 ADDITIONS TO THE CHARGE?

9 SOLICITOR COLLINS: YES, SIR, YOUR
10 HONOR, I THINK YOU FORGOT TO TALK ABOUT THE PACKAGING
11 AS IT REFERS TO THE INTENT TO DISTRIBUTE.

12 THE COURT: I DIDN'T FORGET ABOUT
13 IT, I JUST DIDN'T DO IT.

14 MR. KRAMER: NO, SIR, I HAVE NO
15 OBJECTION, YOUR HONOR.

16 SOLICITOR COLLINS: I THOUGHT THAT
17 YOU SAID YOU WERE GOING TO -- BECAUSE THAT'S REALLY KEY
18 TO OUR MARIJUANA CASE BECAUSE IT DOESN'T, IT DOESN'T
19 GUARD THE THRESHOLD WEIGHT AMOUNT. HOWEVER, ---

20 THE COURT: LET'S SEE WHAT I SAID,
21 I THINK I DID, I JUST DIDN'T CALL IT PACKAGING. I SAID,
22 INTENT TO DISTRIBUTE, YOU MAY CONSIDER CIRCUMSTANCES
23 SURROUNDING THE DEFENDANT'S ALLEGED POSSESSION, YOU MAY
24 CONSIDER THE AMOUNT OF THE SUBSTANCE ALLEGED TO HAVE
25 BEEN POSSESSED, THE MANNER IN WHICH IT WAS ALLEGEDLY

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1 POSSESSED. THE MANNER IN WHICH IT WAS POSSESSED -- IN
2 THIS CASE, IT HAPPENS TO BE PACKAGING. THE PLACE WHERE
3 IT WAS ALLEGEDLY POSSESSED -- IN LITTLE ZIP LOCK BAGS.
4 I THINK IT WOULD BE ERRONEOUS TO POINT OUT, IN THIS CASE
5 IT WAS IN LITTLE ZIP LOCK BAGS.

6 SOLICITOR COLLINS: YES, SIR.

7 THE COURT: I DON'T WANT TO SAY
8 THAT. I THINK IT'S BEEN FAIRLY CHARGED. I'LL NOTE YOUR
9 OBJECTION IF YOU WANT TO MAKE ONE TO THE CHARGE.

10 SOLICITOR COLLINS: YES, YOUR HONOR,
11 THANK YOU, YOUR HONOR, FOR NOTING IT.

12 THE COURT: VERY WELL.

13 THE COURT: VERY WELL. SO YOU DO
14 OBJECT?

15 SOLICITOR COLLINS: YES, SIR. IN
16 SUPPORT OF WHAT THE COURT IS SAYING, I BELIEVE THAT THE
17 COURT ---

18 THE COURT: YOU DON'T NEED TO
19 SUPPORT ME.

20 SOLICITOR COLLINS: THANK YOU, YOUR
21 HONOR.

22 THE COURT: I DO IT ON MY OWN.

23 MR. KRAMER: THE DEFENSE HAS NO
24 OBJECTIONS TO THE CURRENT CHARGES, YOUR HONOR.

25 THE COURT: THANK YOU. WE'LL SEND

1 IN THE VERDICT FORM, AND TELL THEM TO COMMENCE THEIR
2 DELIBERATIONS, ALONG WITH THE EXHIBITS. YOU MIGHT WANT
3 TO STEP UP AND CHECK WITH THE REPORTER ON THE EXHIBITS.
4 (Whereupon, the jury begins
5 their deliberations at 4:45 p.m.)

6 (Recess)

7 THE COURT: BRING THEM IN.

8 (Whereupon, the jury enters
9 with a verdict at 5:45 p.m.)

10 THE COURT: MR. FOREMAN, I
11 UNDERSTAND YOU'VE REACHED A VERDICT?

12 JURY FOREMAN: YES, SIR.

13 THE COURT: WOULD YOU PASS THAT UP,
14 PLEASE?

15 (Whereupon, the Court
16 examines the verdicts.).

