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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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MAY 11 2016

SC Court of Appeals

Appeal from Beaufort County

Maite Murphy, Circuit Court Judge

THE STATE

Appellate Case No.:

-VS.-

2013-002090

STANLEY L. WRIGHT

Defendant

RECORD ON APPEAL

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Volume 1 of 4

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State of South Carolina.,)

In the General Sessions  
Court of Beaufort

Case No.: 2011-GS-07-01851  
2011-GS-07-01852  
2011-GS-07-01853  
2011-GS-07-01854  
2011-GS-07-01855

County of Beaufort.

State of South Carolina.,)

Plaintiff.,

-VS-

Transcript of Record

Stanley Leonard Wright., )

Defendant.

September 16-18, 2013  
Beaufort, South Carolina

B E F O R E:

The Honorable Maite' Murphy, Judge, and a jury.

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1 (COURT IN SESSION IN THE MATTER OF STATE V. STANLEY  
2 LEONARD WRIGHT, MONDAY, SEPTEMBER 16, 2013 AT 10:58 A. M..)

3 (JURY ROLL CALL BY THE CLERK OF COURT OFF THE RECORD.)

4 THE COURT: Good morning everyone. Thank you. You  
5 may have a seat.

6 Good morning, ladies and gentlemen of the jury, my  
7 name is Maite' Murphy I am a circuit court judge from  
8 Dorchester County and it is a pleasure to be here in  
9 Beaufort County with you. And this is a one week term of  
10 court for General Sessions Court so I just want to make  
11 sure everyone is in the correct courthouse. So your jury  
12 service for this week will be Monday through Friday. We  
13 certainly understand the inconvenience a jury service may  
14 cause on your life but we will try be mindful of your time  
15 as we possibly can and hopefully this will be an enjoyable  
16 and educational week for you.

17 The purpose this morning is to determine your  
18 qualifications for jury service.

19 (THE COURT ADJUST MICROPHONE.)

20 THE COURT: Is that better?

21 The purpose this morning is for to determine your  
22 qualifications for jury service for this week and I  
23 understand that you've already done the actual roll call  
24 this morning so you've met our Clerk of Court and our Court  
25 Reporter and our wonderful bailiffs and the staff here in

1 the courthouse and their job of course is to make your jury  
2 service run as smoothly as possible this week.

3 I have certain questions that I have to ask you by  
4 state law to determine your eligibility to serve. And  
5 quite frankly sometimes these questions may be somewhat  
6 embarrassing or you may not want to stand up in front of  
7 the whole panel and answer these questions. So if after  
8 each question I will ask if the question applies to you, to  
9 please stand. If you don't want to do so at that time I  
10 will give you an opportunity at the end of the questioning  
11 process to stand up and we have a catch all if there is any  
12 potential reason why you should not be eligible to serve.  
13 So you can have an opportunity to come forward and you  
14 should do so.

15 So the questions that we have to ask are the first  
16 question is any member of the jury panel not a citizen of  
17 the United States; if so, please stand?

18 (NO RESPONSE.)

19 THE COURT: Is any member of the jury panel not a  
20 resident and citizen of Berkeley County or Beaufort County,  
21 I'm sorry, South Carolina, if so, please stand?

22 (NO RESPONSE.)

23 THE COURT: Is there any member of the jury panel  
24 unable to read, write, speak or understand the English  
25 language, if so, please stand?

1 (NO RESPONSE.)

2 THE COURT: Is any member of the jury panel have less  
3 than a sixth grade education or it's equivalent, if so,  
4 please stand?

5 (NO RESPONSE.)

6 THE COURT: Is any member of the jury panel unable  
7 because of mental or physical infirmities to render  
8 efficient jury service? For example, the member of the  
9 jury panel if you have a medical condition that would  
10 prevent you from serving on the jury, if so, please stand?

11 (NO RESPONSE.)

12 THE COURT: Is any member of the jury panel been  
13 convicted by guilty plea or trial in a state or federal  
14 court of record of a crime punishable by imprisonment for  
15 more than one year and your civil rights have not been  
16 restored by pardon or amnesty? Punishable by more than one  
17 year doesn't mean that you actually got one year but the  
18 potential sentence could have been for one year. If so,  
19 please stand.

20 (NO RESPONSE.)

21 THE COURT: Is there any member of the jury panel a  
22 clerk or deputy clerk of court, constable, sheriff or other  
23 official law enforcement officer, probate judge, county  
24 commissioner, magistrate, or other county officer or  
25 employed within the walls of any courthouse, if so, please

1 stand?

2 (NO ONE STANDS.)

3 THE COURT: Is there any member of the jury panel who  
4 has previously served on jury duty in circuit court, not in  
5 city court or magistrate court or federal court during this  
6 calendar year, if so, please stand?

7 (NO RESPONSE.)

8 THE COURT: Has any member of the jury panel served as  
9 a member of the Beaufort County Grand Jury during the past  
10 several years, if so, please stand?

11 (NO ONE STANDS.)

12 THE COURT: We now move to jury exemptions. State law  
13 provides for several exemptions for jury service. An  
14 exemption does not mean that you are not qualified to  
15 serve. It simply means that you have the right to say I  
16 choose not to serve.

17 The first exemption is for those of you that are  
18 sixty-five years of age or older. You may be exempted from  
19 jury service. Those of you who are sixty-five years of age  
20 or older of course possesses a tremendous pool of talent  
21 and experience and wisdom which can come in very handy for  
22 jury service. But if you are sixty-five years of age or  
23 older and you wish to be exempt from jury service this  
24 week, if so, please stand.

25 (NO ONE STANDS.)

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1 THE COURT: Another exemption concerns prior jury  
2 service. No person is required to serve as a juror more  
3 often than once every three calendar years. Therefore if  
4 any member of the jury panel has served on jury duty the  
5 last two calendar years you may be exempted from service  
6 this week if you choose to be exempted. This exemption  
7 does not apply if your jury service was in Magistrate  
8 Court, City Court, or a Federal Court. If this exemption  
9 applies to you and you wish to exercise it, if so, please  
10 stand?

11 Yes, sir, your juror number?

12 A. 130. I know it's close. I'm not exactly sure how  
13 close but it's been in the last couple of years.

14 THE COURT: In the last --

15 A. It may be within three years.

16 THE COURT: Okay, sir. You don't recall the date?

17 A. I don't know the exact date.

18 THE COURT: Madame Clerk, could you check on this?

19 MADAME CLERK: Yes, ma'am.

20 THE COURT: You said you were Juror Number 130?

21 A. 130 yes.

22 THE COURT: All right, sir. What we'll do is we'll  
23 just check the prior jury service and you stay with us for  
24 right now and we'll check. Thank you.

25 A. Thank you.

1 THE COURT: Persons who have served on a Grand Jury in  
2 the last five calendar years may also be exempt from jury  
3 service. If any member of the jury panel has served on a  
4 Grand Jury within the last five calendar years and wish to  
5 be exempted please stand?

6 (NO RESPONSE.)

7 THE COURT: The next exemption deals with those of you  
8 who have legal custody of young children. Listen very  
9 careful as all these conditions must apply for you to be  
10 eligible for an exemption.

11 If you have a child under the age of seven years, you  
12 have legal custody of your child or children you have the  
13 physical care custody and control of your child or children  
14 and you are unable to make arrangements for the adequate  
15 care of your child or children while performing jury duty,  
16 if all those requirements apply to you you may be exempted  
17 on that basis. Does anybody wish to be exempted on that  
18 basis?

19 (NO RESPONSE.)

20 THE COURT: Another exemption is if you are the  
21 primary care taker of a person sixty-five years of age or  
22 older, and you are unable to provide adequate care for the  
23 person while performing jury service you may be exempt from  
24 jury duty. If this exemption applies to you and you wish  
25 to be exempted, please stand?

1 (NO RESPONSE.)

2 THE COURT: The other exemption is if you are the  
3 primary care taker of a severely disabled person who is  
4 unable to care for himself or herself and cannot be left  
5 unattended and you are unable to provide adequate care for  
6 the person while performing jury service you may be exempt  
7 from jury duty. If this exemption applies to you raise  
8 your hand.

9 (NO RESPONSE.)

10 THE COURT: The next exemption involves those who may  
11 be attending school at this time or working in some  
12 capacity with a school. If this exemption applies to you  
13 and you wish to transfer your service to another term of  
14 court that would not interfere with your involvement in  
15 school responsibility and you wish to be exempted please  
16 stand?

17 Yes, ma'am, your juror number?

18 A. 139.

19 THE COURT: Ms. Howard?

20 MS. HOWARD: Yes.

21 THE COURT: Ms. Howard, do you work with the school  
22 system?

23 MS. HOWARD: Yes. I'm a career specialist and I  
24 transition in many schools and we're just starting up.

25 THE COURT: Okay, ma'am. I can transfer you to

1 another term of court. Would you like to go in the summer  
2 time or during the winter breaks? Is there a time that's  
3 more convenient for you?

4 MS. HOWARD: I really can't tell you that, ma'am,  
5 because of the activities that we have, program services.

6 THE COURT: Okay. If you would like to come forward we  
7 can get the scheduling clerk to send you a new - We'll pick  
8 a better date for you okay, ma'am, thank you.

9 Is there any member of the jury panel who is employed  
10 with the Department of Corrections or a penitentiary and  
11 you would like to be exempted please stand?

12 (NO RESPONSE.)

13 THE COURT: Is there any juror performing services for  
14 businesses whether it's commercial or an agricultural  
15 enterprise which are so essential to the operation of the  
16 enterprise that if you were required to perform jury duty  
17 the enterprise would have to close or stop functioning and  
18 if so if you wish to be exempted please stand?

19 (NO RESPONSE.)

20 THE COURT: Ladies and gentlemen, that concludes the  
21 statutory questions of qualifications and exemptions for  
22 jury service. It may be that you are qualified and those  
23 exemptions applies to you but jury service this week would  
24 constitute an extreme hardship on you for a particular  
25 reason, I cannot permanently excuse a juror from jury

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1 service but under extremely compelling circumstances I can  
2 transfer your service to another term of court. And  
3 particular jurors that have not been previously transferred  
4 that's certainly an option. We understand that the  
5 general inconvenience of jury service has and we certainly  
6 don't want to inconvenience you and have jurors function  
7 effectively.

8 Ladies and gentlemen, now is the chance for you if you  
9 did not respond earlier to any of my questions that I ask  
10 of you that may have a compelling reason to request a  
11 transfer of your jury service to another week if any of the  
12 questions apply to you or you have one of those compelling  
13 reasons if you would please stand? If you wish to discuss  
14 with the Clerk.

15 Ma'am, would you like to come up?

16 A. To the bench?

17 MADAME CLERK: Yeah, please come up to the side.

18 Ladies and gentlemen, if you all would form a line  
19 over here by Bailiff Bob. If you have a request to be  
20 excused. Let me finish that statement. If you have a  
21 request of the judge stand in line otherwise stay seated.

22 THE BAILIFF: Your Honor, Juror Number 10.

23 THE COURT: Yes, ma'am.

24 JUROR NUMBER TEN: I'm involved in a case that's  
25 actually in this courthouse before. I'm on my fourteenth

1 court appearance and it involved the sheriff's department  
2 and some other official entities and I don't believe I can  
3 be objective regarding testimony from law enforcement right  
4 now.

5 THE COURT: Okay. So you don't feel you can be fair  
6 and impartial ---

7 JUROR NUMBER TEN: I know I can't.

8 THE COURT: --- in a criminal trial. Okay. What  
9 we'll do is we'll transfer you to a civil term.

10 JUROR NUMBER TEN: Thank you.

11 THE BAILIFF: Your Honor, Juror Number 143.

12 THE COURT: Mr. Houston. Yes, sir.

13 MR. HOUSTON: I'm just requesting a transfer to  
14 something close like in January. I'm single and self  
15 employed and I've had a negative income for the past five  
16 years. By business is directly slower right after the  
17 first of year so I'm requesting a transfer to that time.

18 THE COURT: Okay we can do that. Yes, sir, Number  
19 Ten?

20 MR. HOUSTON: 143.

21 THE BAILIFF: Your Honor, Juror 247.

22 THE COURT: Good morning.

23 JUROR NUMBER 247: Good morning. Last year I was  
24 convicted of a crime. I think at the time it was breach of  
25 trust and now I'm going to the PTI program, I have

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1 restitution to pay back by November of next year.

2 THE COURT: You're going through PTI or you're on  
3 probation?

4 JUROR NUMBER 247: I'm going through PTI. I'm not on  
5 probation or anything. I have until November of next year  
6 or it's gonna pick back up and it goes to trial.

7 THE COURT: Did you actually plead guilty or did you  
8 go straight to PTI?

9 JUROR NUMBER 247: I'm not sure of the PTI so I don't  
10 know. I know it comes up on my record.

11 THE COURT: It's an arrest but not a conviction?

12 JUROR NUMBER 247: Correct.

13 THE COURT: Okay. So you don't actually have a  
14 conviction so you're okay.

15 JUROR NUMBER 247: Okay.

16 THE COURT: Okay. It does show you had a guilty  
17 disposition on that so we'll have to excuse you on that  
18 basis. Just hang with us. We'll look it up. You hang  
19 with us. And you're 247?

20 JUROR NUMBER 247: Yes, ma'am.

21 THE COURT: Okay. Just hang with us and we'll check  
22 on that. Thank you.

23 THE BAILIFF: Your Honor, Juror Number 65. 6-5.

24 THE COURT: Good morning.

25 JUROR NUMBER 65: Good morning. How are you doing?

1 THE COURT: Good. And you are Mr. Dailey?

2 MR. DAILEY: Yes. I'm a retired New Jersey state  
3 trooper.

4 THE COURT: Yes, sir.

5 MR. DAILEY: I also was a insurance investigator, SIU,  
6 investigating various fraud things. I also am currently a  
7 senior lost prevention specialist and currently training  
8 somebody for the job he just came on. This is his first  
9 week and I have a meeting tomorrow at the Savannah Police  
10 Department however I can see a theft problem we have in  
11 Savannah and I don't think anyone's gonna put me on a jury  
12 because in my mind if a police officer arrested somebody  
13 their guilty.

14 THE COURT: Well - And it's Mr. Dailey?

15 MR. DAILEY: Uh-huh.

16 THE COURT: Mr. Dailey, you know the jury instructions  
17 would be that you must listen to the evidence set forth by  
18 and follow the law. Basically are you telling me that you  
19 cannot be fair and impartial and follow the law as  
20 instructed?

21 MR. DAILEY: If I can follow the law and everything as  
22 far as that goes. But if a police officer gets up there  
23 and testifies anything he says to me is gospel.

24 THE COURT: What we'll do is we'll transfer you to a  
25 civil term of court.

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1 MR. DAILEY: This is my second time back.

2 THE COURT: Then you'll need to hang with us. This is  
3 your second - You were transferred previously?

4 MR. DAILEY: Yes.

5 THE COURT: Okay. Sir, you need to stick with us  
6 then.

7 MR. DAILEY: Okay.

8 THE BAILIFF: Your Honor, Juror 91. 9-1.

9 THE COURT: Mr. Fields, how are you today?

10 MR. FIELDS: Good. My name is Anthony Fields and I'm  
11 the senior pastor from Newburg Fellowship Ministries.

12 THE COURT: Yes, sir.

13 MR. FIELDS: And because of religious reasons I don't  
14 believe that I would be able to do the jury. Plus my mom  
15 is - she lives with us. She has alzheimers Level III and  
16 because of those two things I think that it would be kind  
17 of hard for me to do it.

18 THE COURT: Well I understand jury service sometimes  
19 may be difficult. Let's talk about the alzheimers  
20 situation first. Are you in charge of caring for your  
21 mother?

22 MR. FIELDS: My sister is but she lives with me.

23 THE COURT: Okay. So you've got someone to be able to  
24 able to help with that situation?

25 MR. FIELDS: Yeah, huh-huh.

1 THE COURT: As far as your religious convictions do  
2 you feel that you could of course nobody is asking you to  
3 violate your religious convictions but basically listen to  
4 the evidence as presented and follow the law as given by  
5 the court. Do you think you could follow the law and be  
6 fair and impartial?

7 MR. FIELDS: I think I would have a problem with the  
8 judging part you know as far as the judging and you know  
9 making a decision on that basis because of my religious  
10 reasons.

11 THE COURT: And your religious reasons as far as - The  
12 judging part basically you would just be the judge of the  
13 facts. You judge facts everyday.

14 MR. FIELDS: Right.

15 THE COURT: Like when you go to the grocery store you  
16 say okay --

17 MR. FIELDS: Right. Right.

18 THE COURT: I look at commercial A and commercial B  
19 and I'm gonna pick out this kind so you judge facts every  
20 day.

21 MR. FIELDS: Right.

22 THE COURT: That's all that you're being required to  
23 do here.

24 MR. FIELDS: Right. Okay.

25 THE COURT: You okay with that?

1 MR. FIELDS: Yeah I guess.

2 THE COURT: Okay. All right, so you can set that  
3 aside and just judge the facts just like you do in everyday  
4 life. And you can be fair and impartial to both the State  
5 and to the Defense?

6 MR. FIELDS: Uh-huh.

7 THE COURT: Okay. Stay with us.

8 MR. FIELDS: Okay.

9 THE BAILIFF: Your Honor, Juror 3-4-7. 3-4-7.

10 THE COURT: Good morning.

11 A. Good morning.

12 THE COURT: Are you Ms. Young?

13 MS. YOUNG: Yes, ma'am.

14 THE COURT: And what is your situation?

15 MS. YOUNG: I got a preschooler and we have some staff  
16 out in our and I wanted to know if I could serve at a later  
17 date.

18 THE COURT: If you want to transfer because of your  
19 school responsibilities?

20 MS. YOUNG: Yes, ma'am.

21 THE COURT: Yes, ma'am, if you'll see our scheduling  
22 clerk over there she can help you.

23 MS. YOUNG: Thank you.

24 THE BAILIFF: Your Honor, Juror 85.

25 THE COURT: Yes, sir.

1 A. Financially I cannot afford to drive from Hilton Head  
2 to be here for everyday. I'm in customer service at  
3 Publix, I'm not full time yet. I do not get paid for today  
4 and I borrowed my girlfriend's car to get here.

5 THE COURT: Okay.

6 A. So transportation and financially would be a big  
7 burden on me right now.

8 THE COURT: Well do you think there would be a time  
9 better like in six months or so that you would be better  
10 able to serve?

11 A. Uh-huh.

12 THE COURT: You okay with that?

13 A. Yeah.

14 THE COURT: Okay. So we'll transfer you to another  
15 term, okay?

16 A. That's fine. Thank you.

17 THE COURT: Thank you.

18 THE BAILIFF: Your Honor, Juror 293, 2-9-3.

19 THE COURT: Good morning.

20 A. Good morning.

21 THE COURT: You're 293?

22 A. Yes.

23 THE COURT: And what's your situation?

24 A. I'm a Jehovah Witness and we don't usually take part  
25 in jury or court or anything political.

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1 THE COURT: Okay. Well this isn't political really.  
2 Basically you would be ask if you're selected on the jury  
3 to be fair and impartial and determine the facts.

4 A. Right.

5 THE COURT: I'm the judge of the law but you would  
6 determine which facts to believe whether it's the State or  
7 the Defendant and we just ask that you set any previous  
8 notions aside and determine the case based on the evidence  
9 that's presented in court.

10 A. Right.

11 THE COURT: Can you set that aside and just be fair  
12 and impartial on the facts?

13 A. I guess.

14 THE COURT: Well let me give you an example.

15 A. Okay.

16 THE COURT: You make decisions on facts everyday.

17 A. Uh-huh.

18 THE COURT: Like when you go the grocery store you  
19 make a decision on what brand to buy.

20 A. Right.

21 THE COURT: That's the same type, you're making a  
22 decision on the facts and the law as presented to you. You  
23 think you can set aside any - Nobody is asking you to  
24 violate your religious beliefs - - -

25 A. Right.

1 THE COURT: --- but just make a determination on the  
2 facts, on the evidence that's presented in the courtroom.

3 A. Correct.

4 THE COURT: Okay. You can do that? Be fair and  
5 impartial?

6 A. Yes.

7 THE COURT: All right. Thank you. Please stick with  
8 us.

9 A. Where do you want me to go? Back to my seat?

10 THE COURT: Yes. Thank you.

11 THE BAILIFF: Your Honor, Juror 171.

12 THE COURT: Good morning.

13 A. Good morning.

14 THE COURT: She needs to be able to hear what you're  
15 saying.

16 A. Okay. I served on a jury I think it was either the  
17 spring of 2010 or 2011 but I don't really know what kind of  
18 jury it was to be honest. It was a criminal case.

19 THE COURT: Was it in this courtroom?

20 A. No it was in Ohio actually.

21 THE COURT: Oh, in Ohio.

22 A. I don't know if that makes a difference.

23 THE COURT: Do you remember what the case was about?

24 A. Yeah it was breaking and entering and aggravated  
25 assault. I don't know the technical terms but felons had

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1 weapons.

2 THE COURT: And you just don't recall when it was?

3 A. It was either 2010 or 2011 but I don't know if it  
4 applies. It was a county case. I don't know if it was  
5 like the magistrate or whatever.

6 THE COURT: Now that wouldn't disqualify you if it was  
7 a General Sessions type but it may allow you to be  
8 exempted. You don't want to serve this week?

9 A. Well I have an annual religious retreat that's out of  
10 state that starts on Thursday so I'd really like to attend  
11 that.

12 THE COURT: So you want to actually be transferred?

13 A. Yeah.

14 THE COURT: Okay. We can transfer you to another term  
15 of court.

16 A. Okay. Just go sit down?

17 THE COURT: Yes, ma'am.

18 THE BAILIFF: Your Honor, Juror 87.

19 THE COURT: Ms. Evans?

20 MS. EVANS: Uh-huh.

21 THE COURT: Yes, ma'am.

22 MS. EVANS: I'm a realtor and I have a closing today.  
23 One of the attorney's office called me they can't find the  
24 earnest money and I'm negotiating four contracts all in the  
25 time frame. I mean time deadlines.

1 THE COURT: Okay.

2 MS. EVANS: There is nobody else, I'm the assistant  
3 right now and there is nobody else that can do my job. The  
4 business will be essentially shut down this week.

5 THE COURT: Okay. Is there a time that would be more  
6 convenient we can transfer you to a different term of  
7 court. Obviously all these people are in the same  
8 situation.

9 A. Right. I don't know. I don't know what people do.  
10 I've never had - I've never been called so I don't know.

11 THE COURT: Well if we agree to a transfer basically  
12 we give you plenty of notice and you would know so you  
13 could make plans ahead of time ---

14 MS. EVANS: Uh-huh. Uh-huh.

15 THE COURT: --- as to when you would be able to serve.

16 MS. EVANS: Uh-huh. Probably December would be a  
17 better time for me.

18 THE COURT: Okay.

19 MS. EVANS: Holidays. Closer to the holidays.

20 THE COURT: All right. If you will get with our clerk  
21 they'll schedule it at another time.

22 MS. EVANS: Thank you.

23 THE BAILIFF: Your Honor, Juror 165. 1-6-5.

24 THE COURT: How are you?

25 A. Good. I was convicted back in the mid '80s of a

1       drunken conviction. I did a plea agreement.

2               THE COURT: Uh-huh.

3       A. I did not serve time. I paid a fine and was on  
4       probation for two years.

5               THE COURT: Okay. So you would be disqualified to  
6       serve. Thank you, sir. Have a good day.

7               THE BAILIFF: Your Honor, Juror 76.

8               THE COURT: Good morning.

9       A. My name is Jeff Dewey.

10              THE COURT: Yes, sir.

11              MR. DEWEY: The question I'm having to ask is that I  
12       did go to jail and I did do two months and it was because  
13       it was for sales of narcotics. And I know it sounds - I  
14       just got out of the military because there is the thing, my  
15       wife left me and this guy in this bar where I was having a  
16       hamburger and something to eat I saw him going around to  
17       different people and he came up to me and he said he just  
18       got out of the military because you know we talked a little  
19       bit so I told him what happened to me and my wife and he  
20       said he just got out of the military with his wife and ask  
21       if I can get him some. Well I said what do you mean?

22              THE COURT: Well let me just ask you this. The charge  
23       that you were convicted of did it carry more than a year?

24              MR. DEWEY: I don't know. I only did two months.

25              THE COURT: Correct. But could you have received a

1 different sentence?

2 SOLICITOR SHELTON: Its out in California where it's a  
3 controlled substance so it probably did.

4 THE COURT: Yes. We'll go ahead and excuse you from  
5 this term of court. Okay.

6 MR. DEWEY: Okay.

7 THE COURT: Thank you.

8 THE BAILIFF: Your Honor, Juror Number 9.

9 THE COURT: Good morning. Number 9? Yes, ma'am.

10 A. The problem I'm having is that we have one car. I am  
11 responsible for getting my daughter to work and then  
12 getting my grandbaby to the baby sitter and she has no way  
13 to get home if I'm - -

14 THE COURT: Okay. Well what we can do is if you are  
15 selected we can have a deputy bring you back and forth to  
16 court so she can have the car. Okay?

