

STATE OF SOUTH CAROLINA

In The Court of Appeals

ORIGINAL

APPEAL FROM CHARLESTON COUNTY

R. Knox McMahon, Circuit Court Judge

RECEIVED

THE STATE,

RESPONDENT, **OCT 16 2015**
SC Court of Appeals

V.

CHARLES TRAMAYNE MYERS,

APPELLANT

APPELLATE CASE NO. 2014-002392

SUPPLEMENTAL RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA) NINTH JUDICIAL CIRCUIT COURT
2 COUNTY OF CHARLESTON) CASE NO. 2013-GS-10-3396
2013-GS-10-3397
2013-GS-10-3398

4 STATE OF SOUTH CAROLINA,)
5 Plaintiff,) Transcript of Record
6 vs.)
7 CHARLES TRAMAYNE MYERS,) Date: October 6, 2014
8 Defendant.) October 7, 2014
October 8, 2014

9 * * * * *

11 B E F O R E:

12 The Honorable Knox McMahon

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21 * * * * *

23 Denise J. Lauder, RPR
24 Ninth Judicial Circuit
25 Court Reporter

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20 (Court Exhibit Number 3 for ID was also marked and
 21 entered as Plaintiff's Exhibit Number 4.)

22
 23
 24
 25

10:20:06AM 1 MR. LEWIS: Yes, based on several
10:20:08AM 2 different reasons.

10:20:10AM 3 THE COURT: All right. All right.
10:20:10AM 4 Solicitor, do you have witnesses as to the
10:20:16AM 5 statement the Defendant allegedly made?

10:20:18AM 6 MS. MULKEY: Yes, Your Honor. We --
10:20:18AM 7 the State believes the statement was voluntarily
10:20:22AM 8 given, but we will call Officer Jamell C. Foster.

10:21:04AM 9 JAMELL C. FOSTER,
10:21:04AM 10 being first duly sworn, testified as follows:

10:21:08AM 11 THE CLERK: Take a seat, state your
10:21:10AM 12 name and spell your last name for the record.

10:21:16AM 13 THE WITNESS: Jamell C. Foster,
10:21:16AM 14 F-O-S-T-E-R.

10:21:16AM 15 DIRECT EXAMINATION

10:21:16AM 16 BY MS. MULKEY:

10:21:22AM 17 Q. Detective Foster, what is your
10:21:22AM 18 occupation?

10:21:28AM 19 A. Police officer.

10:21:32AM 20 Q. What agency do you work for?

10:21:32AM 21 A. City of North Charleston.

10:21:36AM 22 Q. And how long have you worked there,
10:21:36AM 23 sir?

10:21:38AM 24 A. This is 29 years.

10:21:38AM 25 Q. And what is your current assignment?

JAMELL FOSTER - DIRECT EXAM BY MS. MULKEY

10:21:40AM 1 A. I'm on patrol.

10:21:44AM 2 Q. And what was your assignment on

10:21:46AM 3 October 26, 2012?

10:21:48AM 4 A. I was assigned to narcotics division.

10:21:50AM 5 Q. And what were your duties as a

10:21:52AM 6 narcotics detective?

10:21:54AM 7 A. To investigate narcotics sales and

10:21:58AM 8 transactions from various dealers.

10:22:00AM 9 Q. As part of your duties, did you ever

10:22:02AM 10 take statements from individuals?

10:22:04AM 11 A. Yes, ma'am, I did.

10:22:04AM 12 Q. Did you do that quite routinely?

10:22:08AM 13 A. Yes, ma'am.

10:22:08AM 14 Q. Did you do that from witnesses as well

10:22:08AM 15 as suspects?

10:22:12AM 16 A. I did.

10:22:12AM 17 Q. How many would you say that you've

10:22:14AM 18 taken in your career?

10:22:16AM 19 A. If I would guess, hundreds.

10:22:18AM 20 Q. And did you have the occasion to become

10:22:20AM 21 involved in this case in the fall of 2012?

10:22:22AM 22 A. I did.

10:22:22AM 23 Q. And can you please tell the Court how

10:22:26AM 24 you became involved?