17 THE COURT: VERY WELL, I'LL PUBLISH
18 THE VERDICT.

19 VERDICTS OF THE JURY

20 THE COURT: STATE OF SOUTH CAROLINA
21 VERSUS VONDELL SANDERS, CASE NUMBER 2003-GS-38-2371,
22 2369, 2370 AND 2372.

23 WE, THE JURY, BY UNANIMOUS DECISION
24 IN REGARD TO THE CHARGE OF POSSESSION OF CRACK COCAINE
25 WITH INTENT TO DISTRIBUTE FIND THE DEFENDANT, VONDELL

1 SANDERS, GUILTY.

2 WE, THE JURY, BY UNANIMOUS DECISION
3 IN REGARD TO THE CHARGE OF POSSESSION OF SCHEDULE ONE,
4 TWO OR THREE DRUG WITH INTENT TO DISTRIBUTE, FIND THE
5 DEFENDANT, VONDELL SANDERS, NOT GUILTY.

6 WE, THE JURY, BY UNANIMOUS DECISION
7 IN REGARD TO THE CHARGE OF POSSESSION OF MARIJUANA WITH
8 INTENT TO DISTRIBUTE WITHIN PROXIMITY OF A SCHOOL OR A
9 PARK FIND THE DEFENDANT, VONDELL SANDERS, NOT GUILTY.

10 WE, THE JURY, BY UNANIMOUS DECISION
11 WITH REGARD TO THE CHARGE OF POSSESSION WITH THE INTENT
12 TO DISTRIBUTE CRACK COCAINE WITHIN PROXIMITY OF A SCHOOL
13 OR A PARK FIND THE DEFENDANT, VONDELL SANDERS, GUILTY.

14 SIGNED, CHRIS FURTICK -- AM I
15 PRONOUNCING THAT RIGHT?

16 JURY FOREPERSON: YES, SIR.

17 THE COURT: IS THIS YOUR VERDICT,
18 SO SAY YOU ALL? IF IT IS, PLEASE SIGNIFY BY RAISING YOUR
19 RIGHT HAND.

20 (Affirmative response from jury panel.)

21 THE COURT: WOULD YOU HAVE US POLL
22 THE JURY?

23 MR. KRAMER: YOUR HONOR, PLEASE POLL
24 THE JURY.

25 THE COURT: VERY WELL, POLL THE

1 JURY.

2 CLERK: RUSSELL DAVIS, WAS THIS YOUR
3 VERDICT, AND IS IT STILL YOUR VERDICT?

4 JUROR DAVIS: YES, MA'AM, IT IS.

5 CLERK: TAWYA NEALS, WAS THIS YOUR
6 VERDICT, AND IS IT STILL YOUR VERDICT?

7 JUROR NEALS: YES, MA'AM.

8 CLERK: STEVEN KIZER, WAS THIS YOUR
9 VERDICT AND IS IT STILL YOUR VERDICT?

10 JUROR KIZER: YES, MA'AM.

11 CLERK: TIMOTHY WOLFE, WAS THIS YOUR
12 VERDICT AND IS IT STILL YOUR VERDICT?

13 JUROR WOLFE: YES, MA'AM.

14 CLERK: KENNETH GARVIN, WAS THIS
15 YOUR VERDICT AND IS IT STILL YOUR VERDICT?

16 JUROR GARVIN: YES, MA'AM.

17 CLERK: CHRIS FURTICK, WAS THIS YOUR
18 VERDICT AND IS IT STILL YOUR VERDICT?

19 JUROR FURTICK: YES, MA'AM.

20 CLERK: JANICE GENERTS, WAS THIS
21 YOUR VERDICT AND IS IT STILL YOUR VERDICT?

22 JUROR GENERTS: YES.

23 CLERK: LENELL VOID, WAS THIS YOUR
24 VERDICT AND IS IT STILL YOUR VERDICT?

25 JUROR VOID: YES.

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1 CLERK: LASALLE JACQUES, WAS THIS
2 YOUR VERDICT AND IS IT STILL YOUR VERDICT?

