

22858

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable John C. Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

STEVEN EDWARD JENNINGS

APPELLANT

APPELLATE CASE NO 2015-002598

RECORD ON APPEAL

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RECEIVED

OCT 12 2016

SC Court of Appeals
NO DEFENDANT'S BRIEF

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF PICKENS	)	
State of South Carolina	)	
	)	
	)	
v.	)	Case No. 14-GS-39-2778
	)	
Steven Edward Jennings,	)	
	)	
Respondent.	)	

TRANSCRIPT OF TRIAL IN ABSENTIA

The within Jury Trial in the above-captioned matter was held on September 30th and October 1st, 2015, The Honorable John C. Hayes, in Courtroom 4 of the Pickens County Courthouse, 235 Main Street, Pickens, South Carolina, attended by counsel as follows:

APPEARANCES:

Baker Cleveland, Assistant Solicitor
 13th CIRCUIT SOLICITORS OFFICE
 Appearing for State of South Carolina

John W. DeJong, Public Defender
 PICKENS COUNTY PUBLIC DEFENDER
 ... Appearing for Defendant

Deborah Garrison
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Examination of Angie King, Clerk of Court

1

2

(DEFENDANT NOT PRESENT)

3

(IN CHAMBERS OFF-RECORD CONFERENCE)

4

5

6

7

8

9

THE COURT: All right, we will go forward with the preliminary of whether or not I determine if the State can go forward today given that the defendant is not present. Do you have any reason to believe he is going to show up, Mr. DeJong?

10

MR. DEJONG: No, Your Honor.

11

12

THE COURT: Okay. Thank you, Mr. DeJong. Mr. Cleveland?

13

14

15

SOLICITOR CLEVELAND: Thank you, Your Honor. The State would call Angie King to the stand.

16

17

THE COURT: All right. Please come up and be sworn.

18

(WITNESS TAKES STAND)

19

20

21

ANGIE KING, having been duly sworn to tell the truth, and nothing but the truth, testified as follows:

22

DIRECT EXAMINATION

23

BY SOLICITOR CLEVELAND:

24

Q. Ms. King, who do you work for?

25

A. The Thirteenth Circuit Solicitor's

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Examination of Angie King, Clerk of Court

1 Office.

2 Q. And is it in your responsibility to
3 notify, to send notices to defendants when
4 their court date is scheduled and when they
5 are to appear?

6 A. Yes, sir.

7 Q. And in the case we're here on today,
8 a Mr. Steve Jennings, did you notify him that
9 he had a court date today; Wednesday,
10 September 30?

11 A. Yes, sir.

12 Q. How did you notify him of this court
13 date?

14 A. Through a bond card that we issue
15 through our office.

16 Q. All right.

17 SOLICITOR CLEVELAND: And I'm going
18 to hand up what I'm marking as Court's
19 Exhibits 1 and 2.

20 (SO MARKED AS COURT'S EXHIBIT 1)

21 (SO MARKED AS COURT'S EXHIBIT 2)

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR CLEVELAND:

24 Q. Ms. King, I'm handing you Court's
25 Exhibit Number 1. Do you recognize that

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Examination of Angie King, Clerk of Court

1 document?

2 A. Yes, sir.

3 Q. And what is that document?

4 A. It is a copy of the order for bail.

5 Q. All right. And did you personally
6 retrieve that document?

7 A. Yes, I did.

8 Q. And where was it filed?

9 A. In the Pickens County Clerk of
10 Court's Office.

11 Q. All right. Does it have the warrant
12 number 2014-GS-39 -- ending in 154. Is that
13 what it ---

14 A. Yes, it does.

15 Q. And is it the bond for Mr. Steve
16 Jennings?

17 A. Yes.

18 Q. And what address is appended to the
19 bottom of that bond?

20 A. There's actually two addresses
21 listed. The first one that is typed in is
22 Williamston, South Carolina
23 29697. And then there's a handwritten
24 address of , Belton, 29627.

25 Q. All right. Did you send notice to

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Examination of Angie King, Clerk of Court

1 one or both of those addresses?

2 A. I believe I sent it to both
3 addresses.

4 Q. All right. Real quickly on that
5 form, is there a section where the defendant
6 acknowledges that a trial will be held in his
7 absence if he does not appear on his court
8 date as noticed?

9 A. (Reviewing document).

10 Q. I draw your attention where it says
11 "acknowledgement by defendant" on that form?

12 A. (Upon review), yes.

13 Q. All right.

14 SOLICITOR CLEVELAND: At this time
15 the State would seek to admit Court's Exhibit
16 Number 1, a copy of the Defendant's bond.

17 THE COURT: Any objection?

18 MR. DEJONG: Your Honor, I
19 apologize. I have a hard time hearing in
20 this courtroom. But I think -- if he's
21 introducing it, I have no objection.

22 THE COURT: Okay. In without
23 objection.

24 (SO ENTERED AS COURT'S EXHIBIT 1)

25 DIRECT EXAMINATION CONINUED

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Examination of Angie King, Clerk of Court

1 BY SOLICITOR CLEVELAND:

2 Q. And does it at least -- one last
3 question, Ms. King. Does it at least appear
4 to have Mr. -- a signature represented to be
5 Mr. Steve Jennings' at the bottom of it?

6 A. Yes, it does.

7 Q. I'm going to hand up State's Exhibit
8 Number 2. It's a stack of cards stapled
9 together. I apologize, Court's Exhibit Number
10 2. Do you recognize those items?

11 A. Yes, I do.

12 Q. What are they?

13 A. These are the file copy of the bond
14 cards that were sent out.

15 Q. All right. Were those sent via U.S.
16 Mail?

17 A. Yes, they were.

18 Q. And what are the addresses, the name
19 and address on those cards?

20 A. Steven Jennings,
21 Williamston, South Carolina 29697.

22 Steven Jennings, , Belton,
23 South Carolina 29627.

24 And John DeJong,
25 Pickens, South Carolina 29671.

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Examination of Angie King, Clerk of Court

1 Q. All right. Do those cards indicate
2 that Mr. Jennings has a court date in General
3 Sessions, here in Pickens County Courthouse
4 on today's date, September 30th?

5 A. Yes, it does.

6 Q. All right. Does those court cards
7 also have any other acknowledgments or notice
8 about what would happen if someone misses
9 their court date?

10 A. Yes, it does.

11 Q. What does it say?

12 A. It says failure to appear may result
13 in trial being conducted in the defendant's
14 absence and/or a bench warrant being issued
15 for defendant's arrest.

16 Q. Thank you. And to your knowledge,
17 were those sent out U.S. Mail within ten days
18 of this court date?

19 A. Yes, sir. It looks like they were
20 sent out 9/14.

21 Q. Okay. Thank you.

22 SOLICITOR CLEVELAND: The State
23 would seek to admit Court's Exhibit Number 2
24 into evidence at this time. Copies of filed
25 bond cards.

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Examination of Angie King, Clerk of Court

1 THE COURT: Any objection?

2 MR. DEJONG: No objection, Your
3 Honor.

4 THE COURT: In without objection.

5 (SO ENTERED AS COURT'S EXHIBIT 2)

6 SOLICITOR CLEVELAND: Thank you.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR CLEVELAND:

9 Q. To your knowledge, since you sent
10 the notice, Ms. King, has Mr. Jennings made
11 any contact with you or had any communication
12 with the Solicitor's office or court
13 officials indicating that he wouldn't be here
14 today or made any excuse for his absence?

15 A. Not with me and not that I'm aware
16 of with our office.

17 Q. Thank you.

18 SOLICITOR CLEVELAND: No further
19 questions.

20 THE COURT: Mr. DeJong?

21 MR. DEJONG: No cross, Your Honor.

22 THE COURT: Okay. Well, you can
23 step down. We appreciate your time.

24 WITNESS: Thank you.

25 (WITNESS STEPS DOWN)

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1 THE COURT: You're excused.

2 SOLICITOR CLEVELAND: Your Honor,
3 at this time, the State would move that we
4 have complied with the notice requirements as
5 required by law, both under Mr. Jennings'
6 bond and ---

7 THE COURT: The only additional
8 thing I would request is that the bailiff
9 please call his name three times outside the
10 courtroom or outside. It's a little
11 problematic since we've got the jury standing
12 outside, right outside the courtroom.

13 MR. DEJONG: I would prefer that
14 not be done. Although, I'm sure Your Honor
15 -- I trust that your preliminary remarks is
16 going to comment to the jury on him not being
17 present.

18 THE COURT: I am.

19 MR. DEJONG: And that being the
20 case, I don't know that it makes a great of
21 difference.

22 THE COURT: Well, let me ask the
23 bailiff go out in front of the courthouse.

24 MR. DEJONG: All right.

25 SOLICITOR CLEVELAND: And I will

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Examination of Angie King, Clerk of Court

1 say as -- I don't know which bailiff it was
2 downstairs, but I did ask one of the bailiffs
3 in courtroom number one to sound his name.
4 There was no response at this point.

5 THE COURT: Can we get that
6 bailiff up here and go ahead ---

7 SOLICITOR CLEVELAND: Honestly, I
8 don't remember. We've got about three
9 bailiffs down there and I don't remember who
10 I asked, Your Honor. I apologize.

11 (OFF RECORD DISCUSSION)

12 SOLICITOR CLEVELAND: You know
13 what, Your Honor, I would just prefer doing
14 it again outside courtroom number one.

15 THE COURT: Okay. That's fine.

16 SOLICITOR CLEVELAND: Because I
17 can't say for absolute certain who it was.
18 And if they'll just sound his name again,
19 then we will have a record.

20 THE COURT: That's fine.

21 SOLICITOR CLEVELAND: Thank you,
22 Your Honor.

23 (COURT AT-EASE)

24 THE COURT: While he's doing that;
25 Mr. DeJong, do you have anything you want to

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Examination of Angie King, Clerk of Court

1 put on the record concerning this?

2 MR. DEJONG: Yes, Your Honor. It
3 may be a little bit disjointed, but with
4 regard to this I would like to put something
5 on the record with Your Honor's permission.

6 May it please the Court, Your Honor.
7 I opened my file on this case on January the
8 15th of 2014, at which time we had an address
9 on Mr. Jennings of ,
10 Williamston, South Carolina 29697.

11 I have a letter here, Your Honor --
12 or an envelope with a letter enclosed
13 postmarked the 11th day of August, 2015.
14 It was returned "undeliverable, unable to
15 forward."

16 I have another envelope, a letter
17 enclosed, postmarked the 20th day August of
18 2015. The post office returned that
19 "undeliverable, unable to forward."

20 Now I'm way out of order but I have
21 one also postmarked November 14, 2014, that
22 was returned to me "not deliverable as
23 addressed, unable to forward."

24 I would further note, Your Honor,
25 that on September 24, 2015, my secretary

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Examination of Angie King, Clerk of Court

1 attempted to call Mr. Jennings at the number
2 we had, that being area code 864-392-8511.
3 The note she put in the file is that call
4 went straight to a busy signal. She then
5 tried again, Your Honor, got a message that
6 the number she had reached had been
7 disconnected or was no longer in service.
8 That was on both on September 24th.

9 On September 23, 2015, she called --
10 attempted to call again at that number. The
11 message was that the number had been
12 disconnected or was not in service.

13 Now, prior to that, Your Honor, she
14 also attempted a number on September 17,
15 2015, and it went straight to a busy signal.
16 She tried again on the same day and got the
17 message that the number she had reached had
18 been disconnected or no longer in service.

19 So I put that on the record, Your
20 Honor. We have attempted to contact Mr.
21 Jennings. To my knowledge -- I have not been
22 through my file paper by paper, but I believe
23 that is the only address we ever had for him,
24 Your Honor.

25 THE COURT: Thank you.

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Examination of William Karr - Bailiff

1 SOLICITOR CLEVELAND: I don't have
2 much to add, Your Honor, I just want to make
3 the courts aware that Mr. Jennings has
4 reported for a bond card before. I know
5 that's really of zero consequence for today.
6 But I do have a note. I know he appeared.

7 I inherited this case from a prior
8 solicitor in my office, but I do have a note
9 that he at least appeared on March 26 of
10 2015. And I don't think we've had any
11 address updates or changes since then. So
12 we're just proceeding as we always do.

13 BAILIFF: Your Honor, there was no
14 response when I ---

15 THE COURT: Come around. You
16 don't have to take the stand, but the clerk's
17 going to put you under oath.

18 (BAILIFF COMES FORWARD)

19 WILLIAM KARR, having been duly sworn
20 to tell the truth, and nothing but the truth,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR CLEVELAND:

24 Q. State your name, sir?

25 A. William Glenn Karr, K-A-R-R.

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Examination of William Karr - Bailiff

1 Q. And Mr. Karr, did you sound Steven
2 Edward Jennings' name in the common areas of
3 this courthouse?

4 A. Yes, sir. I did at about 11:20.

5 Q. All right. And was there any
6 response?

7 A. No response whatsoever.

8 Q. Thank you.

9 THE COURT: Mr. Karr, for the
10 record, what is your title?

11 BAILIFF: Bailiff.

12 THE COURT: Okay. Thank you.
13 Mr. DeJong, do you have any questions of Mr.
14 Karr?

15 MR. DEJONG: No, sir.

16 SOLICITOR CLEVELAND: I would ask
17 Your Honor, I guess just in an abundance of
18 caution, once the jury is back in here and
19 right before we start, maybe we could step
20 out in the hall and call his name out here --
21 just out of an abundance of caution.

22 THE COURT: That's fine. Let me
23 have the exhibits real quick.

24 COURT REPORTER: Yes, sir,
25 (tendering exhibits to Judge).

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Examination of William Karr - Bailiff

1 THE COURT: Thank you. (Upon
2 review), I find that the State may proceed to
3 trial on Mr. Jennings in his absence.

4 It appears evident to me on the
5 record that Mr. Jennings has been given
6 proper notice to appear for Court and failure
7 to do so, as he was aware, he could be tried
8 for this charge in his absence, particular
9 from his bond papers that have been entered
10 as Court's Exhibit Number 1 indicated that he
11 understood that if he violated the bond
12 order, he would be subject to a bench
13 warrant.

14 The second that he signed states,
15 quote, (reading): "*I understand I have been*
16 *informed I have a right, an obligation to*
17 *appear for trial. And should I fail to*
18 *attend the court the trial will proceed in my*
19 *absence,*" unquote.

20 He was noticed to be in Court in a
21 term of General Sessions. It does not have a
22 date on it but he has appeared, according to
23 the information handed up by the Solicitor
24 for these cards, what are called a bond card,
25 which I'm not completely familiar with.

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Examination of William Karr - Bailiff

1 They're in the record as Court's Exhibit 2.
2 So I find that the State can proceed to try
3 him on this charge in his absence.

4 SOLICITOR CLEVELAND: Thank you,
5 Your Honor.

6 MR. DEJONG: And Your Honor, having
7 made that finding, I'm not arguing with that
8 finding, but I would ask for a continuance,
9 Your Honor, in an attempt to find my client.

10 Trying a case in a client's absence
11 -- trying a case when my client is present
12 sometimes is very difficult. But trying them
13 in their absence becomes much more difficult.
14 So I would simply request a continuance and a
15 bench warrant be issued, Your Honor.

16 THE COURT: All right. Well, I
17 understand your request but that Motion is
18 denied.

19 Mr. Jennings has been properly
20 noticed. The indictment was true billed back
21 in February of this year and he appeared at
22 least on one occasion, we have -- so we're
23 going to proceed to trial in his absence.

24 All right. Let's bring in the jury.

25 I've got the defense's request for

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Jury Qualification and Selection

1 *voir dire*. Does the State have any *voir*
2 *dire*, other than the witness list?

3 SOLICITOR CLEVELAND: Nothing other
4 than the witness list, Your Honor. I think
5 the Defense's *voir dire* pretty well covers
6 it.

7 THE COURT: I think I -- and
8 counsel, I have started just asking them to
9 stand up where they are instead of coming
10 forward.

11 SOLICITOR CLEVELAND: That's fine.
12 It's practical where they are.

13 MR. DEJONG: That's fine with me,
14 Your Honor.

15 (JURY PANEL IN AT 11:30 A.M.)

16 THE COURT: Members of the jury
17 panel, we're going to go forward now on the
18 trial of Mr. Steven Edward Jennings for the
19 offense of possessing with intent to
20 distribute a controlled substance called
21 methamphetamine.

22 Now, Mr. Jennings is not here. I
23 have made a legal ruling that the State could
24 go forward and try him in his absence. He
25 has entered a plea of not guilty. The fact

1 that he is not here cannot be used against
2 him in any way whatsoever. That is, his not
3 being in court, not being seated here with
4 his counsel during this trial, is not an
5 admission by him of any guilt. I want that
6 to be very clear.

7 The State, as I will tell the jury
8 that is seated, has the burden of proving his
9 guilt beyond a reasonable doubt.

10 He need not, that is Mr. Jennings,
11 need not prove his innocence. So even though
12 Mr. Jennings is not here, the burden is on
13 the State. Mr. Jennings is presumed
14 innocent.

15 The State must prove his guilt
16 beyond a reasonable doubt.

17 Now, I have some questions to ask
18 regarding this case. I'm not going to have
19 you come up like we did on Monday to talk
20 about any of these matters with me. I'd
21 rather you just stand. And when you feel
22 like you need to discuss any of these issues
23 with me, and I'll have a dialogue with you
24 from where you are seated.

25 First, were any of you members of

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Jury Qualification and Selection

1 the Grand Jury which passed on this indict-
2 ment at an earlier time? If so, please
3 stand. (No response). No one stands.

4 Have any of you heard about this
5 case from any source whatsoever or have any
6 of you formed or expressed any opinion about
7 any matter or issue in this case? If so,
8 please stand. (No response). No one stands.

9 Are any of you related by blood or
10 marriage to anyone who is now or has been
11 employed with Mr. Walt Wilkins, the Solicitor
12 for the Thirteenth Circuit Solicitor's Office
13 or Mr. DeJong and the Public Defender's
14 Office? If so, please stand. (No response).
15 No one stands.

16 Have any of you appeared as a
17 witness or been a victim and appeared on
18 behalf of either the State in a criminal
19 proceeding or a defendant in a criminal
20 proceeding? If so, please stand. (No
21 response). No one stands.

22 Have any of you or a member of your
23 family ever been -- and I'm not going to ask
24 you to go into detail because this is one of
25 those questions that is somewhat personal.

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Jury Qualification and Selection

1 So I'm not going to ask you to tell me
2 background. I'm just going to simply ask you
3 to stand if you are in this category. Have
4 you or a member of your family been either --
5 been affected by someone using illegal drugs?
6 Again, I'm not going to ask you to tell me
7 particulars. But who have had a family
8 member who had an issue with substance abuse?
9 Or if you've had any event in your life, such
10 as some other type thing, that you believe
11 was the result of someone's use of illegal
12 drugs? If so, please stand.

13 JUROR NUMBER 60: (Stands)

14 JUROR NUMBER 101: (Stands)

15 JUROR NUMBER 95: (Stands)

16 JUROR NUMBER 93: (Stands)

17 JUROR NUMBER 19: (Stands)

18 JUROR NUMBER 97: (Stands)

19 All right. Again, I'm not going to ask
20 you to tell me anything but your name and
21 your number.. There are five of you standing
22 and after you tell me your name and number --
23 and six, ma'am. Just remain standing.

24 JUROR NUMBER 60: 60, John
25 Grazioski.

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Jury Qualification and Selection

1 JUROR NUMBER 101: Tom Moser

2 (phonetic).

3 JUROR NUMBER 95: Juror 95, Travis
4 McAlister.

5 JUROR NUMBER 93: Leonard McAlister.

6 THE COURT: Yes, ma'am?

7 JUROR NUMBER 19: Michelle Brooks.

8 JUROR NUMBER 97: Number 97, Leslie
9 McWhorter.

10 THE COURT: All right. Would the
11 fact that you have this as part of your life
12 experience, affect your ability to fairly and
13 impartially -- could you still -- if you
14 could not be fair and impartial in this trial
15 because of this history, please raise your
16 right hand? (No response). None do. Thank
17 you. You may be seated.

18 Do any of you have any religious,
19 philosophical or any other belief that would
20 prevent you from being fair and impartial in
21 the trial of this case? If so, please stand.
22 (No response). No one stands.

23 Are any of you or a member of your
24 immediate family members of or contributors
25 to organizations such as Mothers Against

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Jury Qualification and Selection

1 Drunk Drivers, Students Against Drunk
2 Drivers, Citizens Against Violence, Truth
3 Association, Fraternal Order of Police or
4 Sheriff's Association? If so, please stand?

5 JUROR NUMBER 95: (Stands)

6 THE COURT: All right. Yes, sir.
7 Your name and number again. And I know you
8 just stood, but we have to make a record?

9 JUROR NUMBER 95: Yeah. That's
10 fine. Travis McAlister, Juror Number 95.

11 THE COURT: Since you're standing,
12 I have to ask would your association with any
13 of those associations, if that would prevent
14 you from being fair and impartial, raise your
15 right hand?

16 JUROR NUMBER 95: (Raises right
17 hand)

18 THE COURT: Okay, you can be
19 seated. That will exclude you from being on
20 this draw.

21 (JUROR NUMBER 95 EXCUSED)

22 THE COURT: Now, have any of you or a
23 member of your -- are any of you or a member
24 of your immediate family involved in law
25 enforcement at any level or involved in the

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Jury Qualification and Selection

1 prosecution of criminal cases at any level?

2 If so, please stand? And when I say at any

3 level ---

4 JUROR NUMBER 95: (Stands).

5 THE COURT: You've already been excused

6 you don't have to stand, but the rest of them

7 do.

8 JUROR NUMBER 95: (Seated)

9 THE COURT: At any level? And this

10 time I would like you to tell me when I ask

11 your name and number, being that you're

12 standing, that 'Uncle Joe is a policeman' or

13 whatever.

14 JUROR NUMBER 19: (Stands)

15 JUROR NUMBER 97: (Stands)

16 JUROR NUMBER 149: (Stands)

17 THE COURT: So, Yes, ma'am?

18 JUROR NUMBER 19: Juror Number 19,

19 Michelle Brooks. My niece is a policeman at

20 the law enforcement center.

21 THE COURT: Okay.

22 JUROR NUMBER 97: Number 97, Leslie

23 McWhorter. My brother-in-law is a police

24 officer in Anderson.

25 JUROR NUMBER 149: Hannah Trotter,

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Jury Qualification and Selection

1 Number 149. My father is a Federal probation
2 officer.

3 THE COURT: All right. I'm going
4 to ask the other two of you to stand again.

5 JUROR NUMBER 19: (Stands)

6 JUROR NUMBER 97: (Stands)

7 THE COURT: Would that
8 relationship prevent you from being fair and
9 impartial? If it would prevent you from
10 being fair and impartial, raise your right
11 hand. (No response).. None of them do.
12 Thank you.

13 JUROR NUMBER 19: (Seated)

14 JUROR NUMBER 97: (Seated)

15 JUROR NUMBER 149: (Seated)

16 THE COURT: Following are possible
17 witnesses in this case. I do not know that
18 all will testify, but even if they don't
19 testify, their names may come up. So I want
20 to ask you if you know or if you're related
21 or if you just happen to know any of these
22 any of these individuals. If so, please
23 stand.

24 From the Pickens Police Department:

25 Tye Nalley

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Jury Qualification and Selection

1 Brian Smith

2 Robbie Raines

3 From the Greenville Crime Lab:

4 James Armstrong

5 Then not associated with law enforcement:

6 Bridgette Crawford

7 If you know any of these persons,
8 please stand.

9 JUROR NUMBER 144: (Stands)

10 JUROR NUMBER 101: (Stands)

11 THE COURT: Yes, ma'am. Your name
12 and number?

13 JUROR NUMBER 144: Julie Thompson,
14 144. I know Brian Smith.

15 THE COURT: Just remain standing.

16 JUROR NUMBER 101: 101, John Moser.
17 I know Tye Nalley.

18 THE COURT: All right. Knowing
19 these witnesses, I have to ask you would that
20 prevent you from being fair and impartial in
21 the trial of this case? If so, please raise
22 your right hand. (No response). Neither do.
23 All right. Thank you.

24 JUROR NUMBER 144: (Seated)

25 JUROR NUMBER 101: (Seated)

1 THE COURT: Anything further from
2 the State?

3 SOLICITOR CLEVELAND: Nothing
4 further as far as to the jury, Your Honor.

5 THE COURT: Anything from the
6 Defense?

7 SOLICITOR CLEVELAND: Nothing
8 further on behalf of Mr. Jennings, Your
9 Honor.

10 THE COURT: All right.
11 Now, do any of you know of any reason
12 whatsoever why you could not or should not
13 serve as a fair and impartial juror on the
14 trial of this particular case? If so, please
15 stand?

16 JUROR NUMBER 8: (Stands).

17 THE COURT: All right. I'm not
18 going to ask you to go into great detail, but
19 you do not believe you could be fair and
20 impartial?