17 A. Oh okay. I didn't know that would be - okay.

18 THE COURT: All right. Sure. So you hang with us Ms.  
19 Baker.

20 MS. BAKER: Okay.

21 THE COURT: Thank you.

22 THE BAILIFF: Your Honor, Juror 241.

23 THE COURT: Good morning, how are you?

24 A. I'm fine. How are you?

25 THE COURT: Ms. Reed?

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1 MS. REED: Yes.

2 THE COURT: And what's your situation?

3 MS. REED: Well, Your Honor, I don't mind serving. I  
4 have a daughter in law who is in a pregnancy that is not  
5 going well and I am caring for my two grandchildren helping  
6 her out with that.

7 THE COURT: Okay.

8 MS. REED: So it wouldn't be an inconvenience only in  
9 that she would have to find other people to help care for  
10 her children. And I had been doing that for the last two  
11 weeks. She is not on bed rest but she can't do very much.  
12 We're trying to keep the baby in a little bit longer.

13 THE COURT: So really you just want to transfer to  
14 another term that's more convenient for you?

15 MS. REED: If I could. It would just - it would help  
16 her to not to have to find friends and other people to pick  
17 up the children from school.

18 THE COURT: Okay. All right, well we'll transfer you  
19 to another term of court. If you'll see the clerk down  
20 there.

21 MS. REED: Thank you so much.

22 THE BAILIFF: Your Honor, Juror 278.

23 THE COURT: Good morning. How are you, sir.

24 A. I'm all right. How you doing?

25 THE COURT: Well is there a situation?

1 A. No I'm just saying my reading skills - -

2 THE COURT: I'm sorry.

3 A. My reading skills.

4 THE COURT: Oh, okay. Your reading skills. Let me  
5 ask you this, sir. Do you work?

6 A. Yes.

7 THE COURT: And you pay your bills?

8 A. Yeah.

9 THE COURT: And you function obviously normal day to  
10 day. Right?

11 A. Uh yeah.

12 THE COURT: And are you able to understand the English  
13 language pretty well. You just can't read very well?

14 A. Yeah.

15 THE COURT: Okay. And if you are able to understand  
16 and basically living in today's society I mean that is  
17 really more than a sixth grade education if you're paying  
18 your bills on time and going to work and that type of  
19 thing. Would you feel comfortable serving on the jury?

20 A. I wouldn't cause I wouldn't you know wouldn't  
21 understand all - everything.

22 THE COURT: Okay. You don't really have to do  
23 reading. It would be a matter of listening and applying  
24 the evidence to the facts as you hear from the testimony in  
25 the case. Do you think you'd be able to do that?

1 A. I don't know. I don't know.

2 THE COURT: You don't feel comfortable doing that?

3 A. No.

4 THE COURT: Okay. We'll go ahead and excuse you, Mr.  
5 Snowten. Thank you.

6 THE BAILIFF: Your Honor, Juror Number 4. Number 4.

7 THE COURT: You might have to bend down. Sorry.

8 Mr. Allen, how are you?

9 MR. ALLEN: I'm doing okay.

10 THE COURT: And what's your situation, sir?

11 MR. ALLEN: I just went through a long process of  
12 getting my kids ---

13 THE COURT: Yes, sir.

14 MR. ALLEN: --- on the weekends. But I just committed  
15 to a - I'm a truck driver so I just committed to a certain  
16 job that allows me to get home on the weekends. If I work  
17 this week right here if I stay out I'm gonna have to make  
18 it up next week which I won't be able to get my kids.

19 THE COURT: Well.

20 MR. ALLEN: Its been a year. I didn't have them for a  
21 whole year.

22 THE COURT: You hadn't seen them for a whole year?

23 MR. ALLEN: Well I just got them back within the last  
24 three weeks, my visitations and everything.

25 THE COURT: So basically if you don't work during this

1       --

2               MR. ALLEN: I'm gonna have to make it up because I  
3 committed to a contract.

4               THE COURT: Okay. And you can't switch for next week?

5               MR. ALLEN: I cannot switch at all. I'm gonna have to  
6 make it up next week. I committed to a certain amount that  
7 I have to run and I've got to do that.

8               THE COURT: Okay. You realize that you might not get  
9 picked on the jury and then you'd be done with your jury  
10 service. You don't want to roll the dice?

11              MR. ALLEN: Two hundred and fifteen miles away from  
12 here just to go get it. So I got to go up to Gaffney.

13              THE COURT: So basically you're asking to be  
14 transferred to a different term so you can have your  
15 children?

16              MR. ALLEN: Yes, ma'am. Uh-huh.

17              THE COURT: And you're Number Four?

18              MR. ALLEN: Uh-huh.

19              THE COURT: Okay. We'll transfer you to another term.

20              MR. ALLEN: All right.

21              THE BAILIFF: Your Honor, Juror 183.

22              THE COURT: Ms. Major, yes, ma'am.

23              MS. MAJOR: I'm sick and I heard this was for one day.  
24 And I'm a real estate agent and I'm having people coming  
25 from Florida, coming up from Florida to look at houses

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1 Wednesday so I can't be here for the whole week like today.  
2 And tomorrow I could but I can't be here for like the whole  
3 week.

4 THE COURT: Well, Ms. Major, you know we've got a  
5 couple of cases going for trial and they may not last all  
6 week. The term is for the entire week but you may not be  
7 selected on both of them but that's - I think you need to  
8 stick with us because certainly everybody has got  
9 employment obligations that they've got to take care of.  
10 But the first trial should probably last until Wednesday  
11 and you may not even be selected so I really can't just  
12 excuse you on that basis.

13 MS. MAJOR: Okay.

14 THE COURT: All right. Thank you, ma'am.

15 THE BAILIFF: Your Honor, Juror 273.

16 THE COURT: Good morning. Ms. Singleton?

17 A. Yes.

18 THE COURT: Yes, ma'am, what is your situation?

19 MS. SINGLETON: Well I don't think I can serve on a  
20 jury because I don't know what trial is coming up but if  
21 it's a Mullen day I can't serve.

22 THE COURT: I'm sorry.

23 MS. SINGLETON: I don't know what trial is coming up.

24 THE COURT: Yes, ma'am.

25 MS. SINGLETON: But if it's the Mullen days I can't

1 serve.

2 THE COURT: If it's a what?

3 MS. SINGLETON: The aunt.

4 THE COURT: Okay. Well if there is - When we start  
5 the jury selection process if you actually know anybody  
6 involved in the case and I will ask you at that time.

7 MS. SINGLETON: Okay.

8 THE COURT: So you will be provided a list of the  
9 witnesses'.

10 MS. SINGLETON: I didn't know. Okay.

11 THE COURT: Yes, ma'am. So you feel that except for  
12 the case that you know somebody in you can be fair and  
13 impartial and serve as a juror?

14 MS. SINGLETON: Uh-huh.

15 THE COURT: Okay. Thank you, ma'am.

16 MS. SINGLETON: Okay.

17 THE COURT: You stay, ma'am.

18 THE BAILIFF: Your Honor, Juror 19.

19 THE COURT: Good morning. Ms. Best?

20 MS. BEST: It's just a little embarrassing.

21 THE COURT: That's fine.

22 MS. BEST: I have a little bit of irritable bowel  
23 syndrome.

24 THE COURT: Okay.

25 MS. BEST: So already this morning I've had diarrhea

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1 and I'm just uncomfortable cause I keep popping up to go to  
2 the bathroom. As long as that's permissible.

3 THE COURT: Sure. If there is any kind of medical  
4 requirements if you are selected on a jury if you need to  
5 take a break at any time you just let me know.

6 MS. BEST: Okay.

7 THE COURT: I'm happy to and we can even have some  
8 sort of signals so it doesn't point you out you know  
9 automatically. Okay.

10 MS. BEST: Okay. Cause it's just very uncomfortable  
11 today.

12 THE COURT: Certainly. Thank you, ma'am, I appreciate  
13 that.

14 THE BAILIFF: Your Honor, Juror 342. 3-4-2.

15 THE COURT: Come in close so she can hear you.

16 A. It concerns work. I have two employees that work for  
17 me. One went out for back surgery has been out - this will  
18 be his eighth week. His wife faxed me something from the  
19 Spine Institute saying he will be out for another four  
20 weeks. That leaves my one employee that's sixty-two years  
21 old.

22 THE COURT: Uh-huh.

23 A. I hate to even ask but if there is a way that I could  
24 come back. I'm happy to serve but.

25 THE COURT: I understand. Basically you're one

1 employee. The first trial may really just be a couple of  
2 days and you may not have to serve all week if you're  
3 selected.

4 A. Okay.

5 THE COURT: And we're picking two jury's so it  
6 wouldn't you know chances of you really being here all  
7 week.

8 A. And that's what I'm concerned about.

9 THE COURT: Right. Chances are very low that you  
10 would actually be here all week. So if you're selected on  
11 the first jury you should be done hopefully by Wednesday.

12 A. Okay.

13 THE COURT: And really that exemption applies if your  
14 business would have to actually shut down. I understand  
15 you have one employee and I understand it's a hardship and  
16 an inconvenience.

17 A. Yes, ma'am.

18 THE COURT: But if you would be willing to stay and  
19 serve we certainly appreciate that.

20 A. Yes, ma'am. Will do.

21 THE COURT: Thank you.

22 A. Thank you for your consideration.

23 THE BAILIFF: Your Honor, Juror Number 239.

24 THE COURT: Ms. Reaves.

25 A. Yes.

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1 THE COURT: Yes, ma'am.

2 MS. REAVES: My husband had served some time. In fact  
3 its been a while.

4 THE COURT: Yes, ma'am.

5 MS. REAVES: And for all circumstances and I'm just  
6 afraid I can't find somebody guilty because of what he went  
7 through and what all the family went through.

8 THE COURT: Well let me ask you this. I understand  
9 that was your husband's situation but what you would be  
10 called upon would be fair and impartial to the facts as you  
11 hear in this courtroom.

12 MS. REAVES: I know. But I'm afraid I can't. I'm  
13 biased. I'm afraid that you don't get all the information  
14 you need. It was a pretty hard time for me and I have hard  
15 feelings.

16 THE COURT: And you can't be fair and impartial?

17 MS. REAVES: I'm afraid I can't be.

18 THE COURT: Okay. I'm gonna transfer you to a civil  
19 term of court. Okay. Thank you, ma'am.

20 SOLICITOR SHELTON: It appears that Juror Number 247  
21 has aggravated assault in New Jersey. The least it can  
22 carry is eighteen months so he should be disqualified.

23 THE COURT: Juror Number 247, Mr. Ritchie. Would you  
24 come forward please.

25 (WHITE MALE COMING FORWARD.)

1 THE COURT: Mr. Richie, I just want to let you know  
2 that we checked on that situation for you and you're not  
3 eligible to serve so I'm gonna go ahead and excuse you.  
4 Thank you for letting us know.

5 MR. RITCHIE: No problem.

6 THE COURT: Juror Number 130. We checked on your  
7 prior jury service and you are able to be exempted, sir.  
8 A. Okay. Thank you.

9 THE COURT: Ladies and gentlemen, you are now - the  
10 jury panel is now qualified. There are some general  
11 guidelines of course for jury service and that would be  
12 that you do not have cell phones or pagers or do any type  
13 of independent research since you've been selected for jury  
14 service. Also be mindful that the parties and the  
15 attorneys cannot speak to you so if you see somebody in the  
16 hallway and they are not being friendly its not that they  
17 are just not being friendly. They are not allowed to have  
18 any contact with you and you are not allowed to have any  
19 contact with any member or people trying the case here.

20 And, ladies and gentlemen, we'll begin the jury  
21 selection process for our first trial in a few minutes.

22 Are the parties ready to proceed on the first trial?

23 SOLICITOR SHELTON: Yes, Your Honor, the State is.

24 MR. CHAPLIN: Yes, Your Honor, we are.

25 THE COURT: Do you have a copy of the indictment or

1 your information?

2 SOLICITOR SHELTON: The Clerk's office has the  
3 indictment. I have a copy of the indictment here, Your  
4 Honor.

5 MR. CHAPLIN: Your Honor, may we approach?

6 THE COURT: Sure.

7 (BENCH CONFERENCE OFF THE RECORD AT 11:38 A.M..)

8 THE COURT: Ladies and gentlemen, before we begin the  
9 selection of our first jury, we will take a quick fifteen  
10 minute break. That will allow everybody to use the  
11 restroom or whatnot but if you will please be back here in  
12 the jury room at ten 'till then we'll begin the jury  
13 selection process at that time. Thank you.

14 (JURY PANEL EXITS COURTROOM AT 11:39 A.M..)

15 THE BAILIFF: The jury pool is clear, Your Honor.

16 THE COURT: Thank you.

17 All right, I understand that there is some issues we  
18 need to take care of before we select the jury; is that  
19 correct?

20 SOLICITOR SHELTON: Yes. Your Honor, the Defense -  
21 May it please the court. Defense has this case involves a  
22 sweep of a residence that Judge Kristi Harrington in May of  
23 this year when the defendant - We might want to get the  
24 defendant in here.

25 THE COURT: Is he in the court - well we'll wait until

1 we get him in here.

2 SOLICITOR SPRINGS: I apologize, Your Honor. Thank  
3 you.

4 (PAUSE.)

5 SOLICITOR SHELTON: May it please the court.

6 THE COURT: Yes, sir.

7 SOLICITOR SPRINGS: May the record reflect Mr. Wright  
8 has been seated in the courtroom. The defendant.

9 (DEFENDANT STANLEY WRIGHT SEATED AT DEFENSE TABLE.)

10 SOLICITOR SHELTON: This is a case in which Judge The  
11 Honorable Kristi Harrington as part of a pretrial motion in  
12 May of this year in the May General Sessions term of court  
13 in which she ruled that a sweep of a residence, the  
14 defendant's residence, was lawful when law enforcement  
15 responded to an alleged domestic violence incident. They  
16 did not find the victim there. I have the entire  
17 transcript here, Your Honor. And I apologize for not  
18 providing this to you ahead of time. I thought that Judge  
19 Mullen may be trying this case so I emailed it to her. I  
20 don't know if she shared it with you or not.

21 I have this available, I also have a PDF copy for your  
22 clerk. Since then the defendant has gotten rid of his old  
23 lawyer Mr. Sam Bower and now has retained Mr. Joenathan  
24 Chaplin. Mr. Chaplin's office believes there is additional  
25 information that they want to bring a pretrial motion

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1 regarding the sweep of the residence and wants to have a  
2 hearing on that. The State would prefer to go ahead and  
3 select the jury in the matter without actually swearing the  
4 jury just as we normally do with pretrial motions. And I  
5 have - If the Court is inclined to hear the motion after  
6 reviewing the record the State believes the record is very  
7 sufficient in establishing the record in Judge Harrington's  
8 ruling based on an officer's knowledge at the time of the  
9 incident and what they testified to at the time. And what  
10 they will testify again to today if necessary.

11 However we would prefer because to not to take up the  
12 court's time then I have to call back the jury tomorrow if  
13 the motion is upheld as it is, go ahead and select a jury  
14 today and if necessary select another jury if possible for  
15 backup trial instead of waiting having the jury back there  
16 hearing a motion that I have officers who are work night  
17 duty coming at 1:30 here if Your Honor is inclined to hear  
18 it even. Basically I believe that the defense doesn't want  
19 to select the jury until after the motion. We'd like to go  
20 ahead and select the jury now.

21 THE COURT: Mr. Chaplin.

22 MR. CHAPLIN: Your Honor, I refer to Mr. Johnson.

23 THE COURT: Mr. Johnson.

24 MR. JOHNSON: Thank you, Your Honor, may it please the  
25 court. Your Honor, its our position that we have

1 discovered newly discovered evidence that was discovered  
2 once we became involved in the case which indicates that  
3 there are witnesses that was not used during the issue,  
4 motion when it was heard. There is an officer that was not  
5 - did not testify at that hearing that we think can offer  
6 evidence to show that the police had knowledge prior to  
7 going into that house, that the victim was not in the house  
8 thereby meaning that they did it and did not have probable  
9 cause to go into the house.

10 We have witnesses there to testify as well as the  
11 State has been informed and they have informed the officer  
12 that did not testify at the prior hearing would also be  
13 here.

14 THE COURT: Okay. Go ahead.

15 MR. JOHNSON: And I think it goes to probable cause  
16 because the search is not - if the search is held up to -  
17 is found to be insufficient then the evidence would be  
18 thrown out and it won't be a trial.

19 THE COURT: Well I think just for time wise and not  
20 having the jury panel out there waiting I think we should  
21 go ahead and select the jury and just not swear them in  
22 until after we hear the motions and that way we can keep  
23 them without having to inconvenience the jury.

24 MR. JOHNSON: That would be fine with us, Your Honor.

25 THE COURT: Okay. Any objections to that?

1 MR. JOHNSON: None.

2 THE COURT: That's how we'll proceed on that.

3 And, Mr. Shelton, if you don't mind getting me a copy  
4 of that transcript.

5 SOLICITOR SHELTON: Absolutely. I'll give you my  
6 paper copy. I have the transcript. And then I will email  
7 the PDF to your law clerk and I might ask for that back  
8 that's all I have.

9 THE COURT: That's fine.

10 SOLICITOR SHELTON: Thank you.

11 MR. CHAPLIN: Also, Your Honor, I don't know why I'm  
12 thinking that we get ten strikes and they had five. For  
13 whatever reason I just want to clear that up for the  
14 record.

15 SOLICITOR SHELTON: Well I look at - I'm looking right  
16 now, Your Honor, at Section 14-7-1110 of the South Carolina  
17 Code of Laws. And if Your Honor would like to you can go  
18 ahead and pull that up or I can go ahead and tell you what  
19 the State's - but in this this is the statute that governs  
20 peremptory strikes and there is no rhyme or reason. There  
21 is no cap of time or anything. As most practitioners know  
22 it just happens to be that any person who is arraigned for  
23 the crime of murder, manslaughter, burglary, arson,  
24 criminal sexual conduct, armed robbery, grand larceny, or  
25 breach of trust when it's punishable by as for grand

1 larceny, as for grand larceny, perjury, or forgery is  
2 entitled to peremptory challenges not exceeding ten. And  
3 the State in these cases is entitled to peremptory  
4 challenges not exceeding five.

5 Any person who is indicted for any crime or offense  
6 other than those enumerated above has the right to  
7 peremptory challenges not exceeding five.

8 THE COURT: I agree. I think you are entitled to ten.

9 SOLICITOR SHELTON: Ten. I'm sorry I believe he's  
10 only entitled to five.

11 THE COURT: I think on burglary the defendant gets  
12 ten.

13 SOLICITOR SHELTON: This isn't burglary. This is a -  
14 This is not burglary. This is a trafficking charge.

15 THE COURT: Oh, I'm sorry.

16 SOLICITOR SHELTON: I apologize. I should have first  
17 told you what the charges were.

18 THE COURT: I'm backward. I'm sorry. I thought this  
19 was a burglary first.

20 SOLICITOR SHELTON: No.

21 THE COURT: I apologize on that. Do you have a copy  
22 of the indictment?

23 SOLICITOR SHELTON: I do, Your Honor. And for the  
24 record the State is proceeding on 2011-GS-07-0-1-8-5-1  
25 possession with intent to distribute marijuana. 1-8-5-2

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1 with trafficking in cocaine over two hundred grams. And is  
2 also - Well its not listed here. As well as possession of  
3 a weapon during the commission of a violent crime. The  
4 defendant has two other charges with possession with intent  
5 to distribute and trafficking within proximity to a park.

6 We are not proceeding on those indictments because the  
7 State concedes that the indictment does not say knowingly  
8 as required by the Omnibus Act so therefore it would not be  
9 sufficient.

10 THE COURT: All right. Mr. Chaplin, I do, for some  
11 reason I was thinking that it was burg first in the first  
12 trial and that's why I thought you were entitled to ten  
13 strikes but I concur with the State. I think you're  
14 entitled to five.

15 MR. CHAPLIN: Thank you, Your Honor.

16 THE COURT: Have both parties had - I just got the  
17 copy of the voir dire. Have both parties had a chance to  
18 review each other's voir dire? Any objections or - -

19 SOLICITOR SHELTON: No, Your Honor. I don't believe  
20 we have any objections to Mr. Chaplin's voir dire.  
21 Anything we'll usually just defer to the Court's wisdom in  
22 that.

23 THE COURT: Do we have a witness list?

24 SOLICITOR SHELTON: Yes, Your Honor.

25 THE COURT: Looks like we got a couple of minutes

1 before we ask the jury to come back so we'll do a quick  
2 break and you let me know when they're back and ready.

3 SOLICITOR SHELTON: Thank you, Your Honor.

4 (COURT AT EASE AT 11:48 A. M..)

5 (COURT BACK IN SESSION AT 12:05 P.M..)

6 THE COURT: Ladies and gentlemen of the jury panel, we  
7 are now about to get start the case of the State of South  
8 Carolina versus Stanley Wright. Before we select a jury  
9 there is several questions which I will ask you.

10 Is anyone on the jury panel ever been related by blood  
11 or marriage to either the attorneys for the State and

12 Mr. Shelton, I'll ask you to please stand up and  
13 introduce yourself and members of your staff.

14 SOLICITOR SHELTON: Thank you, Your Honor. May it  
15 please the court.

16 Good morning everybody. My name is Ben Shelton I'm an  
17 Assistant Solicitor for the solicitor of the Fourteenth  
18 Circuit who is McGuffy Stone, Isaac McGuffy Stone an  
19 elected official. He represents five counties Beaufort  
20 being one of them as well as Allendale, Hampton, Collenton  
21 and Jasper Counties. Seated with me is Ms. Mary Concannon.  
22 She is also an assistant solicitor in our office and also  
23 Mr. Raymond Heroux and he is a deputy with the Beaufort  
24 County Sheriff's office. Also in my office some of them I  
25 will list some of the attorneys just out of the abundance

1 of caution to make sure none of you know them.

2 We have Patrick Hall. We also have many more. Shawn  
3 Thornton is the deputy solicitor. We have Mary Limpus.  
4 Price Sumner. Also Ben Coppage as well as Samantha  
5 Prinsonn all in the Beaufort County office along with  
6 Solicitor Stone. Thank you so much.

7 THE COURT: Is anyone in the jury panel related by  
8 blood or marriage or ever had a close personal relationship  
9 with anyone in the solicitor's office or any of the  
10 attorneys for the State, if so, please stand?

11 (NO ONE STANDS.)

12 THE COURT: Is anyone have a close relationship or  
13 related by marriage with the attorneys for the defense?

14 Mr. Chaplin, if you would please stand up and  
15 introduce the lawyers.

16 MR. CHAPLIN: My name is Joenathan Chaplin. I  
17 practice out of Richland County but I'm from Walterboro,  
18 South Carolina.

19 MR. JOHNSON: My name is Charlie Charlie Johnson. I  
20 practice out of Columbia but I really from Dorchester.

21 THE COURT: Any member of the jury panel related by  
22 blood or marriage to either of these gentlemen, if so,  
23 please stand?

24 (NO ONE STANDS.)

25 THE COURT: Mr. Chaplin, if you would please introduce

1 your client Mr. Wright.

2 MR. CHAPLIN: This is Stanley Wright and he's from  
3 here.

4 THE COURT: Any member of the jury panel related by  
5 blood or marriage or have any close personal relationship  
6 to Mr. Wright, if so, please stand?

7 (NO ONE STANDS.)

8 THE COURT: The following is a list of potential  
9 witnesses in this case and if anybody again is related by  
10 blood or marriage or any of the people that are on this  
11 list you have a close personal relationship would you  
12 please stand.

13 Deputy Mitchell Archbell with the Berkeley County or  
14 Beaufort County Sheriff's office. Deputy Jonathan Collier,  
15 Deputy Raymond Heroux, Officer Rebecca Whitney, Deputy  
16 Andres Florencio, Deputy Cynthia Payne, Deputy Jennifer  
17 Snider, and Jennifer Mills, Walter Criddle, Eileen Rios,  
18 James Padgett, James Lauver, Renita Berry, James Hoyt,  
19 William Squires, Kyle Strickland.

20 Anyone related by blood or marriage or a close  
21 personal relationship with any of those potential  
22 witnesses?

23 Yes, sir, your juror number?

24 A. 142.

25 THE COURT: 142. And who do you know, sir?

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1 A. Jimmy Hoyt lives across from me but no real personal  
2 relationship. Just location.

3 THE COURT: And would that prevent you in any way from  
4 being fair and impartial and listen to the evidence  
5 presented here in this trial?

6 A. No.

7 THE COURT: Thank you, sir, you may sit down.  
8 Yes, ma'am.

9 A. 308.

10 THE COURT: And who do you know, ma'am?

11 A. Walter Criddle. I grew up with his daughter and he's  
12 a friend of my family.

13 THE COURT: Okay. And would that relationship in any  
14 way prevent you from setting that aside and be fair and  
15 impartial based on the evidence that you hear from the  
16 witness stand?