3 JUROR JACQUES: YES, IT IS.

4 CLERK: BARBARA SIFLY, WAS THIS YOUR
5 VERDICT AND IS IT STILL YOUR VERDICT?

6 JUROR SIFLY: YES, IT IS.

7 CLERK: MR. PROVEAUX, WAS THIS YOUR
8 VERDICT, AND IS IT STILL YOUR VERDICT?

9 BAILIFF: WE DON'T HAVE A PROVEAUX.

10 THE COURT: WHO HAS NOT BEEN POLLED?
11 IS THERE ANY MEMBER OF THE JURY PANEL WHO HAS NOT BEEN
12 POLLED?

13 CLERK: EMMA PERKINS. WAS THIS YOUR
14 VERDICT, AND IS IT STILL YOUR VERDICT?

15 JUROR PERKINS: YES, MA'AM.

16 THE COURT: YEAH, THAT WAS THE
17 PERSON WHO DIDN'T SHOW.

18 THE COURT: ALL OF THE JURORS HAVE
19 BEEN POLLED, ALL OF THEM INDICATED IT WAS THEIR VERDICT
20 AND IT IS STILL THEIR VERDICT.

21 ANYTHING FURTHER FROM THE DEFENSE?

22 MR. KRAMER: NOT AT THIS TIME, YOUR
23 HONOR.

24 THE COURT: ANYTHING FROM THE STATE?

25 SOLICITOR COLLINS: NOTHING, YOUR

1 HONOR.

2 THE COURT: LADIES AND GENTLEMEN OF
3 THE JURY, LET ME THANK YOU FOR YOUR SERVICE IN THIS
4 CASE. BEING A JUROR IS NOT EASY BUT IT'S A JOB THAT HAS
5 TO BE DONE, AND IT'S AN IMPORTANT JOB. WITHOUT YOUR
6 HELP AND WITHOUT YOUR ASSISTANCE OUR SYSTEM OF JUSTICE
7 COULD NOT FUNCTION. I THANK YOU PERSONALLY FOR YOUR
8 SERVICE. ORANGEBURG COUNTY THANKS YOU, AS DOES THE
9 STATE OF SOUTH CAROLINA. THIS IS THE LAST CASE WE'LL
10 TRY THIS TERM OF COURT, AND I'VE ENJOYED WORKING WITH
11 YOU THIS WEEK. YOU ARE EXCUSED.

12 IS THE DEFENDANT READY FOR
13 SENTENCING?

14 MR. KRAMER: YOUR HONOR, I HAVE SOME
15 MOTIONS TO MAKE AT THIS TIME.

16 THE COURT: ALRIGHT.

17 MR. KRAMER: THANK YOU, YOUR HONOR.
18 YOUR HONOR, I WOULD LIKE TO MAKE A MOTION FOR A NEW
19 TRIAL ON THE CHARGES OF POSSESSION WITH INTENT TO
20 DISTRIBUTE CRACK COCAINE AND POSSESSION WITH INTENT TO
21 DISTRIBUTE WITHIN PROXIMITY OF A SCHOOL OR A PARK, CRACK
22 COCAINE.

23 THE COURT: ON WHAT GROUND?

24 MR. KRAMER: ON THE GROUND, YOUR
25 HONOR, THAT SUFFICIENT EVIDENCE WAS PROVIDED TO THE JURY

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1 THAT INDICATED THAT SHARON SANDERS, BASICALLY CONFESSED
2 ON THE WITNESS STAND TO HAVING CONTROL AND OWNING UP TO
3 THE CRACK COCAINE, YOUR HONOR.

4 THE COURT: SHE SAID IT WAS HER
5 DRUGS.

6 MR. KRAMER: YES, SIR, YOUR HONOR.

7 THE COURT: THE JURY MUST NOT HAVE
8 BELIEVED HER.

9 MR. KRAMER: YES, SIR.

10 THE COURT: MY CHARGE WAS THAT THEY
11 COULD BELIEVE ALL OF A WITNESS'S TESTIMONY OR NONE OF
12 IT OR ANY PORTION OF IT. APPARENTLY, THEY BELIEVED THAT
13 EITHER THAT SHE WAS NOT TELLING THE TRUTH, OR THAT IT
14 WAS HER DRUGS ALONG WITH THE DEFENDANT, AND THAT PERHAPS
15 BOTH OF THEM EXERCISED DOMINION AND CONTROL OVER IT. I
16 DON'T KNOW WHAT THEIR THINKING WAS, BUT THEY CERTAINLY
17 COULD HAVE FOUND THAT THEY DIDN'T BELIEVE MS. SANDERS.