10:22:26AM 25 A. Well, we executed a search warrant at

JAMELL FOSTER - DIRECT EXAM BY MS. MULKEY

10:22:30AM 1 the residence. Most of our search warrants we
10:22:34AM 2 utilize the SWAT team for the potential of the
10:22:40AM 3 associated danger with narcotics as far as weapons
10:22:44AM 4 are concerned. On the date in question, the SWAT
10:22:48AM 5 team executed the search warrant at the residence.

10:22:50AM 6 My duties were to secure the perimeter
10:22:54AM 7 at the time until the scene was secured. Once the
10:22:58AM 8 scene was secured, I went by orders of the
10:23:02AM 9 sergeant.

10:23:02AM 10 Q. And in the securing of the scene, what
10:23:06AM 11 do they do with people that they locate?

10:23:10AM 12 A. Everybody that's located inside the
10:23:10AM 13 residence are detained, placed in restraints,
10:23:14AM 14 handcuffs or little plastic restraints.

10:23:16AM 15 Q. That's for officers' safety reasons?

10:23:20AM 16 A. Correct.

10:23:20AM 17 Q. And the officers that detained the
10:23:24AM 18 people that they located on scene, do they come and
10:23:28AM 19 let you know at some point that they have
10:23:30AM 20 individuals detained in case you need to speak with
10:23:34AM 21 them?

10:23:34AM 22 A. Right. All suspects that are detained,
10:23:36AM 23 the word comes down from the SWAT team supervisor.
10:23:40AM 24 You know, we have located one suspect; that suspect
10:23:44AM 25 is detained. Then they will search the house for

JAMELL FOSTER - DIRECT EXAM BY MS. MULKEY

10:23:48AM 1 additional suspects. Once the house is cleared,
10:23:50AM 2 the supervisors notify us and also transmit it via
10:23:56AM 3 the radio.

10:23:58AM 4 Q. And did they locate anyone in or around
10:24:02AM 5 the residence that day?

10:24:02AM 6 A. Yes, ma'am.

10:24:02AM 7 Q. Did they locate the Defendant, Charles
10:24:04AM 8 Myers?

10:24:04AM 9 A. They did.

10:24:06AM 10 Q. Do you see the Defendant here in the
10:24:06AM 11 courtroom?

10:24:06AM 12 A. I do.

10:24:08AM 13 Q. Could you please point to the Defendant
10:24:10AM 14 and identify him for the Court?

10:24:10AM 15 A. Mr. Myers is wearing a white shirt,
10:24:14AM 16 black pants.

10:24:16AM 17 MS. MULKEY: Please let the record
10:24:18AM 18 reflect the Detective has identified the Defendant?

10:24:20AM 19 THE COURT: So reflected.

10:24:22AM 20 BY MS. MULKEY:

10:24:22AM 21 Q. Who else did they locate on scene that
10:24:22AM 22 day?

10:24:24AM 23 A. I believe it was an elderly woman in
10:24:26AM 24 the back of the residence, as well as a young lady.

10:24:30AM 25 Q. And when they arrived -- the SWAT team

JAMELL FOSTER - DIRECT EXAM BY MS. MULKEY

10:24:36AM 1 or the ILP as they're called --

10:24:38AM 2 A. Right.

10:24:38AM 3 Q. -- do they throw everybody into one

10:24:40AM 4 vehicle or one area?

10:24:42AM 5 A. No.

10:24:42AM 6 Q. Why is that?

10:24:44AM 7 A. Separate the -- just to separate the

10:24:52AM 8 Defendants. If they locate one, they notify, hey,

10:24:54AM 9 I got one coming out. And one of the narcotics

10:24:58AM 10 detectives or anybody on the perimeter would meet

10:25:00AM 11 them at the door and escort them out of the

10:25:04AM 12 location.

10:25:04AM 13 Q. Is one of the reasons to separate them

10:25:06AM 14 so that they also don't have an opportunity to

10:25:10AM 15 discuss what's going on with one another?

10:25:12AM 16 A. Correct.