17 A. Yes, ma'am.

18 THE COURT: Thank you. Anybody else?

19 THE BAILIFF: One standing here, Your Honor.

20 THE COURT: Oh. Yes, ma'am.

21 A. Juror Number 14, Pamela Baxley. My husband is Carl  
22 Baxley in the sheriff's office so they work under him at  
23 some particular point.

24 THE COURT: Okay. And would that relationship with  
25 those members and the sheriff's office could you set that

1       aside and be fair and impartial and listen to the evidence  
2       that's presented in this courtroom?

3       A.    Yes, ma'am.

4       THE COURT:   And render a true and just verdict?

5       A.    Yes, ma'am.

6       THE COURT:   Thank you, ma'am.

7       Yes, ma'am.

8       A.    Your Honor, I used to be a Adjunct instructor at Clark  
9       University and I just wanted out of the abundance of  
10      caution just say that Corporal Heroux was one of my  
11      students.

12      THE COURT:   And based on that relationship can you set  
13      that aside and be fair and impartial based on the evidence  
14      and make a decision based on the evidence that you hear in  
15      this courtroom?

16      A.    Yes, Your Honor.

17      THE COURT:   Thank you.

18      MADAME CLERK:   Number? Your number, Ms. Dovell?

19      MS. DOVELL:    I'm Juror Number 78.

20      THE COURT:   Has any member of the jury panel formed or  
21      expressed any opinion about the issue or matter involved in  
22      this case, if so, please stand?

23      Before we actually get started on that the charges  
24      against Mr. Wright he has the indictment for possession  
25      with an intent to distribute marijuana. The State alleges

1 that in Beaufort County on or about August 31st the  
2 defendant, Stanley Wright, did unlawfully possess with  
3 intent to distribute, dispense, or deliver a quantity of  
4 marijuana in violation of the South Carolina Code of Laws.

5 The other indictment is for drugs, trafficking  
6 containing two hundred grams or more. The State alleges in  
7 this case that in Beaufort County, South Carolina on or  
8 about August 31st the defendant did unlawfully and  
9 knowingly did sell, manufacture, cultivate or deliver,  
10 purchase or bring into this state a controlled substance  
11 cocaine. And the last indictment is for weapons  
12 possession. That in Beaufort County on or about August  
13 31st, 2011 the defendant Stanley Wright did possess a  
14 handgun or visibly displayed what could be a handgun during  
15 the commission or attempted commission of trafficking  
16 cocaine involved in a crime all in violation of the state  
17 laws of South Carolina.

18 Does any member of the jury panel formed or expressed  
19 an opinion about any issue that may be involved in this  
20 case, if so, please stand?

21 (NO ONE STANDS.)

22 THE COURT: Any member of the jury panel whether bias  
23 or prejudice towards either the State or the Defendant in  
24 this case, if so, please stand?

25 (NO ONE STANDS.)

1 THE COURT: Is there any member of the jury panel that  
2 was a member of the Grand Jury which issued the indictment  
3 in this case, if so, please stand?

4 (NO ONE STANDS.)

5 THE COURT: Is there any member of the jury panel who  
6 is a member or contributor to any group which has a primary  
7 concern to the promotion of law enforcement or victim's  
8 rights? These groups would include but certainly not  
9 limited to MAD, SADD, CAV, any kind of Victim's Against  
-10 Violent Crimes, if so, please stand?

11 (NO ONE STANDS.)

12 THE COURT: Any member of the jury panel know any  
13 reason whatsoever why he or she should not serve as a juror  
14 in this case with particular emphasis being fair and  
15 impartial to both the State and to the Defendant, if so,  
16 please stand?

17 If you all will come up to the front please.

18 THE BAILIFF: Your Honor, Juror 65. 6-5.

19 THE COURT: Mr. Dailey.

20 MR. DAILEY: Yes. Police officers arrest that means  
21 he's guilty.

22 THE COURT: Well, Mr. Dailey, as we discussed before  
23 you have a duty to listen to the facts and the evidence  
24 presented. Do you think you could follow the law and  
25 listen to the facts and the evidence presented --

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1 MR. DAILEY: If the police officer's uphold the  
2 justice there is no doubt in my mind that they followed the  
3 laws. And he's been arrested. He's guilty.

4 THE COURT: That's not what you told me earlier.

5 MR. DAILEY: That's what I'm trying to pertain to you  
6 if basically I'm understanding that a police officer made a  
7 valid arrest he's gonna be guilty.

8 THE COURT: Okay, Mr. Dailey, why don't you just hang  
9 with us and stay with the jury panel.

10 MR. DAILEY: All right.

11 THE COURT: Obviously we need to excuse him but I  
12 think he's just trying to get out of jury service.

13 MR. CHAPLIN: Is he excused? I'd say excuse him.

14 THE BAILIFF: Your Honor, Juror Number 221.

15 THE COURT: Mr. Orage?

16 MR. ORAGE: Yes.

17 THE COURT: Yes, sir.

18 MR. ORAGE: I've known - I think I know the family  
19 real well.

20 THE COURT: Which family, sir?

21 MR. ORAGE: The Wright family.

22 THE COURT: The Wright family?

23 MR. ORAGE: Yes.

24 THE COURT: And based on that knowledge do you think  
25 you can set that aside and be fair and impartial?

1 MR. ORAGE: I don't think so. We go back a long way.

2 THE COURT: Okay, sir. All right, sir. We'll excuse  
3 you from this trial but sit tight because we may be  
4 selecting another jury for a different trial, okay.

5 MR. ORAGE: Okay.

6 THE COURT: Okay. Thank you, sir.

7 THE BAILIFF: Your Honor, Juror 169, 1-6-9.

8 THE COURT: Ms. Lee?

9 MS. LEE: Yes. If I were to find out later that there  
10 was any kind of violent crime with a gun then I would be  
11 very partial toward that if there was a gun used in the  
12 crime or if there were something like that. I've been a  
13 victim of that type thing before and so that would cause  
14 stress for me and so I would be very prejudicial toward  
15 that.

16 THE COURT: Okay. Based on your circumstance, you're  
17 the victim of a crime?

18 MS. LEE: Yes a bank robbery and the guy was on drugs  
19 and he was stealing money for drugs and a gun to the head  
20 so I would be very prejudice toward that.

21 THE COURT: All right. So you wouldn't - You don't  
22 think you can set that aside?

23 MS. LEE: I don't think I can set that aside.

24 THE COURT: All right. We'll excuse you from this  
25 jury but stay with us as we may be able to select another

1 jury, okay?

2 MS. LEE: Okay.

3 THE COURT: Thank you.

4 THE BAILIFF: Your Honor, Juror 110.

5 THE COURT: Good morning.

6 A. How are you?

7 THE COURT: Doing fine. Yes, ma'am.

8 A. I'm raising two grandchildren because the mother has  
9 been incarcerated for drug related charges and I'm not sure  
10 I'm partial I could be in this kind of case.

11 THE COURT: Okay. So basically on a drug case you  
12 don't think you can be fair and impartial and set aside  
13 that and be fair?

14 A. I think I would have a little bit of bias.

15 THE COURT: Okay. What we'll do is we'll excuse you  
16 from this trial but stick with us you may be selected for  
17 the next trial, okay?

18 A. Okay. Attorney Anthony Doyle was in here earlier and  
19 I don't know if he's involved with any of the - -

20 THE COURT: No, ma'am.

21 A. Okay. Just wanted to make sure.

22 THE COURT: Thank you.

23 A. Thank you.

24 THE BAILIFF: Your Honor, Juror Number 14. 1-4.

25 A. I doubt I'll get picked cause my husband is a deputy

1 but I have a nephew that was murdered here in Beaufort  
2 County. Drugs was in his system. And I have not my  
3 husband but my son when he was younger he was arrested for  
4 drugs so I didn't know if that would play in anything or  
5 not.

6 THE COURT: Oh no. I certainly appreciate your candor  
7 and I'm sorry for your loss. Do you think you could be  
8 fair and impartial?

9 A. Probably more than most people.

10 THE COURT: More than most people? Okay. Well I can  
11 certainly appreciate your candor. Thank you, ma'am.

12 (COURT RETURNS TO THE BENCH.)

13 THE COURT: The next question is, is any member of the  
14 jury panel or any member of the potential jurors family  
15 have been in the past employed with the state, federal or  
16 law enforcement agency included but not limited to the city  
17 of Beaufort Police Department, Beaufort County Sheriff's  
18 Department, State Law Enforcement Division, Highway Patrol  
19 or the FBI, if so, please stand?

20 Yes, ma'am, your juror number? Just for the record  
21 your juror number again, ma'am.

22 A. 14.

23 THE COURT: 14. And, Ms. Baxley, I understand that  
24 you work before and that you have a relationship with law  
25 enforcement and you stated that you can be fair and

1 impartial and set that aside. Is that correct?

2 MS. BAXLEY: Correct.

3 THE COURT: And that's still your opinion?

4 MS. BAXLEY: Yes.

5 THE COURT: Thank you, ma'am. You may have a seat.

6 A. 65, Brian Dailey.

7 THE COURT: Yes, sir. You've already expressed your  
8 opinion, sir.

9 Is there anything in the nature of the allegations in  
10 this case which would cause any member of the jury panel to  
11 have any problems sitting as an impartial juror, if so,  
12 please stand?

13 THE BAILIFF: Your Honor.

14 THE COURT: Yes, sir.

15 THE BAILIFF: The previous question - a retired law  
16 enforcement officer.

17 THE COURT: Oh yes. Yes, ma'am.

18 A. I'm retired from New York City Police Department. I  
19 guess that isn't - -

20 THE COURT: Oh, yes, ma'am. Thank you so much. And  
21 your juror number again.

22 A. 19.

23 THE COURT: Juror Number 19. And would that previous  
24 employment can you set that aside and be fair and impartial  
25 and listen to the evidence presented in this case and then

1 render a fair and just verdict?

2 A. Yes, ma'am.

3 THE COURT: Thank you, ma'am.

4 Is any member or a member of the jury panel a friend  
5 or acquaintance or any member of your family been the  
6 victim of a murder, burglary, armed robbery or any other  
7 type of violent crime, if so, please stand?

8 If you all would come up to the side.

9 (COURT LEAVES THE BENCH.)

10 THE BAILIFF: Your Honor, Juror Number 9.

11 THE COURT: Ms. Baker?

12 MS. BAKER: Yes, ma'am. My brother robbed a bank.

13 THE COURT: I'm sorry.

14 MS. BAKER: My brother robbed a bank.

15 THE COURT: Okay. Based upon that do you feel that  
16 you can set that aside and listen to the evidence presented  
17 and be a fair and impartial juror in this case?

18 MS. BAKER: Yes, ma'am.

19 THE COURT: Thank you, ma'am. I appreciate that.

20 THE BAILIFF: Your Honor, Juror 273.

21 THE COURT: Ms. Singleton?

22 MS. SINGLETON: Uh-HUH.

23 THE COURT: Yes, ma'am.

24 MS. SINGLETON: I was in the - I came here earlier  
25 about the days Mullen - Uh-huh.

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1 THE COURT: Right. And do you think you can still set  
2 that aside and be fair and impartial based on the evidence  
3 that you hear from the witness stand and render a fair and  
4 just verdict?

5 MS. SINGLETON: Hum. I'm gonna be honest with you no.

6 THE COURT: You don't think so?

7 MS. SINGLETON: No.

8 THE COURT: Tell me again your situation. I'm sorry.

9 MS. SINGLETON: My situation?

10 THE COURT: Yeah.

11 MS. SINGLETON: Okay. The day Mullen the little I  
12 think what the little six year old boy before he was four  
13 and Oh God Jeneane Mullen.

14 THE COURT: Okay.

15 MS. SINGLETON: Yeah that was my niece and nephew.

16 THE COURT: Okay, ma'am.

17 MS. SINGLETON: Uh-huh.

18 THE COURT: Okay. I understand, ma'am, and I  
19 appreciate you being honest with me. That's all we ask the  
20 questions okay.

21 MS. SINGLETON: Uh-huh.

22 THE COURT: We'll excuse you from this jury, okay?

23 MS. SINGLETON: All right.

24 THE COURT: Thank you.

25 THE BAILIFF: Your Honor, Juror Number 262. 2-6-2.

1 THE COURT: Mr. Schneider?

2 MR. SCHNEIDER: Yes, Your Honor. My sister was  
3 involved in a drug related homicide.

4 THE COURT: Okay.

5 MR. SCHNEIDER: She was I guess not a trigger man but  
6 she was with the killer who was a drug dealer.

7 THE COURT: And would that experience in that  
8 relationship with your sister can you set that aside and be  
9 fair and impartial and listen to the evidence that's  
10 presented in the courtroom and render a fair and just  
11 verdict?

12 MR. SCHNEIDER: I believe so.

13 THE COURT: You can?

14 MR. SCHNEIDER: Yes, ma'am.

15 THE COURT: All right, sir. Thank you.

16 THE BAILIFF: Your Honor, Juror 307.

17 THE COURT: Yes, sir.

18 A. Nothing of great significance. My mother had her  
19 purse snatched from her when I was with her as a child.  
20 That's about it.

21 THE COURT: Okay. And based on that experience you  
22 feel like you can be fair and impartial and set that aside  
23 and render a fair and just verdict based on the evidence  
24 that's presented?

25 A. Of course.

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1 THE COURT: Thank you, sir.

2 THE BAILIFF: Your Honor, Juror Number 98.

3 THE COURT: Mr. Gathers? Yes, sir.

4 MR. GATHERS: I been involved - I been burglarized  
5 before and I have you know a family member that's ill or  
6 that's waiting to be tried for murder and stuff like that  
7 so I was trying to get excused because I don't feel like  
8 you know to handle the case properly.

9 THE COURT: Well what you would be ask to do is to  
10 listen to the evidence that's presented in the courtroom  
11 and render a fair and just verdict based upon the evidence  
12 that you hear if you can set that aside.

13 MR. GATHERS: That's what I'm saying. I don't know if  
14 I can set it aside.

15 THE COURT: You don't think you can?

16 MR. GATHERS: Yeah I don't think I can set it aside.

17 THE COURT: All right. Well what we'll have to do is  
18 transfer you to a civil term. We'll transfer you to a  
19 civil term of court, okay?

20 MR. GATHERS: All right. So what do I do? Just wait  
21 here.

22 THE COURT: Get with the scheduling clerk and she will  
23 change it.

24 THE BAILIFF: Your Honor, Juror 142. 1-4-2.

25 THE COURT: Mr. Hunter?

1 MR. HUNTER: My niece is now eighteen, nineteen. At  
2 thirteen she was raped in Utah.

3 THE COURT: Okay. Sir?

4 MR. HUNTER: It's been five years ago or so. And then  
5 the second thing is Melanie Louthour which was killed in  
6 Prichardville, Beaufort, the Bluffton area, she was a good  
7 friend of my wife.

8 THE COURT: Okay, sir. And based on those two  
9 experiences do you feel that you can set that aside and  
10 listen to the evidence that's been presented in the  
11 courtroom and render a fair and just verdict based on the  
12 evidence that you hear in the courtroom?

13 MR. HUNTER: Correct.

14 THE COURT: You can do that?

15 MR. HUNTER: Uh-huh.

16 THE COURT: Thank you, sir.

17 MR. HUNTER: Okay. Thank you.

18 THE BAILIFF: Your Honor, Juror 319.

19 THE COURT: Mr. Watson?

20 MR. WATSON: Uh-huh.

21 THE COURT: Yes, sir.

22 MR. WATSON: I have a cousin that was convicted for  
23 drugs. Drug charge.

24 THE COURT: Your cousin was? And based upon that  
25 experience and your relationship with your cousin do you

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1 think you can set that aside and listen to the evidence and  
2 be fair and impartial based on what you hear in this  
3 courtroom and render a just verdict?

4 MR. WATSON: Yes, ma'am.

5 THE COURT: You can. Thank you.

6 THE BAILIFF: Your Honor, Juror 14.

7 A. I think we covered it the last time but especially  
8 since you ask.

9 THE COURT: Yes, ma'am. No I appreciate you - we have  
10 to have all this of course covered on the record and, Ms.  
11 Baxley, Juror Number 14, obviously previously stated that  
12 you have a relationship with law enforcement and several  
13 other factors that apply and you can still be fair and  
14 impartial and set those relationships aside and experiences  
15 NAD render a fair and just verdict based upon the evidence?

16 MS. BAXLEY: Yes, ma'am.

17 THE COURT: Thank you, Ms. Baxley.

18 THE BAILIFF: Your Honor, Juror 271.

19 THE COURT: Ms. Simmons?

20 MS. SIMMONS: Yeah.

21 THE COURT: Yes, ma'am.

22 MS. SIMMONS: I don't know I was in my house and  
23 somebody broke in and I was attacked.

24 THE COURT: When?

25 MS. SIMMONS: Ten years ago in Beaufort.

1 THE COURT: Do you think you can set that experience  
2 aside and listen to the evidence that's presented and  
3 render a fair and just verdict?

4 MS. SIMMONS: Uh-huh.

5 THE COURT: Is that a yes?

6 MS. SIMMONS: Yes. Yes, I'm sorry. Yes.

7 THE COURT: She has to take something.

8 THE BAILIFF: Your Honor, Juror 215.

9 THE COURT: Good morning. Yes, ma'am.

10 A. Good morning. My husband was a victim of a armed  
11 robbery.

12 THE COURT: Okay.

13 A. On his way home from the American Bar Association  
14 dinner.

15 THE COURT: Oh goodness. Do you think you can  
16 actually set that experience aside and render a fair and  
17 just verdict based on the evidence that you hear in this  
18 courtroom?

19 A. Sure. No problem.

20 THE COURT: Thank you.

21 THE BAILIFF: Your Honor, 260. 2-6-0.

22 THE COURT: Ms. Scarborough?

23 MS. SCARBOROUGH: Yes, ma'am. I was sexually  
24 assaulted in college. But I also have a daughter who was  
25 addicted to marijuana and alcohol in her teenage years and

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1 has a lot of close personal relation with law enforcement  
2 many times. And I also wanted to mention because I don't  
3 know if it has anything to do with anything you've ask  
4 before but I had one fraudulent check a long time ago but I  
5 was not - go to court or anything like that. I just wanted  
6 to mention that while I was up here.

7 THE COURT: I appreciate that. That - The check  
8 wouldn't affect your ability to serve.

9 MS. SCARBOROUGH: Yes.

10 THE COURT: But the other two situations do you feel  
11 that you could set that aside and ---

12 MS. SCARBOROUGH: Absolutely.

13 THE COURT: --- and be fair and impartial?

14 MS. SCARBOROUGH: Absolutely.

15 THE COURT: All right. Thank you, ma'am.

16 MS. SCARBOROUGH: Thank you.

17 THE BAILIFF: Your Honor, Juror 107.

18 A. Good morning, Your Honor.

19 THE COURT: Good morning, sir.

20 A. I have a grandson who was arrested, indicted, tried  
21 and acquitted for similar allegations as today.

22 THE COURT: Okay, sir. And based on that experience  
23 do you think you can set that aside and listen to the  
24 evidence and render a verdict based on the evidence as  
25 presented in the courtroom?

1 A. Oh sure.

2 THE COURT: And be fair and impartial to both sides?

3 A. Yeah. Uh-huh.

4 THE COURT: Is that a yes?

5 A. I have additional burden. I'm a lawyer and I don't  
6 want to be chosen.

7 THE COURT: All right, sir. So you can be fair and  
8 impartial?

9 A. Yes, ma'am.

10 THE COURT: Thank you, sir.

11 (COURT RETURNED TO THE BENCH.)

12 THE COURT: Is any members of the jury panel a friend  
13 or acquaintance or any member of your family been arrested  
14 or charged with a drug offense, if so, please stand?

15 Ma'am, your juror number again?

16 A. 260.

17 THE COURT: 216?

18 A. 2-6-0.

19 THE COURT: 2-6-0. Ms. Scarborough. And I understand  
20 you disclosed that information to the court and it is your  
21 position still that you can set that aside and be fair and  
22 impartial in this case?

23 MS. SCARBOROUGH: Yes, ma'am. Thank you, ma'am, you  
24 may have a seat.

25 Ms. Baxley, Number - Juror Number 14. Juror Number

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1 14. You as well previously approached the court to  
2 disclose that information. Can you still set that aside  
3 and be fair and impartial based upon the evidence that's  
4 presented in court and render a fair and just verdict?

5 MS. BAXLEY: Yes, ma'am.

6 THE COURT: Thank you, ma'am.

7 Yes, ma'am.

8 A. Juror Number 110.

9 THE COURT: Ms. Green.

10 A. Right.

11 THE COURT: And you have also - it was the same  
12 information that you previously disclosed to the court and  
13 you can still be fair and impartial and render a fair and  
14 just verdict?

15 MS. BAXLEY: I didn't disclose earlier that I'd have  
16 to do it without bias.

17 THE COURT: Why don't you approach the bench.

18 (COURT LEFT THE BENCH.)

19 THE COURT: Ms. Green, I'm sorry. We did excuse you  
20 from this trial but you stick around for the other one.

21 MS. GREEN: Do I need to stand up for anything else?

22 THE COURT: No not to this trial.

23 MS. GREEN: Okay.

24 THE COURT: Thank you.

25 And, sir. Might as well do it while we're here.

1 THE BAILIFF: Number 307, Your Honor.

2 THE COURT: Thank you. Mr. Vanderpool, you also  
3 previously stood and approached the court regarding that  
4 situation. Anything further?

5 MR. VANDERPOOL: Just that I believe the question is  
6 different. I have a nephew who's been in and out of the  
7 jury system in Ohio similar. It would have been substance  
8 abuse charges I'm sure.

9 THE COURT: Okay, sir. And based upon that  
10 relationship can you set that aside and be fair and  
11 impartial and listen to the evidence that's presented in  
12 this court and render a fair and just verdict?

13 MR. VANDERPOOL: Yes I can.

14 THE COURT: Thank you, sir.

15 THE BAILIFF: One more standing, Your Honor.

16 306, Your Honor.

17 THE COURT: Yes, ma'am.

18 A. I have a brother that spent two years in the state  
19 penitentiary for drug related arrest or whatever.

20 THE COURT: Okay. And based on that relationship with  
21 your brother in that experience do you think you can set  
22 that aside and be fair and impartial and listen to the  
23 evidence that's presented and render a fair and just  
24 verdict from the evidence that you hear ---

25 A. Yes.

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1 THE COURT: --- from the witness stand?

2 A. Yes.

3 THE COURT: Yes, ma'am. Thank you.

4 A. Yes, ma'am. Thank you.

5 THE COURT: I believe that's it.

6 (COURT RETURNED TO THE BENCH.)

7 THE COURT: Has any member of the jury panel read or  
8 heard anything about this case before today, if so, please  
9 stand?

10 (NO ONE STOOD.)

11 THE COURT: Has any member of the jury panel discussed  
12 this case or heard anyone else discuss this case before  
13 today, if so, please stand?

14 (NO ONE STOOD.)

15 THE COURT: Is any member of the jury panel formed any  
16 opinion about this case and cannot be fair and impartial,  
17 if so, please stand?

18 (NO ONE STOOD.)

19 THE COURT: And I'm not sure that there has been but  
20 if there has been any recent media coverage or news stories  
21 regarding this case, if anything that you've seen, any  
22 member of the jury panel would be influenced by that in  
23 making a decision in this case, if so, please stand?

24 (NO ONE STOOD.)

25 THE COURT: Has any member of the jury panel or friend

1 or acquaintance of any member of your family ever worked at  
2 a drug treatment facility or program, if so, please stand?

3 (NO ONE STOOD.)

4 THE COURT: Any further voir dire from either the  
5 State or the Defense?

6 SOLICITOR SHELTON: Not from the State, Your Honor.

7 Thank you.

8 MR. CHAPLIN: Your Honor, not from the defense.

9 THE COURT: All right, sir, thank you.

10 We will now give the instructions to our jury, Madame  
11 Clerk.

12 MADAME CLERK: Yes, Judge.

13 THE COURT: Ladies and gentlemen of the jury, at this  
14 time we will now begin the selection process in this  
15 particular case. If your name is called would you please  
16 come forward to the front and either the State or the  
17 Defense will exercise - you may be seated for the jury, you  
18 may be excused. When your name is called bring all of your  
19 things with you in case you are seated in the trial of this  
20 case and we'll sit you in the jury box.

21 You may proceed, Madame Clerk.

22 MADAME CLERK: Juror Number 142, Roland Hunter.

23 (WHITE MALE COMING FORWARD.)

24 MADAME CLERK: What says the State?

25 SOLICITOR SHELTON: Please seat the juror.

1 MADAME CLERK: What says the Defense?

2 MR. JOHNSON: Please excuse the juror.

3 MADAME CLERK: Juror Number 310, Sharon Walczy.

4 (WHITE FEMALE COMING FORWARD.)