21 JUROR NUMBER 8: No, sir.

22 THE COURT: All right. Your name
23 and number?

24 JUROR NUMBER 8: Paul Barker,
25 Number 8.

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Jury Qualification and Selection

1 THE COURT: All right. I'll
2 excuse you. Don't leave, but just have a
3 seat. But I excuse you from serving on this
4 panel and I appreciate your candor.

5 (JUROR NUMBER 8 EXCUSED)

6 THE COURT: Now, the way we draw
7 juries in this court is as follows. Each
8 side has the right to strike, that is, excuse
9 up to five individuals.

10 Names are drawn at random. When you
11 hear your name called, please stand where you
12 are. Face first the table where Mr.
13 Cleveland is seated. He will say either
14 present the juror or excuse the juror.

15 If he says excuse the juror, just sit
16 back down. Don't leave.

17 If he says present the jury, face the
18 table where Mr. DeJong is seated. He will
19 say either excuse the juror -- again that
20 means you may take your seat -- or he will
21 say swear the juror.

22 And if you hear those three words, "swear
23 the juror", the bailiff will show you how to
24 be seated here in the jury box.

25 We will draw twelve jurors and one

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Jury Qualification and Selection

1 alternate. On the strikes, the alternates
2 will be one for the State and two for the
3 Defense. So please, if you hear your name
4 called, stand.

5 THE CLERK: 93, Leonard T.
6 McAlister.

7 (JUROR, WHITE MALE, BEFORE COUNSEL)

8 THE CLERK: What says the State?

9 SOLICITOR CLEVELAND: Please
10 present Mr. McAlister.

11 THE CLERK: And the Defense?

12 MR. DEJONG: Please excuse this
13 juror from the trial of this case.

14 THE CLERK: If you will return to
15 your seat please, sir.

16 (JUROR NUMBER 93 EXCUSED)

17 THE CLERK: 72, Eric P. Johnson.

18 (JUROR, WHITE MALE, BEFORE COUNSEL)

19 THE CLERK: What says the State?

20 SOLICITOR CLEVELAND: Please
21 present Mr. Johnson.

22 THE CLERK: And the Defense?

23 MR. DEJONG: Please swear the
24 juror.

25 THE CLERK: If you would come

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Jury Qualification and Selection

1 forward please, sir, and have a seat in the
2 jury box.

3 (JUROR NUBER 72 SEATED)

4 THE CLERK: 51, Linda M. Garren.

5 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

6 THE CLERK: What says the State?

7 SOLICITOR CLEVELAND: Please
8 present Ms. Garren.

9 THE CLERK: And the Defense?

10 MR. DEJONG: Please swear the
11 juror.

12 THE CLERK: If you would come
13 forward please, ma'am, and have a seat in
14 the jury box.

15 (JUROR NUMBER 51 SEATED)

16 THE CLERK: Juror Number 17,
17 Joyce S. Bridges.

18 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

19 THE CLERK: What says the State?

20 SOLICITOR CLEVELAND: Please
21 present Ms. Bridges.

22 THE CLERK: And the Defense?

23 MR. DEJONG: Please excuse this
24 juror from the trial of this case.

25 THE CLERK: Please return to your

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Jury Qualification and Selection

1 seat please, ma'am.

2 (JUROR NUMBER 17 EXCUSED)

3 THE CLERK: Juror Number 102,
4 Tyler A. Moulder.

5 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

6 THE CLERK: What says the State?

7 SOLICITOR CLEVELAND: Please
8 present Ms. Moulder.

9 THE CLERK: And the Defense?

10 MR. DEJONG: Please swear the
11 juror.

12 THE CLERK: If you would come
13 forward please, and have a seat in the jury
14 box.

15 (JUROR NUMBER 102 SEATED)

16 THE CLERK: Juror Number 27,
17 Diana L. Carroll.

18 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

19 THE CLERK: What says the State?

20 SOLICITOR CLEVELAND: Please
21 present Ms. Carroll.

22 THE CLERK: And the Defense?

23 MR. DEJONG: Please swear the
24 juror.

25 THE CLERK: If you would come

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Jury Qualification and Selection

1 forward please, and have a seat in the jury
2 box.

3 (JUROR NUMBER 27 SEATED)

4 THE CLERK: Juror Number 148,
5 Emily J. Treglia.

6 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

7 THE CLERK: What says the State?

8 SOLICITOR CLEVELAND: Please
9 present Ms. Treglia.

10 THE CLERK: And the Defense?

11 MR. DEJONG: Please swear the
12 juror.

13 THE CLERK: If you come forward
14 please, and have a seat in the jury box.

15 (JUROR NUMBER 148 SEATED)

16 THE CLERK: Juror Number 121,
17 Johnny L. Roper.

18 (JUROR, WHITE MALE, BEFORE COUNSEL)

19 THE CLERK: What says the State?

20 SOLICITOR CLEVELAND: Please excuse
21 Mr. Roper from this trial.

22 THE CLERK: If you will return to
23 your seat please, sir.

24 (JUROR NUMBER 121 EXCUSED)

25 THE CLERK: Juror Number 147,

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Jury Qualification and Selection

1 Mikale P. Trebilcock.

2 (JUROR, ORIENTAL MALE, BEFORE COUNSEL)

3 THE CLERK: What says the State?

4 SOLICITOR CLEVELAND: Please
5 present Mr. Trebilcock.

6 THE CLERK: And the Defense?

7 MR. DEJONG: Please swear the
8 juror.

9 THE CLERK: If you would come
10 forward please, sir, and have a seat in the
11 jury box.

12 (JUROR NUMBER 147 SEATED)

13 THE CLERK: Juror Number 39,
14 Mendia Davis.

15 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

16 THE CLERK: What says the State?

17 SOLICITOR CLEVELAND: Please excuse
18 Ms. Davis..

19 THE CLERK: If you would return to
20 your seat.

21 (JUROR NUMBER 39 EXCUSED)

22 THE CLERK: Juror Number 85, Chad
23 T. Laxton.

24 (JUROR, WHITE MALE, BEFORE COUNSEL)

25 THE CLERK: What says the State?

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Jury Qualification and Selection

1 SOLICITOR CLEVELAND: Please
2 present Mr. Laxton.

3 THE CLERK: And the Defense?

4 MR. DEJONG: Please swear the
5 juror.

6 THE CLERK: If you would come
7 forward please, sir, and have a seat in the
8 jury box.

9 (JUROR NUMBER 85 SEATED)

10 THE CLERK: Juror Number 38,
11 Justin A. Crowe.

12 (JUROR, WHITE MALE, BEFORE COUNSEL)

13 THE CLERK: What says the State?

14 SOLICITOR CLEVELAND: Please
15 present Mr. Crowe.

16 THE CLERK: And the Defense?

17 MR. DEJONG: Please swear the
18 juror.

19 THE CLERK: If you would come
20 forward please, sir, and have a seat in the
21 jury box.

22 (JUROR NUMBER 38 SEATED)

23 THE CLERK: Juror Number 92,
24 Kristy W. Mauldin.

25 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

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Jury Qualification and Selection

1 THE CLERK: What says the State?

2 SOLICITOR CLEVELAND: Please excuse
3 Ms. Mauldin from this trial.

4 THE CLERK: If you would return to
5 your seat please, ma'am.

6 (JUROR NUMBER 92 EXCUSED)

7 THE CLERK: Juror Number 123,
8 Nathan T. Ross.

9 (JUROR, WHITE MALE, BEFORE COUNSEL)

10 THE CLERK: What says the State?

11 SOLICITOR CLEVELAND: Please
12 present Mr. Ross.

13 THE CLERK: And the Defense?

14 MR. DEJONG: Please swear the
15 juror.

16 THE CLERK: If you would come
17 forward please, sir, and have a seat in the
18 jury box.

19 (JUROR NUMBER 123 SEATED)

20 THE CLERK: Juror Number 68,
21 Keith P. Housand.

22 (JUROR, WHITE MALE, BEFORE COUNSEL)

23 THE CLERK: What says the State?

24 SOLICITOR CLEVELAND: Please
25 present Mr. Housand.

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Jury Qualification and Selection

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1 THE CLERK: And the Defense?

2 MR. DEJONG: Please swear the
3 juror.

4 THE CLERK: If you would come
5 forward please sir, and have a seat in the
6 jury box.

7 (JUROR NUMBER 69 SEATED)

8 THE CLERK: Juror Number 79, Ryan
9 J. Knutson.

10 (JUROR, WHITE MALE, BEFORE COUNSEL)

11 THE CLERK: What says the State?

12 SOLICITOR CLEVELAND: Please
13 present Mr. Knutson.

14 THE CLERK: And the Defense?

15 MR. DEJONG: Please swear the
16 juror.

17 THE CLERK: If you would come
18 forward please, sir, and have a seat in the
19 jury box.

20 (JUROR NUMBER 79 SEATED)

21 THE CLERK: Juror Number 12,
22 Carolyn V. Benson.

23 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

24 THE CLERK: What says the State?

25 SOLICITOR CLEVELAND: Please

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Jury Qualification and Selection

1 present Ms. Benson.

2 THE CLERK: And the Defense?

3 MR. DEJONG: Please swear the
4 juror.

5 THE CLERK: If you would come
6 forward please, ma'am, and have a seat in the
7 jury box.

8 (JUROR NUMBER 12 SEATED)

9 THE CLERK: One alternate?

10 THE COURT: Yes, one alternate.
11 Strikes one and two.

12 THE CLERK: Okay. This will be
13 for the alternate.

14 Juror Number 132, Brian D. Smith.

15 (JUROR, BLACK MALE, BEFORE COUNSEL)

16 THE CLERK: What says the State?

17 SOLICITOR CLEVELAND: Please
18 present Mr. Smith.

19 THE CLERK: And the Defense?

20 MR. DEJONG: Please swear the
21 juror.

22 THE CLERK: If you would come
23 forward please, sir, and have a seat in the
24 jury box.

25 (JUROR NUMBER 132 SEATED)

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Jury Qualification and Selection

1

2

3

THE COURT: Anything from the State
involving striking at this time?

4

5

SOLICITOR CLEVELAND: Nothing from
the State, Your Honor.

6

7

THE COURT: Anything from the
Defense?

8

9

MR. DEJONG: Nothing on behalf of
Mr. Jennings, Your Honor.

10

11

12

13

THE COURT: Those of you who were
not chosen, I will allow you to leave. I'm
going to ask you to do it quietly because I
want to start talking to the jury.

14

15

16

17

18

19

Please call back tonight. And
you'll receive whatever instructions are,
whether to be here tomorrow at a certain time
or to call back at a certain time. So just
leave quietly and call back tonight and find
out your instructions. Thank you.

20

(JURY PANEL EXCUSED)

21

22

23

THE COURT: Those of you who were
chosen, if you will please stand. The Clerk
will administer the oath.

24

(WHEREUPON JURY SWORN)

25

THE COURT: I'm going to chat with

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Welcome by The Court

1 you just a minute. And Mr. Housand, I'm
2 going to ask you to be the foreperson. Don't
3 move now because we're going to -- I'm going
4 to make some opening remarks, the State and
5 the Defense are going to make their opening
6 remarks and then we're going to break for
7 lunch. When we come back from lunch, Mr.
8 Housand will take this seat where Ms. Garren,
9 I believe ---

10 JUROR NUMBER 51: Yes, sir.

11 THE COURT: --- is seated. And
12 the rest of you, there's no assigned seating,
13 other than for Mr. Smith, who will always be
14 seated as the alternate; only the alternate
15 and the foreperson have assigned seating.
16 Everyone else just sit where they come in.

17 I had already told you Mr. Jennings
18 has entered pleas or a plea of not guilty to
19 this charge. And even though he's not here,
20 that's, of course, not an admission of guilt.
21 He's pled not guilty.

22 The State must prove his guilt
23 beyond a reasonable doubt before you, as the
24 trial jury in this case, can convict him.

25 He is charged with a drug offense.

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Welcome by The Court

1 The State, as I said, has to prove that
2 offense beyond a reasonable doubt before you
3 can find him guilty of that offense.

4 I will, in just a moment invite the
5 attorneys to make for you opening statements.
6 They're not required to, but they have a
7 right to come before you and talk to you a
8 little bit now about the case. That is, to
9 give you an outline or a brief overview/
10 blueprint of the trial. They're not at this
11 point arguing anything. They're not trying
12 to convince you of anything.

13 At a later point in the trial, they
14 will have the opportunity to present
15 arguments. And at that time, they will be
16 taking the evidence, applying the law that I
17 will charge to you and tell you why your
18 verdict should be a certain verdict. That's
19 not what they're doing now.

20 I have three primary jobs as the
21 trial judge in this case:

22 One is, I'm the logistics person.
23 Sometimes I call it the wagon master. I make
24 sure we take breaks. I make sure one person
25 is talking at a time. That's the logistical,

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Welcome by The Court

1 mechanical movements of the proceedings of
2 the trial.

3 I also have the responsibility of
4 ruling on questions of admissibility of
5 evidence. If one party believes certain
6 evidence should be allowed in the record and
7 the other does not, based on some legal
8 principle of rule of evidence, it's up to me
9 to determine whether that evidence will be
10 presented to you and be considered by you.

11 My third job is, I am the sole judge
12 of the law in this case. Your oath requires
13 you to take, accept and apply the law as I
14 charge it, even if you think I charge the law
15 in error or even if you think the law should
16 be different. I'm giving you some legal
17 principles now. During the trial, I may
18 explain some additional legal principles. At
19 the end of the trial, before you deliberate,
20 I will give you a comprehensive charge on the
21 law for your consideration while you
22 deliberate.

23 You're not to infer from anything I
24 say or do at any time during this trial that
25 I have an opinion as to the facts of the

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Welcome by The Court

1 case. I do not. As the trial judge, I'm not
2 allowed to formulate or express to you any
3 opinion on the facts. That's solely your
4 job, to examine the evidence, and to give the
5 evidence the effect, the value, the weight,
6 and the truth you believe it should have.

7 You may believe one witness over
8 several or several witnesses as opposed to
9 one. You may believe all, part or none of a
10 witness' testimony. In analyzing the
11 evidence, use your common sense, your sense
12 of logic, your sense of reason. Use your
13 experiences in life.

14 As judges of the facts, you
15 necessarily must judge the credibility, that
16 is the believability of the witnesses who've
17 testified. In assessing believability use
18 those things that I've already mentioned.
19 Use those things that you find in your day-
20 to-day life as being indicators of
21 truthfulness.

22 And you can use certain evaluators:

23 The witness's demeanor and how they act
24 on the stand. Are they hesitant or
25 straightforward? Is their testimony

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Welcome by The Court

1 consistent or inconsistent? Do they have any
2 bias or prejudice, that is any reason to help
3 or hurt one side or the other? And you can
4 consider the opportunity a witness had to
5 know those things to which they testify. All
6 of these things you can consider to determine
7 the true facts, apply the law to return a
8 verdict that does, in fact, speak the truth.

9 Now, you must base your verdict
10 solely on the law and the evidence presented
11 here in the courtroom.

12 And first, I tell you that you're
13 not to make up your own mind or discuss the
14 case in any degree whatsoever until I
15 instruct you to jointly deliberate and
16 determine a unanimous verdict at the end of
17 trial.

18 So you're forbidden to talk about
19 the case and instructed not to make up your
20 own mind until you reach the point where you
21 have all the tools, the law and all the
22 evidence.

23 Do not let anyone discuss this case
24 without you outside the courtroom. If anyone
25 tries to discuss this case with you, tell

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Welcome by The Court

1 them you cannot. You are sworn as a juror
2 and report back to me if anyone tries to
3 discuss this case with you.

4 Do not use any electronic devices to
5 -- don't go on line to learn anything about
6 this case, about the lawyers, about Mr.
7 Jennings, about court procedure, about me.
8 Just don't do any outside research either on
9 -- through electronic media or any other
10 fashion. You've got to base, again, your
11 verdict on only the law and the evidence that
12 is given you here in the courtroom. Do not
13 Google or use any sort of device to access
14 any information source, what would be
15 improper. So don't do it.

16 I also ask that you not even go on
17 Facebook or something like that and say to
18 your Facebook friends, 'I am serving on a
19 jury.' That sound innocuous enough but
20 someone may e-mail back or Facebook back and
21 say something like 'that might not be healthy
22 for you to serve as a juror.' So just stay
23 off of that.

24 This case might take you into the
25 morning if it's going to be that long. So

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Welcome by The Court

1 please just don't -- don't use electronic
2 media involving anything about this case.

3 If you don't read -- I don't think
4 this case, I don't know that this case,
5 whether it will receive any news coverage.
6 But if it does, don't let yourself be exposed
7 to it. Don't read about it, watch anything
8 about it, don't listen to anything that
9 remotely deals with this trial. If anything
10 catches your eye or ear that could deal with
11 this trial, don't let yourself be exposed to
12 it.

13 You don't need to take notes. If
14 you can't hear, cup your ear. Give me a
15 voice-raising gesture. You can't see, give
16 me a nodding gesture, and I will try to
17 correct those problems because it's not fair
18 to ask you to resolve this case and not give
19 you the opportunity to see and hear those
20 things you need to see and hear.

21 If you need a break, let me know.
22 Just raise your right hand. I try to take
23 breaks about every hour and a half. I find
24 that's a good comfort level for most people.
25 But, again, if you need a break at any time,

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Welcome by The Court

1 raise your right hand. No questions asked.

2 We will take a break.

3 Now, I'm going to turn it over to
4 the attorneys for their opening statements.

5 SOLICITOR CLEVELAND: Thank you,
6 Your Honor. May it please the Court.

7 OPENING STATEMENT

8 BY SOLICITOR CLEVELAND:

9 Good morning, ladies and gentlemen.
10 As I told y'all, my name is Baker Cleveland
11 and I'm an assistant solicitor here in
12 Pickens County, and I represent the State of
13 South Carolina. When people are charged with
14 crimes, it's the State's burden to prove them
15 guilty.

16 Nobody has to plead guilty. Nobody
17 has to say they're guilty. Nobody can be
18 compelled to testify against themselves or
19 even appear in court.

20 It's all on me to prove someone
21 guilty because that's my job.

22 What we're here on today is a case
23 regarding Mr. Steve Jennings. Back on July
24 the 20th of last summer, Mr. Steven Jennings
25 was involved with some others in an

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Opening Statement by Solicitor

1 altercation -- not really an altercation, but
2 an incident at the Walmart here in Pickens.
3 And as a result of that, basically there were
4 some allegations of shoplifting. The police
5 got involved. And the lady that was driving
6 the car that Mr. Jennings was in, Ms.
7 Bridgett Crawford, she let the police search
8 the car. When they searched the car they
9 uncovered a quantity of methamphetamine,
10 along with some other items indicative of
11 drug use. At the time, I think it's pretty
12 clear, that nobody copped to the drugs.
13 Nobody said whose they were, so everybody was
14 charged in this case with possession with
15 intent to distribute methamphetamine. That's
16 basically what you're going to hear in the
17 trial today.

18 I want to mention a couple of things
19 about the law. Judge Hayes is going to go in
20 and he's going to charge you on the law at
21 the end of this case before you begin to
22 deliberate. But just briefly, there's a
23 couple of points I want y'all to chew on
24 throughout the trial. One is he's charged
25 with possession.

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Opening Statement by Solicitor

1 He's not charged with ownership.

2 He's not charged with actually being the one
3 who commandeered these drugs or had them or
4 was the one that was intending to go sell
5 them. Possession is a legal theory in South
6 Carolina, which means that you have the
7 opportunity or the intent to exercise control
8 over the item.

9 And the significance of that is is
10 that possession can be shared. So, for
11 instance, if I'm riding down the road with
12 Mr. DeJong and I'm sitting in the driver's
13 seat, he's sitting in the front seat of the
14 car and there's a gun sitting on the console.
15 While I may own the gun or he may be the
16 registered owner of the gun, we are both in
17 possession of that gun because that gun is
18 within ready access to us. It is in a place
19 where we can both get to it.

20 Furthermore, even if something is
21 not in a place where you can reach it, if you
22 have the intent to exercise custody or
23 control over that item -- for instance, your
24 -- back at home, all of y'all probably have a
25 television set sitting on the -- on the

1 bureau or a cabinet. Just because y'all
2 aren't near your TV or anything like that,
3 because it's yours and because you own it,
4 and because it's locked up in your house and
5 you've got intent to go back and use it
6 because you own it and it's your personal
7 set, you have possession of that. So you
8 don't even have to be near something to
9 possess it.

10 Possession is just a theory that
11 says you have the intent or the opportunity
12 to exercise control over. So that's what Mr.
13 Jennings is charged with, possession of
14 methamphetamine with intent to distribute.

15 Furthermore, there's this theory of
16 with intent to distribute. Now, what does
17 that mean? It literally means exactly what
18 it says. It means, you know, you've got so
19 much of this drug that you intend to sell it
20 to someone else or to break up to give to
21 other people. What the law in South Carolina
22 is very clear on with intent to distribute,
23 it says that if you have more than one gram,
24 possession of more than one gram of
25 methamphetamine, that the law presumes or

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1 it's prima facia evidence that that quantity
2 is enough to where the law says that's all we
3 need for it to show that you have intent to
4 distribute.

5 So whether there's going to be
6 evidence or not that there was an intent to
7 sell this meth, that there was intent to give
8 it away or whether there was an intent to
9 split it up, all you need for your
10 deliberations at the end of this case -- and
11 this is, of course, my burden, so I need to
12 make it real clear -- is that Mr. Jennings
13 had possession of over a gram of methampheta-
14 mine. So that's where the case is going to
15 go.

16 I'm going to wrap up and we're going
17 to get started with the evidence in the case.
18 The evidence in this trial is going to be old
19 fashioned and pretty straight and narrow.
20 You're going to hear from the police officers
21 and people that were there on the scene that
22 day. And it will be your job to determine
23 the credibility of those witnesses and
24 whether you believe what they have to testify
25 to. And when comparing that evidence to the

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1 law that the Judge will give you, you have to
2 determine whether Mr. Jennings is guilty or
3 not.

4 Now, that burden is beyond a
5 reasonable doubt. I want to talk about that
6 because it's real important to understand the
7 difference between beyond a reasonable doubt
8 and beyond a shadow of a doubt. Now, it is a
9 high burden. I have to leave you firmly
10 convinced that Mr. Jennings is guilty of this
11 crime, as the Judge is going to charge you
12 on. But I don't have to prove beyond any
13 doubt whatsoever that Mr. Jennings is guilty.
14 The law does not require that of the State.
15 The way we reconcile of finding someone
16 guilty and not proving it beyond any doubt,
17 is by y'all taking the facts and using your
18 commonsense to fill in what little bit of a
19 hole there is between reasonable doubt and
20 saying that this is the facts of the case.
21 So while y'all don't have any friends to
22 reward. You don't have any enemies to punish
23 in this case. All y'all have to do is
24 determine the facts. Don't check your common
25 sense at the door. You can use your common

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1 sense that you use to make decisions in
2 everyday life to fill in what little holes
3 there may be in the case, if you believe that
4 we -- beyond a reasonable doubt, there's not
5 a reasonable doubt that Mr. Jennings is
6 innocent on the charge.

7 So that's why we have to have
8 qualified jurors like y'all to decide these
9 cases. We don't -- it's not something that a
10 computer could do. It's not something that
11 we could do automatically. It's not
12 something that we could, you know, write some
13 kind of software to analyze. It requires
14 human common sense to judge the actions of
15 other human beings because that's what we
16 are. That's what the system is for.

17 I want to apologize because
18 obviously y'all have had to deal with our
19 very human system all week. This is the
20 first opening argument, I believe, that
21 anyone has heard and it's Wednesday already.
22 And I can tell you, I don't think the
23 Defense, I don't think we intended on that
24 being the case for y'all. We love getting
25 into work and everything but unfortunately it

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1 just doesn't work out that way. So I really
2 appreciate y'all's patience. I appreciate
3 y'all's attention during this case. I hope --
4 it shouldn't take too long at all. And at
5 the end of the case I'll come back and talk
6 to you again and explain to you why I feel
7 like I've met my burden and proven Mr.
8 Jennings guilty of possession with intent to
9 distribute methamphetamine. Thank y'all.

10 THE COURT: Mr. DeJong?

11 MR. DEJONG: Thank you, Your Honor.
12 May it please the Court.

OPENING STATEMENT

13
14 BY MR. DEJONG:

15 Mr. Foreman, ladies and gentlemen of
16 the jury. At the outset, let me at least say
17 this. Mr. Cleveland has stood before you and
18 talked about the law, which is fine. He's
19 entitled to do that, and I might do it too.
20 But the bottom line is that you don't take
21 the law from Mr. Cleveland and don't take the
22 law from the old white-haired guy, you take
23 the law from the man sitting in the black
24 robe. That's where the law comes from. He
25 will charge you on the law and you take the

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1 law that comes from him.

2 But there's another principle of
3 law, other than what Mr. Cleveland shared
4 with you, another principle of law known as
5 mere presence. Mere presence simply says if
6 you are present where a crime is being
7 committed, simply because you are there does
8 not make you guilty of the crime. That is
9 mere presence.