18 MR. KRAMER: ALONG WITH THAT MOTION
19 FOR A NEW TRIAL, YOUR HONOR, THAT WAS, ALSO MY MOTION
20 FOR JUDGEMENT NOTWITHSTANDING THE VERDICT, THE SAME
21 THING, YOUR HONOR, FOR THE CHARGES OF POSSESSION WITH
22 INTENT TO DISTRIBUTE CRACK COCAINE AND POSSESSION WITH
23 INTENT TO DISTRIBUTE CRACK COCAINE WITHIN PROXIMITY OF
24 A SCHOOL OR A PARK.

25 THE COURT: WELL, I RESPECTFULLY

1 DENY YOUR MOTION.

2 MR. KRAMER: YES, SIR, I ALSO AT
3 THIS TIME RENEW ALL PREVIOUS MOTIONS THAT I MADE BEFORE
4 THE COURT.

5 THE COURT: I DENY THEM AS WELL, THE
6 SAME RULING I HAD PREVIOUSLY.

7 MR. KRAMER: OKAY. YOUR HONOR, I
8 WOULD, AT THIS POINT DOES THE COURT INTEND TO SENTENCE
9 MR. SANDERS?

10 THE COURT: I WAS.

11 MR. KRAMER: YES, SIR, YOUR HONOR,
12 MAY I OFFER SOME ISSUES OF MITIGATION?

13 THE COURT: VERY WELL. BRING THE
14 DEFENDANT AROUND, PLEASE.

15 MR. KRAMER: YES, SIR, YOUR HONOR.

16 THE COURT: VERY WELL. LET ME HEAR
17 FROM THE STATE.

18 SOLICITOR COLLINS: YES, SIR, YOUR
19 HONOR. I GIVE THE COURT HIS PREVIOUS RECORD. HE HAS A
20 NINETY-ONE BURGLARY, SECOND, CHARGE, TWO COUNTS, FOR
21 WHICH HE RECEIVED A YOA SENTENCE. HE HAS A NINETEEN
22 NINETY-FIVE DUS. HE ALSO HAS A GRAND LARCENY OF GREATER
23 THAN A THOUSAND BUT LESS THAN FIVE THOUSAND AND A
24 BURGLARY, THIRD, THAT HE ALSO RECEIVED FIVE YEARS ON
25 BOTH OF THOSE CHARGES AND THEY WERE TO RUN CONCURRENT.

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1 HE HAS PREVIOUS DRUG RECORDS OF POSSESSION WITH INTENT
2 TO DISTRIBUTE AND A DISTRIBUTION OF MARIJUANA. HE
3 RECEIVED TWELVE YEARS ON THE DISTRIBUTE OF -- POSSESSION
4 WITH INTENT TO DISTRIBUTE CRACK COCAINE AND HE RECEIVED
5 FIVE YEARS ON THE DISTRIBUTION OF MARIJUANA, AS WELL AS,
6 HE HAS A FAILURE TO STOP FOR A BLUE LIGHT, ANOTHER
7 DRIVING UNDER SUSPENSION, A BURGLARY, THIRD, AND A GRAND
8 LARCENY, YOUR HONOR. AND THESE WERE ALL IN NINETEEN
9 NINETY-SEVEN THAT HE PLED GUILTY TO. HE AS WELL HAS -
10 - THIS WILL BE HIS THIRD DRUG OFFENSE, BECAUSE HE ALSO
11 HAS A DISTRIBUTION OF CRACK COCAINE, SECOND, WHICH HE
12 RECEIVED TEN YEARS FOR, SUSPENDED TO FOUR YEARS AND TWO
13 YEARS PROBATION, A POSSESSION OF COCAINE WHICH HE
14 RECEIVED TWO YEARS -- THREE YEARS, RATHER, AND RESISTING
15 ARREST, WHICH HE RECEIVED ONE YEAR, YOUR HONOR. THOSE
16 WERE TO RUN CONCURRENT WITH EACH OTHER. ALSO ---

17 THE COURT: WHAT WAS THE LAST ONE?

18 SOLICITOR COLLINS: HE RECEIVED TEN
19 YEARS SUSPENDED TO FOUR YEARS, AND TWO YEARS PROBATION,
20 YOUR HONOR, FOR THE DISTRIBUTION OF CRACK COCAINE.