5 MADAME CLERK: What says the State?

6 SOLICITOR SHELTON: Please seat the juror.

7 MADAME CLERK: What says the Defense?

8 MR. JOHNSON: Please seat the juror.

9 MADAME CLERK: Juror Number 298, Mark Thomas.

10 (WHITE MALE COMING FORWARD.)

11 MADAME CLERK: What says the State?

12 SOLICITOR SHELTON: Please seat the juror.

13 MADAME CLERK: What says the Defense?

14 MR. JOHNSON: Please seat the juror.

15 MADAME CLERK: Juror Number 46, John Christensen.

16 (WHITE MALE COMING FORWARD.)

17 MADAME CLERK: What says the State?

18 SOLICITOR SHELTON: Please seat the juror.

19 MADAME CLERK: What says the Defense?

20 MR. JOHNSON: Please seat the juror.

21 MADAME CLERK: Juror Number 293, Dominique Ocello.

22 (WHITE FEMALE COMING FORWARD.)

23 MADAME CLERK: What says the State?

24 SOLICITOR SHELTON: Please excuse the juror.

25 Thank you.

1 MADAME CLERK: Juror Number 215, Margaret O'Regan.  
2 (WHITE FEMALE COMING FORWARD.)  
3 MADAME CLERK: What says the State?  
4 SOLICITOR SHELTON: Please seat the juror.  
5 MADAME CLERK: What says the Defense?  
6 MR. JOHNSON: Please excuse the juror.  
7 MADAME CLERK: Juror Number 183, Sandra Major.  
8 (WHITE FEMALE COMING FORWARD.)  
9 MADAME CLERK: What says the State?  
10 SOLICITOR SHELTON: Please seat the juror.  
11 MADAME CLERK: What says the Defense?  
12 MR. JOHNSON: Please excuse the juror.  
13 MADAME CLERK: Juror Number 166, Michael Lavelle.  
14 (WHITE MALE COMING FORWARD.)  
15 MADAME CLERK: What says the State?  
16 SOLICITOR SHELTON: Please seat the juror.  
17 MADAME CLERK: What says the Defense?  
18 MR. JOHNSON: Please seat the juror.  
19 MADAME CLERK: Juror Number 115, David Hahn.  
20 (WHITE MALE COMING FORWARD.)  
21 MADAME CLERK: What says the State?  
22 SOLICITOR SHELTON: Please seat the juror.  
23 MADAME CLERK: What says the Defense?  
24 MR. JOHNSON: Please seat the juror.  
25 MADAME CLERK: Juror Number 83, Nicholas Dzendzel.

1 (WHITE MALE COMING FORWARD.)  
2 MR. JOHNSON: What's the number again?  
3 MADAME CLERK: Juror Number 83.  
4 What says the State?  
5 SOLICITOR SHELTON: Please seat the juror.  
6 MADAME CLERK: What says the Defense?  
7 MR. JOHNSON: Please seat the juror.  
8 MADAME CLERK: Juror Number 66, Dominic Dasher.  
9 (BLACK MALE COMING FORWARD.)  
10 MR. JOHNSON: That number?  
11 MADAME CLERK: I'm sorry, Juror Number 66.  
12 What says the State?  
13 SOLICITOR SHELTON: Please seat the juror.  
14 MADAME CLERK: What says the Defense?  
15 MR. JOHNSON: Please seat the juror.  
16 MADAME CLERK: Juror Number 154, Daniel Kane.  
17 (WHITE MALE COMING FORWARD.)  
18 MADAME CLERK: What says the State?  
19 SOLICITOR SHELTON: Please seat the juror.  
20 MADAME CLERK: What says the Defense?  
21 MR. JOHNSON: Please seat the juror.  
22 MADAME CLERK: Juror Number 3-0-4, Donna Trantel.  
23 (WHITE FEMALE COMING FORWARD.)  
24 MADAME CLERK: What says the State?  
25 SOLICITOR SHELTON: Please seat the juror.

1 MADAME CLERK: What says the Defense?  
2 MR. JOHNSON: Please excuse the juror.  
3 MADAME CLERK: Juror Number 295, Landon Terhune.  
4 (WHITE MALE COMING FORWARD.)  
5 MADAME CLERK: What says the State?  
6 SOLICITOR SHELTON: Please seat the juror.  
7 MADAME CLERK: What says the Defense?  
8 MR. JOHNSON: Please seat the juror.  
9 MADAME CLERK: Juror Number 340, Daniel Woodfill.  
10 (WHITE MALE COMING FORWARD.)  
11 MR. JOHNSON: What was the number again?  
12 MADAME CLERK: Juror Number 340.  
13 What says the State?  
14 SOLICITOR SHELTON: Please seat the juror.  
15 MADAME CLERK: What says the Defense?  
16 MR. JOHNSON: Please seat the juror.  
17 MADAME CLERK: Juror Number 3-0-7, Mark Vanderpool.  
18 (WHITE MALE COMING FORWARD.)  
19 MADAME CLERK: What says the State?  
20 SOLICITOR SHELTON: Please excuse this juror from the  
21 trial of the case.  
22 MADAME CLERK: Juror Number 56, Meredith Crocker.  
23 (WHITE FEMALE COMING FORWARD.)  
24 MADAME CLERK: What says the State?  
25 SOLICITOR SHELTON: I beg the Court's indulgence.

1 (PAUSE.)

2 SOLICITOR SHELTON: Please seat the juror.

3 MADAME CLERK: What says the Defense?

4 MR. JOHNSON: Please seat the juror.

5 MADAME CLERK: Juror Number 25, William Brady.

6 (WHITE MALE COMING FORWARD.)

7 MADAME CLERK: What says the State?

8 SOLICITOR SHELTON: Please seat the juror.

9 MADAME CLERK: What says the Defense?

10 MR. JOHNSON: Please seat the juror.

11 MADAME CLERK: Now we'll be choosing our first  
12 alternate.

13 Juror Number 33, Jolene Buchanan.

14 (WHITE FEMALE COMING FORWARD.)

15 MADAME CLERK: Juror Number 33.

16 What says the State?

17 SOLICITOR SHELTON: Please seat the alternate.

18 MADAME CLERK: What says the Defense?

19 MR. CHAPLIN: We apologize, say that number one more  
20 time.

21 MADAME CLERK: Juror Number 33.

22 MR. JOHNSON: Please seat the juror.

23 MADAME CLERK: And then we'll be selecting our second  
24 alternate.

25 Juror Number 19, Elethia Best.

1 (BLACK FEMALE COMING FORWARD.)

2 MADAME CLERK: What says the State?

3 SOLICITOR SHELTON: Please seat the juror as an  
4 alternate.

5 MADAME CLERK: What says the Defense?

6 MR. JOHNSON: Please excuse the juror.

7 MADAME CLERK: Juror Number 1-0-7, John Grauer.

8 (WHITE MALE COMING FORWARD.)

9 MADAME CLERK: What says the State?

10 SOLICITOR SHELTON: Please excuse the juror.

11 MADAME CLERK: Juror Number 35, Helen Byas.

12 (BLACK FEMALE COMING FORWARD.)

13 MADAME CLERK: What says the State?

14 SOLICITOR SHELTON: No cause, Your Honor.

15 MADAME CLERK: What says the Defense?

16 MR. JOHNSON: Please seat the juror.

17 THE COURT: Any exceptions from either the State or  
18 the Defendant in the selection - jury selection process of  
19 this jury? Anything to be said regarding - -

20 SOLICITOR SHELTON: No, Your Honor.

21 MR. CHAPLIN: No, Your Honor.

22 THE COURT: Ladies and gentlemen of the jury who have  
23 now been selected, what we will do is a short housekeeping  
24 matter.

25 Would the attorneys please approach?

1 (BENCH CONFERENCE OFF THE RECORD AT

2 THE COURT: Ladies and gentlemen of the jury that's  
3 been selected, we will start the trial in this case at 9:30  
4 in the morning so if you would - you will be excused from  
5 the jury room so you will know where to go in the morning.  
6 If you'll report a few minutes before that please be on  
7 time so that we can get started with the trial of the case  
8 on time. Also do not talk about the case or discuss the  
9 case with anyone because obviously you will need to hear  
10 all of the testimony from both sides before deliberating  
11 whatsoever so don't discuss the case or listen to any news  
12 media about the case or do any research. But if you would  
13 report to the jury room about 9:14, 9:20, we'll get started  
14 with the trial of the case in the morning. Thank you.

15 THE COURT: And the remaining members of the jury  
16 panel, if you would sit tight for just a few minutes.  
17 We're waiting to see if we will have another jury to select  
18 this afternoon or not and it will just take a second for  
19 us.

20 THE BAILIFF: The jury is cleared.

21 THE COURT: Thank you.

22 (PETIT JURY EXITS COURTROOM AT 12:55 P.M..)

23 (BENCH CONFERENCE OFF THE RECORD.)

24 THE COURT: Ladies and gentlemen of the jury panel, we  
25 do have one more jury to select this afternoon but we will

1 go ahead and take a lunch break and allow you an  
2 opportunity to go grab some lunch before we select the  
3 second jury. We will do jury selection and if you will be  
4 back in the courtroom a few minutes before two o'clock  
5 we'll start on that second jury selection. Thank you.

6 (JURY POOL EXITS COURTROOM.)

7 (COURT IN LUNCH RECESS AT 01:00 P.M..)

8 (NOTE: JURY SELECTION CONDUCTED IN THE MATTER OF  
9 STATE V. ARIE BAX AT 02:18 P.M..)

10 (COURT BACK IN SESSION IN THE MATTER OF STATE V.  
11 STANLEY WRIGHT AT 03:00 P.M..)

12 THE COURT: You ready to proceed on - -

13 SOLICITOR SHELTON: The State is, Your Honor. And my  
14 understanding is the Defense has numerous motions. Some of  
15 them you have I believe you have the list in front of you -  
16 the actual motions Mr. Chaplin has given them to you. Some  
17 of them we worked out already and we can just consent to  
18 and stipulate to. Others we have some issues but the first  
19 thing - matter before the court will be the motion that's  
20 really already been heard with Mr. Chaplin. And Mr.  
21 Johnson believes they have additional - they want to  
22 possibly put up some additional evidence.

23 The State is opposed to any more evidence being put up  
24 in a motion we believe has already been litigated and  
25 argued. And anything that happens in this motion is not

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1 going to make change the officer's testimony as to Officer  
2 Collier and Officer Archbell deputies who were at the scene  
3 of this domestic response call and could not locate the  
4 victim, made efforts to find the victim, and still could  
5 not locate the victim and their testimony is that at a  
6 point not being able to locate the victim of a domestic  
7 response call the victim sounded to be in distress.  
8 That's the information they had on hand at the time. They  
9 decided, specifically Collier who is the supervising  
10 officer, decided to do a safety sweep of the house and  
11 therein looked into any place where a victim may be stored  
12 or hiding. And one of those places was the master vanity  
13 in the master bedroom bath and that is where the drugs were  
14 seen in plain view immediately recognizable as drugs  
15 without any type of manipulation. Officer Collier's  
16 testimony at previous the previous hearing as you can see  
17 through the transcript is that they did not know where the  
18 victim was at the time and the reason they did the sweep  
19 was for the safety of the victim. Officer or Deputy  
20 Archbell's testimony is the same. Based on that and based  
21 on case law and based on their understanding of the events  
22 that's what the judge takes into consideration respectfully  
23 the court should take into consideration.

24 And, Your Honor, during this argument - I apologize -  
25 I'm gonna move off track here. I think the multiple

1 defense witnesses' have possibly just entered the  
2 courtroom. And we ask that all witnesses' be sequestered  
3 during the course of this argument if any witnesses' are  
4 going to be called.

5 THE COURT: Do you have any objection to that, Mr.  
6 Johnson?

7 MR. JOHNSON: We have no objection, Your Honor.

8 SOLICITOR SHELTON: The State's witnesses are already  
9 sequestered, Your Honor.

10 THE COURT: Thank you.

11 SOLICITOR SHELTON: I'm gonna pause if that pleases  
12 the court.

13 (PAUSE.)

14 MR. JOHNSON: Your Honor, they are outside.

15 THE COURT: Thank you.

16 SOLICITOR SHELTON: Thank you, Your Honor.

17 The State's purpose for asking them to use the  
18 transcript is because the State's maintaining the testimony  
19 is not going to change, the testimony is going to be the  
20 same because that's what happened.

21 Secondly based on you take the situation based on the  
22 officer at hand and their knowledge at the time and they've  
23 already testified to that.

24 And finally and we completely understand if we want to  
25 call witnesses' we will do that and not a problem.

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1 Obviously, Your Honor, we'll leave it in your firm wisdom  
2 and discretion. However, we do have a situation here where  
3 this is the eleventh hour before trial and we've already  
4 had this motion once and then suddenly we have additional  
5 witnesses' that have never been raised any issues before,  
6 never had any issues like that before. And I know what  
7 they're gonna say is that the defense is gonna say well  
8 that's because we're new to the case and we just got the  
9 transcript and we were just able to look over all this  
10 information.

11 But the record is very clear as to the statements in  
12 what happened. The record is very clear that they  
13 attempted to locate the victim and took strides to locate  
14 the victim including going to a ball field nearby and  
15 that's what the subject of this hearing is gonna be. An  
16 officer who went to the ball field could not find the  
17 victim and then went to the incident location and  
18 transferred that information to the officers who did the  
19 sweep. And the officers who have already testified stated  
20 that before they did the sweep they could not find the  
21 victim and they did not know where the victim was.

22 The State knows that they were not - if we had any  
23 question about whatsoever this wouldn't be a motion the  
24 State would dismiss the charges. But we obviously believe  
25 the - leave everything in the discretion of the court.

1 Thank you.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: Thank you, Your Honor. May it please  
4 the court.

5 Your Honor, it is our position that the evidence that  
6 we have - newly discovered evidence - there is a Sally  
7 Erring, Officer Sally Erring who did not testify at the  
8 first hearing. She is the most important part to this.  
9 She is the - We have no problem in the transcript from the  
10 first hearing. As a matter of fact it helps our case by  
11 using that transcript of what that original officer said  
12 because they indicated that Ms. Irving actually did not go  
13 into the house until Ms. Irving returned back to the scene,  
14 that Irving stood by the defendant while the two officers  
15 entered the house. We have evidence that we think we can  
16 present to the court to indicate that Irving met with the  
17 victim at the ball park and talked with the victim before  
18 she returned to the scene thereby having information that  
19 would indicate that they knew that the victim was not in  
20 the house. And we believe that by showing that to the  
21 court that would indicate they did not have probable cause  
22 to go into the house.

23 Now the State is making a big point about what the two  
24 officers knew but they left out what Ms. Irving knew. Who  
25 is also an officer and also was present at the scene.

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1 THE COURT: But she wasn't present at the actual home?

2 MR. JOHNSON: Yes she was.

3 THE COURT: When the initial officer's went to do the  
4 protective sweep?

5 MR. JOHNSON: Yes she was.

6 THE COURT: And you're saying that - I want to make  
7 sure I have the facts structure because I haven't had an  
8 opportunity to review the transcript as well as Judge  
9 Harrington's previous ruling. I just want to make sure  
10 you're saying that Officer Irving went to the house and did  
11 a protective sweep with the other two officers who  
12 testified?

13 MR. JOHNSON: Well understand, Your Honor, is that - -

14 THE COURT: Hold on a second. I want to make sure.  
15 Is that yes or no?

16 MR. JOHNSON: What I'm saying is that Ms. Irving - the  
17 officers did not enter the house and they stated in the  
18 transcript, Your Honor, they could not enter a house until  
19 Ms. Irving was at the scene because they ask Ms. Irving to  
20 stand beside the defendant to watch him. He was not  
21 arrested at that time.

22 THE COURT: Right.

23 MR. JOHNSON: They had Ms. Irving stand beside the  
24 defendant at the house and then they entered the house.

25 THE COURT: And how does that change the facts which

1 Judge Harrington has already ruled upon?

2 MR. JOHNSON: Because we have evidence that indicate  
3 that Officer Irving went to the ball park prior to coming  
4 to the scene. And at the ball park we had testimony from a  
5 number of witnesses that Ms. Irving talked to including the  
6 victim.

7 THE COURT: Now are these witnesses are supposed to be  
8 sequestered?

9 MR. JOHNSON: Yes they are sequestered.

10 THE COURT: Okay. Then none of them are in the  
11 courtroom?

12 MR. JOHNSON: That's correct.

13 SOLICITOR SHELTON: The State did not call Ms. Irving  
14 in the first hearing because - and in the transcript it  
15 says that she did arrive on the scene - I can't remember  
16 whether it's Collier or Archbell says that she was there to  
17 stay with the defendant while they did the sweep of the  
18 house for safety purposes. And in fact Collier requested -  
19 I don't remember if this is in the transcript or not but in  
20 my interviews with him candidly as an officer of the court  
21 that someone go to the ball field to look for the victim.  
22 And in the CAD Report it shows that Ms. Irving went to the  
23 ball field trying to locate the victim. It never says that  
24 she locates the victim. And in the testimony - as I  
25 understand that will be today and would have been before

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1 and it still remains the same as then - she did end up - we  
2 don't know candidly whether Ms. Irving went to the location  
3 then went to the ball field and came back. We do know that  
4 they didn't go into the house until after she arrived on  
5 the scene after going to the ball field. That would be the  
6 testimony today and that she did not find the victim at the  
7 ball field. And had she found the victim at the ball  
8 field, she had not gone into the house.

9 THE COURT: So, Mr. Johnson, if she did not find the  
10 victim at the ball field, how does that change anything?

11 MR. JOHNSON: Your Honor, it's our contention that she  
12 did. And just because the officers are saying it that  
13 doesn't necessarily mean they told the correct - and the  
14 correct evidence, Your Honor. We think that we have  
15 evidence to indicate that she - We have a witness, Your  
16 Honor, that we present to the Court and we will proffer  
17 this witness will testify Ms. Irving talked with them and  
18 the victim. See the ball park, Your Honor, is only like  
19 three seconds from the house. That Ms. Irving talked to  
20 the victim as well as another witness. And my witness's  
21 father left the ball park and went back to the house and  
22 was actually at that house when Ms. Irving arrived before  
23 they entered that house. And that Ms. Irving knew that the  
24 victim was not in the house.

25 THE COURT: Are you planning on calling the victim or

1 Ms. Irving, which one?

2 MR. JOHNSON: Well I plan on calling both, Your Honor.

3 THE COURT: You plan on calling both?

4 MR. JOHNSON: Ms. Irving, the victim, and we have a  
5 second witness that actually left the scene and went to the  
6 house that saw the police enter twice that she saw that  
7 when they entered the house the first time for the  
8 allegedly protective search as well as she saw the second  
9 search where they had the dogs and they did the drug sweep.  
10 She was present at both times. We also, Your Honor, have a  
11 neighbor who initially was at the house - He can even be  
12 heard on some of the 911 tapes - that told the police that  
13 the victim was at the ball park with her kids.

14 SOLICITOR SHELTON: And that's why we went to the ball  
15 park.

16 MR. JOHNSON: And he stayed at the scene and he also  
17 saw Ms. Irving go to the ball park and come back and also  
18 saw that. So we intend on showing that there is  
19 significant evidence, Your Honor, to indicate that the  
20 police knew that the victim was not in the house and they  
21 used this as a pretext to go into the house and search for  
22 drugs.

23 THE COURT: Mr. Shelton, any response?

24 SOLICITOR SHELTON: The entire motion is based on  
25 officer's lying and I encourage the Court to call all the

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1 witnesses' possible. And again if we had any question  
2 whatsoever or any thought that the victim was - that the  
3 victim knew - Excuse me - that the deputies knew where the  
4 victim was before they went into the house. These deputies  
5 didn't even know Mr. Wright. First of all Collier doesn't  
6 know Wright. Archbell doesn't know Wright. Collier who is  
7 a road deputy corporal doesn't know Mr. Wright and then  
8 some pretext to go search for drugs? We would encourage  
9 his motion if that's the argument of the defense that the  
10 officers is some grand conspiracy and all the officers are  
11 lying.

12 MR. JOHNSON: Your Honor, we're not making an argument  
13 about a grand conspiracy or anything of that nature. We're  
14 just saying that the Court in order to make a decision  
15 about whether there was probable cause on a case such as  
16 this where there is very little - If there was probable  
17 cause, Your Honor, without the - In this case, Your Honor,  
18 if the officers did not have probable cause the State is  
19 aware they don't have a case. And if we believe that the  
20 Court should have all the evidence in order to make the  
21 determination and that my client has a right to have all  
22 the evidence heard. We would not present any witness that  
23 was part of the original transcript because we would go by  
24 what they said on their transcript. We are only presenting  
25 new evidence such as Officer Irving was not called and

1 other witnesses' that should have been called that wasn't  
2 called.

3 THE COURT: Okay, Mr. Johnson, I think it's proper for  
4 you to limit the new evidence, not matters that have  
5 already been ruled upon in the transcript. You may call  
6 your first witness.

7 MR. JOHNSON: Thank you, Your Honor.

8 SOLICITOR SHELTON: May it please the Court?

9 THE COURT: Yes, sir.

10 SOLICITOR SHELTON: If it pleases the Court, if we're  
11 gonna call witnesses' I also have Officer Collier here as  
12 well and the State would like to call him as a witness,  
13 recall him as a witness.

14 THE COURT: Certainly.

15 SOLICITOR SHELTON: Thank you.

16 MR. JOHNSON: Your Honor, at this time we'd like to  
17 start with Officer Irving.

18 THE COURT: Officer Irving

19 (WHEREUPON: STATE'S EXHIBITS ONE THROUGH FIVE  
20 REMARKED FOR IDENTIFICATION.)

21 MADAME CLERK: Okay, ma'am, would you place your left  
22 hand on the Bible and raise your right hand for me please.

23 (WHEREUPON: SALLY IRVIN,  
24 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

25 MADAME CLERK: Please be seated. State your name and

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1 spell it for the court.

2 OFFICER SALLY IRVIN: My name is Corporal Sally Irvin.

3 THE COURT: Mr. Johnson.

4 MR. JOHNSON: Thank you, Your Honor, may it please the  
5 Court.

6 DIRECT EXAMINATION - IN CAMERA

7 OFFICER SALLY IRVIN Y MR. JOHNSON:

8 Q. Good afternoon, Officer Irvin. Officer Irvin, back  
9 on August the 31st, 2011 do you recall that date?

10 A. Yes, sir.

11 Q. And at that time were you called to a domestic  
12 violence case or a scene?

13 A. A 911 call.

14 Q. 911 call?

15 A. Someone called 911 and hung up.

16 Q. Okay. I'm sure since you've been made aware of what  
17 this case is about and you've had some time to think about  
18 it. Can you tell me about what time did you approximately  
19 first become involved in this case?

20 A. In the late afternoon.

21 Q. Late afternoon? Now I was looking at a copy of the  
22 report. And I have a copy of the dispatch action for the  
23 event record of the dispatch record.

24 MR. JOHNSON: Your Honor, may I approach the witness?

25 THE COURT: Yes, sir.

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1 BY MR. JOHNSON:

2 Q. I want to just give you a copy of it. Would you  
3 please take a look at it to refresh your memory.

4 Does it tell you on there what time that you made your  
5 initial - that you can see something on there where you  
6 made your initial response?

7 A. 18:01.

8 Q. 18:01? And what does it state there that you did?

9 A. It says trying to locate other at the ball field.

10 Q. At the ball field?

11 A. Uh-huh.

12 Q. Now who would be the other that you are trying to  
13 locate at the ball field?

14 A. The person who called 911.

15 Q. Okay. That would be the victim in this case.  
16 Correct?

17 A. Correct.

18 Q. Okay. Now it didn't have anything on there as far as  
19 whether you contacted the victim or not. Do you - Did you  
20 contact the victim?

21 A. No.

22 Q. You didn't? Okay. You went to --

23 A. I attempted to locate the victim.

24 Q. Did you talk to someone at the scene?

25 A. I don't remember.

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1 Q. You don't remember. So you went to the scene to  
2 locate someone but you didn't ask for them?

3 A. Didn't ask for - I didn't find the victim. The person  
4 that called 911.

5 Q. All right. Had you ever met the victim before?

6 A. Never met the victim. Not to my knowledge.

7 Q. All right. What did you do to ascertain that the  
8 victim was there?

9 A. I looked for someone in distress. To my knowledge it  
10 was a 911 hangup.

11 MADAME COURT REPORTER: I'm sorry. To my knowledge  
12 what?

13 A. To my knowledge there was a 911 hangup at the  
14 residence off Mitchellville Road.

15 Q. Right.

16 A. So since the deputies did not find the person that  
17 called 911 who were there before looking for me but what I  
18 was doing was trying to locate someone that was possibly in  
19 distress.

20 Q. And you were told to go to the ball park.

21 A. Yes.

22 Q. You were told to go to the ball park. Correct?

23 A. To look for the person that may have called 911.

24 Q. Who told you to go to the ball park?

25 A. The deputy that were on the scene.

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

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1 Q. The deputy on the scene?