10 Now, thank y'all for being here.
11 Obviously -- and His Honor has already shared
12 with you that Mr. Jennings is not in the
13 courtroom with us today. He has also shared
14 with you that you should not draw any
15 inference from that or even consider that in
16 your deliberations. And I would ask you to
17 do the same thing. Because even if he were
18 here, ladies and gentlemen, he has nothing to
19 prove to you today, not one thing.

20 Though he's not here, he would
21 normally sit in that chair and I would point
22 to him and say 'today I have the pleasure' --
23 and I still do, even though he is not here,
24 -- 'I have the pleasure of representing the
25 innocent Steven Jennings.' Now, I don't

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1 know. Some of you may have sat on juries
2 before. You may have heard some of this.
3 I apologize if you have, but bear with me.
4 Now, you might well say how can you stand
5 there and say that you represent the innocent
6 Steven Jennings? Very simply, very, very,
7 simple. Under the law of this great country
8 of ours, anyone charged with a criminal
9 offense has a substantial right known as the
10 right of presumption of innocence. And you
11 might say well, 'Okay, but he was charged.
12 He was arrested for this offense.' Yes, he
13 was. And, indeed, we could stand here and
14 tear up the arrest warrant because, ladies
15 and gentlemen, that is not proof of any sort
16 in this case.

17 Your second thought may well be,
18 'well, His Honor read us an indictment.'
19 He's been indicted by the Pickens County
20 Grand Jury. And yes, indeed, he has. But
21 the indictment itself or the language that
22 His Honor read to you is not proof in this
23 case. Actually, you have heard nothing about
24 this case proof-wise.

25 And now I go back to that

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1 presumption of innocence. The fact that he
2 was arrested, the fact that he was indicted
3 has absolutely nothing to do with these
4 charges. An indictment is merely a charging
5 document. We could tear it up. I don't
6 think His Honor would let me because that is
7 just a paper trail that we have to keep, even
8 though we live in what we call a digital
9 world but we still have to keep the paper
10 trail of that.

11 So you have heard nothing in this
12 case up to this point in time. Now,
13 presumption of innocence as I shared with you
14 -- and sometimes that presumption of
15 innocence is likened to a cloak of
16 righteousness; those are kind of legal words.
17 But presumption of innocence are not legal
18 words. They are not legal mumbo jumbo.
19 They're not legal theory. They're not words
20 that quickly come over an attorney's lips.
21 They're a fundamental constitutional right of
22 every citizen of this country that is charged
23 with a crime.

24 Now, what somewhat goes hand in hand
25 with the presumption of innocence is that the

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1 burden of proof in this case lies solely,
2 solely, solely on the State of South
3 Carolina. Whether Mr. Jennings is here or
4 not here, he has nothing to prove to you.
5 He doesn't have to testify. And if he did
6 not testify, by the same token him not being
7 here, you cannot consider the fact that he
8 did not testify at his own trial. I think
9 His Honor would charge that you are not to
10 consider that in your deliberations. Why?
11 Because he is presumed to be innocent. And
12 this cloak of righteousness, you might think
13 of it more of cling wrap or one of those
14 things you put over your leftovers.
15 Something wrapped around the defendant's body
16 from the very soles of his feet to the very
17 top of his head -- and that stuff is hard to
18 tear. But I would share with you that that
19 presumption of innocence, that body wrapped
20 with cling wrap, doesn't leave when I sit
21 down. It doesn't leave after the first
22 witness testifies, second witness, however
23 many witnesses the State may call, it doesn't
24 leave. Indeed, ladies and gentlemen, once we
25 have done closing arguments, it does not

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1 leave. It has not been punctured. It has
2 not been torn. Once His Honor charges you
3 the law, the presumption of innocence still
4 is not gone. That presumption of innocence
5 follows Mr. Jennings back into that jury room
6 when you start to deliberate. It does not
7 leave, it is not torn from his body until or
8 unless the State of South Carolina proves
9 beyond a reasonable doubt that Mr. Jennings
10 is guilty of the crime that he is charged
11 with. Very, very fundamental.

12 What's even more fundamental, ladies
13 and gentlemen, is the fact that at this
14 moment in time, there are thirteen of you
15 sitting in the jury box. A thousand and one
16 places you would rather be than here today.
17 However, without you, without the thirteen of
18 you -- and I mean no disrespect to His Honor,
19 but we would not need His Honor, if the
20 thirteen of you were not sitting in the jury
21 box. We would not need a prosecutor. We
22 would not an old white-haired man. But we
23 can't do it without you. You're the
24 cornerstone. You're the fundamental
25 cornerstone of our criminal justice system.

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1 And I know it is difficult to take you away
2 from your jobs, whatever you had planned for
3 today.

4 Some people take issue with me that
5 someone other than me -- the great, late
6 Winston Churchill said these words. I still
7 think it was Winston Churchill. He said jury
8 service is the highest service you can
9 provide to your community in peacetime. I
10 don't know that we can say we're in peacetime
11 so maybe I could paraphrase him if you will
12 allow me to. Jury service is the highest
13 service you can provide to your community as
14 a non-combatant. It is that much of a
15 service.

16 So on behalf of Mr. Jennings, on
17 behalf of our criminal justice system, I
18 thank you for being here from the bottom of
19 my heart. I thank you for your attention.
20 I thank you for your patience with me.

21 And again we will have the
22 opportunity to -- I would like to say talk,
23 but you won't have an opportunity to talk.
24 You will an opportunity to listen to me at
25 the end at the close of this case. Thank you

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1 again for your attention. I would ask that
2 you remain as attentive as you have been
3 while I have been speaking throughout
4 this trial. And again, I thank you so very
5 much.

6 THE COURT: Ladies and gentlemen, we
7 will break for lunch until 1:30. We'll break
8 until 1:30. That's an hour and fifteen
9 minutes. The bailiff will show you where
10 your jury room is and show you how to enter
11 and leave the courthouse while you're serving
12 as jurors. So if you'd follow the bailiff to
13 the jury room at this time. Everyone else
14 remain seated. Let's be back at 1:30.

15 (JURY OUT AT 12:16 P.M.)

16 THE COURT: We'll be at-ease until
17 1:30.

18 SOLICITOR CLEVELAND: Thank you,
19 Your Honor.

20 MR. DEJONG: Thank you, Your Honor.

21 (LUNCH RECESS)

22 (DEFENDANT NOT PRESENT)

23 (JURY IN AT 1:39 P.M.)

24 THE COURT: You may call your
25 first witness.

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Testimony of Tye Nalley - Direct Examination

1 SOLICITOR CLEVELAND: Thank you,
2 Your Honor. May it please the Court, the
3 State would call Officer Tye Nalley to the
4 stand.

5 (WITNESS TAKES STAND)

6 TYE NALLEY, having been duly sworn to
7 tell the truth, and nothing but the truth,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY SOLICITOR CLEVELAND:

11 Q. Officer Nalley, were you on duty on
12 July the 20th of 2014?

13 A. No, sir.

14 Q. And Officer Nalley, if you wouldn't
15 mind, because it's kind of hard to hear in
16 this courtroom, lean forward and speak into
17 the microphone so all the jury can hear you.

18 A. Yes, sir. And no, sir, I was off
19 duty.

20 Q. During that day did you encounter
21 the Defendant Steve Jennings?

22 A. Yes, sir. I was walking into
23 Walmart to do some shopping. I observed Don
24 Meredith coming out, following some subjects.
25 Don looked at me.

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1 Q. Who is Don Meredith?

2 A. Don Meredith is the manager at
3 Walmart.

4 Q. Okay. Do you know Don Meredith from
5 working as a police officer?

6 A. Yes, sir. I do.

7 Q. Okay. Continue.

8 A. When I was walking in I observed Don
9 Meredith walking behind some subjects, trying
10 to get them to stop. Don looked at me and
11 noticed -- knew who I was and asked me if I
12 would assist him.

13 MR. DEJONG: Objection to what he
14 said, Your Honor.

15 THE COURT: I sustain the
16 objection.

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR CLEVELAND:

19 Q. Okay. Don't say what Don said.
20 Just say what you saw and what you did?

21 A. Seen Don behind, behind the
22 subjects. I assisted Don in stopping the
23 subjects. They had went to their vehicle.
24 They got in the vehicle. I stood in front of
25 the vehicle and told them who I was. Told

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1 them I was an off-duty Pickens City Police
2 Officer and they needed to wait on the
3 Pickens City Police Department. While in
4 doing that, all of a sudden this guy inside
5 the vehicle, and I heard one of them say
6 "go." When they said that, I stepped in
7 front of the vehicle and I was -- the vehicle
8 actually touched me in the knees, hit me in
9 the knees. At that time, Don had called the
10 Pickens City Police Department and Officer
11 Smith arrived on scene. And the incident
12 location was turned over to him.

13 Q. All right. Did you actually talk to
14 any of the individuals in the car after that?

15 A. I don't remember.

16 Q. Okay. Did anybody that was in that
17 car leave the scene between the time you
18 first saw them and the time that the police
19 department arrived?

20 A. Yes, sir. Her name was -- just hang
21 on, (reviewing document).. Her name was
22 Michelle Millwood. She was the back seat
23 left passenger. She got out of the vehicle
24 and run towards Highway 8.

25 Q. Okay. How many other suspects were

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Testimony of Tye Nalley - Direct Examination

1 in the car after she ran off?

2 A. Three.

3 Q. All right. So to be clear, there
4 was a total of four people in the car and one
5 ran away?

6 A. Yes, sir.

7 Q. Was that after you told her to
8 remain on scene or told the occupants to
9 remain on scene?

10 A. When I told the occupants to stay on
11 scene, that the police department was coming,
12 she exited the vehicle and run towards
13 Highway 8.

14 Q. Okay. Did everybody else remain on
15 scene and comply with the police?

16 A. Yes, sir.

17 Q. Since you were off duty, did you
18 have any other involvement in this event?

19 A. No, sir. I stayed and controlled
20 the incident location until Officer Smith,
21 who was on duty arrived.

22 Q. All right. Did you suffer any
23 injuries from being bumped by the car?

24 A. No, sir.

25 Q. Okay. To your knowledge was Steve

1 Jennings one of the passengers that remained
2 in the car?

3 A. Yes, sir.

4 Q. And did anybody else, to your
5 observation while you were there, come to the
6 car or put anything in the car or take
7 anything out of the car?

8 A. No, sir.

9 Q. Is that location, the Walmart you
10 talked about, within the city -- within the
11 county limits of Pickens County?

12 A. It's in the city limits of Pickens,
13 which is located in Pickens County.

14 Q. All right. What was the weather
15 like that day? What time of day was it?

16 A. I want to say it was around about
17 6:00. It was sunny.

18 Q. Did you assist in placing anybody
19 under arrest or anything of that nature?

20 A. No, sir.

21 Q. All right. Did you assist Mr.
22 Meredith in anything relating to the incident
23 that you walked up on at the scene?

24 A. The only thing I did in that
25 situation was I stopped the vehicle and

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Testimony of Tye Nalley - Direct Examination

1 waited for the police department to get
2 there.

3 Q. Based on that involvement with Mr.
4 Meredith, what was the -- I guess the -- what
5 was his suspicion or why was he following the
6 people out there; do you know?

7 A. Because they had shoplifted. They
8 had stolen items from Walmart and was walking
9 past all points of purchase.

10 Q. Okay. Thank you. I don't have any
11 other questions Officer Nalley. Please
12 answer any questions Mr. DeJong has.

13 A. Yes, sir.

14 MR. DEJONG: May it please the
15 Court.

16 CROSS-EXAMINATION

17 BY MR. DEJONG:

18 Q. So, Officer Nalley, as I understand
19 you, what you just said, you said they stole
20 items from Walmart?

21 A. A subject stole items from Walmart.

22 Q. Steve Jennings wasn't one of those
23 subjects, was he?

24 A. No, sir. But he was with them.

25 Q. I understand that. He was with

1 them. But he was not one of the people that
2 had stolen anything in Walmart; was he?

3 A. I don't know. All I did was stop
4 the vehicle from leaving.

5 Q. Did you see him have anything in his
6 hand?

7 A. I don't remember.

8 Q. How was he dressed?

9 A. Don't remember.

10 Q. Even though you were off duty, did
11 you ever file a report in this case?

12 A. No, sir.

13 Q. All right, sir. Now, if I under-
14 stood you correctly, you said there were four
15 individuals; right?

16 A. Yes, sir.

17 Q. Two females, two males?

18 A. Yes, sir.

19 Q. Well, let's get our actors down.
20 You've already said Michelle Millwood; right?

21 A. Yes, sir.

22 Q. Who was the second female?

23 A. Bridgett Crawford.

24 Q. Who was the other male?

25 A. Let me look back at my notes. (Upon

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Testimony of Tye Nalley - Cross Examination

1 review); John Parker Brewer -- Brewer or
2 Bower.

3 Q. All right, sir. Now, as they left
4 Walmart, they got into a vehicle; correct?

5 A. Yes, sir.

6 Q. Now, prior to the time that you saw
7 them get into the vehicle, you hadn't seen
8 them in that vehicle; had you?

9 A. No, sir.

10 Q. And prior to them getting into the
11 vehicle, coming out of Walmart, you don't
12 know what the seating arrangement was when
13 they arrived at Walmart; do you?

14 A. No, sir.

15 Q. Okay. Now, when they got into the
16 vehicle who -- if you know, who was the
17 driver of the vehicle?

18 A. Bridgette Crawford.

19 Q. All right. And Ms. Millwood, she
20 booked; right? She ran?

21 A. Well, she got in the vehicle. When
22 the vehicle touched me in the knees, she got
23 out of the vehicle, which she was the back,
24 left seat passenger.

25 Q. All right. She was back left.

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Testimony of Tye Nalley - Cross Examination

1 A. (Affirmative nod), behind the
2 driver.

3 Q. That's what I was looking for. I
4 always have problems with that. Okay. So
5 she was behind the driver. Where was Mr.
6 Jennings?

7 A. I do not recall, sir.

8 Q. Where was the other gentleman?

9 A. I do not remember.

10 Q. All right. Well, let me ask you --
11 you stopped the vehicle; right?

12 A. Yes, sir.

13 Q. Once you stopped the vehicle, did
14 you get the people out of the vehicle?

15 A. No, sir. When I got hit by the
16 vehicle, Michelle Millwood ran, and about
17 that time Officer Smith was pulling up.

18 Q. All right. So Michelle Millwood
19 ran. The other three people stayed; right?

20 A. Yes, sir.

21 Q. Whose vehicle was it that they were
22 in; do you know?

23 A. From my understanding, Bridgette
24 Crawford's -- since she was in possession.
25 She was driving the vehicle.

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Testimony of Tye Nalley - Cross Examination

1 Q. All right. Now, you say you heard
2 somebody say, "Go!" That wasn't Steve
3 Jennings; was it?

4 A. No, sir. It was a female voice.

5 Q. All right. You say you didn't talk
6 to any of the subjects while you were out
7 there?

8 A. Well, I was telling them to stop.

9 Q. Well, I realize that. Maybe I
10 didn't make my question clear. Was there any
11 dialogue between you and any of these
12 subjects?

13 A. As far as asking questions, as in
14 'did y'all steal anything?' No, sir.

15 Q. All right. So you didn't ask that
16 question. Is that my understanding?

17 A. Yes, sir. I did not ask any of
18 them.

19 Q. All right, sir. You say you don't
20 recall if Mr. Jennings was carrying anything
21 or how he was dressed -- well, strike that.
22 When you got there, whoever this person was
23 that was following these people, how many
24 people were coming out of Walmart?

25 A. I can't answer that clearly because

1 I don't remember.

2 Q. Okay. So you don't remember if all
3 four people were coming out, two people, one
4 person, you don't remember?

5 A. No, sir.

6 Q. Okay. All right. So that being the
7 case, if it wasn't all four, then you don't
8 know where the other three were?

9 A. I remember there was a group of
10 people coming out of Walmart and they got
11 into the vehicle. When they got into the
12 vehicle, there was four people in the
13 vehicle.

14 Q. All right. As far as identifying
15 those four people, you can't identify them;
16 right?

17 A. No, sir. I don't remember.

18 Q. Were you involved in any way of the
19 search of the vehicle?

20 A. No, sir.

21 Q. So once you stopped the vehicle and
22 the, for want of a better term, the on-duty
23 police officer arrived, that was all of your
24 involvement?

25 A. Yes, sir.

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Testimony of Tye Nalley - Cross Examination

1 Q. Did you leave at that point in time?

2 A. I stood back.

3 Q. But had no additional involvement?

4 A. No, sir.

5 Q. Thank you, sir.

6 MR. DEJONG: No redirect, Your
7 Honor.

8 THE COURT: Thank you. You may
9 now be excused we appreciate your time.

10 WITNESS: Thank you, sir.

11 (WITNESS STEPS DOWN)

12 SOLICITOR CLEVELAND: Thank you.
13 May the witness be excused?

14 MR. DEJONG: No objection to him
15 being excused, Your Honor.

16 THE COURT: Thank you. You are
17 excused at this time. Appreciate your time.

18 SOLICITOR CLEVELAND: Thank you,
19 Your Honor. The State would call Officer
20 Brian Smith to the stand.

21 (WITNESS TAKES STAND)

22 BRIAN SMITH, having been duly sworn to
23 tell the truth, and nothing but the truth,
24 testified as follows:

25 DIRECT EXAMINATION

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Testimony of Brian Smith - Direct Examination

1 BY SOLICITOR CLEVELAND:

2 Q. Officer Smith, where do you
3 currently work?

4 A. For the West Union Police Department
5 in West Union, South Carolina.

6 Q. All right. On the date of July the
7 20th of last year, where did you work?

8 A. I was working with the Pickens
9 Police Department.

10 Q. And were you dispatched to a call
11 out at the Walmart on that date?

12 A. Yes, sir. I was.

13 Q. What was the nature of the call you
14 were initially dispatched out to?

15 A. The nature of the call that I was
16 initially dispatched to was reference to a
17 vehicle attempting to hit a pedestrian.

18 Q. Okay. All right. Anything about
19 shoplifting or was it just strictly about
20 that?

21 A. That was the initial call over the
22 radio from dispatch was attempted, a vehicle
23 attempted to hit a pedestrian.

24 Q. All right. And when you arrived on
25 scene, describe the scene that you pulled up

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Testimony of Brian Smith - Direct Examination

1 to.

2 A. Once I arrived on scene, I saw
3 Corporal Nalley standing in the parking lot,
4 along with three subjects, outside of a gold
5 in color Mitsubishi. Upon getting out of my
6 vehicle and talking a little bit further with
7 other folks on scene, it was determined that
8 there had also been a shoplifting involved at
9 that time as well.

10 Q. All right. Who was on scene that
11 you identified was in the car or was involved
12 in the shoplifting?

13 A. On scene, that I was able to
14 identify by using South Carolina driver's
15 licenses and IDs, was John Bower, Bridgette
16 Crawford and Mr. Jennings.

17 Q. All right. Specifically, Mr. Steve
18 Jennings, did you identify him? Did he
19 present you with an ID? Did you see it and
20 it matched his face and that kind of thing?

21 A. Yes, sir.

22 Q. Was it a positive identification
23 based upon your training as an officer?

24 A. Yes, sir.

25 Q. All right. What did you do after

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Testimony of Brian Smith - Direct Examination

1 you arrived on scene and identified the
2 occupants or the people that were involved?

3 A. I spoke with Ms. Crawford, you know,
4 her being the driver of the vehicle.

5 Q. All right.

6 A. Asked her who was the owner of the
7 vehicle. She stated that she was.

8 MR. DEJONG: Your Honor, I object
9 to anything she said.

10 THE COURT: I sustain the
11 objection. Don't testify to what some person
12 said ---

13 WITNESS: Yes, sir.

14 SOLICITOR CLEVELAND: Well, I mean
15 that -- (pause).

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR CLEVELAND:

18 Q. Go ahead. I'm sorry.

19 A. Yes, sir. I was able to determine
20 that Ms. Crawford was the owner of the
21 vehicle. Advised her that due to her vehicle
22 being possibly used in the commission of a
23 crime, I asked for consent to search the
24 vehicle; at which time I was given consent to
25 search, by Ms. Crawford.

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Testimony of Brian Smith - Direct Examination

1 Q. All right. So at the time that you
2 asked for consent, is it fair to say that you
3 were -- you knew there was a shoplifting and
4 an attempted fleeing of the parking lot?

5 A. Yes, sir.

6 Q. So is that what you were
7 investigating?

8 A. Yes, sir.

9 Q. All right. And you said that she
10 granted you consent to search her vehicle?

11 A. Yes, sir.

12 Q. All right. Who was -- was there any
13 other officers there, anybody else there?

14 A. Officer Raines or excuse me,
15 Corporal Raines arrived on scene as well as
16 Deputy Burgess from the Sheriff's Office.

17 Q. All right. And did you -- was that
18 consent that you obtained from Ms. Crawford
19 voluntary, best you could tell?

20 A. Yes, sir.

21 Q. All right. And we've talked about
22 Ms. Crawford. Is she present in the court-
23 room today?

24 A. Yes, sir. She is.

25 Q. All right. Thank you. Tell me

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Testimony of Brian Smith - Direct Examination

1 about the search of the vehicle.

2 A. Yes, sir. I began doing the search
3 of the vehicle with consent. And in the back
4 seat, behind the driver, I observed a pair of
5 pants, a pair of shorts, a Superman shirt, a
6 red shirt with Hello Kitty, that were shoved
7 up under the driver's seat from the back seat
8 of the vehicle.

9 Q. Okay.

10 A. Upon further search, I also began to
11 notice a bag that was in the back floorboard
12 behind the driver's seat as well.

13 Q. All right.

14 A. Not knowing if that had been
15 involved in the shoplifting or an item that
16 had been taken, I did open it and found that
17 there were some uncapped needles, three to be
18 exact, and one that was capped that had a
19 liquid inside of it.

20 I also found a purple polka dotted bag
21 in the back seat as well that had a small
22 package, clear package with a crystal
23 substance, that I believed to be
24 methamphetamine based on my training and
25 experience.

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Testimony of Brian Smith - Direct Examination

1 Q. All right. The clothing items that
2 you discovered, was there any significance to
3 those items?

4 A. Yes, sir. They still had the price
5 tag on them and there was no receipt in the
6 vehicle whatsoever for those items.

7 Q. All right. Were you able to
8 determine who was sitting in that location
9 when you -- or were you able to determine
10 where any of the people on scene were sitting
11 at the time the car ---

12 A. I did ask each individual, and based
13 on the fact that I cannot say what I was told
14 I -- but based on what happened there, I was
15 able to determine where each person or
16 occupant was sitting in the vehicle.

17 Q. All right. Did Mr. Jennings
18 specifically tell you where he was sitting in
19 the vehicle?

20 A. Yes, sir. He did.

21 Q. Where did Mr. Jennings say he was
22 seated in the vehicle?

23 A. In the back seat behind the
24 passenger.

25 Q. All right. And these items, to be

1 clear, were found in the back seat behind the
2 driver; correct?

3 A. Yes, sir.

4 Q. All right. Did you see a lady that
5 Officer Nalley testified was Ms. Millwood,
6 did you see her run from the scene?

7 A. No, sir. She was already gone at
8 that time and I had advised my dispatch.
9 Corporal Raines, before he arrived on scene,
10 did look for her as well as several Pickens
11 County deputies were in the area looking to
12 see if they could locate her.

13 Q. Okay. Tell me about, did you
14 continue searching the car after you found
15 these items from Walmart?

16 A. Yes, sir. Upon finding the items
17 that I believed to be methamphetamine, I did
18 begin a more thorough search of the vehicle.
19 And upon getting to the glove box of the
20 vehicle, I found a pack of black Marlboro
21 cigarettes that had a clear package of
22 crystal-type substance that I believed to be
23 methamphetamine between the cigarette pack
24 and the cellophane.

25 Q. And what did you do with those items

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Testimony of Brian Smith - Direct Examination

1 that you found? First off, what did you do
2 with the clothing items?

3 A. The clothing items, I made note of
4 and returned those back to the store so they
5 could go back into their inventory.

6 Q. All right.

7 A. The other items that were found, I
8 placed them in the trunk of my car for
9 security reasons, until I could get to the
10 police department in order to put them into
11 Evidence.

12 Q. When you say the other items, do you
13 mean just the drug items or all of it?

14 A. The drug items, which was
15 paraphernalia as well as the needles and the
16 clear baggies that I believed to contain
17 methamphetamine were placed in the trunk of
18 my vehicle for safety.

19 Q. Okay. Describe for me, in as good
20 detail as you can, please the small baggies
21 containing methamphetamine?

22 A. The small baggies were going to be
23 approximately -- well, I want to say about a
24 half an inch to maybe an inch wide and about
25 the same length, high. And did have a

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1 crystal-type substance inside of it that I
2 did believe to be methamphetamine.