10:25:12AM 17 Q. So they don't have an opportunity to

10:25:14AM 18 get their stories straight?

10:25:16AM 19 A. Correct.

10:25:16AM 20 Q. Once the parties on scene are detained

10:25:18AM 21 and separated, do you assist in the search?

10:25:20AM 22 A. On this particular day, I didn't assist

10:25:24AM 23 in the search; I was outside for the most part.

10:25:28AM 24 And once I could hear on the radio that narcotics

10:25:34AM 25 was located, then I went into the house and I

JAMELL FOSTER - DIRECT EXAM BY MS. MULKEY

10:25:36AM 1 observed where the narcotics were at that time.

10:25:38AM 2 Q. Do you recall generally what they
10:25:40AM 3 located in terms of narcotics?

10:25:44AM 4 A. I believe it was some cocaine and I
10:25:46AM 5 believe there was a firearm that was under the bed
10:25:50AM 6 in a can --

10:25:52AM 7 Q. I'm sorry to interrupt.

10:25:54AM 8 A. -- some type of can or box.

10:25:54AM 9 Q. Was anyone arrested that day?

10:25:56AM 10 A. Yes; Mr. Myers was arrested.

10:26:00AM 11 Q. Was he charged with the drugs and the
10:26:02AM 12 firearm?

10:26:02AM 13 A. Correct.

10:26:02AM 14 Q. And how -- in your training and
10:26:06AM 15 experience, not just as an officer, but as a
10:26:10AM 16 narcotics detective, how do you determine who gets
10:26:14AM 17 arrested for what?

10:26:14AM 18 A. Well, if -- if the -- if a Defendant is
10:26:22AM 19 the sole occupant in that house, a residence, we
10:26:24AM 20 can almost go by the drugs and gun belong to him.
10:26:28AM 21 But it was -- this day in question there were
10:26:30AM 22 multiple subjects in that residence. I believe at
10:26:36AM 23 the time my sergeant had spoke to Mr. Myers, and I
10:26:40AM 24 think he wouldn't get no compliance.

10:26:44AM 25 On the team, I'm sort of known to

JAMELL FOSTER - DIRECT EXAM BY MS. MULKEY

10:26:46AM 1 reason with people and talk and explain what is
10:26:50AM 2 going on, and I believe they put Mr. Myers in the
10:26:52AM 3 vehicle at the time. And Sarge came to me and
10:26:54AM 4 asked me to go speak to him.

10:26:56AM 5 Q. And in your experience as an officer,
10:27:00AM 6 is it common for certain officers to have a better
10:27:04AM 7 rapport than others?

10:27:04AM 8 A. Correct.

10:27:04AM 9 Q. And is it common for one officer to
10:27:08AM 10 speak to somebody and realize for whatsoever reason
10:27:12AM 11 they're not getting through to them and they ask
10:27:14AM 12 another officer to talk to them?

10:27:16AM 13 A. That's correct.

10:27:18AM 14 Q. And it's your testimony that on this
10:27:18AM 15 day your supervisor spoke with the Defendant and
10:27:24AM 16 clearly wasn't able to get through or establish any
10:27:30AM 17 rapport, so he asked you to speak with him?

10:27:32AM 18 A. Yes.

10:27:32AM 19 Q. Getting back to my earlier question on
10:27:34AM 20 who gets arrested for what, do you strive to make
10:27:38AM 21 people individually responsible for only the items
10:27:40AM 22 that are theirs?

10:27:42AM 23 A. Correct.

10:27:42AM 24 Q. And is there -- how many bedrooms were
10:27:44AM 25 in the house?

JAMELL FOSTER - DIRECT EXAM BY MS. MULKEY

10:27:46AM 1 A. I don't recall. I believe it was -- I
10:27:52AM 2 believe -- I think it was two or three bedrooms.

10:27:54AM 3 Q. Would having the ability to look at the
10:27:58AM 4 report help you refresh your recollection?

10:28:12AM 5 I'll move on. As to the -- what was
10:28:16AM 6 located in that residence that day, what did you
10:28:20AM 7 say that you understand they found?