2 A. The deputy on the scene.

3 Q. So the deputy on the scene had some evidence that she  
4 might have been at the ball park?

5 A. Possible. I don't know what the evidence is but she  
6 could be there.

7 Q. Right. And is it reasonable to believe that since the  
8 deputy was not there when the accident happened that  
9 somebody had to tell them that. Correct?

10 A. That's what they ascertained.

11 Q. Okay. Now you went to the ball park to look for  
12 someone in distress but you didn't talk to nobody, speak to  
13 nobody, or say anything at all?

14 A. I said I could not remember if I was talking to  
15 anyone. I don't know who I spoke to. Its possible that I  
16 spoke to someone but I don't remember talking to anyone.  
17 I don't remember talking to anyone in distress.

18 Q. So you don't remember talking to the victim and the  
19 victim telling you that they did not want to press charges?

20 A. I didn't know the victim.

21 Q. Right. So you cannot remember speaking to the victim  
22 or you --

23 A. I didn't speak to anyone that I remember when I went  
24 to the ball park.

25 Q. So I guess --

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1 A. I know that I did not make contact with anyone that  
2 needed help - they came up to me in distress.

3 Q. Okay. So you don't know if you talked to the victim  
4 or not?

5 A. I didn't at that time know who the victim was.

6 Q. Right.

7 A. I just knew that I was looking for someone that needed  
8 help.

9 Q. All right. How would you - -

10 A. I would remember if I made contact with the victim.  
11 I believe the victim would have told me they are the ones  
12 that called.

13 Q. But you said you really don't remember anything about  
14 it.

15 A. I don't remember making contact with anyone in  
16 particular asking about the person in distress. I don't  
17 remember making contact with anyone that told me they  
18 called 911. I don't remember if there was no one there I  
19 made contact with that told me they called 911 and that  
20 they needed help.

21 Q. Let me ask you this. What did you do when you got  
22 there?

23 A. I looked for someone that looked like they may be in  
24 distress that would call 911.

25 Q. And what did you do to facilitate looking for someone?

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

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1 What specifically do you do?

2 A. Well you go there first and then you look around for  
3 someone who could possibly needs your assistance.

4 Obviously they were not at the scene. The deputies didn't  
5 make contact with them. And a lot of experience in the  
6 past someone who is in distress that calls 911 and hangs up  
7 may get to a safer place and then they contact the deputies  
8 when they feel safe and that's what I was doing.

9 Q. But you don't remember who you talked to?

10 A. I didn't talk to anyone that needed assistance.

11 Q. Ma'am, that is not what I ask you. I ask you, did you  
12 talk to anyone?

13 A. I don't remember talking to anyone.

14 Q. So you don't remember talking to anyone?

15 A. I don't remember talking to anyone that needed help.

16 Q. That is not what I ask you.

17 A. I don't remember if I spoke to someone. Maybe it was  
18 somebody there. Maybe I did speak to someone and ask them  
19 hey do you know if anyone that needs help. I could have  
20 spoken to somebody that I don't know their name that ask  
21 does anyone here need help. I don't remember who that  
22 person was or if I spoke to an individual.

23 Q. Officer Irvin, I'm not asking you, could you have done  
24 something. I'm asking you what did you do.

25 A. I looked for someone that was in distress and I did

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

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1 not see anyone that was in distress.

2 Q. But did you talk to anyone?

3 A. I don't remember speaking to anyone in distress. I  
4 don't remember ---

5 Q. You keep --

6 A. --- speaking to anyone in distress.

7 Q. You keep adding distress. Did you talk to anyone  
8 whether they needed distress or not did you talk --

9 A. I don't remember if I spoke to anyone. It could be  
10 that there was someone there in the parking lot that I  
11 might have ask that person do you remember in the past ten  
12 or fifteen minutes anyone come and go here that might of  
13 looked like they needed some help. I don't know who that  
14 person is if I spoke to them.

15 Q. But you don't even know what you said do you?

16 A. I don't remember talking to anyone and that's what I  
17 told you.

18 Q. So you - -

19 A. The purpose of me being there was to locate someone in  
20 distress and I don't remember locating anyone in distress.  
21 I did not find the person that called 911 at the ball park.

22 Q. Officer, I'm just trying to clarify what specifically  
23 did you do to ascertain if somebody was in distress. Not  
24 did you find anyone or anything of that nature. So this is  
25 what I'm asking you again. When you got to the ball park

1 you were told to go by the ball park by the officer from  
2 the scene; is that correct?

3 A. Correct.

4 Q. All right. You went to the ball park at 18:01.  
5 Correct?

6 A. Correct.

7 Q. This was before you entered - went back to the scene  
8 and the officers went into the house. Correct?

9 SOLICITOR SHELTON: Objection. Misleading. She said  
10 back to the scene. She testified she initially responded  
11 to the ball park based on the CAD Report the police  
12 supplied to her.

13 THE COURT: Can you rephrase the question?

14 MR. JOHNSON: Okay.

15 Q. You went to the ball park at 18:01. Correct?

16 A. That's what the files indicate yes, sir.

17 Q. All right. You left the ball park and went back to  
18 the scene of the house. Correct?

19 A. After I left the ball park I went to the incident  
20 location.

21 Q. So therefore you would have had to --

22 A. You say back to. I don't remember if I went there.

23 Q. I'm sorry. I don't want to put words in your mouth.  
24 You went to the incident location.

25 A. That is correct. After I left the ball park looking

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

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1 ---

2 Q. Correct.

3 A. --- for a 911 caller.

4 Q. Correct. When you got to the house location did you  
5 talk to the officer at the scene?

6 A. Yes.

7 Q. Okay. What did you tell them?

8 A. I could not find anyone who needed assistance at the  
9 ball park.

10 Q. Then they entered the house; is that correct?

11 A. That's correct

12 Q. So they entered the house after you left the ball  
13 park?

14 A. That's correct

15 Q. At the ball park - according to your prior testimony -  
16 you don't remember what you said or who you talked to.

17 A. I meant that I did not find anyone that needed - well  
18 looking for assistance.

19 Q. I'm not asking what you found. I'm asking you do you  
20 remember specifically what you said at the ball park to  
21 anybody?

22 A. I don't remember speaking to anyone.

23 Q. Okay. And you don't remember talking to anyone do  
24 you?

25 A. I don't remember speaking to anyone at the ball park.

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1 Q. So is it fair to say that if you don't remember what  
2 you said you don't remember talking, you don't remember  
3 talking to anyone, you don't remember anything about what  
4 happened then do you?

5 A. I know that I did not find anyone in distress.

6 Q. How can you be so certain if you don't remember what  
7 you did and who you talked to?

8 A. I do remember what I do. I look for somebody who is  
9 in distress.

10 MR. JOHNSON: One moment, Your Honor.

11 (PAUSE.)

12 Q. Officer, one other question. So it's fair to say that  
13 if you had talked to the victim before you went to the  
14 house, then you would have known that there was not  
15 probable cause to go into the house. Correct?

16 A. I didn't speak to the victim.

17 Q. That's not what I'm asking you. I'm asking you that  
18 if you had - and some of those people that you talked to -  
19 you would have known that there was not probable cause to  
20 go into the house?

21 SOLICITOR SHELTON: Objection. That calls for a legal  
22 - and the question to a legal question and I believe that  
23 she is not qualified to answer that question.

24 MR. JOHNSON: Your Honor, I believe that she is  
25 qualified to answer that question because officers make

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1 legal decisions every day as to whether they have probable  
2 cause to go forth with a search.

3 SOLICITOR SHELTON: I further my objection, Your  
4 Honor. Plus she was not at the scene of the house to know  
5 all the other or possible articulated facts that were there  
6 before she arrived at the scene.

7 THE COURT: Officer Irvin, you may answer if you know  
8 based upon what you knew at the time whether or not you had  
9 the probable cause.

10 She has already answered that she did not speak to the  
11 victim. You may proceed.

12 SOLICITOR SHELTON: I think if you could restate the  
13 question I think she might know.

14 THE COURT: If you'll restate the question.

15 If you knew at the time whether or not there was  
16 probable cause based upon whether or not you had a  
17 conversation with the victim.

18 You may answer that.

19 BY MR. JOHNSON:

20 Q. So your testimony is that you did not speak to the  
21 victim; is that correct?

22 A. I did not know the victim. And if there was someone  
23 that was standing there that I had spoken to it could have  
24 very well been the victim. I just didn't know. I never  
25 met the victim.

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1 MR. JOHNSON: Well, Your Honor.

2 A. No one expressed any kind of distress to me.

3 MR. JOHNSON: Well, Your Honor, then I'm just  
4 concerned about what the court just said about her  
5 testimony whether she did not talk to the victim. She just  
6 changed it.

7 THE COURT: Well I think you can still answer the  
8 question. In her mind it appears at the time she did not  
9 realize it was the victim. Nobody identified themselves as  
10 a victim so you may further inquiry into that if that's  
11 what she's trying to get across.

12 MR. JOHNSON: Thank you.

13 Q. So my question is this. How would you ascertain that  
14 somebody was a victim if you didn't ask them their name?

15 A. I ask - What you could do is ask if anyone needed  
16 help.

17 Q. I'm --

18 A. There had been someone to call 911 to make ---

19 Q. I'm not --

20 A. --- to call 911 we're coming to help and there was no  
21 one that spoke to me at the ball park that needed help.

22 Q. I'm not asking you whether they needed help or not.

23 I'm asking you did you approach anyone and ask them their  
24 name?

25 A. I did not.

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1 Q. Did you know the name of the alleged victim?

2 A. I did not.

3 Q. So when you went to a ball park and you wrote down -  
4 went to look for at 16:01 you said tried to locate other  
5 half at the ball park that was what you reported?

6 A. Okay.

7 Q. How were you going to determine who the other half was  
8 without asking questions?

9 A. I'm not sure there were no questions that were asked.  
10 Maybe there was questions ask. I just know I didn't find  
11 anyone at the ball park that was the 911 caller that told  
12 me they called 911 and needed assistance.

13 Q. So I guess your testimony is that you don't remember  
14 anything except that you didn't find anybody?

15 A. That's right. I didn't find anyone that needed  
16 assistance.

17 Q. But you don't remember anything you did?

18 A. I remember I looked around for someone that possibly  
19 was in distress and I did not find anyone that was.

20 Q. But you could have talked to the victim but you're not  
21 sure?

22 A. I just was there trying to find someone that needed  
23 help but I did not find that person.

24 Q. That is not what I ask you. You could have talked to  
25 the victim --

OFFICER SALLY IRVIN: BY SOLICITOR SHELTON - IN CAMERA

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1 A. I don't know that I could have talked to the victim.  
2 She was not answering dispatch. She ended the call so how  
3 was I supposed to make contact with her?

4 Q. How about --

5 MR. JOHNSON: Your Honor, I have no other questions.

6 THE COURT: Anything, Mr. Shelton?

7 CROSS-EXAMINATION - IN CAMERA

8 OFFICER SALLY IRVIN BY SOLICITOR SHELTON:

9 Q. Officer Irvin, you stated that you responded to Ball  
10 Field Road. Correct?

11 A. I responded to --

12 Q. Excuse me. I apologize. The ball park. Correct?

13 A. Yes.

14 Q. And where is that located?

15 A. That's located probably a hundred, two hundred yards  
16 away from the incident location to the ball field.

17 Q. And what was your purpose of going there?

18 A. To look for someone that called 911 that needed help.

19 Q. And is that what you did?

20 A. Yes, sir.

21 Q. Have you responded to locations where people have  
22 called 911 before?

23 A. Yes.

24 Q. And typically what happens?

25 A. They are in a dangerous situation and --

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1 MR. JOHNSON: Your Honor, objection. I object to the  
2 question. What is the relevance of what somebody else did  
3 at another scene? We're talking about this particular  
4 scene.

5 THE COURT: Over ruled.

6 SOLICITOR SHELTON: It's extremely relevant. Sorry,  
7 Your Honor.

8 A. We do often times in a dangerous situation someone  
9 will leave the incident location where the perpetrator is  
10 and go to a stable location so that they can make contact  
11 with law enforcement.

12 Q. And have you responded to domestic violence incidents  
13 before?

14 A. Many times.

15 Q. And are you normally able to ascertain who called 911?

16 A. Sometimes you can, sometimes you cannot. A lot of  
17 times there is not a name given to the 911 call taker so  
18 you just - you know maybe it's a female - You know it's a  
19 male or woman typically who - and you might just have to go  
20 look for someone that's flagging or waiving you down that  
21 may be away from the incident location in a safer area.

22 Q. And when you responded to the ball park, you stated  
23 that you were looking for someone in distress?

24 A. That's correct.

25 Q. Why?

1 A. Because the person who called 911 hung up. The 911  
2 operator was not able to finish the call and they ended the  
3 call so it could be that that person needs assistance and  
4 they're in a dangerous situation. In the past phones are  
5 broken or disconnected or they loose their phone as they're  
6 running away to get to a safe area.

7 Q. And did you have - If you had made any contact with  
8 anyone there that you knew had any connection with  
9 Mitchellville Road. Correct? The incident location.

10 A. I did not make contact with anyone that told me they  
11 had a connection with Mitchellville Road.

12 Q. Did you make contact with anyone there that said I  
13 don't want to press charges?

14 A. No one said that to me.

15 Q. Did you have contact with anyone at the scene who  
16 answered in the affirmative that they had called 911?

17 A. I did not make contact with anyone that told me they  
18 called 911.

19 Q. When you left the ball park did you know whether you  
20 had located the victim or not?

21 I apologize. Did you know whether you located the  
22 victim?

23 A. I knew that I did not locate any - the victim because  
24 I would imagine that the person that needed help was there  
25 they would have come and told me.

OFFICER SALLY IRVIN: BY SOLICITOR SHELTON - IN CAMERA

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1 Q. Was that your belief at the time?

2 A. Yes.

3 Q. And is that the belief that you reported to the  
4 officers on the scene?

5 A. That is correct.

6 Q. And once on the scene what happened? On scene - When  
7 I say on scene, I mean at Michellville Road at the actual  
8 incident location.

9 A. When I arrived at that incident location I made  
10 contact with the deputies there and told them that I was  
11 not able to locate the person that made the 911 call.

12 Q. And that's what you told deputies?

13 A. Yes.

14 Q. And that's the truth?

15 A. Yes, sir.

16 Q. And this has been almost two years, over two years.  
17 Correct?

18 A. That's correct.

19 Q. Did you write any supplements to this case?

20 A. No.

21 Q. Are you going by memory?

22 A. Yes I am.

23 Q. And what Mr. Johnson reported to you is on the CAD  
24 Report?

25 A. Yes, sir.

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1 Q. And you haven't even looked at the rest of the CAD  
2 Report so you - without me telling you you don't know  
3 whether the victim's name was published to you and you  
4 might have known the victim or not. Correct?

5 A. Correct.

6 Q. You're just going by memory?

7 A. That's correct

8 Q. So - Thank you.

9 SOLICITOR SHELTON: That's all the questions I have.

10 THE COURT: Anything further, Mr. Johnson?

11 MR. JOHNSON: Yes, Your Honor, just a few questions.

12 REDIRECT EXAMINATION - IN CAMERA

13 OFFICER SALLY IRVIN BY MR. JOHNSON:

14 Q. Officer Irvin, just for clarification, is your  
15 testimony that you went to the scene and your investigation  
16 was that you don't remember who you talked to?

17 A. Which scene?

18 Q. You went to the ball park.

19 A. I went to the ball park to locate a 911 caller.

20 Q. And you don't remember who you talked to?

21 A. I don't think I spoke to anyone.

22 Q. You didn't speak to anyone?

23 A. Didn't speak to anyone to my knowledge.

24 Q. So when you said before - -

25 A. I know that I didn't speak to the 911 caller. That

OFFICER SALLY IRVIN: BY MR. JOHNSON - IN CAMERA

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1 person did not identify themselves. That's what I know.

2 Q. But you don't remember if you talked to anyone at the  
3 scene or not? Or are you saying that you did?

4 A. I know that I did not speak to the 911 caller.

5 Q. That is not what I'm asking you. Just answer the  
6 question I ask you. Is it your testimony that you did not  
7 talk to anyone?

8 A. I will not testify to that.

9 Q. Okay. So is it that you don't remember?

10 A. It could be that I remember if I spoke to someone that  
11 might have been standing in the parking lot. But I knew I  
12 didn't speak to someone in distress.

13 Q. Well I'm gonna ask you this. Did you talk to anyone?

14 A. I don't remember.

15 Q. Did you even --

16 A. If there had been someone there that I mentioned in  
17 the past ---

18 Q. I'm not asking you --

19 A. --- but I know I didn't speak to anyone in distress.

20 Q. I'm not asking you to -- I'm only asking you to just  
21 say what you know and what you don't know.

22 A. What I can say is that I did look for someone in  
23 distress and I just did not see anyone that was in  
24 distress.

25 Q. But when you say look for someone in distress, did you

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1 stand here and just look around?

2 A. Yes I did. I went into the parking lot and looked  
3 around and did not see anyone approach me that seemed like  
4 they had any kind of concerns.

5 Q. And that was the totality of your time there?

6 A. Correct.

7 Q. So now you're saying that you didn't talk to anyone?

8 A. I could not find anyone in distress. That's why I  
9 keep saying that there could have been others there but no  
10 one that was in distress. I would remember that. I know  
11 that my point of being there was to locate someone that  
12 needed help. That was not done, I was not able to locate  
13 anyone that needed help.

14 Q. You go back to this locate and looking for and I'm  
15 trying to ascertain and what do you mean by that. When you  
16 say locate what did you do to locate someone?

17 SOLICITOR SHELTON: Ask and answered, Your Honor. She  
18 has testified over and over again what she did on the  
19 scene.

20 MR. JOHNSON: She hasn't said anything about what she  
21 did.

22 THE COURT: Mr. Johnson, you've ask her the same  
23 question several times so I'll sustain the objection.

24 MR. JOHNSON: Your Honor, I have no other questions.

25 THE COURT: Thank you.

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1 Anything further from the Defense?

2 MR. JOHNSON: Nothing further, Your Honor.

3 THE COURT: You may step down.

4 (WITNESS LEAVING WITNESS STAND.)

5 THE COURT: You may call your next witness, Mr.

6 Johnson.

7 MR. JOHNSON: Your Honor, at this time we'd like to  
8 call Erin Parlagrecko.

9 MR. CHAPLIN: Your Honor, can Officer Irvin stay?

10 THE COURT: You want to --

11 MR. CHAPLIN: Yes she needs to stay a little bit  
12 longer.

13 THE COURT: You need to recall her.

14 Officer, if you can have her stay. Not inside but  
15 outside.

16 MR. CHAPLIN: Thank you, Your Honor.

17 THE COURT: Sure.

18 MADAME CLERK: Would you place your left hand on the  
19 Bible and raise your right hand.

20 (WHEREUPON: ERIN PARLAGRECKO,  
21 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

22 MADAME CLERK: Please be seated. State your name and  
23 spell it for the court please, ma'am.

24 A. Just have to state my name?

25 MR. JOHNSON: Yes.

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

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1 A. Erin Parlagreco.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: Thank you, Your Honor. May it please  
4 the Court.

5 THE COURT: Ma'am, would you please spell your last  
6 name for the court reporter?

7 A. P-a-r-l-a-g-r-e-c-o.

8 DIRECT EXAMINATION - IN CAMERA

9 ERIN PARLAGRECO BY MR. JOHNSON:

10 Q. Erin, I cannot pronounce your last name so forgive me  
11 for calling you Erin okay.

12 A. Okay.

13 Q. All right. Erin, back on August the 31st, 2011, do  
14 you remember that day?

15 A. Yeah.

16 Q. Did you make a phone call, a 911 call to the police?

17 A. Yes.

18 Q. What was the nature of that call? What was that  
19 about?

20 A. Because my car was kicked and damaged.

21 Q. Your car was kicked and damaged?

22 A. Uh-huh.

23 Q. And who was you alleging had kicked and damaged your  
24 car?

25 A. Stanley Wright.

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

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1 Q. Is that the defendant in this case?

2 A. Yes.

3 Q. Okay. And where did this happen?

4 A. At his residence.

5 Q. At his residence?

6 A. Yeah.

7 Q. And what's his address? Do you remember?

8 A. [REDACTED].

9 Q. Okay. What happened after you made the phone call?

10 A. They ask me if I wanted them to come to the house. I  
11 told them no that I would come to them. So then I left and  
12 took my kids to football practice.

13 Q. Now you left and went to football practice?

14 A. Uh-huh.

15 MADAME COURT REPORTER: Is that yes?

16 A. Yes.

17 BY MR. JOHNSON:

18 Q. How far is the football field from the location of the  
19 residence?

20 A. Not very far at all.

21 Q. When you say not very far, can you give me a time  
22 period?

23 A. On the same road less than a mile, less than half a  
24 mile.

25 Q. Less than half a mile away?

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

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1 A. Yes.

2 Q. And is that where you went after you made your phone  
3 call?

4 A. Yes.

5 Q. Was you ever contacted by police during that time?

6 A. Yes. The officer came to the field and spoke to me.

7 Q. About what time was that?

8 A. It was as soon as I left and went to the field. I was  
9 getting my kids equipment out of the car in the trunk and  
10 she came and pulled behind my car.

11 Q. So you was going to football practice. Correct?

12 A. Yes.

13 Q. What time does football practice normally start?

14 A. Six o'clock.

15 Q. Were you there at the beginning of football practice?

16 A. Yes.

17 Q. So it was approximately six o'clock, a little bit  
18 after six?'

19 A. Yes.

20 Q. That she came?

21 A. Yes.

22 MR. JOHNSON: Your Honor, if I could, could I get  
23 Officer - ask Officer Irvin to step into the courtroom to  
24 see if she can identify her?

25 THE COURT: Yes, sir.

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

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1 THE BAILIFF: She's in the restroom, Your Honor.

2 MR. JOHNSON: Okay. When she comes --

3 Your Honor, can I go on and get back to that?

4 THE COURT: Yes.

5 BY MR. JOHNSON:

6 Q. And you spoke with the officer there at the football  
7 field?

8 A. Yes I did.

9 Q. Was there anybody else present with you when you spoke  
10 to this officer?

11 A. Sonya Chisholm.

12 Q. Sonya Chisholm?

13 A. Uh-huh.

14 Q. She was present at that time?

15 A. Yes she was.

16 Q. What did the officer ask you?

17 A. She ask me if I was okay and I told her yes and she  
18 ask me if I wanted to press charges for my car and I told  
19 her no because someone had already kicked the dent out.

20 Q. Okay. And that was your full conversation with that  
21 officer?

22 A. Yes.

23 Q. Will you describe the officer?

24 A. She had blonde hair and she was white.

25 Q. White female?

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

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1 A. Yes.

2 Q. Young, older, middle age?

3 A. Maybe middle age. Not older.

4 Q. Okay. And you can identify her if you see her again?

5 A. Yes.

6 Q. Okay. And that was approximately right about six  
7 o'clock; is that correct?

8 A. Yes because I was just dropping my kids off and I was  
9 getting the stuff out of the trunk there.

10 Q. Now did the officer ask you anything else?

11 A. Not that I can remember. I was just about to the car  
12 and if I was okay and if I wanted to press any charges or  
13 follow through with anything.

14 Q. Did anybody else ever contact you any more about this  
15 incident?

16 A. No.

17 Q. Not since that day?

18 A. Not since that day. The family called me a little bit  
19 later when all of the police were out there and said that  
20 they were looking for me which I told them they've already  
21 talked to me and they already saw me so I went back down  
22 there but they didn't care about me.

23 Q. So nobody ever questioned you?

24 A. No. Only her. Did the State, no lawyers, nobody.

25 Q. Nobody?

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA  
BY SOLICITOR SHELTON - IN CAMERA

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1 A. Until I spoke with you guys.

2 Q. Okay. So - But you did talk to an officer?

3 A. Yes I did at the ball field.

4 Q. At approximately six o'clock that day?

5 A. Yes.

6 MR. JOHNSON: Your Honor, I guess that's all the  
7 questions I have and then I guess I can just want to  
8 followup when the officer gets back.