3 SOLICITOR CLEVELAND: I beg the
4 Court's indulgence while I mark these, Your
5 Honor. I apologize.

6 (SO MARKED AS STATE'S EXHIBIT 1)

7 (SO MARKED AS STATE'S EXHIBIT 2)

8 (SO MARKED AS STATE'S EXHIBIT 3)

9 COURT REPORTER: State's Exhibits
10 1, 2, and 3 for identification.

11 DIRECT EXAMINATION CONTINUED

12 BY MR. CLEVELAND:

13 Q. All right. Officer Smith.

14 A. Yes, sir.

15 Q. I am going to at least show you now
16 what has been marked as State's Exhibits 1,
17 2, and 3 for identification. Would you take
18 a moment and look at those items, please?

19 A. Yes, sir, (reviewing).

20 Q. All right. Do you recognize those
21 items?

22 A. Yes, sir. I do.

23 Q. And what do you recognize those
24 items as?

25 A. As two clear baggies containing a

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1 crystal-type substance that I believe to be
2 methamphetamine. And that is also a Sharps
3 container that I placed the uncapped needles
4 in, as well as the capped needle in order to
5 secure the safety of the officers and any
6 evidence tech that may be handling it.

7 Q. Okay. Did anybody on scene claim
8 any ownership of those drugs?

9 A. No, sir. Everyone on scene denied
10 any ownership whatsoever.

11 Q. All right. All right. You said you
12 placed the drug items, that you at least
13 perceived to be drugs, into the trunk of your
14 automobile?

15 A. Yes, sir.

16 Q. What did you do with them next?

17 A. At that point, I had to stay by the
18 scene until the tow truck arrived. Officer
19 Raines -- or correction, Corporal Raines
20 transported Ms. Crawford. And Deputy Burgess
21 transported the two male subjects to the
22 detention center for booking. I did go to
23 jail and finish the paperwork that was there.
24 And then went to the police department and
25 began the proper logging-in of the evidence

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1 and placing it in temporary storage for the
2 evidence tech to place into the Evidence
3 room.

4 Q. All right. You said -- you talked
5 about transporting. Was everybody on scene
6 arrested?

7 A. Yes, sir. They were.

8 Q. All right. With the exception,
9 obviously of Ms. Millwood because she had
10 left the scene; correct?

11 A. Yes, sir.

12 Q. So Bridgette Crawford, John Bower,
13 John Brewer or Bower I believe -- however you
14 pronounce his last name?

15 A. Yes, sir.

16 Q. And Steve Jennings were taken into
17 custody at that time?

18 A. Yes, sir.

19 Q. Tell me about the evidence
20 procedures that you use as a Pickens police
21 officer for the safe keeping of evidence?

22 A. Yes, sir. At the time, and I have
23 been gone now for about a year, but I can
24 only to the facts of how evidence was done
25 while I was there.

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1 Q. Yeah. And specifically how it was
2 done in this case as well?

3 A. Yes, sir. The evidence was taken
4 into the police department, down into our
5 squad room, where I did weigh each item on a
6 digital scale. I did verify that the scale
7 was working properly. I did do an evidence
8 sheet that is required by the police
9 department. I was required to do a lab
10 analysis sheet for the Greenville Drug Lab.
11 All those items were placed into a manila
12 envelope that contained the case number, my
13 name, the charge of the subject and the
14 subject's name. It was placed into a
15 temporary evidence locker that had a Master
16 Lock, I believe, that was on that. And the
17 only person that had a key to that was the
18 evidence tech and possibly the sergeant over
19 investigations at the time. That lock was
20 secured, I ensured that it was closed and
21 locked. And those items were the evidence
22 sheet and the analysis sheet, were placed
23 with that manila envelope inside that locked
24 locker.

25 SOLICITOR CLEVELAND: (Tenders

1 object to be marked as exhibit).

2 (SO MARKED AS STATE'S EXHIBIT 4)

3 COURT REPORTER: State's Exhibit
4 Number 4 for identification.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR CLEVELAND:

7 Q. All right. Officer Smith, I'm going
8 to show you what's been marked as State's
9 Exhibit Number 4.

10 A. Yes, sir.

11 Q. Do you recognize that item?

12 A. Yes, sir. That is my handwriting on
13 that envelope.

14 Q. All right. So is this the envelope
15 that the evidence, the drug evidence you
16 gathered was placed into the evidence locker
17 and filled out on this ---

18 A. Yes, sir. It is.

19 SOLICITOR CLEVELAND: (Tenders
20 items to be marked as exhibit).

21 COURT REPORTER: State's Exhibit
22 Number 5 for identification.

23 (SO MARKED AS STATE'S EXHIBIT 5)

24 COURT REPORTER: State's Exhibits
25 5 and 6 for identification.

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1 (SO MARKED AS STATE'S EXHIBIT 6)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR CLEVELAND:

4 Q. All right. Now, Officer Smith, like
5 I'm going to show you these also. Could you
6 tell the jury what State's Exhibit Number 5
7 is, please?

8 A. State's Exhibit Number 5 is the
9 County of Greenville Department of Public
10 Safety Laboratory Analysis request, which I
11 did fill out, showing what each item that I
12 was requesting to be tested to determine its
13 contents.

14 Q. All right. And State's Exhibit
15 Number 6?

16 A. Number 6 is the Pickens Police
17 Department Property and Evidence custody
18 report showing each item that I placed into
19 evidence with my signature of when I placed
20 it into the temporary evidence locker. And
21 then the chain of custody of anyone who had
22 that evidence after that.

23 Q. Thank you. So to be clear, you
24 essentially started the chain by filling out
25 this evidence form. Is that a correct

1 assessment?

2 A. Yes, sir.

3 Q. And as anybody that comes in contact
4 with it, the form follows the evidence; is
5 that correct?

6 A. Yes, sir. It does.

7 Q. And regarding the State's Exhibit 5,
8 which is the analysis form, that is what is
9 submitted with the drugs to be submitted for
10 analysis; correct?

11 A. Yes, sir.

12 Q. Do either of these forms appear from
13 your observation to have been tampered with
14 or changed or anything you put on there
15 omitted off these forms?

16 A. No, sir.

17 Q. This envelope, which is State's
18 Exhibit Number 4, does it appear to be in the
19 same condition as it was when you put it in
20 the evidence locker?

21 A. Yes, sir.

22 Q. Who has access to the Pickens
23 evidence room or evidence lockers?

24 A. At the time it was the evidence
25 tech, Mike Hughes.

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1 Q. Okay.

2 A. And I believe Sergeant Sam Byers,
3 who is an investigator, may have also access
4 in case that evidence tech wasn't on scene.

5 Q. Okay. Once you place something in
6 that evidence locker, are you able to go get
7 it out? Are other officers able to go get it
8 out?

9 A. No, sir. Once it's put in a
10 temporary evidence locker, it is locked and
11 we, as officers, had no keys or access to
12 that.

13 Q. Okay. Looking at State's Exhibits 1
14 through 3, absent any additional packaging
15 perhaps, do those items appear in the same
16 condition they were when you withdrew them
17 from the vehicle?

18 A. Yes, sir.

19 SOLICITOR CLEVELAND: Your Honor,
20 at this time the State would seek to admit
21 State's Exhibits 4, 5, and 6 into evidence at
22 the time.

23 MR. DEJONG: Without objection.

24 THE COURT: They're in without
25 objection.

1 (SO ENTERED AS STATE'S EXHIBIT 4)

2 (SO ENTERED AS STATE'S EXHIBIT 5)

3 (SO ENTERED AS STATE'S EXHIBIT 6)

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR CLEVELAND:

6 Q. I want to be kind of specific about
7 these drug items, where you found them.

8 A. Yes, sir.

9 Q. How would you describe where you
10 found the, I guess the blue bag or the pink
11 bag, what did you say, that had the needles
12 in it in the back seat?

13 A. It was laying directly in the --
14 just about the center of the floorboard.

15 Q. Okay. It wasn't up under the seat?

16 A. No, sir.

17 Q. When you say the center of the
18 floorboard, do you mean the center between
19 the driver and the back seat? Or in the
20 center as in side to side?

21 A. If you were to be sitting in the
22 back seat of the vehicle on the driver's side
23 where the pan is, where your feet go, it was
24 laying just about dead center of the middle
25 of the pan where your feet go in the back

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1 seat.

2 Q. All right. Was it covered with
3 those clothing items that you withdrew from
4 the car?

5 A. Partially.

6 Q. What about the cigarette packet in
7 the glove box you testified to?

8 A. It was just randomly thrown into the
9 glove box or appeared to be randomly thrown
10 in the glove box. But it was just laying in
11 there.

12 Q. And after you submitted what you
13 found in the car, this drug evidence, did you
14 have any other contact with it?

15 A. No, sir.

16 Q. All right. Do you know if it was
17 sent for testing or not? Do you have know-
18 ledge?

19 A. The only knowledge I have is where
20 the evidence sheet came back showing what the
21 tests were from the lab.

22 Q. All right. Let me ask you just
23 about -- well, that's okay. Were any of
24 those items, like I said, appeared to have
25 been tampered with in any way, shape or form?

1 A. No, sir.

2 Q. All right. I don't have any other
3 questions. Please answer any questions
4 Mr. DeJong has.

5 A. Yes, sir.

6 MR. DEJONG: May it please the
7 Court?

8 CROSS-EXAMINATION

9 BY MR. DEJONG:

10 Q. So when you got out to Walmart on
11 July 20th of 2014, what time did you get out
12 there?

13 A. Dispatch time was approximately
14 18:55. I arrived on scene around 18:57.

15 Q. All right, sir. Now, when you got
16 there, you saw Mr. Nalley?

17 A. Yes, sir.

18 Q. And three people and they were all
19 in the parking lot?

20 A. They were standing outside a gold-
21 in-color Mitsubishi vehicle.

22 Q. Right. But they were not seated in
23 that vehicle?

24 A. No, sir.

25 Q. All right. So other than what you

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1 may have gleaned from Mr. Jennings -- he said
2 he was sitting behind a passenger?

3 A. Yes, sir.

4 Q. Back seat passenger; right?

5 A. Yes, sir.

6 Q. Okay. But he wasn't sitting there
7 when you arrived?

8 A. No, sir.

9 Q. Did he ever get back into the car?

10 A. No, sir. Once I arrived on scene, I
11 secured the vehicle and no one was allowed
12 inside that vehicle except myself because of
13 the search that was being conducted.

14 Q. All right. Well, how long was it
15 from the time you got there until the search
16 was being conducted?

17 A. My estimate would have been anywhere
18 from five to seven minutes after I arrived on
19 scene, I began conducting the search.

20 Q. All right. Now were you the only
21 individual that searched that vehicle?

22 A. To the best of my knowledge, yes,
23 sir.

24 Q. Okay. So now let's talk a little
25 bit about that search. If I understand you

1 correctly Mr. Smith, what has been marked as
2 State's Exhibit 3, State's Exhibit 2 -- and I
3 have State's Exhibit 1. If you don't
4 remember them by State's Exhibit's, I'll be
5 happy to hand them up there to you. But
6 let's go first to -- why don't we do by the
7 numbers here. State's Exhibit Number 1, do
8 you recall where that was found?

9 A. That would be the syringes and they
10 were found in the backseat of the passenger's
11 side -- or correction -- of the driver's
12 side. And they were inside a, I believe it
13 was a pink, a pink bag.

14 Q. All right, sir. A pink bag?

15 A. Yes, sir.

16 Q. Did that pink bag have a zipper on
17 it?

18 A. Yes, sir, it did.

19 Q. And when you searched the vehicle,
20 was the zipper closed?

21 A. Yes, sir. It was.

22 Q. So what was inside that bag was not
23 visible to the naked eye?

24 A. Other than the fact that there was a
25 point from an unopened needle sticking

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1 through that bag that I almost did get stuck
2 with.

3 Q. All right. But that was a needle.
4 But that would not indicate anything else,
5 other than what was in the bag; right?

6 A. Well, sir, based on my experience
7 and my training, when I see the point of a
8 needle like that, sticking out from a cloth-
9 type bag, I am pretty assured that it is a
10 syringe type needle.

11 Q. Well, where was the needle sticking
12 out?

13 A. It was sticking through the side of
14 the bag, sir.

15 Q. Which side?

16 A. The side facing up.

17 Q. Side facing up. Okay. Now, there
18 were clothes over that?

19 A. Partially covered over that.

20 Q. Okay. Well, was that needle covered
21 up by those clothes?

22 A. No, sir. It wasn't. And I saw it
23 right as I reached down to pick up that bag.

24 Q. All right. Well, let's make one
25 thing very clear here to this jury. Mr.

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1 Jennings was not charged with shoplifting?

2 A. No, sir. He was not.

3 Q. He was charged with the possession
4 with intent to distribute methamphetamine;
5 right?

6 A. Yes, sir. He was.

7 Q. All right. Now, so State's Exhibit
8 1, which appears to be a syringe, was found
9 in a pink bag?

10 A. Yes, sir.

11 Q. All right. Let's go to State's
12 Exhibit 2. Well, the pink bag was behind the
13 driver's side?

14 A. Yes, sir. It was.

15 Q. And that's, to our knowledge, that's
16 where Ms. Millwood was; correct?

17 A. Yes, sir.

18 Q. All right. Now, State's Exhibit
19 Number 2 -- I don't know if you can tell me
20 or not, but I'll show it to you -- where did
21 that one come from?

22 A. That baggie came from either the
23 purple polka dotted bag that was also laying
24 in the back floorboard or either from the
25 cigarette pack.

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1 Q. All right. And I understand you
2 can't tell looking at it and say ---

3 A. Right.

4 Q. --- exactly which bag. But now
5 let's talk about the polka dot bag for a
6 minute.

7 A. Yes, sir.

8 Q. Was the polka dot bag and the pink
9 bag beside each other?

10 A. They were laying side by side, yes,
11 sir.

12 Q. All right. And so they were both
13 behind the passenger's seat?

14 A. Yes, sir.

15 Q. Not behind -- I mean, behind the
16 driver's seat?

17 A. Yes. Excuse me. The driver's seat.

18 Q. Yes, sir. We both got confused for
19 a moment.

20 A. Yes, sir.

21 Q. Okay. The polka dot bag and the
22 pink bag were both under or behind the
23 driver's side?

24 A. Yes, sir.

25 Q. And that's where Ms. Millwood was

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1 sitting?

2 A. Yes, sir.

3 Q. And where Mr. Jennings was sitting,
4 were there any bags back there?

5 A. No, sir.

6 Q. Were there any syringes back there?

7 A. No, sir.

8 Q. No?

9 A. Just the fact that he was in the
10 back seat and that was readily available to
11 him.

12 Q. Okay. I understand that part, but
13 I'm asking now physical evidence-wise, there
14 was nothing on the floorboard where Mr.
15 Jennings was seated?

16 A. No, sir.

17 Q. Okay. Now, the polka dot bag, was
18 it closed?

19 A. Yes, sir.

20 Q. Have a zipper on it?

21 A. Yes, sir, it did.

22 Q. So what was in that bag was not
23 visible to the naked eye; is that correct?

24 A. That is correct, sir.

25 Q. All right. And who may have put

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1 those bags in the vehicle, you don't know;
2 do you?

3 A. I have no clue, sir.

4 Q. All right. Well, let me ask you
5 this. On the syringes, on the plastic
6 baggies, did you ever try to get forensics
7 involved?

8 A. No, sir. I did not.

9 Q. So you did not try to fingerprint
10 the syringe or these baggies?

11 A. No, sir.

12 Q. Okay. Now, the baggies that have
13 been marked State's Exhibit 2 and 3, we have
14 a larger plastic bag and then we have a
15 smaller plastic bag inside. And I'll let you
16 take a look at them. Were those plastic bags
17 -- is that the way they were packaged when
18 you found them in ---

19 A. The smaller bag is the only thing
20 that I had found. The only thing that I can
21 testify to is that that is the way evidence
22 is packed when it comes from the lab.

23 Q. Okay. Well, maybe I'm not being
24 clear. I know this heat-sealed one that
25 would be -- I'm talking about the little ones

1 now.

2 A. The small baggie is exactly what I
3 found in the vehicle.

4 Q. Okay. And that's the way it was
5 packaged?

6 A. Yes, sir.

7 Q. All right. Same for State's Exhibit
8 Number -- well, Exhibits 2 and 3; correct?

9 A. Yes, sir.

10 Q. Okay. All right. Now, so one of
11 these was found in a polka dot bag; right?

12 A. Yes, sir.

13 Q. What were in those bags, other than
14 -- well, let's start with the pink bag where
15 the syringes were. What was in that bag,
16 other than the syringes?

17 A. There was a spoon with white residue
18 that I also believe to be methamphetamine.

19 Q. And was there anything in those bags
20 of an identifying nature to anyone?

21 A. No, sir.

22 Q. Were there any labels or tags,
23 travel tags, or anything like that on the
24 bags?

25 A. No, sir.

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1 Q. On either one of them?

2 A. No, sir.

3 Q. Okay. Now -- and, again, with a
4 reference to State's Exhibits 2 and 3, no
5 forensics was attempted on that either?

6 A. (Negative response).

7 Q. Okay. Now, so when you're searching
8 the vehicle, Millwood is gone. Jennings,
9 Bower and Crawford are still there?

10 A. Yes, sir.

11 Q. Where are they?

12 A. They were standing at the front of
13 the vehicle.

14 Q. Of the Mitsubishi or your ---

15 A. Yes, sir. The Mitsubishi,
16 (affirmative nod).

17 Q. Okay. Now, at any time, did Mr.
18 Jennings share with you that he knew those
19 drugs were in the car?

20 A. Everyone in the vehicle denied
21 knowledge of those narcotics, sir.

22 Q. All right. Well, my question is did
23 he ever share with you that he knew the
24 vehicle had ---

25 A. Again, sir, everyone in the vehicle

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1 denied any knowledge or ownership of those
2 narcotics.

3 Q. All right. Did he ever indicate to
4 you that he wanted to exercise dominion and
5 control over those substances?

6 SOLICITOR CLEVELAND: Judge, I'm
7 going to object on hearsay.

8 MR. DEJONG: Well, I'm asking ---

9 THE COURT: Rephrase it.

10 MR. DEJONG: Okay.

11 CROSS-EXAMINATION CONTINUED

12 BY MR. DEJONG:

13 Q. Did Mr. Jennings ever indicate to
14 you that he wanted to exercise dominion and
15 control over those item?

16 SOLICITOR CLEVELAND: Again, same
17 objection, Your Honor. It's calling for
18 hearsay.

19 MR. DEJONG: I don't think so.

20 THE COURT: Well, let the jury go
21 to the jury room just for a moment. Take the
22 jury to the jury room.

23 (JURY OUT AT 2:17 P.M.)

24 THE COURT: All right. I
25 understand that this is sort of a thorny

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1 issue, that while usually what a Defendant
2 has said is allowed to be presented ---

3 MR. DEJONG: And that's -- I'm not
4 asking ---

5 THE COURT: Well, but there's also
6 the concept -- but the prohibition of
7 defendant in his case in not taking the stand
8 by way of testimony of the defendant. That's
9 not a very articulate way of saying that.
10 But let me ask you, Mr. Cleveland, what is
11 the objection based on?

12 SOLICITOR CLEVELAND: My objection
13 is based on hearsay. If the State inquires
14 as to anything the defense says, I think
15 that's an admission by a party opponent, for
16 which there is an exception. But when one's
17 own party asks for what one's own party said,
18 I think that's clearly an out-of-court
19 statement issued for the truth of the matter
20 asserted, you know. I just think it's clear
21 under the rules that that's a hearsay type
22 statement and, furthermore, in the interest
23 of justice to present the case just like Your
24 Honor said, without the defendant taking the
25 stand. I understand he's not here. And I'm

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1 okay with a little wiggle room just to let
2 the case go smooth but I don't want to get
3 carried away.

4 MR. DEJONG: I can ask the question
5 a different way. But let me just go ahead
6 and ask the question.

7 THE COURT: Well, I was going to
8 say, make a proffer and let's what we have.

9 MR. DEJONG: I'm sorry, Your Honor.

10 THE COURT: Go ahead and make a
11 proffer.

12 MR. DEJONG: Yes, sir.

13 PROFFER CROSS-EXAMINATION

14 BY MR. DEJONG:

15 Q. Did Mr. Jennings ever indicate to
16 you, did you see any behavior that he wished
17 to exercise dominion and control over either
18 of the bags or what was in the glove compart-
19 ment?

20 A. No, sir. And, again, everyone in
21 the vehicle denied any ownership of the
22 items.

23 THE COURT: You're asking about
24 what he observed?

25 MR. DEJONG: Yes. I'm asking for

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1 observations now, not statements, Your Honor.

2 THE COURT: That's just fine, Mr.
3 DeJong.

4 MR. DEJONG: Thank you, Your Honor.

5 THE COURT: I agree with the State
6 on the statement part, uh, -- bring the jury
7 back in.

8 (JURY IN AT 2:20 P.M.)

9 THE COURT: You may proceed.

10 MR. DEJONG: Thank you, Your Honor,
11 may it please the Court.

12 CROSS-EXAMINATION RESUMED

13 BY MR. DEJONG:

14 Q. Did Mr. Jennings ever indicate to
15 you by his behavior that he was exercising
16 dominion and control over those items you
17 found?

18 A. No, sir. And neither did anyone
19 else that was there as well.

20 Q. I understand that. Now, so four
21 people -- well, three people on July the 20th
22 of 2014 -- three people on July the 20th, 2014
23 were charged with possession with intent to
24 distribute methamphetamine; correct?

25 A. Yes, sir.

1 Q. Based on State's Exhibits 1, 2, and
2 3?

3 A. Yes, sir.

4 Q. Okay. Now, Mr. Jennings was not the
5 owner of the Mitsubishi?

6 A. No, sir.

7 Q. All right. By his behavior did he
8 ever indicate that he was exercising dominion
9 and control over that Mitsubishi?

10 A. No, sir.

11 Q. So that was -- as far as we know,
12 that was Ms. Crawford's vehicle?

13 A. Yes, sir.

14 Q. Did we ever run that through the
15 Department of Public Safety?

16 A. Yes, sir, I did. And the vehicle
17 did come back to her.

18 Q. Okay. Very good. Now, Mr. Jennings
19 was never charged with shoplifting?

20 A. No, sir, and -- if I may add,
21 neither were either of the other two that
22 were on scene as well.

23 Q. Yes, sir. Ms. Millwood was the only
24 one that was charged with shoplifting?

25 A. Yes, sir.

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1 Q. Okay. So that then the -- if I
2 gather from all of that, the clothing items
3 that you found, which I gather you said were
4 stolen from Walmart; right?

5 A. Yes, sir.

6 Q. And they were in the back seat
7 behind the driver; right?

8 A. Yes, sir.

9 Q. Partially covering those two bags?

10 A. Yes, sir.

11 Q. And Ms. Millwood was ultimately
12 charged with theft or shoplifting of those
13 items?

14 A. Yes, sir.

15 Q. Now, other than the fact that Mr.
16 Jennings had been or was a passenger in that
17 vehicle, do you have any evidence that he had
18 any knowledge of those drugs?

19 A. His body language and his demeanor,
20 no. But then I can also say that the other
21 ones in the vehicle had the same demeanor as
22 well, that they had no knowledge or claim to
23 those drugs as well.

24 Q. Okay. But let's remember now, Ms.
25 Millwood's not there right now?

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1 A. Correct, sir.

2 Q. So, again, I'm not sure I got an
3 answer to my question. Other than the fact
4 that he had been a passenger of the vehicle,
5 you have no evidence that he had any
6 knowledge of those drugs in the vehicle?

7 A. As again, sir, as I've said, he
8 denied any knowledge as well as everyone else
9 in the vehicle did.

10 Q. Right. Okay. Do you know how Ms.
11 Millwood got to Walmart?

12 A. I cannot testify to that, sir,
13 because I don't know.

14 Q. Okay. Now, I noticed that you filed
15 a police report in this particular case; did
16 you not?

17 A. I did not file the report, sir. I
18 just took the report.

19 Q. Well, I'm saying that after this
20 alleged incident, everybody was hauled off to
21 the LEC. You filed a police report; didn't
22 you?

23 A. Yes, sir. I did do the report.

24 Q. Okay. And I note, and if you need
25 to look at your report, there's nothing in

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1 your report about that needle sticking
2 through the pink bag; is there?

3 A. No, sir. I did not put that in
4 there, but that needle was sticking through
5 the bag.

6 Q. So we're clear, based on your
7 investigation, you could never put Mr.
8 Jennings in the front seat, passenger seat
9 either; could you?

10 A. No, sir.

11 Q. Thank you, sir.

12 THE COURT: Redirect?

13 SOLICITOR CLEVELAND: Just briefly,
14 Your Honor.

15 REDIRECT EXAMINATION

16 BY SOLICITOR CLEVELAND:

17 Q. The two baggies, I just want to make
18 sure we're clear, State's Exhibit 2 and
19 State's Exhibit 3 ---

20 A. Yes, sir.

21 Q. --- if you want to look at them
22 again, I'll let you?

23 A. That's fine.

24 Q. But you can't tell me precisely
25 which one was found in the glove box and

1 which one was found in the polka dot bag in
2 the back seat.