10:28:22AM 8 A. Cocaine and a gun. I believe it was in
10:28:28AM 9 a round can. It might have been a hatbox.

10:28:32AM 10 Q. And is it your understanding, when you
10:28:38AM 11 work the narcotics investigations, there is a case
10:28:40AM 12 agent, correct?

10:28:42AM 13 A. Correct.

10:28:42AM 14 Q. And that case agent is in charge of the
10:28:44AM 15 case and you're there to supplement and assist
10:28:50AM 16 them?

10:28:50AM 17 A. Yes.

10:28:50AM 18 Q. So is it your understanding that the
10:28:54AM 19 drugs were attributed to the Defendant?

10:28:56AM 20 A. Yes, sir.

10:28:56AM 21 Q. And why was this Defendant charged with
10:29:02AM 22 these drugs?

10:29:04AM 23 A. The Defendant was charged with the
10:29:06AM 24 drugs. He gave a written statement claiming
10:29:08AM 25 ownership of the drugs.

CRYSTAL NELSON - DIRECT EXAM BY MS. MULKEY

03:05:12PM 1 Q. And when you placed the gun in the box,
03:05:14PM 2 was there any other items in that box?

03:05:16PM 3 A. No, ma'am.

03:05:16PM 4 Q. And was the Defendant present when you
03:05:22PM 5 were hiding this gun from your nephews?

03:05:26PM 6 A. Yes, ma'am.

03:05:26PM 7 Q. Was anybody else present when you were
03:05:28PM 8 hiding the gun from your nephews?

03:05:30PM 9 A. No, ma'am.

03:05:30PM 10 Q. And where you placed that box under
03:05:32PM 11 your bed, would somebody have been able to see that
03:05:38PM 12 box when you walked into your room?

03:05:40PM 13 A. No, ma'am.

03:05:40PM 14 Q. Was it because you pushed it so far
03:05:42PM 15 back to protect your nephew from being able to
03:05:46PM 16 retrieve it?

03:05:48PM 17 A. Yes, ma'am.

03:05:50PM 18 MS. MULKEY: I have no further
03:05:50PM 19 questions. Please answer any question the defense
03:05:50PM 20 has.

03:05:50PM 21 THE COURT: Thank you, Ms. Solicitor.

03:05:54PM 22 Mr. Lewis?

03:05:54PM 23 MR. LEWIS: Thank you, Judge.

03:05:54PM 24 CROSS-EXAMINATION

03:05:54PM 25 BY MR. LEWIS:

SHIRLEY NELSON - DIRECT EXAM BY MS. MULKEY

10:31:10AM 1 THE COURT: All right. Please come
10:31:34AM 2 around, Ms. Nelson, to be sworn in.

10:31:40AM 3 THE WITNESS: I come all the way over
10:31:42AM 4 there?

10:31:44AM 5 THE CLERK: Yes, ma'am.

10:31:56AM 6 SHIRLEY NELSON,
10:31:56AM 7 being first duly sworn, testified as follows:

10:32:04AM 8 THE CLERK: Please take a seat, state
10:32:06AM 9 your name into the microphone and spell your last
10:32:08AM 10 name for the record.

10:32:10AM 11 THE WITNESS: Okay. Nelson,
10:32:18AM 12 N-E-L-S-O-N, Shirley Nelson. That was right?

10:32:22AM 13 THE COURT: That's perfect.

10:32:24AM 14 THE WITNESS: Okay.

10:32:26AM 15 THE COURT: Solicitor?

10:32:26AM 16 MS. MULKEY: Thank you, Your Honor.
10:32:28AM 17 May it please the Court.

10:32:28AM 18 DIRECT EXAMINATION

10:32:28AM 19 BY MS. MULKEY:

10:32:28AM 20 Q. Good morning, Ms. Nelson.

10:32:30AM 21 A. Good morning.

10:32:30AM 22 Q. How old are you, ma'am?

10:32:30AM 23 A. I am 61. I'll be 62 November 10th.

10:32:36AM 24 Q. And are you currently employed, Ms.
10:32:40AM 25 Nelson?