9 THE COURT: That's fine.

10 MR. JOHNSON: Okay.

11 THE COURT: Mr. Shelton.

12 MR. SHELTON: Thank you, Your Honor, may it please the  
13 court. I have a brief question when she identifies.

14 CROSS-EXAMINATION - IN CAMERA

15 ERIN PARLAGRECO BY SOLICITOR SHELTON:

16 Q. Hi, Ms. Parlagreco.

17 A. Hi.

18 Q. How you know Stanley Wright again?

19 A. We have three children.

20 Q. Three children together?

21 A. Yes.

22 Q. Do you know where he lives or where he was living on  
23 August 31st, 2011?

24 A. Yes.

25 Q. Where?

1 A. [REDACTED].

2 Q. [REDACTED]? Were you there at some point  
3 during the day that day?

4 A. Yes.

5 Q. And you say that you called 911?

6 A. I did.

7 Q. Why?

8 A. Because we were arguing.

9 Q. Why did you call 911 if you were just arguing?

10 A. Cause he kicked my car.

11 Q. And why did you call 911 cause he kicked your car?

12 A. Because I was fed up with --

13 Q. Fed up with what?

14 MADAME COURT REPORTER: Because she was?

15 A. I was fed up with Dovie Knott.

16 Q. What is that?

17 A. His friend.

18 Q. And you called 911 because you were fed up with his  
19 friend?

20 A. And he kicked my car and damaged it and I don't know  
21 why I did. That was dumb.

22 Q. And you called 911 one time?

23 A. One time.

24 Q. And that's all?

25 A. I might a hung up at one point but they were still on

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

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1 there.

2 Q. And that's the only time that you talked to 911 that  
3 day?

4 A. That I remember that afternoon yes.

5 Q. Does your phone have service?

6 A. My phone doesn't get good service down there. It goes  
7 in and out.

8 Q. But you were able to call 911 at the scene?

9 A. Yes.

10 Q. Okay. I'm going to play what's already been  
11 introduced into evidence as State's Exhibit Number Two.

12 And this is for pretrial purposes only, Your Honor.

13 (NOTE: STATE'S EXHIBIT NUMBER TWO PUBLISHED TO THE  
14 COURT.)

15 Q. Do you recognize that call?

16 (NOTE: STATE'S EXHIBIT NUMBER TWO PUBLISHED TO THE  
17 COURT.)

18 SOLICITOR SHELTON: Your Honor, let the record reflect  
19 that is State's Exhibit Number Two. Those are actually the  
20 calls that were sent into Hilton Head 911 communications  
21 before the transfer in and the initial calls go there and  
22 they determine whether there is police or fire emergency  
23 and then they're transferred to Hilton Head Dispatch if  
24 necessary.

25 Q. That was you on the phone?

1 A. Yes. And that wasn't the whole thing.

2 Q. I know. Thank you. Now I'm gonna play for you  
3 State's Exhibit Number Three which is the 911 call with  
4 dispatch at the actual from the dispatcher after is's  
5 transferred from Hilton Head Communications to dispatch  
6 here in Beaufort County for the Court's information.

7 MR. JOHNSON: Your Honor, I have an objection. I  
8 don't know what the relevance is to this dispatch tape.  
9 We're trying to determine if the officer talked to my  
10 client prior to going into the house. We're not objecting  
11 to what's on the record. That was put up to the court. I  
12 don't know the relevance of it.

13 THE COURT: Well first I didn't have an opportunity to  
14 hear it. Is the transcript of the 911 located in the  
15 transcript?

16 MR. JOHNSON: Not before the 911 I don't believe. And  
17 the reason the State is, this is more for impeachment  
18 purposes and also for clarification purposes as to what she  
19 testified earlier - to earlier and to give the Court - and  
20 for her to hear her voice and to have me ask questions and  
21 cross examine her about what her voice sounded like.

22 THE COURT: I'll allow it. I think it's relevant.

23 MR. JOHNSON: Okay.

24 (NOTE: STATE'S EXHIBIT NUMBER THREE PUBLISHED TO THE  
25 COURT.)

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

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1 BY SOLICITOR SHELTON:

2 Q. Ms. Poparlagreco, is your number 227-3185 or was it  
3 on August 31st?

4 A. Yes.

5 Q. And you just heard that recording. Correct?

6 A. Yes.

7 Q. Would you agree with me the last thing you told  
8 officers is that you were gonna go to make a report?

9 A. Yes.

10 Q. And you heard your voice in that recording. Correct?

11 A. Yes.

12 Q. Would you say that you were in distress - your voice  
13 sounded as if you were in distress?

14 A. I was crying and I was - it was the neighbor I was  
15 arguing with. It wasn't really him at that point.

16 Q. So at the very end when you said do you want here he  
17 is right here do you want to talk to the 911 officer you  
18 weren't talking to Mr. Wright?

19 A. When I was arguing in the background that was not  
20 Stanley that was David.

21 Q. It wasn't Stanley when you said here he's right here  
22 and that wasn't Mr. Wright's voice?

23 A. That was David.

24 Q. It wasn't Mr. Wright's voice?

25 A. Everyone was yelling in the back ground that day. I

1 was arguing at that time with David.

2 Q. Who yelled, you called 911 on me get out of my yard?

3 A. He was probably in the background but when I was  
4 arguing that probably was him but when I was arguing it was  
5 David.

6 Q. Him being who?

7 A. He was arguing at the same time.

8 Q. Him being who?

9 A. David. But when he was yelling in the background too  
10 that was Stanley.

11 Q. You called 911 that was Stanley?

12 A. Yes. When I called it was on Stanley.

13 Q. That was the loud voice you heard at the end?

14 A. Yes that was.

15 Q. Now you testified you went straight to the ball field.  
16 Correct?

17 A. Yes I did. My children were in the car.

18 Q. And you went straight to the ball field?

19 A. Yes.

20 Q. Did you have your phone on you?

21 A. Yes. And Crickett does not pick up service.

22 Q. Did you try to call law enforcement back and tell them  
23 you were alright?

24 A. No because I already told them that I was coming to  
25 them I didn't need them to come to me. When I was arguing

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

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1 mainly it was with David and it wasn't in a violent manner.

2 Q. But at the end you admit that that was Stanley Wright  
3 who was yelling at you, you called 911?

4 A. Yes.

5 Q. And then you hear it escalate and the phone goes dead?

6 A. Yes. And at the same time when I was pulling out the  
7 officers were just pulling-in. When I went to Parker Field  
8 an officer came to me and she talked to me.

9 Q. So are you saying that when you were pulling out the  
10 officers were just pulling in?

11 A. There was one officer on the road already.

12 Q. When you pulled out?

13 A. When I pulled out.

14 Q. Are you pulling out right after you had the argument?

15 A. Yes.

16 Q. You said you have three children with Stanley Wright?

17 A. Yes.

18 Q. Do you know what happened after law enforcement got to  
19 the scene? Were you there?

20 A. I was not there. I was at the Parker Field.

21 Q. So you weren't there at the scene?

22 A. No I was not.

23 Q. Were you aware subsequently that they found a bunch of  
24 drugs in his house?

25 A. Later that evening I was.

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA  
BY MR. JOHNSON - IN CAMERA

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1 Q. And do you know what type of charges he's facing?

2 A. Now I do. All that time I didn't.

3 Q. Do you feel bad about it?

4 A. Yes.

5 Q. Do you feel like it's your fault?

6 MR. JOHNSON: Your Honor, what's the relevance of  
7 that?

8 THE COURT: Proffer impeachment testimony.

9 A. I don't really feel it's my fault cause I didn't call  
10 on him.

11 Q. Was the family upset with you?

12 A. No.

13 Q. None of them are?

14 A. No.

15 Q. Are you still with Mr. Wright?

16 A. No I'm not.

17 SOLICITOR SHELTON: I beg the Court's indulgence.

18 (PAUSE.)

19 SOLICITOR SHELTON: No further questions. Reserve for  
20 after she identifies the officer if she knows him.

21 THE COURT: Mr. Johnson, your witness.

22 MR. JOHNSON: Thank you, Your Honor.

23 REDIRECT EXAMINATION - IN CAMERA

24 ERIN PARLAGRECKO BY MR. JOHNSON:

25 Q. Erin, we would like for you to identify - see if you

ERIN PARLAGRECO: BY MR. JOHNSON - IN CAMERA

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1 can identify someone if you could.

2 Officer, will you please stand please?

3 If that's okay with the court?

4 (OFFICER IN COURTROOM STOOD.)

5 A. Yes. That is --

6 Q. Do you recognize her?

7 A. I spoke with her at Barker Field.

8 Q. At Barker Field?

9 A. Yes.

10 Q. At what time?

11 A. It was as soon as I got there at Barker Field and she  
12 came there when I was getting the kids stuff out of the  
13 trunk.

14 Q. For practice?

15 A. Yes.

16 Q. And what time did practice start?

17 A. Six o'clock.

18 Q. Was you late for practice?

19 A. We were just a few minutes but not late.

20 Q Not late.

21 MR. JOHNSON: I have no other questions, Your Honor.

22 THE COURT: You may step down, ma'am. Thank you.

23 THE COURT: I'm sorry. Did you have any further -

24 SOLICITOR SHELTON: I did. Just very briefly.

25 THE COURT: Ma'am, sit back down. I apologize.

ERIN PARLAGRECO: BY SOLICITOR SHELTON - IN CAMERA

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1 RE CROSS-EXAMINATION - IN CAMERA

2 ERIN PARLAGRECO BY SOLICITOR SHELTON:

3 Q. Have you ever seen Officer Irvin before?

4 A. Before today?

5 Q. Yes.

6 A. At the field.

7 Q. And that's the only time?

8 A. That's the only time.

9 Q. And that's her?

10 A. That's her.

11 Q. And you're sure of it?

12 A. Yes.

13 Q. And how long has it been?

14 A. Its been two years.

15 Q. And you described her as a white woman?

16 A. With blonde hair.

17 Q. Do you know of any other white women with blonde hair?

18 MR. JOHNSON: Your Honor, objection.

19 THE COURT: Sustain.

20 SOLICITOR SHELTON: Thank you.

21 THE COURT: Now you may step down. Thank you.

22 (WITNESS LEAVING WITNESS STAND.)

23 THE BAILIFF: Your Honor, she's to be separated from  
24 the other witnesses'?

25 THE COURT: Yes.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

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1 THE BAILIFF: At this point?

2 THE COURT: Yes.

3 Ma'am, you are not to discuss your testimony with any  
4 other witness.

5 MR. JOHNSON: Your Honor, if it pleases the Court. I'd  
6 like to call Sonya Ford.

7 MADAME CLERK: If you'd place your left hand on the  
8 Bible and raise your right hand.

9 (WHEREUPON: SONYA FORD, BEING  
10 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

11 MADAME CLERK: Please be seated. State your name and  
12 spell it for the court please, ma'am.

13 A. Sonya Chisholm Ford. So-n-y-a, C-h-i-s-h-o-l-m,  
14 F-o-r-d.

15 THE COURT: Your witness, Mr. Johnson

16 MR. JOHNSON: Thank you, Your Honor.

17 DIRECT EXAMINATION - IN CAMERA

18 SONYA FORD BY MR. JOHNSON:

19 Q. Ms. Ford, do you recall August the 31st of 2011?

20 A. Yes, sir.

21 Q. At that time at approximately six o'clock that day do  
22 you remember where you were you were located?

23 A. On Barker Field.

24 Q. You have to speak up a little bit so everybody can --

25 A. On Barker Field.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

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- 1 Q. On Barker Field? And what was you doing there at that  
2 time?
- 3 A. I was a cheer coach.
- 4 Q. A cheer coach?
- 5 A. For cheerleading yes. Our practice was about to  
6 begin.
- 7 Q. So you were a coach of the cheerleaders at that time?
- 8 A. Yes, sir.
- 9 Q. Let's do a little background here. Are you from this  
10 area?
- 11 A. Yes, born and raised in Hilton Head, South Carolina.
- 12 Q. Okay. Are you employed?
- 13 A. Yes, sir.
- 14 Q. Where do you work?
- 15 A. I'm a cosmetologist.
- 16 Q. How long have you been doing that?
- 17 A. Nineteen years.
- 18 Q. For nineteen years?
- 19 A. Yes, sir.
- 20 Q. Are you married?
- 21 A. Yes, sir.
- 22 Q. How long have you been married?
- 23 A. Nineteen years. October will be nineteen years.
- 24 Q. Do you have any kids?
- 25 A. Yes three boys.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

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1 Q. Three boys?

2 A. Yes, sir.

3 Q. And you live here with your husband and children ---

4 A. Yes, sir.

5 Q. --- in this area? Now on August the 31st, 2011 you  
6 was located at Barker's Field; is that correct?

7 A. Yes, sir.

8 Q. Do you know Erin - I cannot pronounce her name - but  
9 Erin?

10 A. Parlagrecko.

11 Q. Do you know her?

12 A. Yes, sir.

13 Q. Did you see her that day?

14 A. Yes, sir.

15 Q. Was she there at the field when you saw her?

16 A. Yes, sir.

17 Q. About what time was it?

18 A. A little before six so six o'clock.

19 Q. Right around six o'clock?

20 A. Yeah. We get there about ten or fifteen minutes  
21 early.

22 Q. Why do you remember the day like six o'clock? This  
23 was like two years ago.

24 A. Because the football practice is at six, cheerleading  
25 is right at six too.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

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1 MADAME COURT REPORTER: I'm sorry, you need to speak  
2 up. You said football practice is?

3 A. Is at six o'clock, cheerleading is at six o'clock.

4 Q. So she arrived in time for football, for the football  
5 practice and the cheerleading practice?

6 A. Yes, sir.

7 Q. Okay. Now --

8 THE COURT: Could you repeat that?

9 A. Yes, sir.

10 THE COURT: Okay. Thank you.

11 Q. Did you see her have contact with the police at the  
12 field there that day?

13 A. Yes, sir.

14 Q. Was that approximately around six o'clock?

15 A. Yes, sir.

16 Q. How do you know - Tell the court what you personally  
17 saw at approximately six o'clock that day.

18 A. I was on the field because I get there early so that I  
19 can get the cheerleaders situated. One of Stanley's sons  
20 came to me and said that I needed to go down the road and  
21 check on him. I started going to my car and then I looked  
22 over and I saw Erin and I saw an officer parked behind  
23 her. She was in her trunk. I walked over there.

24 Q. Before you go any further, so you got to see the  
25 officer face to face?

SONYA FORD: BY MR. JOHNSON - IN CAMERA

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1 A. Yes, sir. She ask me my name.

2 Q. Do you see the officer here in court today?

3 Where is she?

4 MR. CHAPLIN: They walked her back outside.

5 THE BAILIFF: No she's right here.

6 A. Yes, sir.

7 Q. Do you recognize that officer?

8 A. Yes, sir.

9 Q. Is that the officer that was there at the field at six  
10 o'clock that day?

11 A. Yes, sir. I remember it yes, sir.

12 Q. And you saw her talking to Erin?

13 A. Yes and she talked to me too.

14 Q. She talked to you as well?

15 A. Yes, sir.

16 Q. Do you remember what she said?

17 A. I was upset because they told me something happened  
18 between Stanley and Erin so I was asking Erin what was  
19 going on. And she ask me for my name and ask me what  
20 relation was I to Stanley. Well to the problem, what was  
21 going on.

22 Q. And you told her?

23 A. And I told her.

24 Q. And was that your total conversation with her?

25 A. That was it with her. She was talking with Erin and

SONYA FORD: BY MR. JOHNSON - IN CAMERA

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1 Erin was in her trunk yes.

2 Q. Were you present during the conversation?

3 A. Not the whole conversation no.

4 Q. But you heard something?

5 A. I walked over and I heard them talking.

6 Q. But they did talk?

7 A. Yes.

8 Q. Did it also appear that she knew that Erin was the  
9 person involved in the conflict?

10 A. Yes.

11 Q. How do you know that?

12 A. Because when I walked over they were talking about  
13 something and Erin was like she would go back, she wasn't  
14 going back to the house. And I said I was going down to  
15 the house and I went down there.

16 Q. So you went to the house after you saw them have a  
17 conversation?

18 A. Yes.

19 Q. Did you go to the house before the officer went back  
20 to the house?

21 A. No.

22 Q. What time did you go?

23 A. Right after I left from Erin because the officer was  
24 asking me where was I. I got in my truck and I left my  
25 kids there and I told one of my family members to watch

SONYA FORD: BY MR. JOHNSON - IN CAMERA

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1       them while they practiced and told them to watch the  
2       cheerleaders.

3       Q.    So when you got back in your truck the officer was  
4       still talking to Erin when you was headed to your truck?

5       A.    I'm not sure. I think she left. She left too because  
6       Erin left.

7       Q.    So did you - So when you got to the house where were -  
8       Where were Mr. Wright? He was standing outside?

9       A.    Standing outside.

10      Q.    Okay. Was he handcuffed or anything?

11      A.    No he wasn't in handcuffs yet.

12      Q.    Okay. Did that officer go back - Did you see that  
13      officer back at the scene when she was there?

14      A.    I'm not sure. There was a couple of female officers  
15      there.

16      Q.    Okay.

17      A.    That was coming. It was officers coming back and  
18      forth.

19      Q.    But when you got to the house had they went inside the  
20      house yet?

21      A.    Not to my knowledge no.

22      Q.    And you stayed there at the house at the scene?

23      A.    I stayed there the entire time. Somebody else brought  
24      my kids back from the field and I sent them home with  
25      someone else and I stayed there until late that night.

SONYA FORD: BY MR. JOHNSON - IN CAMERA

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1 Q. How many times did they go in the house while you was  
2 there?

3 A. There was people going in and out. Different people.  
4 They went in and more cars came. They sent some of the  
5 officers away and a truck or two came also and they came  
6 with the police.

7 Q. Let me ask you this. Were you there when they first  
8 went into the house?

9 SOLICITOR SHELTON: Objection. I don't know if she  
10 can answer that question cause she testified she wasn't  
11 there the whole time. She doesn't know whether it was the  
12 first time she went to the house or not.

13 MR. JOHNSON: Well then she should be allowed to  
14 answer if she can answer it.

15 THE COURT: If you know specifically.

16 A. I think I was yes.

17 Q. What makes you think that you was at first that you  
18 saw her the first time you went into the house?

19 A. Because when I got there I went and ask them what was  
20 going on. I walked that way and he was still standing  
21 there.

22 Q. So he wasn't handcuffed?

23 A. No he wasn't handcuffed when I got there.

24 Q. Okay. He was just standing up at that time?

25 A. On the outside yes.

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1 MADAME COURT REPORTER: I'm sorry. I didn't  
2 understand.

3 A. Yes on the outside.

4 Q. When you saw - The first time you saw someone go in  
5 the house how many officers went into the house?

6 A. I'm not sure cause we was sitting on my sister's porch  
7 when they first come.

8 Q. But just for clarification purposes, it was right at  
9 six o'clock that you saw the officers talking to?

10 A. I can't say exactly six o'clock cause I get there  
11 about fifteen minutes early.

12 Q. Okay.

13 A. And it was between that time. I hadn't started  
14 practice yet.

15 Q. Okay. And you left and went straight to the house  
16 from there?

17 A. Yes.

18 Q. How long did it take you to get to the house?

19 A. Its within walking distance. About a minute, a minute  
20 and a half.

21 Q. So you left straight from there and went to the house?

22 A. Uh-huh.

23 Q. And you stayed there the rest of the afternoon?

24 A. Yes, sir.

25 MR. JOHNSON: One moment, Your Honor.

SONYA FORD: BY SOLICITOR SHELTON - IN CAMERA

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1 (PAUSE.)

2 Q. And the officer that you saw here in court, was the  
3 officer that you saw talking to Erin?

4 A. Yes, sir.

5 MR. JOHNSON: I have no other questions, Your Honor.

6 THE COURT: Mr. Shelton, do you have any questions?

7 MR. SHELTON: Briefly. Thank you, Your Honor.

8 CROSS-EXAMINATION - IN CAMERA

9 SONYA FORD BY SOLICITOR SHELTON:

10 Q. What is your relationship or connection with Stanley  
11 Wright?

12 A. I'm his aunt.

13 Q. You're his aunt? Mother's or father's side?

14 Mother's for father's side?

15 A. I'm his mother's sister.

16 Q. You said there was a couple of female officers at the  
17 scene when you ended up getting at the house?

18 A. No I didn't say that.

19 Q. I thought you just said that.

20 A. I said there was a couple of female officers that  
21 were on the scene. Not when I got to the house.

22 Q. Okay.

23 A. It was officers coming in and out.

24 Q. All right. And you don't know whether Ms. Irvin who  
25 was here earlier was the officer that was at the scene when

SONYA FORD: BY SOLICITOR SHELTON - IN CAMERA

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1       you got there? You testified, you said you were not sure  
2       whether she was the one but there was a couple of female  
3       officers there. Correct?

4       A. Well there during that time that they did everything  
5       that they did.

6       Q. Right. But you're sure she was the one at the  
7       ball field?

8       A. Yes because I spoke with her. She spoke with me.

9       Q. And you think it was between - you got there about  
10      fifteen minutes early?

11      A. Yes.

12      Q. And you said at first that she might, being Ms.  
13      Parlagrecko, got there a little bit late, at first you said  
14      that?

15      A. I get to the field earlier than a lot of most of the  
16      people because I help out with the program.

17      Q. I'm sorry. I didn't mean to interrupt you. Finish  
18      what you were saying. I didn't mean to interrupt you.

19      A. I wasn't saying anything.

20      Q. Okay. And then you said it was sometime between you  
21      think 5:45 and six o'clock?

22      A. No. You said was it at six o'clock or after or  
23      whatever he said. And is said practice I hadn't begun  
24      cheerleading practice yet so it was around that time.

25      Q. Around that time?

SONYA FORD: BY SOLICITOR SHELTON - IN CAMERA

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1 A. Yes. I can't say exactly what time it was. Sometime  
2 around that time.

3 Q. And it starts at six o'clock?

4 A. Yes.

5 SOLICITOR SHELTON: Those are all the questions I  
6 have.

7 Thank you.

8 MR. JOHNSON: I have no other questions, Your Honor.

9 THE COURT: You may step down, Mr. Ford. Thank you.

10 THE BAILIFF: May I put her with the first witness,  
11 Your Honor, or keep her separate?

12 THE COURT: Separate.

13 (WITNESS LEAVING WITNESS STAND.)

14 THE COURT: Mr. Johnson, do you have any further  
15 witnesses'?

16 MR. JOHNSON: I have one more repeat. Can I have one  
17 moment, Your Honor.

18 THE COURT: Sure.

19 (PAUSE.)

20 MR. JOHNSON: Your Honor, I don't think we have any  
21 other - I think that we rest on this motion.

22 THE COURT: All right, is there anything -

23 SOLICITOR SHELTON: I would like to briefly call  
24 Jonathan Collier.

25 THE COURT: All right, sir.

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON - IN CAMERA -138-

1 SOLICITOR SHELTON: Thank you.

2 Jonathan Collier, Deputy Collier.

3 MADAME CLERK: Would you place your left hand on the  
4 Bible and raise your right hand for me please.

5 (WHEREUPON: JONATHAN  
6 COLLIER, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS  
7 FOLLOWS:

8 MADAME CLERK: You may be seated. State your name and  
9 spell it for the court please.

10 A. My name is Jonathan Allen Collier.

11 THE COURT: Your witness, Mr. Shelton.

12 SOLICITOR SHELTON: Thank you.

13 First let me ask. If Sally is here she needs to get  
14 out.

15 I apologize, Your Honor. They are waiting on - I  
16 don't know what.

17 Thank you, Officer Collier.

18 DIRECT EXAMINATION - IN CAMERA

19 OFFICER JONATHAN COLLIER BY SOLICITOR SHELTON:

20 Q. Deputy Collier, you work for the Beaufort County  
21 Sheriff's Office. Correct?

22 A. Yes, sir.

23 Q. And were you working for the Beaufort County Sheriff's  
24 Office on August 31<sup>st</sup>, 2011?

25 A. Yes, sir.

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON - IN CAMERA

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1 Q. And you were in road patrol on the south side.

2 Correct?

3 A. Yes, sir.

4 Q. And that means south of the Broad River. Correct?

5 A. Yes, sir.

6 Q. And you were a corporal. Correct?

7 A. Yes, sir.

8 Q. Did you respond that day to - You've already testified  
9 to this in an earlier hearing, however did you respond that  
10 day to [REDACTED]?

11 A. Yes, sir.

12 Q. Please tell the court about that.

13 MR. JOHNSON: Your Honor, objection. I thought we had  
14 agreed that we would not put up any evidence that had not  
15 already been testified to. The officer has already  
16 testified. His testimony is part of the record.

17 SOLICITOR SHELTON: I'll --

18 MR. JOHNSON: And to go back over that again I think,  
19 Your Honor, --

20 THE COURT: Right. I don't think we need to reinvent  
21 the wheel and go over the whole thing. I think just the  
22 relevant portions of it.

23 SOLICITOR SHELTON: I'm just establishing what was  
24 there when he responded there, Your Honor. For Your  
25 Honor's information I'm gonna go straight into the crux of

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON - IN CAMERA -140-

1 the issue.

2 MR. JOHNSON: Your Honor, I would object again because  
3 he can change the testimony today and it would be different  
4 that what's on the transcript. We would like stay with  
5 what's on the transcript.

6 THE COURT: Well obviously I wasn't the judge that  
7 heard the original one and I haven't had an opportunity to  
8 review the transcript but this is somewhat laying a  
9 foundation to put us back as it relates to Officer Irving.  
10 And if he changes his testimony then your right to cross  
11 examine him but I think it's just to establish where we are  
12 here today not to go over the whole incident so obviously  
13 that's already been testified to.