21 THE COURT: AND WHAT ELSE?

22 SOLICITOR COLLINS: HE ALSO RECEIVED
23 A POSSESSION OF COCAINE WHICH HE RECEIVED THREE YEARS
24 FOR.

25 THE COURT: AND WHAT ELSE?

1 SOLICITOR COLLINS: AND HE RECEIVED

2 ---

3 THE COURT: YOU TOLD ME TWO CHARGES,
4 THERE WERE THREE THAT HE GOT ---

5 SOLICITOR COLLINS: RESISTING
6 ARREST, YOUR HONOR, WHICH HE RECEIVED A YEAR FOR.

7 THE COURT: ANYTHING ELSE?

8 SOLICITOR COLLINS: OFFICE TROY
9 LIVINGSTON WOULD LIKE TO SPEAK ON BEHALF OF ---

10 OFFICER LIVINGSTON: JUDGE, IT
11 DOESN'T SEEM LIKE HE'S LEARNED HIS LESSON. AS FAR AS
12 THE SHERIFF'S OFFICE IS CONCERNED, WE'D LIKE A STIFF
13 CHARGE. HE ALSO BROUGHT TWO PEOPLE TO COME IN AND TRY
14 TO SWAY A DECISION, AND WE'D LIKE A STIFF SENTENCE ON
15 HIM, PLEASE, SIR.

16 THE COURT: VERY WELL. WHAT DOES IT
17 CARRY?

18 SOLICITOR COLLINS: THE CLOSE
19 PROXIMITY CHARGE, YOUR HONOR, CARRIES TEN TO FIFTEEN,
20 AND THE THIRD OFFENSE DISTRIBUTION OF CRACK, POSSESSION
21 WITH INTENT TO DISTRIBUTE CRACK CARRIES UP TO THIRTY.

22 THE COURT: YES, SIR?

23 PROBATION AGENT TURNER: YOUR HONOR,
24 WE WOULD ALSO LIKE TO HANDLE -- HE'S ON COMMUNITY
25 SUPERVISION FOR THOSE CHARGES MR. COLLINS JUST WENT

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1 OVER; THE PWID, COCAINE, PWID, CRACK. AND WE WOULD LIKE
2 TO HANDLE THAT MATTER RIGHT HERE. ALL HE'S LOOKING AT
3 IS A YEAR ON THAT, IF WE COULD HAVE THAT. ALL YOU CAN
4 REVOKE ON THE COMMUNITY SUPERVISION IS ONE YEAR, AND WE
5 WOULD LIKE TO GO AHEAD AND DO THAT AND RUN IT CONCURRENT
6 WITH WHAT HE'S GETTING.

7 THE COURT: VERY WELL.

8 SENTENCE OF THE COURT ON COMMUNITY SERVICE VIOLATION

9 THAT'S YOUR SENTENCE ON THE
10 COMMUNITY SERVICE VIOLATION, THAT THE COURT REVOKES ONE
11 YEAR OF THAT AND TERMINATES IT. IS THAT, WOULD IT BE
12 TERMINATED OR JUST REVOKE ONE YEAR AND SEND HIM BACK?

13 PROBATION AGENT TURNER: YOUR HONOR,
14 I THINK IT'S GOING TO BE REVOKE ONE YEAR, AND THEN,
15 EVENTUALLY HE'S GOING TO BE RELEASED ON COMMUNITY
16 SUPERVISION AGAIN.

17 THE COURT: WELL, ONE YEAR IS
18 TERMINATED, TO RUN CONCURRENT WITH THE OTHER SENTENCES.

19 ANYTHING ELSE FROM THE STATE?

20 SOLICITOR COLLINS: NOTHING, YOUR
21 HONOR.

22 THE COURT: YES, SIR?

23 MR. KRAMER: YOUR HONOR, VONDELL
24 SANDERS WAS BORN ON JULY THE SIXTEENTH, NINETEEN
25 SEVENTY-THREE. HE IS THIRTY YEARS OF AGE, YOUR HONOR.