3 A. No, sir. I did not label those
4 baggies or make any marks on them because I
5 did not want to do anything that would lead
6 to any type of tampering with evidence or
7 anything that would lead anyone to believe
8 that I had messed with that evidence.

9 Q. Okay. Thank you. Were there any
10 other bags, items personal effects, anything
11 of that nature in the car, other than the
12 bags that you found that are in evidence?

13 A. The only other thing was the spoon
14 that was found in the bag with the syringes.
15 And there was also a glass pipe that's used,
16 from my experience and training, used in the
17 use of methamphetamine that was also in the
18 glove box. It was wrapped in bubble wrap.
19 And it was placed in a secure locker for our
20 city court because they were charged with
21 drug paraphernalia. Excuse me. A drug
22 paraphernalia charge under our city ordinance
23 at the time in Pickens was issued as well.

24 Q. But that's not here for us to
25 consider today.

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1 A. Right. Right. That was done in
2 municipal court.

3
4 SOLICITOR CLEVELAND: I don't have
5 anything else.

6 MR. DEJONG: Nothing on recross,
7 Your Honor.

8 THE COURT: Thank you, sir, you
9 may be excused. We appreciate your time.

10 WITNESS: Thank you, sir.

11 (WITNESS STEPS DOWN)

12 THE COURT: Call your next
13 witness.

14 SOLICITOR CLEVELAND: Thank you,
15 Your Honor. The State would call Robbie
16 Raines.

17 (WITNESS TAKE STAND)

18 ROBBIE RAINES, having been duly sworn to
19 tell the truth, and nothing but the truth,
20 testified as follows:

21 DIRECT EXAMINATION

22 BY SOLICITOR CLEVELAND:

23 Q. Corporal Raines, where do you work?

24 A. Pickens City Police Department.

25 Q. And did you work at Pickens City

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1 Police Department back on July the 20th of
2 2014?

3 A. Yes, sir.

4 Q. Did you actually respond to this
5 scene?

6 A. I did respond to the scene but I
7 didn't stay there. I was told that a subject
8 had fled the scene, went across Highway 8,
9 towards Donald's Video, the old Donald's
10 Video Store, so I went up there with a couple
11 of deputies, which I don't remember exactly
12 who was there from the sheriff's office, and
13 we were in the woods to see if we could
14 obtain that subject.

15 Q. All right. Did you ever find that
16 subject?

17 A. No. She was found later on. I
18 believe the next day.

19 Q. All right. Did you have any other
20 involvement on the day in question in this
21 case?

22 A. I just transported Ms. Crawford
23 after ---

24 Q. After she was taken into custody?

25 A. Yeah. After she was taken into

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1 custody by Officer Smith, I transported her
2 to Pickens County Sheriff's Office.

3 Q. All right. Thank you. What is your
4 role currently with the police department?

5 A. Currently other than being the SRO
6 at Pickens High School, I'm also the evidence
7 tech.

8 Q. All right. And is part of your
9 duties as an evidence tech, is it your job to
10 essentially look after and keep secure drug
11 evidence?

12 A. Yes, we have -- as Officer Smith
13 talked about the temporary locker system, we
14 have temporary lockers that have locks on
15 them. Myself and Sergeant Byers are the only
16 two that have keys to those evidence lockers.
17 When I go in periodically throughout the week
18 to check to see if there's evidence in there,
19 the lockers locked. I'll take the evidence
20 out, package it up according to Greenville
21 County's or SLED, whoever the evidence needs
22 to go to, package it up according to their
23 standards, take it to Greenville or SLED,
24 whichever one it needs to go to.

25 Q. All right. When you say pack it up

1 by their standards, what's Greenville
2 County's standards for drug evidence?

3 A. Each individual item to be tested
4 has to be bagged, even if it's in the bags,
5 like little small bags, it has to be bagged
6 and labeled with the case number, the
7 initials of whoever sealed it, that type of
8 thing, so they know each individual thing
9 taken -- like needles and bags and stuff has
10 to be separate.

11 Q. Okay. And other documentary
12 requirements to send drugs to Greenville
13 County?

14 A. The evidence sheet, the prior
15 property and evidence sheet goes with them
16 along with the analysis form. We have a
17 Request for Analysis form from Greenville
18 County.

19 Q. All right. And once these items are
20 submitted to Greenville based upon their
21 requirements, do you receive those items back
22 when they're done?

23 A. Yeah. Well, usually, I'll just go
24 over there ever so often and pick up what we
25 have left over there.

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1 Q. All right. And when do you pick it
2 up? What's been done to it once you pick it
3 up?

4 A. I would assume it's been tested. I
5 mean, I don't work there. I can't testify to
6 what exactly they do. But I usually have a
7 lab analysis form back with me telling what
8 they found, what was tested and -- (pause).

9 Q. All right. And then what do you do
10 with the evidence at that time?

11 A. Bring it back and log it back in to
12 our secure evidence room.

13 Q. All right. And just to be clear,
14 were you the evidence tech back on July of
15 2014?

16 A. No, I was not.

17 Q. All right. Who was the evidence
18 technician then?

19 A. Michael Hughes.

20 Q. Okay. And is Mike Hughes with the
21 police department anymore?

22 A. No, sir.

23 Q. I want you to look just briefly
24 what's been marked as State's Exhibit 1, 2,
25 and 3 and answer questions based upon those

1 items. First off, there appears to be, in
2 addition to the original bag that Officer
3 Smith testified to, two other bags involved.
4 An exterior bag and another bag?

5 A. That's correct.

6 Q. Just tell me, does the bag on the
7 inside -- is that consistent with what is
8 required to package an item to send it to
9 Greenville County?

10 A. Yes, it is.

11 Q. All right. And in that case, can
12 you tell if those interior bags have been
13 opened or closed or what's their ---

14 A. Well, they've been opened, which
15 obviously they had to be opened by the techs
16 at Greenville County to be tested.

17 Q. Yeah.

18 A. But that's why they come back sealed
19 in these heat-sealed bags. It's sealed when
20 it leaves us. They open it. They test it.
21 Then they seal it back in a bag like this.
22 That way it's -- the chain of custody is kept
23 up.

24 Q. Okay. And that bag -- looking at
25 those three items, do they appear to be

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1 sealed and -- other than maybe a staple that
2 we put in them, that are in there today, the
3 condition as typically items are when they're
4 returned from Greenville in your experience?

5 A. Yes.

6 Q. And since those items were obviously
7 -- were they in your custody today when you
8 came up here?

9 A. Yes, they were.

10 Q. All right. Where were they kept
11 today?

12 A. You mean before I brought them up
13 here?

14 Q. Yes, sir.

15 A. Before I brought them up here, they
16 were in our sealed evidence room that, as I
17 said before, myself and Sergeant Byers are
18 the only two that have a key. The chief of
19 police doesn't even have a key.

20 Q. Okay. And do you keep documentation
21 as far to where those items have been?

22 A. Yes. The property and evidence
23 sheet, every time it goes from Point A to
24 Point B, has to be signed -- even today when
25 I signed it out, I signed it out to myself,

1 out for court.

2 Q. This sheet that's been put into
3 evidence as State's Exhibit Number 6, is
4 this the property and evidence sheet that
5 you're referring to?

6 A. Yes, it is.

7 Q. Can you look at that sheet and as
8 least as is indicated by the sheet -- the
9 sheet can't talk -- but look like the
10 evidence been sent to Greenville and brought
11 back to Pickens?

12 A. Yes.

13 Q. Other than transporting Ms. Crawford
14 and maintaining this evidence up until this
15 date we're in Court for, did you have any
16 other involvement in this case?

17 A. No, sir.

18 Q. All right.

19 SOLICITOR CLEVELAND: No further
20 questions.

21 Q. Please answer anything Mr. DeJong
22 has.

23 MR. DEJONG: May it please the
24 Court.

25 CROSS-EXAMINATION

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1 BY MR. DEJONG:

2 Q. Just to be sure, Mr. Raines, you had
3 nothing to do with the search?

4 A. No, sir.

5 Q. You went to the scene but you had no
6 contact with Mr. Jennings, Mr. Bower [sic] or
7 Ms. Crawford?

8 A. No, sir.

9 Q. Nothing ---

10 A. Well, Ms. Crawford, I transported
11 her.

12 Q. You transported her?

13 A. Yes, sir.

14 Q. Okay. But other than that, you had
15 no involvement ---

16 A. No, sir.

17 Q. --- with the actual incident that
18 allegedly happened out at Walmart?

19 A. No, sir.

20 Q. Basically, what you're testifying to
21 today is ---

22 A. Is the chain of custody for the
23 evidence.

24 Q. --- is the procedure with that;
25 right?

1 A. Yes, sir.

2 Q. Thank you, sir.

3 MR. DEJONG: No further questions.

4 SOLICITOR CLEVELAND: Nothing on
5 redirect.

6 THE COURT: You can step down and
7 you're excused. We appreciate your time.

8 WITNESS: Yes, sir.

9 (WITNESS STEPS DOWN)

10 SOLICITOR CLEVELAND: May the
11 witness be excused, Your Honor?

12 MR. DEJONG: No objection to him
13 being excused, Your Honor.

14 THE COURT: Okay.

15 SOLICITOR CLEVELAND: The State
16 would call James Armstrong, Your Honor.

17 (WITNESS TAKES STAND)

18 JAMES ARMSTRONG, having been duly sworn
19 to tell the truth, and nothing but the truth,
20 testified as follows:

21 DIRECT EXAMINATION

22 BY SOLICITOR CLEVELAND:

23 Q. Mr. Armstrong, where do you work?

24 A. I'm employed with the Greenville
25 County Department of Public Safety, Forensics

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Testimony of James Armstrong - Direct Examination

1 Division, Crime Laboratory.

2 Q. All right. And what's your job
3 description in a nutshell in the crime lab?

4 A. In a nutshell, I'm classified as a
5 criminalist. I have the dual responsibility
6 of a forensic drug chemist and a forensic
7 firearms examiner.

8 Q. All right. And as a forensic drug
9 chemist, what do you do in that capacity?

10 A. As a drug chemist, I analyze
11 suspected controlled substances that come in
12 from officers from different locations,
13 testing anywhere from plant materials, rock
14 substances, powders, any type of substance
15 that may contain -- and report my findings
16 whether it is or is not a controlled
17 substance.

18 Q. All right. And as in the case --
19 let's say methamphetamine, what procedure use
20 and what education do you have -- I know it's
21 going to be a mouthful -- to test those
22 drugs?

23 A. Well, education-wise, I have a
24 bachelor of science degree in chemistry from
25 Erskine College. I have trained in the area

1 of drug identification approximately one year
2 under the direction of the lab supervisor.
3 I've attended numerous instrumental analysis
4 schools concerning the instruments I use in
5 my analyses. And I've testified in local,
6 state and federal courts at least a hundred
7 and sixty-three times as an expert in the
8 field of drug identification.

9 SOLICITOR CLEVELAND: At this time,
10 Your Honor, the State would like to offer Mr.
11 James Armstrong as an expert in the field of
12 forensic drug analysis.

13 MR. DEJONG: I have no *voir dire*,
14 Your Honor.

15 THE COURT: I find he is
16 qualified.

17 SOLICITOR CLEVELAND: Thank you,
18 Your Honor.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR CLEVELAND:

21 Q. Now, Mr. Armstrong, before we go
22 into this case specifically, I want to talk
23 about the Greenville Crime Lab a little bit.
24 Who can take drug samples to the Greenville
25 Crime Lab and submit it for testing?

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Testimony of James Armstrong - Direct Examination

1 A. Basically, any law enforcement
2 agency in the state actually brings stuff to
3 the law enforcement center. That would be
4 signed into the property and evidence room.
5 We primarily work for about twenty-six
6 different agencies currently that are in
7 Greenville County, Pickens County, and some
8 surrounding areas, as well.

9 Q. All right. Pickens City Police
10 Department one of those agencies y'all work
11 for?

12 A. Yes, we do.

13 Q. What type of -- what's the standard
14 for a submission on a sample of evidence at
15 the Greenville Crime Lab? What does an
16 officer have to bring for you to test it?

17 A. Well, obviously, first we have to
18 have a sample. The sample has to be sealed
19 in a package somehow with the officer's
20 initials, an item number, a case number.
21 That way you can indicate that that package
22 was sealed. It has not been tampered with.
23 That way we can track it. And then it has to
24 be accompanied by a property and evidence
25 sheet, which is the chain of custody that

1 goes along with it. In order for that to
2 come to my office for the testing, I have to
3 have a laboratory request form, basically
4 giving me permission to handle the evidence.

5 Q. Very good. And once it's there --
6 what if you receive a piece of evidence that
7 doesn't have the right paperwork or isn't
8 sealed correctly, will you test that
9 evidence?

10 A. No, sir.

11 Q. All right. In this particular case,
12 do your records reflect that you received the
13 evidence to be tested?

14 A. Yes, sir.

15 Q. And I'm going to show you what's
16 been marked initially State's Exhibit Number
17 5 and State's Exhibit Number 6. Is Exhibit 5
18 that laboratory request that you spoke of?

19 A. Yes, sir. It is.

20 Q. And how many items does it request
21 to be tested?

22 A. Three different items.

23 Q. All right. And the other sheet, is
24 that -- refresh me of which State's Exhibit
25 that is. I'm sorry?

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1 A. That's State's Exhibit 6.

2 Q. State's Exhibit 6. Is that the
3 property and evidence sheet?

4 A. It is the property and evidence
5 sheet from Pickens Police Department.

6 Q. All right. And does it bear your
7 signature that you came into contact with
8 this?

9 A. No, sir, it does not. Once it comes
10 into the law enforcement center in
11 Greenville, the property and evidence clerks
12 actually issue it a barcode. And it is all
13 barcoded into evidence and then tracked that
14 way in-house.

15 Q. All right. I'll show you State's
16 Exhibit -- you educated me, quite frankly.
17 Let me show you State's Exhibit Number 4.
18 It's been entered into evidence. Those
19 barcodes, is that from your organization?

20 A. That is from the Greenville property
21 and evidence.

22 Q. All right. I feel like I'm walking
23 back and forth too much. Let me get to it.
24 What items did you test in this case?

25 A. Like I said, it was listed Item A,

1 which was a syringe that contained
2 approximate 0.30 milliliters of liquid.

3 Item B, was a bag that contained a rock
4 substance.

5 Item C, which was another bag that
6 contained a rock substance.

7 Q. All right. Let me show you State's
8 Exhibits 1 through 3. Do you recognize those
9 items?

10 A. Yes, sir. I do.

11 Q. Are those the items you tested in
12 this case?

13 A. Yes, sir. They are.

14 Q. All right. Those are obviously
15 sealed an exterior bag. Do you know who put
16 those items in that bag?

17 A. I did.

18 Q. All right. And on all three of
19 those -- State's Exhibits 1, 2, and 3 -- do
20 they appear to be in the same sealed
21 condition as they were when they left your
22 lab?

23 A. Yes, sir. They are.

24 Q. Regarding Item A that you tested,
25 what type of test did you conduct and what

1 were your results?

2 A. I did a chemical spot test and
3 instrumental analysis. I was able to confirm
4 that the syringe contained a liquid, actually
5 contained methamphetamine.

6 Q. All right. And what was the
7 quantity of that liquid?

8 A. It measured out in the syringe at
9 .030 milliliters.

10 Q. All right. And did you weigh that
11 at all?

12 A. No, sir. We don't -- it's our
13 policy not to actually weigh syringe liquids
14 just because of biohazard potential.

15 Q. All right. Item B in this case, did
16 you test that item and what were the results?

17 A. Yes, sir. I did test it. It was a
18 bag containing a rock substance. I was able
19 to find that the bag contained methampheta-
20 mine with a weight of 0.80 grams.

21 Q. And finally, Item C?

22 A. Yes, sir. It is a bag containing
23 rock substance. And I found it contained
24 methamphetamine with a weight of 0.44 grams.

25 Q. Very good. And did you memorialize

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1 your findings in a report?

2 A. Yes, sir. I did.

3 COURT REPORTER: State's Exhibit
4 Number 7 for identification.

5 (SO MARKED AS STATE'S EXHIBIT 7)

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR CLEVELAND:

8 Q. I'm going to show you what's been
9 marked as State's Exhibit 7.

10 A. Yes, sir.

11 Q. What is that item?

12 A. That is my original lab report for
13 this case.

14 Q. Very good. And is that a true and
15 accurate reflection of your findings from
16 your analysis?

17 A. Yes, sir. It is.

18 SOLICITOR CLEVELAND: At this time,
19 Your Honor, the State would seek to admit
20 State's Exhibits 1, 2, 3, and 7 into
21 evidence.

22 MR. DEJONG: Without objection,
23 Your Honor.

24 THE COURT: All four are into
25 evidence.

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1 (SO ENTERED AS STATE'S EXHIBIT 1)

2 (SO ENTERED AS STATE'S EXHIBIT 2)

3 (SO ENTERED AS STATE'S EXHIBIT 3)

4 (SO ENTERED AS STATE'S EXHIBIT 7)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR CLEVELAND:

7 Q. Now, real quickly, Mr. Armstrong.
8 Those bags inside the larger bag on State's
9 Exhibit 1 through 3 ---

10 A. Yes, sir.

11 Q. --- is that the way -- where did
12 those bags come from?

13 A. When I received them, this is the
14 way I received them. They're actually --
15 this inside bag has to have a case number, a
16 date, a officer initials the seal. When I
17 receive them, the way I indicate that it was
18 sealed, I actually cut across the bag and put
19 my initials and the date, which I opened that
20 seal.

21 Q. Okay. So can you say you opened
22 that interior bag that's open?

23 A. Yes, sir. I did open all three.

24 Q. And as far as sealing the bags up --
25 I know we hit this -- but do you have any

1 indication looking at that that you can tell
2 you did it? Did you seal those bags back up?

3 A. Yes, sir. I did. My initials and
4 the date which I had it sealed are right
5 there on the bags.

6 Q. Very good. No further questions,
7 Mr. Armstrong.

8 MR. DEJONG: Your Honor, may it
9 please the Court.

10 CROSS-EXAMINATION

11 BY MR. DEJONG:

12 Q. Mr. Armstrong, I notice looking at
13 your report, did you fill this report out?

14 A. Yes, I did.

15 Q. Looking in the upper left-hand
16 corner it says the Department: Pickens Police
17 Department. Correct?

18 A. Yes, sir.

19 Q. Officer B. Smith. And then it says,
20 subject. Who is the subject?

21 A. Subjects that I was given based on
22 the request form are Bridgett Crawford,
23 Michelle Millwood, Steven Jennings and John
24 Bower [sic].

25 Q. All right. Now, as far as to where

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1 these items came from that you tested for
2 methamphetamine, you don't know where they
3 came from?

4 A. No idea.

5 Q. Don't know who they belong to?

6 A. That's correct.

7 Q. Don't know who had any knowledge of
8 them or anything else?

9 A. That's correct.

10 Q. You did a chemical test on them?

11 A. That's correct.

12 Q. Pure and simple.

13 A. Yes, sir.

14 Q. Thank you, Mr. Armstrong.

15 SOLICITOR CLEVELAND: No redirect,
16 Your Honor.

17 THE COURT: Thank you. Appreciate
18 your time. May he be excused?

19 WITNESS: Thank you, Your Honor.

20 (WITNESS STEPS DOWN)

21 THE COURT: Call your next
22 witness.

23 MR. DEJONG: The State would call
24 Bridgett Crawford, Your Honor.

25 (WITNESS TAKES STAND)

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1 BRIDGETTE CRAWFORD, having been duly
2 sworn to tell the truth, and nothing but the
3 truth, testified as follows:

4 DIRECT EXAMINATION

5 BY SOLICITOR CLEVELAND:

6 Q. Good afternoon, Ms. Crawford. I
7 want to cut right to the chase. Do you know
8 Steven Jennings?

9 A. I do.

10 Q. How did you know Steven Jennings?

11 A. He was a friend of my ex-
12 boyfriend's.

13 Q. All right. And who is your ex-
14 boyfriend?

15 A. John Bower..

16 Q. And how long have you known John
17 Bower and how long have you known Steven
18 Jennings?

19 A. John Bower for about two years.
20 Steven Jennings from April to July when this
21 happened, so 2014.

22 Q. Very good. Was it your car in the
23 Walmart parking lot?

24 A. It was.

25 Q. And do you know where the meth-

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1 amphetamine in that car, that officers found
2 in that car came from?

3 A. I do.

4 Q. Where did it come from? Who put it
5 in the car?

6 A. Michelle Millwood and Steven
7 Jennings.

8 Q. Had you been spending time with them
9 before?

10 A. I had. All weekend.

11 Q. Tell us about that weekend, kind of
12 what went down.

13 A. The entire weekend?

14 Q. Yeah. I mean not in specific, but
15 where were you that weekend?

16 A. I was at my house. They were at my
17 house with me.

18 Q. All right. Who else was there?

19 A. John Bower, Michelle Millwood, Steve
20 Jennings and myself.

21 Q. All right. And over the course of
22 the weekend were y'all using methampheta-
23 mines?

24 A. We were. The entire weekend.

25 Q. Okay. I believe that July 20th was a

1 Sunday. Tell us about that Sunday. How
2 y'all ended up -- well, first of all, where
3 is your house? What town is it in?

4 A. Townville.

5 Q. Okay. How did y'all end up in
6 Pickens on that Sunday?

7 A. Because Michelle and Steve -- we had
8 ran out of methamphetamines. And we had been
9 up all weekend. And so Michelle and Steve
10 were wanting to find some methamphetamines
11 and I had called a friend of mine.

12 Q. All right.

13 A. So the friend of mine lived in
14 Pickens.

15 Q. So you -- did you drive up to
16 Pickens in your car?

17 A. Yes, sir. We all did.

18 Q. Okay. All four of you?

19 A. Yes, sir.

20 Q. Did you acquire some methampheta-
21 mine?

22 A. Yes, sir.

23 Q. All right. Who specifically? Did
24 you see somebody specifically get
25 methamphetamines?

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1 A. Yes, sir.

2 Q. All right. Tell us about who you
3 saw actually get that methamphetamine and how
4 it all went down?

5 A. Steve had cellphones, brand new
6 cellphones to trade for the methamphetamines.
7 So when we got to this friend of mine, he
8 took out the cellphones and they gave him the
9 methamphetamines.

10 Q. All right. Who specifically
11 received the methamphetamines?

12 A. Steve gave the cellphones. Michelle
13 was handed the bag of methamphetamines and
14 she put it in her purse.

15 Q. All right. What was the relation-
16 ship between Michelle Millwood and Steve
17 Jennings?

18 A. They lived together. They were
19 boyfriend and girlfriend.

20 Q. All right. And did you or Mr. Bower
21 acquire any methamphetamine on that
22 afternoon?

23 A. Not to my knowledge. I didn't.

24 Q. I mean, you would know if you
25 personally had some?

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1 A. Right. We had no methamphetamines
2 when we got there. The methamphetamines were
3 acquired at this residence.

4 Q. Okay. And that residence, was that
5 in Pickens?

6 A. Yes, sir.

7 Q. How did you end up at Walmart?

8 A. Because I was taking them back home,
9 to their home in Pelzer. And they needed to
10 stop by Walmart before I took them home.

11 Q. All right. Tell me about what
12 happened. Tell the jury, really, what
13 happened at Walmart.

14 A. I had to go into Walmart also. John
15 Bower stayed in the car because it was
16 supposed to have been a short trip. Michelle
17 Millwood and Steve Jennings went in together
18 as a couple.

19 I came back out. They weren't out to the
20 car yet. So I went back in to find out how,
21 you know, what was taking them so long. And
22 when I went back in, I had somehow bypassed
23 Steve and Michelle coming back out.

24 So I went in to Walmart. I got a phone
25 call from John stating that I needed to get

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1 back out to the car immediately. I could
2 hear a commotion. So when I turned around
3 and went back through the main aisle of
4 Walmart to come back out, by the time I got
5 to the doors, there was the police officer
6 and everyone standing around the car in the
7 same order that we had gotten there, the same
8 order that we had got out of the car. And
9 they were just telling us we needed to go,
10 go, go, go.

11 So I got in the car and I started to
12 leave. When I started to leave, just as I
13 started to pull forward, the police officer
14 that was in plain clothes -- I didn't know it
15 was a police officer, and he threw out his
16 badge. So I stopped and that's when Michelle
17 Millwood started screaming "go, go, go."

18 At this time, when I stopped, John and
19 Steve got out of the car. They were sitting
20 -- John was sitting in the passenger's front
21 seat and Steve was sitting behind him. They
22 got out and then John jumped back in and put
23 the car in park because the car was still in
24 drive. So then that's when Michelle jumped
25 out and she ran.

1 Q. All right. So when you first exited
2 the vehicle, when you first exited, at the
3 Walmart here in Pickens, could you tell that
4 the folks around your car were talking to a
5 police officer?