14 SOLICITOR SHELTON: Thank you, Your Honor. And I will  
15 tailor my questions with the court's permission to be a  
16 little bit more specific.

17 MR. JOHNSON: Thank you, Your Honor.

18 SOLICITOR SHELTON: Thank you.

19 Q. When you were out on the scene, who was there?

20 A. Deputy Archbell and Mr. Wright.

21 Q. Were you able to locate anyone who you could identify  
22 as to the 911 caller?

23 A. No, sir.

24 Q. Did you know where she was?

25 A. No, sir.

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON - IN CAMERA

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1 Q. Do you know whether attempts were being made to find  
2 her?

3 A. Yes, sir, dispatch advised us to go and try to make  
4 contact with them.

5 Q. And do you know whether anyone went to the ball park  
6 nearby in response to try and find her there?

7 A. Yes, sir.

8 Q. And why did that take place?

9 A. Because I ask the deputy to go to that field to  
10 respond and to stop by and see if the victim was at the  
11 ball field because Mr. Wright said that she might be there.

12 Q. So Mr. Wright told you she was there?

13 MR. JOHNSON: Your Honor, objection. He's leading the  
14 witness.

15 THE COURT: Can you just rephrase your question?

16 SOLICITOR SHELTON: I just repeat what she just said.

17 But yes, Your Honor.

18 Q. Mr. Wright told you she was at the ball field?

19 A. He said that she might be yes.

20 Q. Okay. Might be at the ball field. And in response  
21 to that you just testified that you called to request that  
22 someone go to the ball field to locate her?

23 A. Yes, sir, that's correct.

24 Q. And why did you do that?

25 A. Just to cover the bases to see if we could locate

OFFICER JONATHAN COLLIER: BY SOLICITOR SHELTON - IN CAMERA -142-

1 the victim because we were on the scene looking for her.  
2 We needed to make contact with her or didn't make contact  
3 with her.

4 Q. Do you know who went to the ball field?

5 A. Corporal Irvin.

6 Q. And would that be Sally Irvin?

7 A. Yes.

8 Q. And did you then have any contact with Sally Irvin  
9 after that?

10 A. Yes.

11 Q. Where?

12 A. At the incident location [REDACTED].

13 Q. And were you able to determine whether she made  
14 contact with who you could address as the victim?

15 A. Her statement to me was that she did not make contact  
16 with the victim at the ball field.

17 Q. And based on that information what did you do?

18 A. We conducted a sweep of the house to check for the  
19 victim to see if the victim was inside.

20 Q. So the time you did the sweep you were unable to  
21 locate the victim to your knowledge?

22 A. Yes, sir, that's correct.

23 Q. Thank you.

24 SOLICITOR SHELTON: Those are all the questions I  
25 have.

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1 THE COURT: Mr. Johnson.

2 CROSS-EXAMINATION - IN CAMERA

3 OFFICER JONATHAN COLLIER BY MR. JOHNSON:

4 Q. Good afternoon, Officer Collier.

5 A. Good afternoon, sir.

6 Q. Well, Officer Collier, if Officer Irvin had contacted  
7 the victim, would you have been able to go inside the  
8 house?

9 A. No, sir.

10 Q. I have no other questions.

11 THE COURT: Thank you.

12 SOLICITOR SHELTON: Nothing further, Your Honor.

13 THE COURT: You may step down, sir. Thank you.

14 (WITNESS LEAVING WITNESS STAND.)

15 SOLICITOR SHELTON: Those are all the questions, those  
16 are all the witnesses' the State has. Thank you.

17 With Defense approval, he worked last night and is  
18 back on nights tonight. I ask that he sleep if he can.

19 OFFICER COLLIER: Thank you, Your Honor.

20 THE COURT: I'll be happy to hear any brief arguments  
21 from either side.

22 MR. JOHNSON: Your Honor, based on our argument  
23 actually its an extremely simple argument, Your Honor.

24 Our argument is that the State did have notice that  
25 the victim was not in the house. Now whether Officer Irvin

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1 told the officer is not really our concern. Officer Irvin  
2 is still a member of the state. If she did not tell them  
3 that's something she will have to deal with. But we think  
4 that we have shown substantial evidence that by their own  
5 records she stated that she went to the ball field. She  
6 went to the ball field because people, numerous people,  
7 including Mr. Wright, told the officer at the scene that  
8 there was someone that - that the alleged victim in this  
9 case had went to the ball field. And apparently the  
10 message got to the officer because they sent an officer to  
11 the ball field Ms. Sally Irvin.

12 Ms. Irvin testified that she went to see if someone  
13 was in distress but I would ask the Court to note, she  
14 never said that she didn't locate someone or talk to  
15 someone. She kept going back to I didn't see anyone in  
16 distress, I didn't see anyone in distress. And its my  
17 argument that she was fudging around the case as to whether  
18 she talked to the victim. Because she might a made a  
19 simple mistake, Your Honor. I'm not saying that this is  
20 some conspiracy. In most cases it's not a conspiracy. But  
21 officers are still required to follow the law. If they  
22 make a mistake unfortunately, Your Honor, the law requires  
23 that that mistakes results in them not being here to  
24 prosecute their case.

25 In this case we have the victim stating that she

1 talked to Ms. Irvin. She identified Ms. Irvin and  
2 testified that she did not see Ms. Irvin or knew Ms. Irvin  
3 until today when she identified Ms. Irvin here in court.  
4 You have another witness who testified that she also saw  
5 Sally Irvin at the ball park. She even spoke to Ms. Irvin.  
6 And if you remember Ms. Irvin stated that she might have  
7 talked to someone but the person was not in distress.

8 The State did not present any evidence to say that any  
9 of our witnesses' who stated that Ms. Irvin knew that the  
10 victim was not in danger, at around six o'clock prior to the  
11 search. It's not true. I think we have given substantial  
12 evidence from the victim, from Ms. Irvin, as well as the  
13 witness to indicate that the police had knowledge prior to  
14 going in that house and without that knowledge - and with  
15 that knowledge they did not have a right to do a protective  
16 search. As a result they did not have a right to the fruit  
17 of their labor which is the evidence in this case and we  
18 ask that the evidence be suppressed.

19 THE COURT: Thank you, Mr. Johnson.

20 Mr. Shelton.

21 SOLICITOR SHELTON: Thank you, Your Honor.

22 Your Honor, you heard the testimony and I won't  
23 belabor it. Officer Irvin did report that she went to the  
24 ball field to look for the victim. Officer Collier, Deputy  
25 Collier stated that he actually sent someone to the ball

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1 field, requested they go to the ball field to confirm  
2 whether the victim is there before they actually indeed did  
3 go into the residence. The State argues that that is  
4 actually shows a lot of due diligence on the State's part  
5 in making sure - certain that they do not perform a  
6 protective sweep of this house unless absolutely necessary.

7 We had testimony from Ms. Erin Parlagrecko. Your  
8 Honor, you're obviously the judge of the law for the  
9 purposes of this motion, but in it you have to look at the  
10 - obviously as you know the totality of the circumstances  
11 when you have conflicting testimony. We have conflicting  
12 somewhat conflicting testimony in this case. And some of  
13 the testimony can be proven through records to be  
14 inaccurate. For example Ms. Parlagrecko stated that she  
15 went straight to the ball field after she hung up the  
16 phone. The problem with that is, is that the dispatch call  
17 was - ended at 17:35, well after 17:35. And she stated  
18 that the officer was there when she arrived at the ball  
19 field. The ball field is a hundred to two hundred yards  
20 away. I'd just like to point that out; obviously that is  
21 not true.

22 She also stated that she might have gotten there, Ms.  
23 Parlagrecko, there yet a little late. She obviously would  
24 not have gotten there a little late had she gone straight  
25 to the ball field so that is also an inconsistency of what

1 we can show from the record is the truth. What we do know  
2 from the record as the truth is that an officer in deed did  
3 go to the ball field exercising due diligence in trying to  
4 remedy the situation before taking - making the act of  
5 sweeping the house. And at the ball field the officer's  
6 testimony is that she did not locate what she could  
7 determine to be the victim otherwise she would have  
8 notified the other officer at the scene as a victim.

9 An officer at the scene testified, and that would be  
10 Officer Collier, that at the scene she reported, being  
11 Officer Irvin, to him that she could not locate the victim.  
12 The officers understanding of the facts is paramount in  
13 this case. Officer Collier and Officer Irvin both  
14 testified that they were unable to locate the victim in  
15 this case and that is in fact what their state of mind,  
16 what their understanding of the facts were at the time.

17 You heard the 911 tapes. She was in distress. They  
18 were looking for someone in distress. And you heard the  
19 escalation up into the 911 tape a domestic violence  
20 incident, domestic incident obviously is inherently very  
21 volatile. They had the duty at that point to search and  
22 verify the victim's safety and that has already been ruled  
23 upon. All that is at question here is whether they knew  
24 whether the victim was safe at that point or not. We have  
25 conflicting testimony and I'd like to point out for the

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1 record that some of the testimony, the heart of the  
2 testimony was given by two witnesses' who have a strong,  
3 strong propensity for bias because of their relationship  
4 with the defendant. And one whose call - One who has three  
5 children with the defendant whose call got him into this  
6 entire mess to begin with. And this testimony is coming at  
7 this hearing the eve before this trial of the case.

8 Thank you.

9 THE COURT: Thank you, gentlemen.

10 Mr. Johnson, I'm gonna to respectfully deny your  
11 motion to suppress. I think really Officer Irvin although  
12 she testified she could not recall specifics of the  
13 conversation, she did testify that no one made contact with  
14 her that said they had any connection at the incident  
15 location and I do find that her testimony was credible in  
16 that fact. All she did recall specifically is she went  
17 there specifically to look for someone in connection with  
18 the case and then went back and reported to Officer Collier  
19 that she did not find anybody. His testimony corroborates  
20 that. Clearly Ms. Parlagrecko has a strong incentive to  
21 the domestic violence situation and was clearly escalating  
22 as previously ruled upon by Judge Harrington and I find  
23 that it does meet the prongs as outlined in her previous  
24 order in the transcript so I repectfully deny your motion.

25 MR. JOHNSON: Thank you, Your Honor.

1 THE COURT: Now I understand there are other several  
2 pretrial motions that you've come to an agreement upon.

3 SOLICITOR SHELTON: Now that we're over this hurdle,  
4 one pretrial motion that we've spoken of is not admitting  
5 the 911 tape. The State has no intention of admitting the  
6 911 tape to the jury at trial. I think we can take care of  
7 that.

8 THE COURT: Okay.

9 SOLICITOR SHELTON: Also, Your Honor, there was a  
10 motion to - something about chain. I don't know if Mr.  
11 Chaplin wants to or Mr. Johnson wants to address that. The  
12 State wants to bring to the Court's and Mr. Chaplin and Mr.  
13 Johnson's intention of - its intent to use some pictures  
14 from inside of the residence. And one of the pictures  
15 shows a mail bag that has Mr. Wright's identifying  
16 information that's being to Mr. Wright. And I want to  
17 raise it to the Court's attention out of all candor because  
18 it also shows Watered Correctional Institution address to  
19 it. The State's argument is that the approbative value far  
20 outweighs any danger of unfair prejudice in this case.  
21 We're not gonna make any reference whatsoever to the  
22 correctional institution identification on the actual  
23 address. We're only gonna make reference to the fact that  
24 the mail is in his name and it's in his bedroom. Attached  
25 to that bedroom is where the drugs and the gun were found.

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1 There are other - Candidly there is other identifying  
2 information as well but all this case comes down to at this  
3 point in the State's perspective is knowledge and  
4 possession. And those are crucial for the State's case and  
5 we believe the approbative value showing that he has a bag  
6 full of mail because one issue is that - Excuse me before I  
7 finish that sentence.

8 The approbative value of showing his address and  
9 showing his name on the mail shows that that is his  
10 residence because he's keeping it all there. His ID that's  
11 next to his bed and bedroom has actually [REDACTED] Mitchellville  
12 Road written on it. This is [REDACTED] so we  
13 think it's very important for us to show that this is where  
14 he was staying, this is where he was living at the time to  
15 prove our case.

16 THE COURT: Counsel.

17 MR. CHAPLIN: And, Your Honor, we feel that obviously  
18 this is extremely prejudicial and cumulative. I mean he  
19 has multiple other ways to determine the location of where  
20 this individual lived aside providing something that's  
21 gonna say something that's coming from a correctional  
22 facility and going to wherever. I haven't had a chance to  
23 look to see that but in turn we just think that definitely  
24 the prejudicial side extremely outweighs the approbative  
25 value from his point.

1 THE COURT: I agree. I think the Department of  
2 Corrections portion of the picture you can redact it  
3 somehow, blow it up, and take that part of it out I think  
4 its fine. I think it's more prejudicial than approbative.

5 SOLICITOR SHELTON: We can do that as long as we are  
6 able to not use that as an argument that we don't know  
7 that's where he lives for the purpose of the mail itself.

8 THE COURT: So pursuant to that caveat, Mr. Chaplin,  
9 basically redact and take out that portion of it. Do you  
10 have any objections to that?

11 MR. CHAPLIN: Well, Your Honor, I guess I say to not  
12 say that, Your Honor, I don't know what he's gonna actually  
13 - what information he's gonna actually gonna put forth and  
14 I don't want to be able to not say that that may or may not  
15 be his residence so I don't want to concede to that for the  
16 purpose of that.

17 THE COURT: Sure. And I understand that completely.

18 MR. CHAPLIN: Okay.

19 THE COURT: I think you're correct in doing that. I  
20 think as we go forward you can certainly make argument and  
21 I don't want to prevent you in any way to making proper  
22 arguments under the same picture and it must be redacted.

23 SOLICITOR SHELTON: And all I mean is for the purposes  
24 of this exhibit that because we're gonna have to redact  
25 this information only for this purpose that he can't hold

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1 it up in closing argument and say like they redacted this  
2 what does that show you. That's the only thing that I'm  
3 trying to prevent.

4 MR. CHAPLIN: Your Honor, I clearly understand that.

5 SOLICITOR SHELTON: I mean that's all I mean.

6 MR. CHAPLIN: That's the purpose of us talking right  
7 now.

8 THE COURT: Sure. I think we're on the same page.

9 SOLICITOR SHELTON: Okay. And because I'm just saying  
10 that because I think sometimes I try to think on the  
11 defense side and if it's not something that we would be - -

12 MR. CHAPLIN: And I try to think on the prosecution  
13 side.

14 THE COURT: Thank you, ladies and gentlemen. Okay,  
15 what else have we got?

16 Anything else?

17 SOLICITOR SHELTON: I plan to possibly use a  
18 demonstrative exhibit on either in opening or closing. And  
19 I want to bring it to the defense attention as well as the  
20 Court's attention. I haven't decided for sure whether I  
21 will do it or not but it involves a scale and it involved a  
22 Pyrex dish and probably sugar and it involved pouring it  
23 into it to get it the weight. I think it is very  
24 approbative to show jury's don't have any idea what two  
25 hundred and twenty grams makes for the purposes of

1 trafficking. And we have to prove it's a violent offense  
2 and prove beyond a reasonable doubt that more than ten  
3 grams is trafficking cocaine. And we have to prove beyond  
4 a reasonable doubt that there are over two hundred grams of  
5 cocaine. Just had an assistant solicitor today tell me  
6 that when she gets drug reports that she doesn't have any  
7 idea what a half a gram or one grams or two grams or what  
8 that actually means in real life and that would be the  
9 purpose of using it. It's only in closing. Really it's  
10 just - Its not an exhibit its just a demonstration to show.  
11 And I want to bring it to the defense attention now instead  
12 of broad siding them with it or the court with it. And I'm  
13 not even sure I want to do it but it was something I was  
14 thinking about doing in this case for the purposes of  
15 demonstrating to the jury the trafficking weight of this  
16 cocaine.

17 MR. JOHNSON: Your Honor, of course we would object to  
18 that. The State is going to put up evidence from SLED I'm  
19 assuming or the pertinent weight of the evidence. The  
20 chemist, they would have a chemist, a chemical analysis  
21 that would state the weight. The State is gonna put that  
22 in as official weight that will be determined. They can  
23 show that to the jury and say this is what it weighed. The  
24 jury is not so concerned. The reason the State wants to  
25 put this big thing is for the prejudicial effect. It has

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1 no approbative value at all. There is no question when the  
2 chemist comes in and if the evidence comes in from the  
3 chemist that this is the weight that's the weight. The  
4 weight is just effect for sentencing purposes, Your Honor,  
5 it has nothing to do with guilt.

6 THE COURT: I'm going to think on that one. I'll let  
7 you know in the morning.

8 SOLICITOR SHELTON: And finally, Your Honor, from the  
9 State we have a detective with the drug task force,  
10 formerly in drug task force, I think it's entitled  
11 something different but specifically in drug crimes he's  
12 been in that unit for ten years and he's now the  
13 supervisor. We would like to qualify him an expert as to  
14 drug value period. Just drug value, and we'll limit it to  
15 what's been ruled upon by our Court of Appeals for the  
16 purposes of only wholesale and retail and that's it.

17 And I'd also like for him to speak to what it means to  
18 have plastic baggies, drugs, scale found at the same  
19 location. This is something that regular jurors do not  
20 understand. We believe that it would really help the jury  
21 understand the nature of this offense.

22 THE COURT: Gentlemen.

23 MR. JOHNSON: Once again, Your Honor, this offense is  
24 a possession offense, it is not a distribution offense. It  
25 is not where they're saying my client is selling or sold to

1 anyone or undercover or anything of that nature. They  
2 found the evidence allegedly at my client's house. It's a  
3 possession offense. The cause of it or whether that is not  
4 the element that the State has to prove. It serves no  
5 purpose whatsoever except to inflame the jury.

6 THE COURT: I disagree with you, Mr. Johnson. I think  
7 clearly that type of evidence is admissible in a trial of  
8 this nature. Of course you are welcome to renew your  
9 objection at the proper time.

10 MR. JOHNSON: Thank you, Your Honor.

11 And I guess I'll get the chance to cross examine the  
12 expert?

13 THE COURT: Absolutely.

14 MR. JOHNSON: Thank you, Your Honor.

15 SOLICITOR SHELTON: Thank you, Your Honor.

16 And I will hand Your Honor these cases as well as the  
17 Defense. I think I've already handed them these cases.  
18 The cases we're relying upon in doing this are *South*  
19 *Carolina case State v. Jamieson*. That's 372, S.E., 649.  
20 That's a Court of Appeals case from 2007. It cites within  
21 it *Martin v. State of Texas*. And in *Martin v. State of*  
22 *Texas* that is 823, S.W., 2d., 726. In *Martin v. State of*  
23 *Texas* this testimony is determined to help the jury  
24 understand drugs in terms that can be easily understood and  
25 that's really the crux of the reason we want to use it.

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1 THE COURT: Thank you. If you could pass that up.

2 SOLICITOR SHELTON: Thank you, Your Honor.

3 THE COURT: Any other motions from either parties?

4 I have a list here of...

5 MR. JOHNSON: Your Honor, at the appropriate time the  
6 defense cannot think of anything.

7 THE COURT: So was there a statement that needed a  
8 Jackson v. Denno in the morning?

9 MR. JOHNSON: I don't think it's a statement.

10 SOLICITOR SHELTON: There is no statement. Again out  
11 of candor, there is a form that the defendant signed  
12 relinquishing his money. He was Mirandized, he stated he  
13 did not want to speak with officers at the scene. It was  
14 my understanding this form was later signed at the jail.  
15 And I haven't determined whether we're gonna use it or not.  
16 I just wanted to bring it to the defense and the Court's  
17 attention so that we don't be blind sided with it tomorrow  
18 at some point. Deputy Heroux would be the individual it  
19 would be offered through. And all it is a seizure form  
20 that states how much money was taken from the defendant and  
21 Heroux's signature and Stanley Wright's signature.

22 MR. CHAPLIN: Your Honor, what it actually is it's  
23 just showing that the amount of money that was taken at the  
24 scene but it's not actually being - No it's not a typical  
25 form where he's relinquishing the money.

1 SOLICITOR SHELTON: Right.

2 MR. CHAPLIN: All it is is saying this is how much  
3 money was found. Not that yeah this money is drug money  
4 and I'm giving it to --

5 SOLICITOR SHELTON: We're not arguing that he's making  
6 any admission on that standpoint. We're just saying that  
7 this is how much money was found at the scene. And it does  
8 have his signature on the bottom of it and that's the  
9 reason I want to bring it to the Court's attention.

10 We wouldn't argue it's an admission. He just  
11 acknowledges I read and acknowledge that the above  
12 described property was seized from me.

13 MR. CHAPLIN: As long as that's all it says, Your  
14 Honor. Like he just read that's what he's alleging we  
15 don't have an issue with that.

16 THE COURT: All right. Thank you, Mr. Chaplin.

17 Anything further before we recess until in the  
18 morning?

19 SOLICITOR SHELTON: That's all the State can think of  
20 at this time, Your Honor.

21 THE COURT: I ask the jury to come back at 9:30.  
22 Again I'll be here about 9:15 if you all have anything to  
23 go over in the morning before we get started.

24 SOLICITOR SHELTON: Thank you so much, Your Honor.

25 MR. JOHNSON: Thank you, Your Honor.

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1 MR. CHAPLIN: Thank you, Your Honor.

2 (COURT IN RECESS AT 04:42 P.M..)

3 (COURT BACK IN SESSION TUESDAY, SEPTEMBER 17, 2013 AT  
4 09:45 A.M..)

5 THE COURT: Are the parties ready to proceed?

6 SOLICITOR SHELTON: Your Honor, the State has one  
7 issue we want to raise with the court and I spoke with Mr.  
8 Chaplin and Mr. Johnson about this briefly yesterday. We  
9 kind of have an - I don't know if it's a bad act, but we  
10 have the 911 call and the reason officers responded that is  
11 kind of inherent in this case and then the sweep. We've  
12 We've talked about different ways of handling it, and after  
13 speaking with them, they've stated to just go forward the  
14 way I want to and have the court handle it. I apologize  
15 for not bring it up yesterday because we were trying to  
16 stipulate to something.

17 What the State would propose is to state that for the  
18 initial responding officers responded to a 911 hangup and  
19 they were looking for a missing person. Could not locate  
20 the missing person; did a sweep of the residence in an  
21 attempt to find this missing person; described what they  
22 did in the sweep; what they found; backed out; called and  
23 got the search warrant; other officers responded to execute  
24 the search warrant.

25 That is how we would propose to handle it. I think it

1 goes to res gestae. I don't know how we'd talk about one  
2 thing without talking about the other. I spoke with my  
3 common sense wife last night, who is very helpful with  
4 these matters to me, and asked well what would you think if  
5 just an officer testified they responded to the scene,  
6 detained Mr. Wright and waited for a search warrant to  
7 arrive, and she stated would that - is actually - would  
8 leave a big question in my mind as to why they originally  
9 got there and I think that would really inhibit the State's  
10 case.

11 THE COURT: Mr. Chaplin or Mr. Johnson.

12 MR. JOHNSON: Your Honor, it is our position that they  
13 should include everything, so we don't really have a  
14 disagreement. I guess we should start from the beginning.

15 THE COURT: So by including everything you're okay  
16 with them not putting in the 911 actual call; is that  
17 correct?

18 MR. JOHNSON: We actually wanted the 911 in, Your  
19 Honor. We want the call and everything in.

20 SOLICITOR SHELTON: We're not going to publish the 911  
21 call because we don't think it's relevant to this. This  
22 Court has already ruled on the sufficiency of the sweep and  
23 that is a matter of law; not for the jury to determine.  
24 Now, all the other issues of possession, constructive  
25 possession, whether he knew it was there, those are the

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1 issues in this case. Whether he possessed the marijuana  
2 with intent to distribute, those are the issues in this  
3 case after your earlier ruling. Not that this guy was the  
4 subject of an illegal sweep and you should feel sorry for  
5 him and not therefore - I'm not saying that they're going  
6 that way, but that's the only reason that I can think that  
7 that would be relevant.

8 THE COURT: Well certainly Mr. Johnson would with all  
9 respect I think we need to keep it to the issues of what he  
10 is charged with and frankly I think keep it more generic so  
11 the jury can understand okay there is a 911 call and not  
12 procedurally but the way the sheriff's departments operate  
13 is if they have a 911 call they have a duty to investigate  
14 to make sure everything is okay and that's their policy to  
15 respond to ensure that someone is not missing or someone is  
16 not hurt and not to go into details with the potential CDV.  
17 I think's more harmful to your client than helpful.

18 MR. JOHNSON: Well, Your Honor, I think that if we're  
19 allowed to put everything in its place it would show that  
20 there was no one hurt; that my client was never charged  
21 with a CDV. All that would come out as well as it would  
22 show that there was really no incident or nothing that my  
23 client did that resulted in the 911 charges. It would  
24 explain the 911 call. I think that if you have a 911 call,  
25 eventually the jury is going to come back and say can we

1 hear the tape.