1 HE WENT THROUGH THE ELEVENTH GRADE, YOUR HONOR, AND THEN
2 WORKED ON A GED IN COMPUTER REPAIR. HE HAS TWO SONS,
3 YOUR HONOR, BOTH BOYS. ONE SON IS EIGHT YEARS OLD, THE
4 OTHER SON IS NINE YEARS OLD. MR. SANDERS HAS PAID CHILD
5 SUPPORT OF TWO HUNDRED AND FIFTY-TWO DOLLARS MONTHLY
6 FOR BOTH OF THESE CHILDREN, YOUR HONOR. VONDELL SANDERS
7 WAS BORN IN COLLETON COUNTY, WALTERBORO, SOUTH CAROLINA,
8 YOUR HONOR. HE HAS PREVIOUSLY HAD TREATMENTS, THE
9 ADDICTION TREATMENT UNIT PROGRAM IN NINETEEN NINETY-
10 EIGHT, AT LEE, I BELIEVE, THE SOUTH CAROLINA DEPARTMENT
11 OF CORRECTIONS, LEE CORRECTIONAL INSTITUTION. HE WAS
12 ALSO SEEN, YOUR HONOR, IN ORANGEBURG IN TWO THOUSAND,
13 ORANGEBURG MENTAL HEALTH, FOR EPILEPSY. HE SERVED THREE
14 TO FOUR DAYS IN JAIL PRIOR TO BONDING OUT, YOUR HONOR,
15 ON THIS CHARGE. HE WOULD INDICATE TO THE COURT HE
16 WORKED AT J.J.'S GARAGE WHICH IS IN CORDOVA, SOUTH
17 CAROLINA, AS A SHOP CLEANER. HE MADE ABOUT A HUNDRED
18 AND TWENTY DOLLARS PER WEEK SINCE OCTOBER OF TWO
19 THOUSAND AND THREE DOING THAT, YOUR HONOR.

20 THE COURT'S INDULGENCE, YOUR HONOR.
21 MAY MY CLIENT ADDRESS THE COURT,
22 YOUR HONOR?

23 THE COURT: YES.

24 DEFENDANT SANDERS: YOUR HONOR, I'D
25 LIKE TO APOLOGIZE TO THE COUNTY OF ORANGEBURG AND

1 EVERYBODY THAT I HAD INVOLVED WITH THIS. AND I DIDN'T
2 TRY TO SWAY ANYBODY, THOSE WERE THOSE INDIVIDUAL'S
3 DRUGS, THOSE WEREN'T MINE, BUT I STILL WOULD LIKE TO
4 APOLOGIZE TO YOU, THE COUNTY, THE SOLICITOR AND
5 EVERYBODY, AND I HOPE THAT YOU'LL SHOW MERCY ON ME FOR
6 WHATEVER YOU GIVE ME, YOUR HONOR.

7 THE COURT: MS. HINDS, ANYTHING YOU
8 WOULD LIKE TO SAY?

9 MS. HINDS: NO, SIR.

10 THE COURT: MR. SANDERS, I'M AWARE
11 OF WHAT YOU WERE OFFERED FOR A GUILTY PLEA. I DON'T
12 WANT YOU TO THINK THAT I'M PUNISHING YOU BY THIS
13 SENTENCE FOR EXERCISING YOUR RIGHT TO A JURY TRIAL,
14 EVERYBODY HAS THAT RIGHT. BUT WHEN YOU PUT THE COUNTY
15 TO THE TEST OF HAVING TO GO GET WITNESSES, SUBPOENA
16 WITNESSES, TAKE UP COURT TIME, HAVE CHEMISTS COME DOWN
17 THAT CAN BE TRYING TESTS OR OTHER CASES, ALL THAT,
18 KNOWING THE WHOLE TIME -- AND I FEEL SURE YOU KNEW, I
19 FIND IT INCREDIBLE THAT THAT WAS GOING ON IN YOUR PLACE
20 OF RESIDENCE AND YOU DIDN'T KNOW ANYTHING ABOUT IT.
21 THAT'S IMPOSSIBLE FOR ME TO BELIEVE. I'M SORRY. I DON'T
22 KNOW IF THE DRUGS BELONGED TO YOU, IF THEY BELONGED TO
23 THEM, IF THEY BELONGED TO BOTH OF YOU, IF ALL THREE OF
24 YOU WERE DEALING OUT OF THAT. APPARENTLY, ACCORDING TO
25 THEIR TESTIMONY, SOME, ONE OF THE OTHER TWO WERE SELLING