6 A. No, sir.

7 Q. What did you think was going on?

8 A. I thought they had gotten into an
9 altercation with someone.

10 Q. Okay. And it wasn't until -- just
11 to paraphrase, but it wasn't until he pulled
12 out his badge and you were in the driver's
13 seat that you knew he was a police officer?

14 A. Yes, sir.

15 Q. All right. Once the car got back
16 put in park, what happened after that?

17 A. Michelle jumped out and ran.

18 Q. All right. What did you do?

19 A. I just sat there.

20 Q. Okay.

21 A. Then I was told to get out and get
22 in front of the car and sit down, to place
23 feet across and -- so I did.

24 Q. Did uniformed police officers ever
25 show up?

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1 A. Yes. Shortly after that. But
2 Michelle was calling my cellphone before
3 then. The plainclothes officer instructed
4 her to come back, and she just hung up. And
5 then it seemed like just blink of an eye that
6 Officer Smith showed up.

7 Q. All right. And did Officer Smith
8 ask you if he could search your car?

9 A. Yeah. He did.

10 Q Okay. Now, you testified that y'all
11 had just gone to purchase methamphetamine or
12 to go get some methamphetamine. Why did you
13 let Office Smith search your car if you knew
14 there was drugs inside?

15 A. Because I thought Michelle had the
16 drugs at that time.

17 Q. Okay. So at this point Michelle had
18 run off?

19 A. Right.

20 Q. Did you have any idea there were any
21 drugs in the glove box?

22 A. No, sir. No.

23 Q. Did you know that Michelle had left
24 -- or presumably -- I don't know if she did
25 or not. But did you think that someone had

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1 left any drugs in the car at that time?

2 A. No, sir. I had no idea there was
3 any drugs in the car.

4 Q. All right. I want to be real clear
5 about where everybody was. Front passenger
6 seat, who was occupying that seat?

7 A. John Bower.

8 Q. And is your glove box in your car in
9 front of the front passenger seat?

10 A. Yes, sir. It is.

11 Q. Prior -- and you obviously know that
12 there was methamphetamine found?

13 A. Yes, I do.

14 Q. Prior to getting to Walmart and
15 everything, did you think or have any
16 knowledge of whether John Bower had any
17 methamphetamine on his person at all?

18 A. John Bower did not have any
19 methamphetamines prior to us leaving my
20 house.

21 Q. Okay.

22 A. Now, prior to getting to Walmart, I
23 don't know.

24 Q. Okay. But is the only place y'all
25 stopped is wherever you went to pick up the

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1 meth?

2 A. Right.

3 Q. Who was sitting directly behind you
4 in the ---

5 A. Michelle Millwood.

6 Q. All right. And that leaves Steve
7 Jennings ---

8 A. Yes, sir.

9 Q. --- behind John, correct?

10 A. Yes, sir.

11 Q. There's been testimony that you were
12 taken into custody after this. The officer
13 testified that nobody claimed the drugs; is
14 that true?

15 A. That's true. That is correct.

16 Q. Ultimately, were you charged with
17 possession with intent to distribute
18 methamphetamine?

19 A. Yes, sir.

20 Q. And how did that case resolve?

21 A. What happened?

22 Q. Yeah. What happened to your case?

23 A. I got a year's house arrest and a
24 year's probation.

25 Q. Did you go to trial or did you plead

1 guilty?

2 A. I pled guilty.

3 Q. All right. And why did you plead
4 guilty to that charge?

5 A. Because I, I was guilty. I was in
6 the car with them. I knew what they were
7 doing. I was doing it also.

8 Q. But is it your testimony today, was
9 that your methamphetamine in the glove box?

10 A. No, sir.

11 Q. Was that your methamphetamine
12 located in the pouch in the floor behind you?

13 A. No, sir.

14 Q. All right. Who did that meth-
15 amphetamine belong to?

16 A. Michelle Millwood and Steve
17 Jennings.

18 Q. All right. Who did those needles
19 belong to?

20 A. Michelle Millwood and Steve
21 Jennings.

22 Q. All right. Even in the glove box
23 that methamphetamine, do you have any idea
24 who that belonged to?

25 A. No, sir.

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1 Q. You said you pled guilty.

2 A. (Affirmative nod).

3 Q. You received a year's house arrest.

4 A. (Affirmative nod).

5 Q. Was your plea, your sentence, any
6 negotiation in your case have anything to do
7 with you testifying here today against Steve
8 Jennings?

9 A. No, sir.

10 Q. Did you know at the time of your
11 plea that you were going to have to testify
12 against Steve Jennings?

13 A. No, sir.

14 Q. Had the Solicitor's Office, the
15 police or anybody else brought up to you that
16 'we're going to give you this deal, but
17 you've got to play ball with us'?

18 A. No, sir. No, sir.

19 Q. All right. That's all the questions
20 I have. Please answer any questions Mr.
21 DeJong has.

22 A. Yes, sir.

23 MR. DEJONG: Thank you, Your Honor.
24 May it please the Court.

25 CROSS-EXAMINATION

1 BY MR. DEJONG:

2 Q. I have a fan rumbling back here, Ms.
3 Crawford, and sometimes it's hard to hear.
4 Did I understand you to say that you didn't
5 know there were any drugs in that car?

6 A. Yes, sir. To my knowledge, Michelle
7 had run. She had put the drugs in her purse.

8 Q. You knew there were drugs in that
9 car?

10 A. Yes, sir.

11 Q. Well, I'm a little bit curious now.
12 So when did you decide to come forward and
13 tell this story? The story you're telling
14 this jury today, when did you decide to do
15 that?

16 A. I don't understand your question.

17 Q. When did you decide to come and
18 testify that that was Michelle Millwood's and
19 Steven Jennings' drugs?

20 A. When I was asked to come and
21 testify.

22 Q. Well, the cops asked you who the
23 drugs belonged to on July the 20th, too;
24 didn't they?

25 A. Yes, sir.

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1 Q. You didn't say a word then; did you?

2 A. No, sir.

3 Q. So sometime between July the 20th of
4 2014 and today, you decide that you will come
5 in and say that was Michelle Millwood's and
6 Steven Jennings' drugs; right?

7 A. Yes, sir.

8 Q. Okay. When did you plead guilty?

9 A. March -- I believe it was the 23rd.

10 Q. Of this year?

11 A. Yes, sir.

12 Q. All right. Now, let's back up just
13 a little bit before July the 20th of 2014. I
14 think we have established that that was on a
15 Sunday; is that correct?

16 A. Yes, sir.

17 Q. All right. Now, how long prior to
18 July the 20th of 2014, had you been doing
19 methamphetamine?

20 A. In total or like ---

21 Q. Well, let's just narrow it down.
22 Before July 20th, 2014, you'd been doing it
23 two days, five days, a week? How long had
24 you been ---

25 A. The weekend.

1 Q. The weekend?

2 A. That weekend. Uh-huh.

3 Q. So the point of that being that
4 somewhere along the weekend you ran out of
5 meth; correct?

6 A. Yes, sir.

7 Q. And when you went looking for meth
8 there was no intent to distribute that meth,
9 was there?

10 A. (No verbal response)

11 Q. You were buying it to take it home
12 and smoke it or shoot it or whatever you do
13 with it; right?

14 A. I don't know what their intent was.

15 Q. Well, you set the deal up. You
16 don't know what their -- you don't know what
17 they were getting it for?

18 A. No, sir. I assumed to use and
19 whatever they decided to do with ---

20 Q. Well, you'd been doing ---

21 A. --- I didn't ask.

22 Q. I'm sorry. You'd been doing meth
23 with them all weekend; hadn't you?

24 A. Yes, sir.

25 Q. So suddenly you were going to get

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1 off of meth and they were going to go about
2 their merry business?

3 A. I have children. I had to pick my
4 children up later that Sunday. The needed to
5 go home, so ---

6 Q. I guess you had those same children
7 earlier in the weekend; didn't you?

8 A. Yes, sir.

9 Q. When you were doing meth, didn't
10 you?

11 A. Yes, sir.

12 Q. And you're now telling this jury
13 that it was all Michelle Millwood and Steve
14 Jennings and you didn't have any idea what
15 they were going to do with those drugs, that
16 you weren't going to get any of it?

17 A. I assumed that I would do some of
18 them but not the entire of them, no.

19 Q. All right. Well, did you take them
20 -- and you were going to go back to Pelzer,
21 who lived in Pelzer?

22 A. They did.

23 Q. Was it your intent at that point in
24 time to go their house in Pelzer?

25 A. Yes, sir.

1 Q. All right. You were going to stay
2 there; right, for some period of time?

3 A. For some period of time, yes.

4 Q. Yes, ma'am. Well, share this with
5 me. Who put that Marlboro Black cigarette
6 pack in the glove compartment?

7 A. I don't know.

8 Q. It's your car; right?

9 A. Yes, sir.

10 Q. And John Bower had been sitting in
11 the front passenger seat; right?

12 A. Yes, sir.

13 Q. Are you and Mr. Bower still
14 together?

15 A. No, sir.

16 Q. And when did y'all have a parting of
17 the ways?

18 A. Back in the first of May.

19 Q. Did you ever go to the police and
20 tell them the story that you have told this
21 jury today?

22 A. No, sir.

23 Q. Pardon?

24 A. No, sir.

25 Q. So the Solicitor's office called you

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1 in; right?

2 A. Yes, sir.

3 Q. And you certainly talked to the
4 Solicitor's office; didn't you?

5 A. Yes, sir.

6 Q. How many times?

7 A. Besides today?

8 Q. Yes, ma'am?

9 A. Two or three.

10 Q. All right. Over what period of
11 time?

12 A. A couple of months time.

13 Q. Pardon me?

14 A. A couple of months time.

15 Q. Okay. All right. When was the
16 first time?

17 A. Before the first scheduled hearing.

18 Q. Well, when was that?

19 A. I'm not sure. I think it was last
20 month.

21 Q. Your first scheduled hearing?

22 A. I think it was last month.

23 Q. I beg your pardon?

24 A. I think it was this past August.

25 Q. There were no scales in the car to

1 your knowledge; was there?

2 A. Not to my knowledge. There was a
3 lot of things in the car.

4 Q. No plastic baggies, other than what
5 has been introduced. There were no empty
6 plastic baggies in the vehicle; were there?

7 A. Not in my vehicle. As far as in her
8 bag, I can't testify to that. I don't know
9 what was in the bag.

10 Q. Well, who did the pink bag belong
11 to?

12 A. I assume Ms. Millwood.

13 Q. Pardon me?

14 A. I assume it was Ms. Millwood's.

15 Q. Well, let's back up here a little
16 bit further. When y'all were, according to
17 your testimony, smoking meth over the
18 weekend, were you smoking meth over the
19 weekend with John Bower and Michelle Millwood
20 and Steve Jennings?

21 A. John Bower and I smoked meth.

22 Q. But Steve Jennings wasn't there?

23 A. Steven Jennings was there and
24 Michelle Millwood was there. They used the
25 syringes. They used needles.

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Testimony of Bridgett Crawford - Cross Examination

1 Q. Okay. I'm having a hard time
2 hearing you. So all four of you were there
3 before you left to come to Pickens to get
4 meth?

5 A. Yes, sir. Yes, sir.

6 Q. All four of you had been doing meth?

7 A. Yes, sir.

8 Q. All right. And when you ran out of
9 meth, you needed more meth; correct?

10 A. Yes, sir.

11 Q. And you needed more meth not to sell
12 it, not to give away, you needed it for your
13 own use; didn't you?

14 A. I didn't need any meth, sir. They
15 requested the meth. They could not find it
16 so I was taking them to get it.

17 Q. You knew who to go to, didn't you?

18 A. Uh-huh. Yes, sir.

19 Q. So you weren't doing meth with them
20 over the weekend?

21 A. Yes, sir, I was.

22 Q. And you were coming down off of
23 meth; correct?

24 A. Yes, sir. I was.

25 Q. Meth is very addictive; isn't it?

1 A. Yes, sir.

2 Q. So you decided that day you weren't
3 going to do any more meth?

4 A. I -- (pause).

5 Q. Well, you said you don't know what
6 they were going to use it for, as I under-
7 stood you. So getting the meth, according to
8 you, for them. You, John Bower, the whole
9 mess; right?

10 A. They knew what they were purchasing
11 the meth for. I don't know what they were
12 going to do with it.

13 Q. They didn't know who to call to get
14 the meth; did they?

15 A. The people that they knew didn't
16 have any, from what they told me.

17 Q. Well, you knew who to call to get
18 meth?

19 A. Yes, sir.

20 Q. All right. And when the cops got
21 there, Steve Jennings didn't run; did he?

22 A. He tried to.

23 Q. That's your testimony, that he tried
24 to?

25 A. Yes, sir.

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Testimony of Bridgett Crawford - Cross Examination

1 Q. Okay. All right.

2 A. A couple of times he was called
3 back.

4 Q. Michelle Millwood ran?

5 A. Uh-huh, (affirmative nod).

6 Q. And you and John Bower were the good
7 guys that just stood there?

8 A. Yes, sir. If that's what you want
9 to call it.

10 MR. DEJONG: No further questions.

11 THE COURT: Redirect?

12 SOLICITOR CLEVELAND: Just briefly,
13 Your Honor.

14 REDIRECT EXAMINATION

15 BY SOLICITOR CLEVELAND:

16 Q. Now, I want to talk a little bit.
17 There was some hinting to our conversations.
18 Isn't it true or -- the first time you made
19 contact with anybody, the police or the
20 State, you were called and inquired about
21 testifying in this trial; correct?

22 A. Yes, sir. Actually ---

23 Q. Answer the question.

24 A. Okay. Actually, John lives with his
25 mother in the lower part of the State now.

1 He was in rehab. She contacted me because
2 your office had contacted her. And in turn,
3 I got in touch with you.

4 Q. All right. Very good. I apologize
5 for not having the semantics correct. But
6 are you here on your own free will to testify
7 and tell the truth or ---

8 A. Yes, sir.

9 Q. --- were you subpoenaed by an
10 officer and demanded to come to court this
11 date?

12 A. No, sir.

13 Q. All right. You're here because you
14 want to be and you're here to tell the truth?

15 A. Yes, sir.

16 Q. And as far as your knowledge of what
17 Steve Jennings and Michelle Millwood wanted
18 to do with this meth, did they ever tell you
19 or indicate in any way, shape or form, what
20 they were going to do with this amount?

21 MR. DEJONG: Your Honor, I object
22 to the question. He's asking for hearsay.

23 THE COURT: I sustain the
24 objection.

25 SOLICITOR CLEVELAND: Okay.

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Testimony of Bridgett Crawford - Redirect Examination

1 REDIRECT EXAMINATION CONTINUED

2 BY SOLICITOR CLEVELAND:

3 Q. Well, do you know what they were
4 going to do with the meth that they
5 purchased? That you took them to?

6 A. No, sir.

7 Q. Back at that time, did you use meth
8 consistently every day all ---

9 A. No, sir.

10 Q. Would there be times -- how long of
11 a time would you use meth and how long of a
12 time would you get off of it back then?

13 A. If it was readily available, I would
14 do it. If it wasn't, I wouldn't.

15 Q. In all candor were you hoping they
16 would share some of this with you at some
17 point in time?

18 A. Yes, sir.

19 Q. But did you expect them to?

20 A. I expected they would share some of
21 it, yeah.

22 Q. All right. Do you use meth anymore,
23 currently?

24 A. No, sir.

25 Q. Is part of your house arrest to be

1 drug tested?

2 A. Yes, sir.

3 Q. Complying with everything is part of
4 your sentence?

5 A. Yes, sir.

6 Q. You said you split with Mr. Bower in
7 May. Why aren't you with him anymore?

8 A. Because he didn't want to stop using
9 drugs.

10 Q. When the cops asked you July 20th
11 about the ownership of the drugs or anything,
12 why didn't you tell them what you're telling
13 us now then?

14 A. Because I didn't have an attorney.
15 I mean, when they asked me whose drugs were
16 they, they weren't my drugs. So I just told
17 them they weren't mine.

18 Q. Were you -- is it a little bit fair
19 to say that you didn't want to rat on the
20 folks that were standing right there with
21 you?

22 A. Oh, yes, sir. That would be very
23 fair to say.

24 Q. Is there anything -- that's all I
25 have, Ms. Crawford. Thank you.

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Testimony of Bridgett Crawford - Redirect Examination

1 MR. DEJONG: There's nothing on
2 recross, Your Honor.

3
4 THE COURT: You may step down and be
5 excused. Appreciate your time also. Thank
6 you.

7 (WITNESS STEPS DOWN)

8 SOLICITOR CLEVELAND: The State
9 rests, Your Honor.

10 THE COURT: Members of the jury
11 panel, the State is resting, which means it
12 has presented its evidence. So we have to
13 take up some matters outside your presence.
14 And, also, this is a good time for our
15 afternoon break. So we'll send for you as
16 promptly as we can. We will take a ten-
17 minute, fifteen-minute break.

18 (JURY OUT AT 3:08 P.M.)

19 THE COURT: Anything from the
20 State?

21 SOLICITOR CLEVELAND: Nothing from
22 the State, Your Honor.

23 THE COURT: From the Defense?

24 MR. DEJONG: Thank you, Your Honor.
25 May it please the Court? At this point in

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Defense Motion for Directed Verdict

1 time on behalf of Mr. Jennings, I would move
2 for a directed verdict in that there is no
3 substantial credible evidence for this case
4 to go to the jury.

5 The only evidence we have that the
6 State has put up at all is Ms. Crawford, who
7 was a fellow meth smoker, user, whatever, who
8 comes in at the midnight hour and decides to
9 tell the story that she never told law
10 enforcement or anybody else. And I just say
11 that there is just no substantial, credible
12 evidence in this case for it to go to the
13 jury, Your Honor.

14 THE COURT: That Motion is denied.
15 It goes to credibility of the witnesses
16 before the jury. I find that there is ample
17 things of evidence, from which a jury could
18 determine that the State has proven Mr.
19 Jennings' possession with intent to
20 distribute methamphetamine. And there is
21 direct evidence that he ingested it also.
22 So I deny the Motion.

23 We'll take about a fifteen-minute
24 break.

25 MR. DEJONG: Thank you, Your Honor.

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Charge Conference

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1 (BRIEF RECESS)

2 (DEFENDANT NOT PRESENT)

3 THE COURT: Anything from the
4 defense?

5 MR. DEJONG: No, sir.

6 THE COURT: I'll let you rest
7 before the jury.

8 MR. DEJONG: And I would just renew
9 all objections and Motions, on the grounds
10 previously stated, Your Honor.

11 THE COURT: Those are denied and
12 I'll let you rest in front of the jury, also.
13 Anything else?

14 SOLICITOR CLEVELAND: None from the
15 State, Your Honor.

16 MR. DEJONG: Just so I'm clear,
17 Your Honor. You're charging my request one
18 and three and the lesser-included?

19 THE COURT: Yes.

20 MR. DEJONG: Thank you, sir.

21 SOLICITOR CLEVELAND: Thank you,
22 sir. And the verdict form will just have
23 those two and not ---

24 MR. DEJONG: Yes, sir.

25 SOLICITOR CLEVELAND: Very good,

1 Your Honor.

2 THE COURT: Bring us the jury.

3

4 BAILIFF: Yes, sir.

5 (JURY IN AT 3:35 P.M.)

6 THE COURT: Mr. DeJong?

7 MR. DEJONG: Thank you, Your Honor.

8 May it please the Court, the Defense rests.

9 THE COURT: Ladies and gentlemen,
10 the Defense is also telling us it is resting,
11 so we've moved into the part of the trial
12 where you will hear the closing arguments of
13 the attorneys. And I will give you the
14 charges you are to apply. You may proceed,
15 Solicitor.

16 SOLICITOR CLEVELAND: Thank you,
17 Your Honor, may it please the Court.

18 CLOSING STATEMENT

19 BY SOLICITOR CLEVELAND:

20 Mr. Foreman, ladies and gentlemen of
21 the jury. I appreciate, again, y'all paying
22 attention here to this trial. It's been
23 short and it's been to the point. I think
24 the evidence that we've presented shows
25 clearly that Mr. Steve Jennings did, indeed,

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Closing Argument by Solicitor

1 possess this methamphetamine and did it with
2 the intent to distribute it.

3 Let's talk about -- I don't want to
4 belabor the evidence, but I want to go
5 through a few things that I think are
6 significant. Y'all paid attention. Y'all
7 heard the testimony from the stand. The few
8 things I want to start with is the things
9 that there is no dispute over whatsoever.

10 One, we know Mr. Jennings was in
11 that car that had that methamphetamine in it.

12 Two, we know that these State's
13 exhibits that these bags are, indeed, are
14 over a gram of methamphetamine.

15 We know that there were other people
16 on scene. We know Michelle Millwood ran
17 away. But also, we heard and we know where
18 that meth came from. And that meth was
19 purchased and kept, belonged to Steve
20 Jennings and collectively with his
21 girlfriend, Michelle Millwood. That's the
22 only evidence. That's the only story.
23 That's the only credible side we have in this
24 case. That's the State's case and that's why
25 I think that we have met our burden.

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Closing Argument by Solicitor

1 Now, possession with intent to
2 distribute, we either have to show that he
3 intended to sell it, distribute it, give it
4 away. I mean, "distribute" has a long list
5 of what distribute could mean under the law.
6 But it's quite simply what you can take is it
7 means give it out to somebody else. If he
8 had intent to share it with Michelle Millwood
9 or they vice versa had intent to share it
10 with one another, then they're sharing it and
11 they're distributing it amongst themselves.

12 Furthermore, I think it's really
13 interesting to think of what Bridgette
14 Crawford said was she had hoped that they
15 would share a little bit of that, that they
16 bought with her, for driving them around
17 three different counties.

18 That's the way it works in the drug
19 world. They didn't have -- she did them a
20 favor, put them in contact with someone. She
21 did them a favor and gave them a ride to pick
22 -- gave them a ride to Walmart at their
23 request and would give them a ride back to
24 Pelzer and everything. That's the way these
25 things work. And they're intent with it, to

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Closing Argument by Solicitor

1 pay her back, what she expected, what she
2 hoped, was to get a little bit of that meth.
3 That alone, shows both Michelle Millwood's
4 and Steven Jennings' intent to distribute
5 that methamphetamine.

6 Also, the quantity, as I talked
7 about in my opening statement, comes into
8 play. As Judge Hayes will tell you,
9 possession of more than a gram of
10 methamphetamine is prima facia evidence that
11 you had intent to distribute. In essence,
12 that is more methamphetamine than a person
13 reasonably can use within a time frame that
14 is reasonable under the law. Just
15 physically, that's just how much -- that's
16 more meth than one person can do. So the law
17 allows like you to presume that because they
18 had so much of it, that they intended to at
19 least share it, to distribute it. That's
20 what the law says.

21 If you find that he had possession
22 of more than one gram of methamphetamine,
23 despite the fact that even if someone comes
24 and were to say it was all mine, I want to
25 use it for myself, you can still presume if

1 you think it's credible that that's so much
2 meth that they had to share it with other
3 people, then you can convict for possession
4 with intent to distribute.

5 Now, I understand the circumstances
6 in this case. And this is why we have trials
7 that are a little "washy" in some ways. One,
8 the meth was in the glove box, which is in
9 front of where John Bower was sitting. And
10 here you can tell me and you could say,
11 'well, Baker, I don't think that was Steve
12 Jennings' or Michelle Millwood's. I think
13 that was Bridgette Crawford and John Bower or
14 maybe just Bower, just John Bower's meth.'
15 And maybe it was.

16 But what we also know through
17 Bridgette is that John did not have any
18 methamphetamine. None of them had any
19 methamphetamine before they left the house or
20 once they left the house. Methamphetamine is
21 addictive. It's a drug that people consume
22 and they consume it for a period of time
23 until it's consumed. And then they either
24 stop because they don't have any more or they
25 go get some more. John Bower, I don't think

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Closing Argument by Solicitor

1 he was sitting on either a .8 gram or a .4
2 gram bag of methamphetamine, keeping it a
3 secret from his girlfriend and everybody else
4 in the car. I don't think that's reasonable
5 and that's where you apply your common sense.

6 I think what happened in this case
7 is very simple and it matches the testimony
8 and the credible evidence that you've heard,
9 is that the foursome in the car were down at
10 Bridgette Crawford's house and they were
11 using drugs over the weekend. They ran out
12 of drugs. Bridgette Crawford had her kids
13 coming back so she had to get -- work on
14 trying to get a little bit cleaned up. And
15 part of that, I would submit to you, is
16 getting rid of the druggie buddies that are
17 hanging out in the house. So she gave them a
18 ride to go get some more meth and was going
19 to take them home to Pelzer, not return them
20 back to her house. So she drove to Pickens,
21 put them in contact with someone. Observed,
22 as she said, Steve trade cellphones, new
23 cellphones for a quantity of methamphetamine.
24 Methamphetamine that was handed to Bridgette
25 Millwood for her to put in her purse and then

1 to share.