SHIRLEY NELSON - CROSS EXAM BY MR. LEWIS

11:08:46AM 1 THE COURT: Thank you. Thank you,
11:08:48AM 2 Solicitor.
11:08:48AM 3 Mr. Lewis.
11:08:48AM 4 MR. LEWIS: Thank you, Judge.
11:08:48AM 5 CROSS-EXAMINATION
11:08:48AM 6 BY MR. LEWIS:
11:08:52AM 7 Q. How are you doing, Shirley?
11:08:54AM 8 A. Fine.
11:08:54AM 9 Q. Do you remember me?
11:08:54AM 10 A. I've seen you before, yes.
11:08:56AM 11 Q. Okay. Just making sure. I came by
11:08:58AM 12 your house and talked to you.
11:09:00AM 13 A. Yes.
11:09:00AM 14 Q. I want to talk to you specifically
11:09:02AM 15 about Charles. You never saw Charles with any
11:09:06AM 16 drugs?
11:09:08AM 17 A. No.
11:09:08AM 18 Q. You never saw him holding a gun?
11:09:12AM 19 A. No.
11:09:12AM 20 Q. You told me you actually would have
11:09:16AM 21 kicked him out if you saw him with cocaine in your
11:09:18AM 22 house?
11:09:18AM 23 A. What you say?
11:09:20AM 24 Q. I know, I'm just making sure.
11:09:22AM 25 A. Yes.

SHIRLEY NELSON - CROSS EXAM BY MR. LEWIS

- 11:09:22AM 1 Q. Charles didn't pay your bills?
- 11:09:26AM 2 A. He helped with the water bill.
- 11:09:28AM 3 Q. Okay. But his name isn't on it?
- 11:09:30AM 4 A. Oh, no, no, no.
- 11:09:32AM 5 Q. He didn't pay your rent?
- 11:09:34AM 6 A. Oh, no, that's me.
- 11:09:34AM 7 Q. He doesn't get his mail there?
- 11:09:38AM 8 A. No.
- 11:09:38AM 9 Q. How many nights would you say during
11:09:42AM 10 the relationship he slept over there?
- 11:09:46AM 11 A. I guess three or four.
- 11:09:48AM 12 Q. Three or four?
- 11:09:48AM 13 A. Yeah.
- 11:09:50AM 14 Q. In the entire I guess two and a half
11:09:52AM 15 years you've lived there?
- 11:09:52AM 16 A. Yeah, I guess so.
- 11:09:54AM 17 Q. Who are Mandy and Oliver Nelson?
- 11:09:56AM 18 A. That's my son and my daughter-in-law.
- 11:10:00AM 19 Q. And they got put out around that time.
11:10:04AM 20 Did they spend a couple of nights at your house?
- 11:10:06AM 21 A. On the floor, yes, they did.
- 11:10:06AM 22 Q. So they had stayed --
- 11:10:08AM 23 A. That was the only place they could
11:10:10AM 24 sleep.
- 11:10:10AM 25 Q. I understand that. Nothing wrong with

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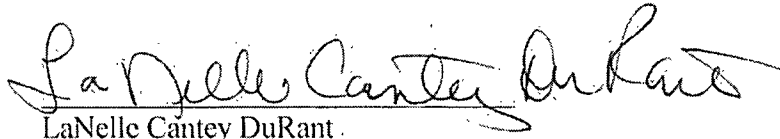
OCT 16 2015

SG Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Supplemental Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

October 16, 2015



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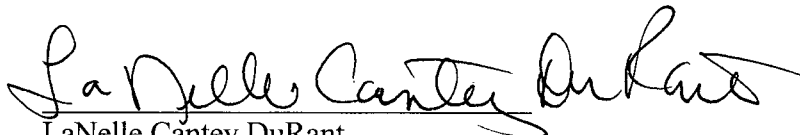
CERTIFICATE OF COUNSEL FOR APPELLANT

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Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Supplemental Record on Appeal complies to the best of my ability with the April 19, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

OCT 16 2015
SC Court of Appeals

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