1 DRUGS. I FIND IT VERY HARD TO BELIEVE EITHER ONE OF
2 THEIR TESTIMONIES. SUFFICE IT TO SAY, I'M SATISFIED
3 THAT DRUG DEALING WAS GOING ON OUT OF THAT PLACE OF
4 RESIDENCE. IF YOU DIDN'T KNOW ABOUT IT, IT'S MOST
5 DIFFICULT TO BELIEVE THAT. AND THIS COMES FROM SOMEONE
6 WHO HAS A RECORD THAT YOU HAVE. I DON'T, I CAN'T SHOW
7 A WHOLE LOT OF MERCY. I'M GOING TO SHOW YOU SOME MERCY,
8 BUT I CAN'T SHOW A WHOLE LOT OF MERCY FOR SOMEBODY THAT
9 ALLOWS THAT TO GO ON IN A PLACE WHERE HE LIVES, HAVING
10 SPENT A CONSIDERABLE PERIOD OF TIME IN THE PENITENTIARY
11 FOR THE VERY SAME THING. IT'S JUST INCREDIBLE FOR ME
12 TO BELIEVE.

13 SENTENCE OF THE COURT

14 THE SENTENCE OF THE COURT IN THESE
15 MATTERS IS AS FOLLOWS:

16 WITH REGARD TO THE POSSESSION WITH
17 INTENT TO DISTRIBUTE CRACK COCAINE THE SENTENCE OF THE
18 COURT IS THAT YOU BE COMMITTED TO THE DEPARTMENT OF
19 CORRECTIONS FOR A PERIOD OF NINETEEN YEARS.

20 WITH REGARD TO POSSESSION WITH
21 INTENT TO DISTRIBUTE CRACK COCAINE WITHIN CLOSE
22 PROXIMITY, THE SENTENCE OF THE COURT IS THAT YOU BE
23 COMMITTED TO THE DEPARTMENT OF CORRECTIONS FOR A PERIOD
24 OF FIFTEEN YEARS.

25 THAT'S TO RUN CONCURRENT.

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1

THE COURT: THANK YOU.

2

SOLICITOR COLLINS: THANK YOU, YOUR

3

HONOR.

4

DEFENDANT SANDERS: THANK YOU.

5

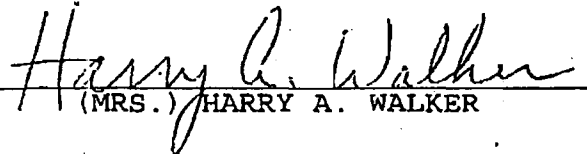
MR. KRAMER: THANK YOU, YOUR HONOR.

CERTIFICATE

I, THE UNDERSIGNED, MRS. HARRY A. WALKER, OF ROWESVILLE, SOUTH CAROLINA, OFFICIAL COURT REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE TWENTIETH - TWENTY-SECOND DAY OF APRIL, 2004.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

DATE: JUNE 30, 2004


(MRS.) HARRY A. WALKER

COUNTY: ORANGEBURG
Case No.: 2003-GS-38-

DATE: APRIL 20, 2004

VOIR DIRE

Judge: JOHN L. BREEDEN, JR.