2 And then once they completed that
3 deal, they went to Walmart. Now, what I
4 predict is since John Bower was still in the
5 car and Bridgette was inside is that probably
6 Steve just gave John Bower some of that meth,
7 gave him a little bit. I don't know that.
8 That's just my guess. But I'm just giving
9 you my sort of narrative for how I think this
10 whole thing played out. Gave John Bower some
11 for their trouble, for them to share. It
12 would have been about right. It was bag that
13 had .8 grams and one had a half of that, .4.
14 So a small portion of what they had obtained.

15 Turns out the deal with the
16 shoplifting goes bad and a police officer
17 arrives on scene and, you know, everybody
18 gets out of the car. Michelle Millwood knows
19 the jig is up, knows she's got the meth in
20 her purse that her and Steve had just gotten.
21 She takes off running.

22 At that point in time, Bridgette's
23 sitting there thinking, 'Well, what do I
24 know? I know that I'm out of meth. I know
25 that John's out of meth. I know that I saw

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Closing Argument by Solicitor

1 the drug dealer hand the methamphetamine to
2 Michelle Millwood and Michelle Millwood just
3 took off through the parking lot. And the
4 cops haven't caught her yet.'

5 So it is reasonable for her to
6 assume, 'Yeah, sure, you can search the car.
7 I know I don't have any. John doesn't have
8 any. The only meth that we had in the car
9 just went running through the parking lot.'

10 That wasn't the case. Some had
11 already been given to John. Some had been
12 put in the glove box, however it was put
13 there.

14 Michelle, I guess figuring she was
15 going to get snagged by the police, left her
16 supply of dope sitting in the car, right
17 there in the floor. Her and Steve Jennings'
18 supply of dope, sitting right there in the
19 car on the floorboard, right in front of her.
20 Right in within arm reach of Steve Jennings -
21 - with their needles. Because they're the
22 ones that use it intravenously, as you heard
23 Bridgette Crawford testify to. And that's
24 what the police found. And that, I think,
25 shows guilt not only of Steve Jennings but of

1 everybody in the case.

2 Bridgette Crawford testified to
3 that. She pled guilty. She knew the deal.
4 It wasn't her drugs. She didn't own it.

5 But remember how we talked about
6 ownership and possession and that they are
7 not necessarily the same thing? While
8 Bridgette Crawford didn't own those drugs,
9 Bridgette Crawford understood that it was her
10 car. She took them to get it. She knew
11 exactly what they were doing. She knew the
12 dope was around. And once they found it
13 there, she couldn't deny it. So she accepted
14 responsibility and pled guilty for it. She
15 did that before she talked to me. She did
16 that before she talked to the State. She did
17 that back in March before anyone ever knew
18 this trial was going to go on. She testified
19 she didn't talk to me until a few months ago,
20 long after she had already resolved her
21 matter.

22 But the rest of the case, the wrap-
23 up that we have here is regarding Steve
24 Jennings. Steve Jennings is on trial. And
25 it's Steve Jennings' fault that we need to

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Closing Argument by Solicitor

1 consider.

2 Y'all might go back and ask
3 yourselves, 'well, we'd love to know what
4 happened to John Bower.' What happened with
5 that. Well, that's not part of evidence and
6 that's not wrapped up in this case. What
7 y'all have to consider is the evidence is as
8 it is afforded, as it's presented against Mr.
9 Steve Jennings.

10 And like I said before, possession
11 may be shared. So the fact that all these
12 people were in this car and the fact that all
13 of these people had knowledge and control in
14 the area of this methamphetamine. They are
15 all in possession of it and all certainly
16 includes Mr. Steve Jennings, who was the one
17 that traded for it, that requested to go get
18 it, that actually purchased the dope for him
19 and his girlfriend Michelle Millwood to use.
20 I think that's what the evidence points to in
21 this case.

22 Certainly, like we said, this is not
23 automatic. It's not beyond any doubt
24 whatsoever. There are pieces of this puzzle
25 that I'm sure you would like to know. And

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Closing Argument by Solicitor

1 I'm sure I would like to know, to be
2 absolutely certain as to what happened in
3 this case but we don't have to get that far.
4 All we have to get to is beyond a reasonable
5 doubt that Steve Jennings did have some
6 possession of that methamphetamine, had some
7 ability to exercise dominion and control over
8 that methamphetamine and he did so with
9 intent to distribute.

10 One, give it to Bridgette and John
11 for driving them around.

12 Two, if it was over a gram, which it
13 was in this case, then Mr. Jennings is
14 assumed to be -- you can presume that he did
15 intend to distribute that methamphetamine
16 under the law.

17 Now, one thing I want to hit on real
18 quick before I sit down. And I'm sure that
19 Mr. DeJong, who is a fine attorney -- we've
20 done cases together for years. He's going to
21 make some good points. And I want y'all to
22 think about his as well as you think about
23 mine. The one point I want to discuss is
24 called mere presence. The Judge is going to
25 charge you on the law. And on the flip side

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Closing Argument by Solicitor

1 of possession is mere presence. The law
2 doesn't -- you know, it's not an absolute.
3 And if you're around drugs, it is not one
4 hundred percent that you're charge with
5 drugs. There's a theory called mere
6 presence, to where you're not guilty of a
7 drug crime if you are just merely present to
8 where the drugs are.

9 In this case, I don't think mere
10 presence has anything to do with it. Mere
11 presence would be as if you were a passenger
12 in a car and you had no knowledge that the
13 driver had drugs or contraband on their
14 person. Or you had no knowledge that there
15 was something illegal in the trunk of that
16 car.

17 Here, the credible evidence in the
18 case is that Steve Jennings was sitting right
19 next to the drugs. Steve Jennings bought the
20 drugs. Steve Jennings was part of this whole
21 ordeal and that those belonged to him. That
22 he could reach down and grab them and
23 exercise control of those drugs and those
24 needles. So when you're weighing what his
25 involvement is and what the evidence points

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Closing Argument by Solicitor

1 to, I think certainly possession is what the
2 State has proven versus merely being present
3 around those drugs.

4 I mean, Steve was a lot closer than
5 Bridgette Crawford. Bridgette Crawford pled
6 guilty to it. She couldn't magically reach
7 up in the glove box and grab those drugs.
8 She couldn't bend her arm all the way around
9 and get into that back seat very easily to
10 get those drugs. But she understands that
11 possession means you have the opportunity to
12 exercise control. It doesn't have to be
13 right there, but it is within your realm of
14 control. She accepted her responsibility.

15 I ask that each of you weigh this
16 evidence in this case and afford Mr. Jennings
17 the opportunity to exercise his
18 responsibility in this case by finding him
19 guilty of possession with intent to
20 distribute methamphetamine. Thank y'all.

21 MR. DEJONG: Thank you, Your Honor.
22 May it please the Court?

23 THE COURT: Yes, sir.

24 CLOSING STATEMENT

25 BY MR. DEJONG:

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Closing Argument by Defense Counsel

1 Mr. Foreman, ladies and gentlemen of
2 the jury, this has been a relatively short
3 trial. That doesn't make it any less
4 important than if it lasted a week or two
5 weeks. We don't have many of those. But
6 just because it has been a short trial, I
7 would ask you not to put any significance on
8 that fact.

9 I'm always a little bemused when
10 someone like Ms. Crawford comes to court to
11 testify. Suddenly some -- this alleged
12 offense occurred on July the 20th of 2014,
13 fifteen, sixteen months ago if my math is
14 correct. Maybe not quite that long.

15 She is obviously a meth user, by her
16 own testimony. But somehow some fourteen
17 fifteen months after this alleged offense,
18 she decides for some reason, unknown to me
19 and to you, I gather, to come forward and do
20 her civic duty and tell you the story that
21 she told you.

22 Noting particularly that she had
23 every opportunity to tell the same story to
24 Officer Brian Smith with the Pickens City
25 Police Department on July the 20th of 2014.

1 She did not do so. She had ample opportunity
2 between July the 20th and some month or two
3 months ago, however long it's been since she
4 said that she first met with the Solicitor,
5 she had ample opportunity to go to the police
6 and tell them this story but she never did.

7 I don't know what her agenda is.
8 But I submit to you, ladies and gentlemen,
9 there is an agenda of some sort.

10 Now, I think it's also interesting
11 she referred to John Bower, one of the
12 defendants in this case as an ex-boyfriend.
13 But what I found fascinating as I heard her
14 testimony, she went to great lengths to still
15 try to protect John Bower. According to her,
16 John Bower really didn't have anything to do
17 with this, other than they had done meth the
18 weekend before. That was it.

19 But I also find fascinating that she
20 said 'yeah, we did meth all weekend long', as
21 I recall her testimony. 'We run out of
22 meth.' Who made the call to make this
23 alleged deal? Not John Bower, not Steve
24 Jennings and not Michelle Millwood, Ms.
25 Crawford made that call and set up that deal.

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Closing Argument by Defense Counsel

1 Now, she wants to come in here today and say,
2 'oh, but I just made the phone call. I
3 didn't have anything to do with it.. That was
4 all Steve Jennings and all Michelle
5 Millwood.'

6 Now, ladies and gentlemen,
7 credibility of the witnesses, and I believe
8 His Honor will charge you on credibility of
9 the witnesses, that is for you to decide.
10 And I'm not going into his charge in any
11 great length, but you can consider demeanor.
12 You can consider what benefit they may derive
13 from coming in to testify. You may consider
14 how straightforward they were with their
15 testimony. And I did find that to be a
16 little interesting with Ms. Crawford. She
17 was pretty straightforward when Mr. Cleveland
18 was asking her questions. When I started to
19 cross-examine her, she became very hesitant.
20 She could not answer the questions or would
21 not answer the questions. I'm not sure
22 which. So all of that you can take into
23 consideration when you look at the
24 credibility of the witness.

25 I think His Honor will share with

1 that you can believe everything a witness
2 tells you, you can believe nothing a witness
3 tells you or even land in the middle and
4 believe some of it or not believe some of it.
5 But that is for you to decide. You are the
6 trier of the facts in this case.

7 I would submit to you, ladies and
8 gentlemen, Ms. Crawford is not a credible
9 witness. If this is what she had to say,
10 again, why in the world when you're standing
11 out in the parking lot of Walmart in the city
12 of Pickens do you not share this with the
13 police officer? If nothing else, to shift
14 all the burden of it right then to Steve
15 Jennings and Michelle Millwood who'd ran.

16 And I'd also note this. Michelle
17 Millwood ran. There is no dispute over that
18 fact.

19 Now, I asked Ms. Crawford about Mr.
20 Jennings. As I recall her testimony she said
21 'oh, he tried to.' But I don't recall that
22 testimony either from off-duty Officer Nalley
23 or Brian Smith; neither one of them said
24 Steve Jennings attempted to run.

25 So was it Michelle Millwood's drugs?

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1 I submit that it was.

2 Now, another thing that you can look
3 at in this case, the indictment is for
4 possession with intent to distribute. I
5 believe His Honor is going to charge you on
6 what we call a lesser-included offense. And
7 that would be for possession of methampheta-
8 mine.

9 Now, Mr. Cleveland -- and I'm sure
10 His Honor's going to read the statute to you
11 that there can be a prima facia showing on
12 the amount. But also that is something for
13 the twelve of you to determine. Was it
14 possession with intent to distribute if Mr.
15 Jennings knew about it, or was it simply
16 possession?

17 Now, I submit to you I shared with
18 you in my opening comments to you that mere
19 presence is not enough. The State must prove
20 that Mr. Jennings exercised dominion and
21 control over the drugs or had the right to
22 exercise dominion and control over the drugs.

23 Now, again, I think the placement of
24 the drugs. We have a pink bag that Officer
25 Smith forgot to put in his report that there

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1 was a needle sticking out of when he filed
2 his report. But now some several months
3 later, he seems to remember that. But
4 nonetheless, there was a pink bag, a polka
5 dot bag and what were alleged to be stolen
6 clothes from Walmart. Where was the pink
7 bag, the polka bag and the stolen -- the
8 clothing that was allegedly stolen? It
9 wasn't at Mr. Jennings' feet. Nobody ever
10 put Mr. Jennings behind the driver in this
11 gold Mitsubishi, or whatever it was. I don't
12 remember what it was. But everything was
13 behind the driver's seat. And who was
14 sitting there? Michelle Millwood.

15 Who, when the car pretty much comes
16 to a stop, runs? Michelle Millwood.

17 Not Steve Jennings and I'll grant
18 you not John Bower and not Ms. Crawford.
19 They all stayed put and I think that was the
20 testimony from the officers. They all stayed
21 put.

22 So, again, I would share with you
23 that you have to determine the credibility of
24 the witnesses. That's all up to you.

25 His Honor is going to charge you on

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1 reasonable doubt. I'm not going to spend a
2 great deal longer with you. You all have
3 heard the testimony. Reasonable doubt is the
4 highest burden of proof that we have in our
5 criminal justice system, not just this state,
6 but entire country. If you've served on
7 juries before, maybe a civil jury, a car
8 wreck or something, you heard the burden of
9 proof being the preponderance of the
10 evidence. If the scales tip ever so
11 slightly, that is enough. Beyond a
12 reasonable doubt is the highest burden of
13 proof we have in our legal system. And that
14 applies to persons that are charged with
15 crimes.

16 And again, I share with you the fact
17 that Mr. Jennings is not here, you're not in
18 any way let that enter into your
19 deliberations or your thought process because
20 he is presumed to be innocent.

21 Again, His Honor is going to charge
22 you on the law. Mr. Cleveland, I think, gave
23 you part of the charge on the law. But if
24 you also believe that there is a real
25 possibility that Mr. Jennings is not guilty,

1 then you must give him the benefit of the
2 doubt and find him not guilty. That's where
3 we are. Again, His Honor's going to charge
4 you on reasonable doubt.

5 So you've heard the testimony.
6 Really, the testimony, in my opinion, all the
7 evidence as provided by the State in this
8 case, provided to you, the jury, boils down
9 to one witness. The police officers, they
10 were there. They found drugs. They don't
11 know who they belong to. They don't know who
12 had the right to exercise dominion and
13 control over them. None of the three that
14 were certainly admitted to them. None of
15 them knew if anybody was going to dispose of
16 the drugs.

17 So that, other than the finding of
18 these drugs, this contraband in Ms.
19 Crawford's car, which she was driving, other
20 than that, that's all the cops have. So what
21 it boils down to was the testimony that you
22 heard from what I would consider to be a meth
23 head, who fourteen, fifteen months after the
24 fact, decides to come out of the woodwork and
25 tell y'all this wonderful and marvelous

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1 story. I submit to you, ladies and
2 gentlemen, it is not a credible story.

3 I thank you again for your time,
4 your patience, your attentiveness -- I can't
5 say that word. Your kind attention, we'll
6 put it that way, so very much. And, again,
7 on behalf of Mr. Jennings I do thank you for
8 being here and I ask you to bring back a
9 verdict of not guilty on possession with
10 intent to distribute, and on the lesser-
11 included offense of possession of meth-
12 amphetamine. Thank you so very much for your
13 time..

14 THE COURT: Members of the jury
15 panel, I too appreciate the time, your
16 attention. I'm going to ask you to give me
17 your attention for a few more moments while I
18 charge you the law that you are to apply to
19 the facts as you determine them to be.

20 Mr. Jennings has been charged in an
21 indictment. You will not have this
22 (indictment) with you in the jury room, but
23 it's been alluded to. It contains the
24 charges and allegations against Mr. Jennings.
25 It's not evidence. It's the paperwork by way

1 of which this case is processed through our
2 court system. And ultimately, Mr. Foreman,
3 you will inscribe on it the unanimous verdict
4 of the jury. I'll tell you more about that
5 later.

6 The fact that Mr. Jennings has been
7 charged is not conclusive, of course. Mr.
8 Jennings has pled not guilty to the
9 indictment and this indictment puts on the
10 State the burden to prove his guilt beyond a
11 reasonable doubt.

12 Any person charged with committing a
13 crime, including Mr. Jennings, is not
14 required to prove themselves innocent. I
15 will talk to you more about that in a moment,
16 about the presumption of innocence. They are
17 presumed innocent. The State must prove an
18 individual's guilt beyond a reasonable doubt.

19 This presumption of innocence is an
20 important rule of law. No matter how serious
21 a charge may be, an individual is presumed
22 innocent of the crime for which they are
23 indicted unless and until that person's guilt
24 has been proven by evidence satisfying you
25 beyond a reasonable doubt of that person's

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Charge on Law by The Court

1 guilt.

2 Presumption of innocence is not a
3 mere legal phrase or mere legal theory. It
4 is a substantial right. Presumption of
5 innocence in Mr. Jennings' favor attached to
6 him at the time of his arrest. It has
7 accompanied and proceeded with him as this
8 case is processed through our court system.
9 Presumption of innocence remains in his favor
10 at this moment.

11 Presumption of innocence even
12 remains in Mr. Jennings' favor as you
13 deliberate. Presumption of innocence remains
14 until you are convinced, if you are, that the
15 State has produced evidence of his guilt
16 beyond a reasonable doubt.

17 Now, the State is not required to
18 prove one's guilt beyond all or every doubt,
19 but beyond a reasonable doubt. Our courts
20 have defined a "reasonable doubt" as the kind
21 of doubt that would cause a reasonable person
22 to hesitate to act.

23 Proof beyond a reasonable doubt is
24 proof that leaves you firmly convinced of
25 someone's guilt. There are very few things

1 in our world that we can know with absolute
2 certainty and our law does not require that
3 in cases of this type. If, based on your
4 consideration of the evidence you are firmly
5 convinced that Mr. Jennings is guilty of the
6 offense for which he is charged -- or I will
7 talk to you about the lesser-included offense
8 -- then you would find him guilty of one or
9 the other of those offenses.

10 If, on the other hand, you think
11 there is a real possibility that Mr. Jennings
12 is not guilty of the charge or the lesser-
13 included charge, you would find him not
14 guilty.

15 He is entitled to the benefit of any
16 reasonable doubt you have as to any element
17 in this case.

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

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Charge on Law by The Court

1 You're not to infer from anything I
2 have said or done or anything I now say or do
3 as being any indication of an opinion of mine
4 on the facts. Our law does not allow a trial
5 judge to formulate or express to any opinion
6 on the facts. That is solely your job.

7 It's solely as your job as the trial
8 jury in this case to have found the evidence
9 and give to the evidence the effect, the
10 value, the weight and the truth you believe
11 it should have. In doing this you may
12 believe one witness as opposed to several,
13 several witnesses as opposed to one. You may
14 believe all, part or none of the witnesses'
15 testimony.

16 In analyzing the evidence, use your
17 common sense, your sense of logic, your sense
18 of reason. Use your experiences in life.
19 You also may use certain indicators of
20 truthfulness, that is the things that you see
21 in individuals that you believe point to
22 their credibility; certain evaluators, such
23 as the way a witness acts on the stand, that
24 is, their demeanor. Are they hesitant or
25 straightforward in answering the questions?

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Charge on Law by The Court

1 Is their testimony consistent or
2 inconsistent? Consider the opportunity the
3 witness had to know those things to which the
4 witness testified. And consider the
5 opportunity the witness had to know those
6 things, which they actually know the things
7 about which they testified.

8 Generally in cases witnesses are
9 only allowed to testify as to things observed
10 with their sense; that is that generally
11 witnesses can only testify to facts. That is
12 something that they have either seen or heard
13 or could be taste, touch or smell. But
14 generally the evidence from fact witnesses is
15 that of something they've seen or heard.

16 However, where individuals have
17 certain knowledge, skill, expertise and
18 training, they can be qualified as an expert
19 to take opinions and from those opinions
20 render facts. We had an expert testify as to
21 the chemical analysis of the alleged drugs in
22 this case. The fact that I allowed him to
23 testify as an expert is not dispositive. You
24 can determine whether or not his testimony
25 was credible. You look at his testimony just

1 like you look at the testimony of the other
2 witnesses in this case, and apply those
3 factors, giving it the weigh and credibility
4 that I talked about earlier. In addition, as
5 to an expert you can look at their
6 credentials and determine whether you believe
7 they have the expertise to have rendered the
8 opinion they've rendered. And you also can
9 look at the opinion they render and determine
10 whether you think it's supported by the
11 evidence. The opinions of experts are
12 allowed into evidence to assist you. They're
13 not binding on you. You may reject it in
14 whole or in part. They are given -- allowed
15 into evidence to assist you and are not
16 binding on you.

17 Generally in cases such as this
18 there are two types of evidence, direct and
19 circumstantial evidence. Crimes may be
20 proven by either.

21 Direct evidence is evidence which
22 directly proves the existence of a fact and
23 does not require deduction.

24 Circumstantial evidence is proof of
25 a chain of facts and circumstances which

1 indicate the existence of a fact. Crimes may
2 be proven by circumstantial evidence.

3 Our law makes no distinction between
4 the weight or value to be given to either
5 direct or circumstantial evidence. However,
6 to the extent the State relies on
7 circumstantial evidence, all of the
8 circumstances must be consistent with each
9 other and when taken together point
10 conclusive to the guilt of the accused, Mr.
11 Jennings, beyond a reasonable doubt.

12 If these circumstances merely
13 portray the defendant's, Mr. Jennings,
14 behavior as suspicious, then the State's
15 proof by circumstantial evidence has failed.
16 The State has the burden of proving the
17 Defendant's guilt beyond a reasonable doubt
18 and the burden rests with the State
19 regardless of whether the State relies on
20 direct evidence or circumstantial evidence or
21 some combination of the two. You are to give
22 no greater weight to the circumstantial
23 evidence as opposed to direct evidence.

24 Under the law of our State, a
25 defendant such as Mr. Jennings may be tried

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Charge on Law by The Court

1 in their absence. This fact, that is the
2 fact that he is not present for his trial may
3 not be considered by you against him in any
4 manner whatsoever. It is certainly not to be
5 considered as an admission of guilt and
6 cannot be considered at all.

7 The fact that you have heard no
8 testimony from Mr. Jennings is not to be
9 discussed by you in the jury room. The fact
10 that even if he were here, he would have the
11 absolute right to remain silent.

12 The fact that he is not here, the
13 fact that he did not testify cannot be used
14 against him in any way whatsoever. And you
15 are not to use that in your deliberations.
16 That is, you're not to discuss that fact and
17 you're not to conclude in your own mental
18 deliberation the fact that he is not here,
19 the fact that he did not testify.

20 I remind you he is presumed
21 innocent. He does not have to prove his
22 innocence. The State must prove his guilt
23 beyond a reasonable doubt before you can
24 convict him.

25 He is charged, Mr. Jennings, with

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Charge on Law by The Court

1 possession with intent to distribute
2 methamphetamine. Methamphetamine is a
3 controlled substance and it's against the
4 laws of this state for one to possess it. It
5 is against the law for one to possess it with
6 intent to distribute.

7 The State must prove beyond a
8 reasonable doubt the Defendant possessed
9 methamphetamine with the intent to
10 distribute. Of course, coupled with that,
11 the State must prove the fact that the
12 substance alleged to be methamphetamine was,
13 in fact, methamphetamine.

14 To prove possession the State must
15 prove beyond a reasonable doubt that Mr.
16 Jennings had both the power and intent to
17 control the distribution or use of the meth.

18 Possession may be either actual or
19 constructive. Actual possession means that
20 methamphetamine was in the actual physical
21 control and custody of the defendant.
22 Constructive possession means that the
23 defendant had dominion and control or the
24 right to exercise dominion and control over
25 either the methamphetamine itself or the

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Charge on Law by The Court

1 property where it was found.

2 Mere presence at the scene of where
3 drugs are found is not enough alone to prove
4 possession. A defendant's knowledge and
5 possession may be inferred where some
6 substance is found on property under that
7 person's control. However, this inference is
8 simply an evidentiary fact to be taken into
9 consideration by you, along with other
10 evidence in this case and be given such
11 weight, if any, as you decide.

12 Two or more persons may have joint
13 possession of a drug. The State must prove
14 beyond a reasonable doubt that Mr. Jennings
15 intended to distribute the methamphetamine,
16 if you determine that it is methamphetamine
17 at-issue.

18 "Distribute" means to deliver other
19 than by administering or dispensing a drug.

20 "Intent" may be shown by acts and
21 conducts of the defendant and other
22 circumstances from which you may naturally
23 and reasonably infer intent.

24 In determining whether the defendant
25 had the intent to distribute methamphetamine,

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Charge on Law by The Court

1 you may consider the circumstances
2 surrounding his alleged possession. You may
3 consider the amount of the substance alleged
4 to have been possessed, the manner in which
5 it was alleged he possessed and the place
6 where it was allegedly possessed and other
7 factors which you consider to be important.

8 You must find that the defendant did
9 not intend to have it merely and solely for
10 his own use in order to find him guilty of
11 possession of methamphetamine.

12 Possession of more than one gram of
13 methamphetamine creates an inference that the
14 defendant possessed the methamphetamine with
15 intent to distribute. This inference does
16 not relieve the State from proving beyond a
17 reasonable doubt that the Defendant, Mr.
18 Jennings, had the intent to distribute. It
19 is simply an evidentiary fact to be taken
20 into consideration by you, along with the
21 other evidence in the case and to be given
22 the weight you should decide it should have.

23 Now, we do have in this State what
24 are called lesser-included offenses. If you
25 think of it as a set of stairs, you have a

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Charge on Law by The Court

1 top stair and then you have stairs that go
2 down. The top stair here would be possession
3 of methamphetamine with intent to distribute.
4 That is the highest level of offense.

5 Go down one step to a lesser-
6 included offense, which is simple possession
7 of methamphetamine. If you find that the
8 State has failed to prove beyond a reasonable
9 doubt that Mr. Jennings is guilty of
10 possession with intent to distribute
11 methamphetamine, you may consider whether the
12 State has proven beyond a reasonable doubt
13 that he is guilty of simply having possessed
14 methamphetamine, which does not require
15 intent to distribute.

16 I have already charged you what
17 actual and constructive possession mean. And
18 that applies not only to the possession with
19 intent to distribute charge but to the simple
20 possession charge.

21 Possession requires more than mere
22 presence. The State must show that Mr.
23 Jennings had dominion or control over the
24 thing allegedly possessed or that he had the
25 right to control, exercise dominion or

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Charge on Law by The Court

1 control over it. Mere presence with another
2 person or persons who are engaged in criminal
3 conduct or with a person or persons who
4 subsequently engage in criminal conduct is
5 not sufficient to show an intent to aid that
6 conduct. Similarly, the mere fact that a
7 defendant may have associated with persons or
8 a person or may have met with people and
9 discussed common aims and interests does not
10 necessarily establish proof of intent to aid
11 criminal conduct by such person or persons.
12 Merely sharing objectives being together or
13 engaging in similar or parallel conduct is
14 not sufficient.

15 In order to find the defendant
16 guilty of a lesser-included offense, you will
17 have to again find that the alleged substance
18 was methamphetamine and that he had it in his
19 possession, actual or constructive, as I have
20 defined those terms for you.

21 In just a moment, Mr. Foreman, I
22 will go over the verdict form with you and
23 point out how that is to be handled.

24 When you first go into the jury
25 room, do not start deliberating. I have to

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Charge on Law by The Court

1 go over my charge with the attorneys. If I
2 have made an error, I have to bring you back
3 in and correct it. If not, we'll send in the
4 exhibits and the verdict form and the bailiff
5 will tell you start deliberating. When you
6 first go in, do not start deliberating until
7 you get the word to do so.

8 When you've reached a verdict, knock
9 on the door and tell the bailiff and the
10 bailiff will come get us. We're not starting
11 another trial today. So we should be able to
12 send for you promptly.

13 Mr. Smith, you will stay in as
14 alternate. We'll dismiss you in just a
15 little bit.

16 And your verdict must be unanimous.
17 All twelve of you all must agree before
18 you're authorized to write the verdict on
19 your behalf.

20 The verdict cannot be based on
21 passion, prejudice, sympathy or malice
22 outside the record.

23 I do not have a written charge to
24 send in to you. But if you wish me to go
25 over any part or all of the charge, let me

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Charge on Law by The Court

1 know and I will bring you back here in open
2 court and charge you any part or all of my
3 charge that you wish to hear.

4 We can have testimony replayed if
5 you wish. Let us know if you would like to
6 hear some of the testimony and we will
7 isolate it and bring you back in and play
8 that for you.

9 Now, the verdict form which you will
10 have, it has three options on it. The order
11 they're in is of no importance. I have to
12 put them in some order and I always put them
13 in this order. The charge first and then on
14 down the line. There are three choices.
15 Again, there's no particular order:

16 The State has to prove Mr. Jennings
17 guilty beyond a reasonable doubt of either
18 possession with intent to distribute
19 methamphetamine or simple possession of
20 methamphetamine if you should find him guilty
21 of those offenses.

22 So my first line says, 'we find the
23 Defendant guilty of possession with intent to
24 distribute methamphetamine.' That is what
25 he's charged with. If that's what the jury

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Charge on Law by The Court

1 unanimously finds, you would put, Mr.
2 Foreman, a check or an X on the line before
3 that sentence.

4 If you find the State has failed to
5 prove him guilty of possession of meth-
6 amphetamine with intent to distribute, you
7 may consider whether or not the State has
8 proven him guilty of a lesser-included
9 offense of simple possession of
10 methamphetamine. If the jury finds
11 unanimously that he is guilty of that
12 offense, you put an X or a check in the line
13 on that second sentence.

14 The third line says 'we find the
15 Defendant not guilty.' If you find
16 unanimously the State has failed to carry its
17 burden of proof and failed to prove beyond a
18 reasonable doubt that Mr. Jennings was guilty
19 of either of those offenses, you would use
20 that third line that says we find the
21 Defendant not guilty.

22 Now, everybody but Mr. Smith go into
23 the jury room for just a minute. Do not
24 start deliberating yet..

25 (JURY OUT AT 4:15 P.M.)

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Charge on Law by The Court

1 THE COURT: Anything from the
2 State on the Charge?

3 SOLICITOR CLEVELAND: The only
4 thing I noticed in the charge, Your Honor,
5 and I'm not -- I'm just putting this on the
6 record. But in Your Honor's discussion of
7 whether someone solely intended to use the
8 drugs yourself, I believe Your Honor told the
9 jury possession of methamphetamine, not
10 possession of methamphetamine with intent to
11 distribute. I think that was -- I think
12 during the original charge on the charge, but
13 I think that came out in the wash on the end.
14 So I don't think the jury needs to be
15 recharged.

16 THE COURT: All right.

17 MR. DEJONG: Nothing on behalf of
18 Mr. Jennings.

19 THE COURT: Okay. All right.
20 Well, let's take a look at the exhibits and
21 the verdict form. We'll send them in and
22 tell them to start deliberating.

23 I guess Mr. Smith will be excused
24 for the rest of the week. Just call in
25 tonight.

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Charge on Law by The Court

1 JUROR NUMBER 132: Yes, sir.

2 THE COURT: I don't believe we've
3 got anything else. I know I don't. We've
4 got another Judge next door and they may have
5 a trial for him to start. I cannot be here
6 on Friday, so I won't start a trial on
7 Thursday.

8 (ALTERNATE JUROR EXCUSED)

9 (COUNSEL APPROVAL OF EXHIBITS)

10 (JURY IN DELIBERATION AT 4:20 P.M.)

11 (COURT IN RECESS)

12 (NOTIFIED OF JURY QUESTION AT 5:20 P.M.)

13 THE COURT: We have a note from
14 the jury asking for a clarification on the
15 charge, to redefine possession -- I'll let
16 you look at it, (tendering).

17 SOLICITOR CLEVELAND:

18 THE COURT: I will recharge them.

19 SOLICITOR CLEVELAND: Thank you.

20 Nothing, Your Honor, as long as the
21 definition includes both and actual and
22 constructive, as it did in the charge.

23 THE COURT: It will be the same
24 one I gave earlier. So it should. And then
25 I'll do the mere presence also.

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Charge on Law by The Court

1 SOLICITOR CLEVELAND: Very good,
2 Your Honor.

3 MR. DEJONG: I presume it's going
4 to be exactly what you charged approximately
5 an hour ago.

6 THE COURT: It should be.

7 MR. DEJONG: I didn't object then
8 and I don't object now, Your Honor.

9 THE COURT: Bring in the jury.

10 COURT REPORTER: Court's Exhibit 3.

11 (SO ENTERED AS COURT'S EXHIBIT 3)

12 (JURY IN AT 5:20 P.M.)

13 THE COURT: Regarding your request
14 as to the charge, I first want to remind you
15 that the analogy of the steps that we've got
16 to charge, which he's charged with possession
17 of methamphetamine with intent to distribute.
18 Then the lesser-included is the simple
19 possession without an intent to distribute.

20 Definition of possession is the same
21 for both. Possession, to prove possession
22 the State must prove beyond a reasonable
23 doubt -- I'm going to use the word
24 "defendant" and that, of course, is Mr.
25 Jennings. That the defendant had both the

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Case No. 14-GS-39-2778

September 30 - October 1, 2015 - Trial in Absentia

Charge on Law by The Court

1 power and the intent to control the
2 disposition or use of the methamphetamine, if
3 you find it was methamphetamine.

4 Possession may be either actual or
5 constructive. Actual possession means that
6 the methamphetamine was in his actual,
7 physical custody. Constructive possession
8 means that the defendant had dominion and
9 control or the right to exercise dominion and
10 control over either the methamphetamine
11 itself or the property on which the meth-
12 amphetamine was found.

13 Mere presence at the scene where the
14 drugs were found is not enough to prove
15 possession. Defendant's knowledge and
16 possession may be inferred when a substance
17 is found on the property under defendant's
18 control. However, this inference is simply
19 an evidentiary fact to be taken into
20 consideration by you, along with the other
21 evidence in the case and be given such
22 weight, if any, as you deem it should have.

23 Two or more persons may have joint
24 possession of a drug.

25 Possession requires more than mere

State of South Carolina v Steven Edward Jennings

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Charge on Law by The Court

1 presence.

2 The State must show the Defendant
3 had dominion or control over the thing
4 allegedly possessed or had the right to
5 exercise dominion or control over it.

6 Mere presence with another person or
7 persons who were engaged in criminal conduct
8 or with a person or persons who subsequently
9 engaged in criminal conduct is not sufficient
10 to show an intent to aid that conduct.
11 Similarly, the mere fact that the Defendant
12 may have associated with such a person or
13 persons or may have met with such person or
14 persons and discussed common aims and
15 interests, does not necessarily establish
16 proof of intent to aid in criminal conduct by
17 such person or persons. Merely sharing
18 objectives, meeting together or engaging in
19 similar or parallel conduct is not
20 sufficient.

21 That covers those two terms you
22 asked me to cover, which was possession. All
23 right. Thank you.

24 (JURY OUT AT 5:25 P.M.)

25 THE COURT: Anything from the

State of South Carolina v Steven Edward Jennings

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Case No. 14-GS-39-2778

September 30 - October 1, 2015 - Trial in Absentia

Charge on Law by The Court

1 State?

2 SOLICITOR CLEVELAND: Nothing from
3 the State, Your Honor.

4 THE COURT: From the Defense?

5 MR. DEJONG: Nothing from the
6 Defense, Your Honor.

7 (COURT IN RECESS)

8 (SO MARKED AS COURT'S EXHIBIT 4)

9 THE COURT: We're back on the
10 record with Mr. Jennings. I sent a note in,
11 which will be in the record, asking the jury
12 whether they wish to -- of course, the record
13 will reflect it's about 6:17 p.m. on
14 Wednesday, the 30th. We still haven't had a
15 -- I asked them if they wanted to order a
16 meal, and that it would take about an hour.
17 Some of the jurors expressed an interest in
18 stopping because they are "not close", quote,
19 to come back in the morning.

20 So I talked to the attorneys and
21 neither objects; correct?

22 SOLICITOR CLEVELAND: That's
23 correct, Your Honor.

24 MR. DEJONG: The defense does not
25 object, Your Honor.

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Case No. 14-GS-39-2778

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Charge on Law by The Court

1 THE COURT: Well, let them go
2 until 10:00 in the morning. Bring them in.

3 BAILIFF: Yes, sir.

4 (JURY IN AT 6:20 P.M.)

5 THE COURT: Members of the jury,
6 the clerk came in and read to you a note from
7 me about a dinner meal, which would take at
8 least an hour to get here. And he indicated
9 that some members of the jury felt that they
10 were not close and would just as soon come
11 back in the morning. I think that's probably
12 a better thing to do; that is, to stop today
13 and come back at 10:00 in the morning.

14 Now you're deliberating, so remember
15 -- earlier I told you that you couldn't try
16 to make up your own mind, but now you can.
17 You can think about it overnight on your own.
18 But you can't communicate with each other.
19 That is, all twelve of you together work on
20 the case. So go home. Remember what I told
21 you about staying off the Facebook and those
22 things. So don't call somebody or get
23 somebody to call. And I don't think you
24 would but we've had strange things happen
25 with jurors. So you can try to make up your

State of South Carolina v Steven Edward Jennings

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Case No. 14-GS-39-2778

September 30 - October 1, 2015 - Trial in Absentia

Charge on Law by The Court

1 own mind. Don't discuss the case. Don't go
2 online, don't read about it if there's
3 anything in the newspaper. All those
4 admonitions I gave you this morning still
5 apply. But you can keep running it through
6 your own mind now without violating my
7 instruction.

8 Anything else before the jury goes?

9 SOLICITOR CLEVELAND: Nothing from
10 the State, Your Honor.

11 MR. DEJONG: Nothing on behalf of
12 Mr. Jennings, Your Honor.

13 THE COURT: All right. Mister
14 Clerk, anything you need to tell them?

15 THE CLERK: No, sir.

16 THE COURT: All right. Well, be
17 back at 10:00 and just go ahead and start
18 deliberations. You don't have to wait for a
19 signal from me. As soon as you're all twelve
20 together at 10:00, you can go ahead and start
21 deliberating. We'll be here anytime you need
22 us for further instructions or testimony.
23 We'll be here at 10:00, so we will see you
24 back in the morning. Thank you.

25 (JURY OUT AT 6:25 P.M)

State of South Carolina v Steven Edward Jennings

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Case No. 14-GS-39-2778

September 30 - October 1, 2015 - Trial in Absentia

Charge on Law by The Court

1

(COURT IN RECESS)

2

(TRANSCRIPT CONTINUED NEXT PAGE)

3

4

OCTOBER 1, 2015

10:00 A.M.

5

6

7

(DEFENDANT NOT PRESENT)

8

(JURY IN DELIBERATION @ 10:00 a.m.)

9

(NOTIFIED OF JURY VERDICT @ 10:32 a.m.)

10

THE COURT: I understand the jury

11

has reached a verdict. While they were

12

deliberating, I received a message from the

13

jury concerning how they were to mark the

14

verdict form. I wrote an answer on the note

15

and sent it back. Both sides have seen it,

16

but that's put on the record. Is the State

17

okay with my response?

18

SOLICITOR CLEVELAND: That's okay

19

with State, Your Honor.

20

MR. DEJONG: No objection on behalf

21

of Mr. Jennings, Your Honor.

22

23

THE COURT: All right. That will be

24

made part of the record.

25

COURT REPORTER: Court's Exhibit 5.

State of South Carolina v Steven Edward Jennings

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Case No. 14-GS-39-2778

September 30 - October 1, 2015 - Trial in Absentia

Verdict - Sentence Sealed

1 (SO ENTERED AS COURT'S EXHIBIT 5)

2 THE COURT: All right. I under-
3 stand we have a verdict. We'll bring in the
4 jury.

5 BAILIFF: Yes, sir.

6 (JURY IN AT 11:28 A.M.)

7 THE COURT: Mr. Foreman, I under-
8 stand the jury has reached a verdict?

9 FOREMAN: Yes, we have, Your
10 Honor.

11 THE COURT: If you will hand it to
12 the Clerk, the Clerk will ---

13 FOREMAN: (Tenders).

14 THE CLERK: (Tenders verdict form
15 to the judge.)

16 THE COURT: (Upon review), you may
17 publish the verdict.

18 THE CLERK: This is case number
19 2014-GS-39-2778, the State versus Steven
20 Edward Jennings, (reading): "We find the
21 Defendant guilty of the lesser-included
22 offense of simple possession of methampheta-
23 mine."

24 Is this your answer and still your
25 answer, so say you all by raising your right

State of South Carolina v Steven Edward Jennings

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Case No. 14-GS-39-2778

September 30 - October 1, 2015 - Trial in Absentia

Verdict - Sentence Sealed

1 hand?

2 (UNANIMOUS AFFIRMATIVE RESPONSE)

3 THE COURT: Anything from the
4 State before the jury is dismissed?

5 SOLICITOR CLEVELAND: Nothing from
6 the State, Your Honor.

7 THE COURT: Anything from the
8 Defense?

9 MR. DEJONG: Nothing from the
10 Defense.

11 THE COURT: Thank you very much.
12 This finishes my work here for the week and
13 this finishes your work for the week too. So
14 thank you very much. You will be mailed a
15 check. If any of you need a statement to
16 take to your work or anywhere, go by the
17 clerk's office and they will provide you with
18 a statement saying this is where you were.
19 So you can feel free to leave at this time.
20 Thank you so much for your help.

21 THE CLERK: Also, if you have
22 signed up to have one mailed, one will be
23 mailed as well.

24 (JURY DISMISSED)

25 THE COURT: Anything from the

State of South Carolina v Steven Edward Jennings

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Case No. 14-GS-39-2778

September 30 - October 1, 2015 - Trial in Absentia

Verdict - Sentence Sealed

1 State post-trial?

2 SOLICITOR CLEVELAND: Nothing from
3 the State, Your Honor. The State does have a
4 sentencing ---

5 THE COURT: From the Defense?

6 MR. DEJONG: Nothing from the
7 Defense, Your Honor.

8 THE COURT: If you'd hand up the
9 sentencing sheet. Does the State have
10 anything you want to put on the record
11 concerning sentencing?

12 SOLICITOR CLEVELAND: Not
13 specifically, Your Honor. I would like to
14 share the prior record with Your Honor.

15 THE COURT: Okay.

16 SOLICITOR CLEVELAND: And I want to
17 verify this because again, I inherited this
18 case from my prior counsel. I have a -- this
19 is Mr. Jennings' first drug offense as far as
20 the State knows. His criminal record
21 consists of:

22 A 2001 criminal domestic violence.

23 A 2011 altering or tampering with
24 utility meters, first offense.

25 A 2012 shoplifting, for which he was

State of South Carolina v Steven Edward Jennings

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Verdict - Sentence Sealed

1 given a fine.

2 And in 2013 he pled guilty or was
3 convicted of possession of a stolen vehicle
4 valued at over ten thousand dollars
5 (\$10,000). He was given three years
6 suspended upon two years probation. That
7 date was -- his plea date appears to be March
8 18th of 2014. So I can only presume that the
9 Defendant was on probation at the time of
10 this offense. I don't have Probation up here
11 to verify that, but that's my indication,
12 Your Honor.

13 THE COURT: Anything in mitigation,
14 Mr. DeJong?

15 MR. DEJONG: Your Honor, not to do
16 Mr. Jennings any disservice, my information
17 is very, very old on him. I'll be happy to
18 share it, Your Honor. My information dates
19 back to January the 17th of 2013. At that
20 point in time he was forty-two years of age.
21 He shared that he had last worked at Cushman.
22 It looks like Cushman Milliken plant and last
23 worked there for three years as an operator.
24 Fourteen years of education. After high
25 school, went to Tri-County Tech and got an

State of South Carolina v Steven Edward Jennings

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Verdict - Sentence Sealed

1 associate's degree in heating and air
2 conditioning. He does have three children.
3 They live with, I think, his parents. And he
4 is under no court order to provide support or
5 at least was not when I talked to him, Your
6 Honor. That's about the information I have
7 on him.

8 THE COURT: Well, can you hand me
9 an envelope and some tape?

10 CLERK: (Complies).

11 SOLICITOR CLEVELAND: I will also
12 draft a bench warrant, Your Honor, to be
13 issued.

14 THE COURT: Okay

15 SOLICITOR CLEVELAND: I don't have
16 that with me but I'll go do that and bring it
17 over right away.

18 THE COURT: I appreciate every-
19 body's courtesies in the trial. The sentence
20 is sealed.

21 You are going to bring a bench
22 warrant?

23 SOLICITOR CLEVELAND: Yes, sir.
24 I'll go and get it and bring it right over.

25 THE COURT: Thank you very much.

State of South Carolina v Steven Edward Jennings

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Case No. 14-GS-39-2778

September 30 - October 1, 2015 - Trial in Absentia

Verdict - Sentence Sealed

1 Appreciate the way y'all handled the case.

2 MR. DEJONG: Thank you, Your Honor.

3 (COURT IN RECESS)

4 (TRANSCRIPT CONCLUDED)

5

6

7

8

Case No. 14-GS-39-2778

September 30 - October 1, 2015 - Trial in Absentia

Certificate of Court Reporter

STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF GREENVILLE)

I, the undersigned Deborah Garrison, Circuit Court Reporter for the 13th Judicial Circuit, hereby certify that the foregoing is a complete and accurate transcript of the post-conviction relief hearing held in the within action heard on December 16, 2015, before The Honorable Perry H. Gravely;

I further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Deborah Garrison

Deborah Garrison

Greenville, South Carolina

April 25, 2016

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	Case No(s):2014GS3902778
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Steven E. Jennings,	)	
	)	
Defendant.	)	
	)	

December 16, 2015
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

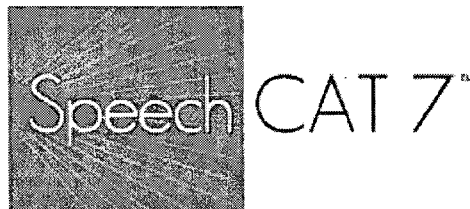
A P P E A R A N C E S:

BAKER CLEVELAND, Esquire
Attorney for the Plaintiff

JOHN DEJONG, Esquire
Attorney for the Defendant

Teresa B. Johnson, CVR-M
Certified Court Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



I N D E XDIRECT CROSS REDIRECT RECROSS

Sentencing of the Court 4

Certificate of Reporter 5

EXHIBITS PAGE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
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PLAINTIFF EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 16th day of December, 2015 at approximately 11:55 a.m.)

MR. CLEVELAND: Your Honor, this is Steven Jennings. He was tried in his absence and convicted in September of this year. He was picked up on a bench warrant 14 days ago. His sentence was sealed; and I believe you have it.

THE COURT: Looks like I'm opening a sealed sentence from October 1st of 2015 by Judge John Hayes. And the sentence of the court is three years. Is there, uh, -- is he entitled to any credit for time served?

MR. CLEVELAND: 15 days, Your Honor.

THE COURT: Oh, you already got it up there.

MR. CLEVELAND: One day originally; 14 on the bench warrant.

THE COURT: All right. Anything else?

MR. CLEVELAND: Nothing from the State, Your Honor.

THE COURT: All right then.

(WHEREUPON, the proceedings conclude at approximately 11:56 a.m.)

CERTIFICATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth 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 trial of the captioned case, relative to appeal, in the Court of General Sessions for Pickens, South Carolina, on this 10th day of May, 2016.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

Teresa B. Johnson

Official Court Reporter

WITNESSES

Brian Smith

Pickens Police Department

7/21/2014

ARREST WARRANT NUMBER

2014A3920700154

ACTION OF GRAND JURY

TRUE BILL

FEB 10 2015

[Signature]

Foreperson of Grand Jury

VERDICT

GUILTY SIMPLE POSSESSION

[Signature]

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-39-^{SBT} 2778

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

FEB 10 2015

TERM 2014

THE STATE

vs.

STEVEN EDWARD JENNINGS

Indictment for

3198

**POSSESSION OF METHAMPHETAMINE WITH
INTENT TO DISTRIBUTE**

VIOLATION § 44-53-0375(b)(1)

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

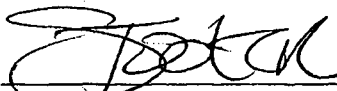
INDICTMENT FOR
POSSESSION OF METHAMPHETAMINE WITH INTENT TO
DISTRIBUTE

At a Court of General Sessions, convened on **FEB 10 2015** the Grand Jurors of Pickens

County present upon their oath:

That STEVEN EDWARD JENNINGS did in Pickens County, on or about the 20th day of July, 2014, possess with intent to distribute or aid, abet, or conspire to possess with the intent to distribute a quantity of Methamphetamine (Crank), a controlled substance, such possession not having been authorized by law. This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

 **73999**
SOLICITOR BAR #

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

223

COUNTY OF Pickens
STATE VS.Steven Edward Jennings

AKA:

Race: WHITE Sex: M Age: 44DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip:

DL#: SID#: *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Drugs/Possession Of Less Than One Gram Of Meth.INDICTMENT/CASE#: 2014GS3902778A/W#: 2014A3920700154Date of Offense: 7/20/2014S.C. Code § : 44-53-0375(b)(1)CDR Code #: 3198

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 44-53-0375 (A) of the S.C. Code of Laws, bearing CDR Code # 3009☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST [Signature] 78744

Cleveland, Baker

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 15 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150.00</u>
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>8.46</u>
TOTAL		\$ <u>288.46</u>

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: Sentenced and☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.Clerk of Court/ Deputy Clerk [Signature]Court Reporter: Deborah Garrison

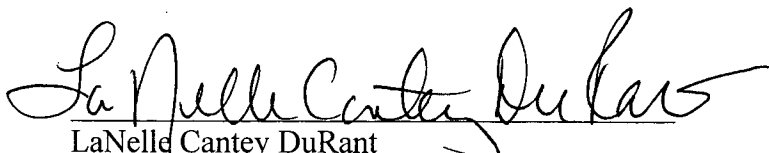
SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2 0 4 9Sentence Date: 10/1/2015

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,


LaNelle Cantey DuRant
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 12th day of October, 2016.

RECEIVED
OCT 12 2016
SC Court of Appeals