Pl./State:
STATE OF SOUTH CAROLINA

State/Pl's Atty:
KENT COLLINS

Defendant:
VONDELL SANDERS

Defense Atty:
SAM KRAMER

Court Reporter: (Mrs.) Harry A. Walker

Juror		Strikes:					
No.	Name	Sex	Race	Pl.	Def.	Accept	
147	RUSSELL DAVIS	M	W				X
150	TAWYA NEALS	F	B				X
108	RONNIE SCOTT	M	W		X		
87	LOUISE NETTLES	F	W		X		
149	ELIZABETH KING	F	W	X			
145	WENDY WILLIAMS	M	W		X		
71	STEVEN KIZER	M	W				X
21	RICKIE CARPENTER	M	W		X		
70	HENRY KELLER	M	B	(NOT PRESENT)			
139	TIMOTHY WOLFE	M	W				X
114	LISA STACK	F	W		X		
38	KENNETH GARVIN	M	B				X
36	CHRIS FURTICK	M	W				X
42	JANICE GINERTS	F	W				X
130	LENELL VOID	M	B				X

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State/Pl's Atty:
KENT COLLINS

Defendant:
VONDELL SANDERS

Defense Atty:
SAM KRAMER

Court Reporter: (Mrs.) Harry A. Walker

Juror		Strikes:				
No.	Name	Sex	Race	Pl.	Def.	Accept
107	RICHARD SANDERS	M	B	X		
61	LASALLE JACQUES	M	B			X
140	ANNIE WRIGHT	F	B	X		
111	BARBARA SIFLY	F	W			X
152	WILLIE PRALEAUX	F	B			X
54	HARRISON HODGES	M	B	X		
94	EMMA PERKINS	F	B			X
ALTERNATE:						
24	CHARLES COULTER	M	B	X		
91	ANTOINE PAYTON	M	B		X	
37	JACOB GARRICK	M	W		X	
6	LILLIE BAMBERG	F	B			X

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF ORANGEBURG

FIRST JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

CASE NO.

versus

VONDELL SANDERS,

DEFENDANT

)
) MOTION TO BE RELIEVED
) AS COUNSEL
) TRANSCRIPT OF RECORD

DATE:

MARCH 1, 2004

BEFORE:

HONORABLE JOHN BREEDEN, PRESIDING JUDGE

APPEARANCE:

SAM KRAMER, ESQUIRE

PUBLIC DEFENDER

FOR THE DEFENDANT

HARRY A. WALKER (MRS.)
 COURT REPORTER, FIRST JUDICIAL CIRCUIT
 POST OFFICE BOX 127
 ROWESVILLE, SOUTH CAROLINA 29133

1 DATE:

2 MARCH 1, 2004

3 CLERK: MR. KRAMER HAS A MOTION.

4 THE COURT: YES, SIR.

5 MR. KRAMER: YES, SIR. I HAD TALKED,
6 YOUR HONOR, PREVIOUSLY LAST WEEK AND EARLIER TODAY WITH
7 MR. KENT COLLINS, THE SOLICITOR HANDLING THIS CASE,
8 SAYING I HAD A MOTION HEARING THAT I WANTED TO HAVE MY
9 CLIENT, MR. SANDERS, HERE FOR, YOUR HONOR.

10 AND THE FIRST PART OF THE MOTION,
11 YOUR HONOR, IS, ON THE PRIMARY GROUNDS, MY CLIENT
12 INFORMED ME ON FEBRUARY THE TWENTY-SIXTH THAT HE HAD
13 WRITTEN LETTERS TO THE SOLICITOR'S OFFICE AS WELL AS
14 WELL AS THE CLERK OF COURT WITHOUT MY KNOWLEDGE, YOUR
15 HONOR, SOLICITING EVIDENCE IN HIS CASE. HE INDICATED,
16 WITH MY PARALEGAL BEING PRESENT, ANGELA HALL, THAT HE
17 WOULD NOT STOP WRITING THESE LETTERS. HE ALSO INDICATED
18 THAT HE WOULD LIKE TO REPRESENT HIMSELF. HE'S ON THE
19 TRIAL LIST, YOUR HONOR, FOR THE WEEK OF THE NINTH OF
20 MARCH.

21 I BRING TO THE COURT'S ATTENTION
22 THAT IN OCTOBER OF TWO THOUSAND AND THREE, HIS FIRST
23 BOND, YOUR HONOR, WAS TWO HUNDRED THOUSAND, HE WAS ABLE
24 TO PAY SIX THOUSAND EIGHT HUNDRED AND TWENTY DOLLARS FOR
25 THAT BOND. HIS CURRENT BOND IS SEVENTY-FIVE THOUSAND,