2 THE COURT: Well, the thing of it is, I can't tell the  
3 Solicitor how to try this case as far as that's up to him  
4 if he wants to put the 911 call in and he says he doesn't  
5 want to. If at some point during the defense that you  
6 choose to submit evidence, then we'll deal with it at that  
7 point. But if he's stating he is not putting it in I can't  
8 make him.

9 MR. CHAPLIN: Your Honor, I'm not asking you to make  
10 him put it in. You asked me my opinion about it.

11 THE COURT: Okay.

12 MR. CHAPLIN: I was just giving you my opinion. I  
13 would never tell the Court what to do. But I'm just saying  
14 that that's our position and if the State wants to go a  
15 certain way, that's fine and then we'll act accordingly.

16 SOLICITOR SHELTON: Your Honor, and that is precisely  
17 the reason we think the discussion about the CDV and the  
18 911 call is irrelevant, is very prejudicial to him that  
19 they determine that because I can't go and argue that as a  
20 CDV, he is a wife beater or girlfriend beater, so  
21 therefore, you shouldn't - that's why they responded to the  
22 scene. I'm not about to argue that because it's not  
23 relevant and he just admitted that the reason they wanted  
24 it in, this would be a motion in limine to restrict any  
25 offering of evidence to show that you've already ruled on

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1 this.

2 This is a matter of law for the Court to determine  
3 whether the sweep is lawful. It is not a matter of law for  
4 the jury to determine whether the sweep is lawful. Whether  
5 or not he actually is a domestic violence - whether he  
6 committed domestic violence or not. That's not at issue in  
7 this case. It has nothing to do with this drug case. All  
8 this drug case has to do with - it actually has nothing to  
9 do with the drug case. All it is, is determining the  
10 extengencies of the initial act that constituted the  
11 probable cause for the initial sweep of the residence and  
12 that's a matter for the Court to determine.

13 That is not a matter for the jury to determine and to  
14 enable them to then argue to the jury that, well they went  
15 out there for an illegitimate purpose and he's not - no one  
16 was even hurt so you shouldn't even convict him because  
17 they shouldn't have even gone into his house is precisely  
18 why it should not even be allowed into evidence. It's not  
19 material. It's not relevant. It shouldn't come in under  
20 403. It shouldn't come in under 402. It's not relevant  
21 under 401.

22 THE COURT: Mr. Johnson.

23 MR. JOHNSON: Well, Your Honor, if the State can argue  
24 my case that's fine, but I think I'm allowed to argue my  
25 case and if the Court would rule on what I attempt to do,

1 so as a matter of that, I just think its moot what he's  
2 talking about.

3 THE COURT: Well, as we discussed yesterday, Judge  
4 Harrington's ruling stands as far as the initial testimony.  
5 The additional testimony that we had yesterday, this Court  
6 held again that there were exigent circumstances for the  
7 search and under the totality of the circumstances of  
8 having received the call, there was obviously an escalating  
9 domestic dispute. It was a hang up that officer's  
10 testimony that she went to the scene and was not impressed  
11 by anybody that stated that they were in any way connected  
12 with the altercation.

13 The Court found credible her testimony that was  
14 corroborated by Deputy Collier, so I found that those were  
15 exigent circumstances to be there so the seizure of the  
16 drug evidence and the testimony in a previous hearing it is  
17 clear that they were looking for a person. So they were  
18 lawfully there, they found the complaint to be an exception  
19 because of the fact that they were looking in locations  
20 where it would be immediately apparent they were looking  
21 for a person.

22 They weren't looking in the shoe boxes. They weren't  
23 looking in the drawers. They were looking in the closets  
24 and under beds and under apparently under a large vanity  
25 sink where a person could have potentially been so that

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1 ruling stands. And I don't think it is relevant to go into  
2 the domestic violence as far as trying to say that the  
3 police were not there lawfully and the search was not  
4 lawful. I think that's the ruling of the court and so you  
5 will be limited to arguing to the jury that they were there  
6 unlawfully.

7 MR. JOHNSON Your Honor, I never said anything about  
8 arguing about that.

9 THE COURT: Okay. Well, I just wanted to make sure we  
10 were all on the same page. Anything further on that issue?

11 SOLICITOR SHELTON: I respect the Judge's order and we  
12 would just ask for a motion in limine to comply and finally  
13 a motion in limine obviously and I have great respect for  
14 Mr. Chaplin and Mr. Johnson. I do this in every case in  
15 deference to them just so they know, no comment on any type  
16 of punishment involved in this case whatsoever and we won't  
17 comment on that and ask that they not comment on that and I  
18 do that as a cart blanche for every - I'm not specifically  
19 targeting them. I don't think they would do that. I just  
20 do that in every case, especially when it involves a  
21 mandatory minimum and bringing that to the Court's  
22 attention.

23 THE COURT: Yes, sir. I know both gentlemen are very  
24 professional and very well oriented to the rules and I'm  
25 sure they would not do that. Anything further before we

1 bring out the jurors?

2 MR. CHAPLIN: Your Honor, a continuance motion issue.

3 THE COURT: Yes, sir.

4 MR. CHAPLIN: I didn't touch on it yesterday but I  
5 wanted to go ahead and do that now before the jury comes  
6 up.

7 Your Honor, I was hired, my law office was hired after  
8 attorney Sam Bowers representing Mr. Wright, after a period  
9 of time his family contacted me. I then contacted Mr.  
10 Bower, replaced Mr. Bower, substituting Mr. Bower as legal  
11 counsel. When I came in on the case, the case had a date  
12 certain already that set up by Judge Mullen and the  
13 prosecutor, Mr. Shelton. I then requested a continuance  
14 because at that time I did not have a transcript of the  
15 suppression hearing as well as I was still receiving other  
16 information from the Solicitor's office as well as from  
17 Attorney Bower.

18 After that, a conversation existed on three-way  
19 between myself and Judge Mullen and Mr. Shelton and we  
20 spoke at that time about when or if this transcript,  
21 whenever it was going to show up. At that time on the  
22 phone it was said that even before the date certain that  
23 that transcript would be available. It was not available.  
24 I think it became available to Mr. Shelton on August the  
25 2nd or he reached out on August the 2nd concerning it.

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1           At that time, we contacted the court reporter who at  
2           that time still thought Sam Bower was the attorney so would  
3           not release anything to my office. We then contacted  
4           Attorney Shelton again. He then contacted via e-mail the  
5           court reporter to let the court reporter know that hey, it  
6           is okay to give it to Mr. Chaplin. Once we did that, it  
7           still took her two weeks for the paperwork to still get to  
8           me. I actually received it three to four days prior to the  
9           conversation with Judge Mullen and Attorney Shelton on last  
10          week, Thursday, is when I got called and said that this  
11          trial was probably going to be up based on some other  
12          trials falling out. Which I explained to her I thought  
13          that I definitely needed more time based on the fact that I  
14          was getting everything on the eve of.

15          Even though I was brought in, he shouldn't be punished  
16          based on the fact of his counsel or who he had or who he  
17          didn't have. At that time, I was informed that I was not  
18          going to be granted a continuance; that it needed to go  
19          forward. Therefore, at this time I'm just stating on  
20          record that's why a lot of information we're coming at the  
21          Court with on the last minute in the last hour because as  
22          fast as we get it we're giving it to the Court, and  
23          actually still may receive something else later today.

24          That is where we are at this point. I just want to  
25          renew my motion for a continuance at this time.

1 THE COURT: Mr. Shelton.

2 SOLICITOR SHELTON: Your Honor, the State would just  
3 appreciate Mr. Chaplin accurately stating we believe  
4 everything that has transpired. We also just want to place  
5 on the record exactly when he received the information so  
6 that we know the Court has a good knowledge of what took  
7 place and also for the purposes of a record for appeal,  
8 candidly.

9 The State did provide Mr. Chaplin with all the  
10 discovery in this case by hand delivery to his Columbia  
11 office and I have an Affidavit of Service that was served  
12 on him on July 12th, 2013.

13 The transcript in question was one the State actually  
14 requested anticipating a problem like this and we ordered  
15 it and we paid for the original transcript.

16 I actually notified a Mrs. Volpe that Mr. Chaplin  
17 would need a copy before I received my copy on August 2nd.  
18 I do have a confirmed e-mail from Ms. Volpe stating that  
19 she sent Mr. Chaplin's office an amount for the transcript  
20 on August 29th, 2013 so I know an amount was sent to him by  
21 that date. I don't know, I can't speak to when he actually  
22 requested it and received it, that would be within his  
23 knowledge. We do know that he has received the transcript  
24 and he had the time to review the transcript.

25 I also just want to place on the record that this case

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1 was original scheduled for a date certain, July 29th, 2013,  
2 a little more than a month after Mr. Chaplin was originally  
3 retained. That was continued by Judge Mullen. We tried to  
4 schedule it for the subsequent term of court, which would  
5 have been August the 26th, if I remember correctly, 2013.  
6 Mr. Chaplin informed me that he was going to be out on  
7 vacation that week and I have an e-mail here from him on  
8 July 10th, 2013 stating that I am on vacation that week but  
9 the next week until September 2nd any week following would  
10 be fine, so we scheduled the trial for September 16th,  
11 2013. I had another trial scheduled for first up as being  
12 second of last week that was continued by Judge Mullen on  
13 Thursday that involved forty-five witnesses, and I told Mr.  
14 Chaplin that could be a possibility on last Wednesday that  
15 he could be first up.

16 I just know that Mr. Chaplin had notice of the  
17 September 16th term of court in early July and I respect  
18 his motion. I understand it is a serious case. It's a  
19 serious matter for the State as well and we've had to rush  
20 to get things together, but we do think that it's within  
21 your firm discretion whether to grant a continuance or not.  
22 We know that he has all the discovery that the State has  
23 and we provided them access to the transcript as well and  
24 we would ask the Court to deny his motion.

25 MR. CHAPLIN: Your Honor, he touched on one point. I

1 just want to -- actually a date. Yes, I was on vacation.  
2 He stated that someone did contact my office on the 29th,  
3 which I would have been out of the country on the 29th.  
4 When I returned, I then was aware that, hey we do have this  
5 issue dealing with getting this transcript into our hands  
6 so that is correct. I wanted to clear that up for the  
7 record.

8 Oh yeah. And then I also told Judge Mullen on the day  
9 when I was speaking to her on that Thursday, I was actually  
10 in court in Laurens, South Carolina. I explained to her  
11 that I was a sole practitioner in my firm and that for me  
12 to be able to just stop everything and be able to be ready  
13 that following Monday which we were I would probably -- I  
14 would have to reach out and do something, so at that time I  
15 contacted my cohort here, Mr. Charlie Johnson, and  
16 explained to him what he was going to be doing for the  
17 weekend. And so we then started in on every aspect of what  
18 we had to do just in case we weren't granted a continuance.  
19 That's where we are, so he was brought in last week,  
20 Thursday.

21 THE COURT: Thank you, Mr. Chaplin, I would  
22 respectfully deny your motion. I've been there in private  
23 practice and certainly understand sometimes you do have to  
24 kind of drop everything to get ready for trial. That's the  
25 nature of the business and certainly I think you've had

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1 ample opportunity and with your wealth of experience in  
2 trying cases, I am confident that you are well prepared and  
3 have had plenty of opportunity to be ready to go to trial  
4 for this week.

5 MR. CHAPLIN: Nothing further from the defense at this  
6 time, Your Honor.

7 SOLICITOR SHELTON: Thank you, Your Honor. Nothing  
8 further.

9 THE COURT: All right.

10 SOLICITOR SHELTON: Your Honor, may I step out and  
11 talk to my first two witnesses and instruct them regarding  
12 in accordance with your ruling on what they can testify to.

13 THE COURT: Sure.

14 SOLICITOR SHELTON: Thank you.

15 THE COURT: You want to do that after the --

16 SOLICITOR SHELTON: Sure. I can do that. Thank you.

17 THE COURT: We'll take a little break before we bring  
18 the jury out.

19 (NOTE RECEIVED UP BY THE COURT.)

20 (JUROR ENTERS THE COURTROOM.)

21 THE COURT: Ms. Sharon Walczy, do you recall your  
22 juror number?

23 MS. WALCZY: 310.

24 THE COURT: Number 310. Ms. Walczy, I received a note  
25 which I will mark as Court's Exhibit from our bailiff, Mr.

1 Bob here. Did you approach him about a medical problem  
2 that you did not disclose; is that correct?

3 MS. WALCZY: I don't consider it a medical problem.  
4 Its an embarrassment problem.

5 THE COURT: Yes, ma'am. Is there a particular reason  
6 why under oath you didn't disclose that to the court when  
7 ask if you had a problem why you would not be able to  
8 serve?

9 MS. WALCZY: I thought that I maybe would be able to  
10 serve. I thought that if we came in at ten again or if the  
11 trial in my imagination the trial was gonna start that  
12 afternoon it would be finished that afternoon and I'd like  
13 to do my civic duty. I'd be embarrassed if I had an  
14 accident that's all.

15 THE COURT: I understand. I'm sensitive certainly to  
16 your position.

17 MS. WALCZY: Yes.

18 THE COURT: But tell me as far as - and I don't want  
19 to embarrass you in any way shape or form so you don't have  
20 to be specific.

21 MS. WALCZY: All right.

22 THE COURT: However I need to know based on how you  
23 feel as far as your condition is concerned whether you  
24 think you can serve. This trial will obviously last --

25 You state its not a diagnosed medical condition.

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1 MS. WALCZY: Yeah it is. My doctor could give me a  
2 note if I wanted to.

3 THE COURT: Okay. So my concern really is that you  
4 did not disclose it to the court -

5 MS. WALCZY: I know.

6 THE COURT: --- when I ask.

7 MS. WALCZY: I know.

8 THE COURT: That's something that's very concerning  
9 because obviously you're under oath and I have to have  
10 accurate information in selecting a jury. In doing so - -

11 MS. WALCZY: I was torn. I wanted to do my civic duty  
12 and I also didn't want to come up here and embarrass myself  
13 so I was torn about that.

14 THE COURT: Okay. Well I understand that. I really  
15 have no choice but to remove you from this serving on this  
16 jury considering the fact that you did not properly  
17 disclose and answer all of the questions. It's obviously  
18 an issue that's very serious and really could be an issue  
19 of contempt of court. I understand the embarrassing nature  
20 of it but what I'm going to do is if you bring a note from  
21 your physician confirming your condition I will not hold  
22 you in contempt of court. But you need to have that note  
23 back here by five o'clock p.m.

24 MS. WALCZY: Okay.

25 THE COURT: Okay. Just submit it to the clerk's

1 office.

2 MS. WALCZY: Do I have to go and get it and bring it  
3 back or can I have them fax it to you guys?

4 THE COURT: You can fax it to - You can have the  
5 physician fax it to the Clerk of Court's office.

6 MS. WALCZY: Okay. And is that information somewhere?

7 THE COURT: Yes, ma'am. I'm sure we can get that  
8 information for you in just one second.

9 MS. WALCZY: I'm sorry for any inconvenience.

10 THE COURT: That's okay.

11 THE BAILIFF: Care of the step please.

12 Thank you, Your Honor.

13 THE COURT: Thank you.

14 (JUROR NUMBER 310, SHARON WALCZY, DISMISSED FROM THE  
15 JURY BY THE COURT.)

16 THE COURT: Any objections from either party regarding  
17 the juror issue?

18 SOLICITOR SHELTON: No, Your Honor.

19 MR. CHAPLIN: No, Your Honor.

20 THE COURT: What I would like to do, is I would like  
21 to just mark this as a Court's Exhibit, the note that was  
22 handed to the court from our bailiff.

23 (WHEREUPON: COURT'S EXHIBIT NUMBER ONE, IDENTIFIED  
24 AND MARKED, RECEIVED INTO EVIDENCE.)

25 THE COURT: And the first alternate I believe is Juror

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1       Number Thirty-three and we'll put her in as instead of Ms.  
2       Walczy.

3               SOLICITOR SHELTON: Thank you, Your Honor.

4               THE COURT: Thank you.

5               SOLICITOR SHELTON: And I'd also like to just finally  
6       for the record, there - exhibits are already entered into  
7       evidence for pretrial. They've not been introduced as  
8       evidence for purposes of the trial of the case and the  
9       State is not planning to enter them into evidence except  
10      for Exhibit Number One which is a picture, so the rest of  
11      them are not in evidence. I just wanted to make sure  
12      that's clear.

13              THE COURT: Okay.

14              MR. CHAPLIN: Your Honor, one of the exhibits we  
15      wanted to make sure - what number is that one?

16              SOLICITOR SHELTON: That is the CAD call.

17              MR. JOHNSON: Right. And we wanted to make sure that  
18      was entered.

19              THE COURT: And that's one that is entered; right?

20              SOLICITOR SHELTON: They're all entered into evidence  
21      for pretrial purposes. None of them are entered into  
22      evidence for the trial of the case in front of the jury.

23              THE COURT: Do you need a second to talk to your two  
24      witnesses before we bring the jury in?

25              SOLICITOR SHELTON: Yes, please, Your Honor, to make

1 sure they don't testify to anything improperly.

2 (COURT AT EASE AT 10:08 A.M..)

3 (COURT BACK ON THE RECORD AT 10:11 A.M..)

4 THE COURT: We ready for our jury?

5 SOLICITOR SHELTON: Yes, Your Honor.

6 THE COURT: Let's have our jury.

7 THE BAILIFF: The jury is entering, Your Honor.

8 (JURY REENTERS COURTROOM AT 10:13 A.M..)

9 THE BAILIFF: The jury is seated, Your Honor.

10 THE COURT: Thank you.

11 Good morning, ladies and gentlemen of the jury. We  
12 are now ready to begin the trial of this case. But before  
13 we do that I'm going to ask Madame Clerk to swear you and  
14 place you under oath.

15 MADAME CLERK: Ladies and gentlemen of the jury, would  
16 you please stand and raise your right hand for me please.

17 (PETIT JURY SWORN AT 10:13 A.M..)

18 MADAME CLERK: You may be seated.

19 THE COURT: Solicitor.

20 SOLICITOR SHELTON: Thank you, Your Honor, may it  
21 please the Court.

22 Counsel. May it please the Court.

23 Sorry, technical difficulties, ladies and gentlemen of  
24 the jury. We'll do it the old fashioned way.

25 In Beaufort County there are a lot of occupations.

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1 Folks come from all kinds of lines of work. You've got  
2 fire fighters, you've got vice presidents, you've got  
3 former CEO's. You have housekeepers. You have people who  
4 work in transportation, teachers, lawyers, doctors,  
5 fisherman, oyster men. It's a very diverse workplace. We  
6 have all kinds of people. People in the Marine Corp.

7 Unfortunately, there are illicit trades as well. And  
8 in August of 2011, the defendant, Mr. Stanley Wright,  
9 seated right here with the white shirt and tie on, he was  
10 involved in the illicit trade of trafficking in cocaine.

11 Evidence in this case is going to show that officers  
12 responded to a 911 hangup at his residence. They were  
13 looking for a person. That person could not be found. Who  
14 was at the residence? Mr. Stanley Wright, the defendant  
15 right there. He was the only one at the residence. They  
16 could not find this person. And what did they do? For  
17 safety reasons they sweep the residence to try to find this  
18 person and they looked everywhere where a person could be  
19 hidden or stowed as they are trained to do.

20 They looked in the master bedroom closet and they  
21 looked in the master bedroom vanity sink which is a large  
22 vanity sink about the size of a small office. They opened  
23 the door and what do they see? Drugs, that they know from  
24 training and experience are in plain view right there.  
25 They don't seize it. That's not what they're there for.

1 They keep looking for the person. They go through the rest  
2 of the house. They get out. They detain Mr. Wright and  
3 they arrest them. The drugs that they saw in plain view  
4 that they knew right away in plain view that were drugs is  
5 marijuana. They initially arrested him and detained him  
6 for simple possession of marijuana.

7 They searched him incident to arrest and they found  
8 One Thousand, Four Hundred and Eighty Dollars on his  
9 person, cash. They called their supervisor. Their  
10 supervisor called what's called the Drug Task Force.

11 The Drug Task Force is specialized in handling drug  
12 cases like this. The Drug Task Force of the Sheriff's  
13 office goes and gets a search warrant for the residence.  
14 They go into the residence and what do they find? They  
15 find inside of that vanity a hundred and sixty-one grams of  
16 marijuana. That's over five ounces of marijuana. In South  
17 Carolina possessing over an ounce of marijuana is an  
18 inference of distribution weight. He had over five ounces  
19 of marijuana.

20 They also found over two hundred and twenty-two grams  
21 of cocaine in a Crown Royal bag right in front of that  
22 marijuana. In South Carolina, possession of over ten grams  
23 of cocaine is trafficking in cocaine. The defendant was in  
24 possession of over two hundred and twenty-two grams of  
25 cocaine.

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1           How do we know that? Well, it's not time to argue  
2 about this but I can state what's going to be shown in  
3 evidence to you and you can make your own judgments.

4           Underneath those drugs in the same vanity were Mr.  
5 Wright's debit card. Above the vanity on the mirror was a  
6 picture of Mr. Wright. In the master bedroom next to that  
7 master bathroom on the floor next to his bed was Mr.  
8 Wright's South Carolina ID card. On the floor in the  
9 bedroom was a bag of mail addressed to Mr. Wright. And  
10 then the closet, they found a pistol loaded with a bullet.

11           Possession of more than ten grams of cocaine is  
12 trafficking in cocaine. That is the crime, possession of  
13 it. Knowing possession.

14           Possession of a handgun while being in knowing  
15 possession of cocaine is possession of a handgun during a  
16 violent crime because possession of cocaine and more than  
17 ten grams is trafficking and that's a violent crime.

18           They also found baggies. They found a digital scale.  
19 They found Mason jars. And you're gonna hear testimony to  
20 explain the relevance of all this. And in the living room  
21 they also found an additional One Thousand Dollars in cash.

22           Mr. Wright was in the business of trafficking in  
23 cocaine and that's what this case is about. The issues in  
24 this case is whether he knew it was there and whether he  
25 had possession of it. Those are the issues of this case.

1 He's a businessman, an illegal businessman. He had his  
2 product - his drugs. He had his capital - his cash. And  
3 he had his security - his gun.

4 Thank you and please pay close attention to the  
5 defense as you paid to me. Thank you very much.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: Thank you, Your Honor, may it please the  
8 Court.

9 THE COURT: Yes, sir.

10 MR. JOHNSON: Good morning.

11 Ladies and gentlemen, my name is Charlie Johnson. I'm  
12 a criminal defense attorney practicing law in Columbia,  
13 South Carolina. I'm originally from Hardeeville, South  
14 Carolina, down in the low country. My co-counsel is Mr.  
15 Joe Chaplin. He practices in Columbia as well and he is  
16 originally from Collenton, South Carolina.

17 This is a criminal case. My client, Stanley Wright,  
18 is thirty-one years old. He grew up here in this area in  
19 Beaufort County. He graduated from high school --

20 SOLICITOR SHELTON: Objection. This is irrelevant and  
21 he is talking about the defendant's credibility.

22 MR. JOHNSON: Your Honor, it's opening statement.

23 THE COURT: Overruled. You may proceed.

24 MR. JOHNSON: Thank you.

25 As I was saying, Mr. Stanley Wright grew up here in

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1 Beaufort, South Carolina. He is thirty-one years old. He  
2 went to high school here in Beaufort, South Carolina. He  
3 has a family here. He has three kids.

4 SOLICITOR SHELTON: Objection.

5 MR. CHAPLIN: Your Honor, may we approach.

6 THE COURT: Please approach all attorneys.

7 (WHEREUPON, BENCH CONFERENCE OFF THE RECORD OUT OF THE  
8 HEARING OF THE JURY.)

9 THE COURT: Ladies and gentlemen of the jury,  
10 sometimes there are matters that must be taken outside of  
11 your presence. You are of course the judges of the facts  
12 and I'm the judge of the law and sometimes an attorney may  
13 ask me - I try to not inconvenience you as much as possible  
14 to put you in and out of the courtroom so that's why  
15 sometimes we hear matters outside of your presence because  
16 it's my job to make sure you hear the proper evidence that  
17 is before you so now we will continue with Mr. Johnson's  
18 opening statement.

19 MR. JOHNSON: Good morning again, ladies and  
20 gentlemen.

21 My client, Stanley Wright, thirty-one years old, grew  
22 up here in Beaufort, went to school here and graduated high  
23 school. At the time he was arrested he was employed. He  
24 worked as a cook.

25 MADAME COURT REPORTER: I'm sorry. I'm so sorry, I

1 cannot hear you.

2 MR. JOHNSON: I'm sorry. I'll speak up.

3 He worked as a cook here working at a local club here  
4 as a cook when he was arrested. He is charged with drug  
5 trafficking. You heard the State in their opening argument  
6 call my client a drug trafficker. Whatever myself or the  
7 State say is not evidence. Evidence will be presented to  
8 you in this case.

9 As my client sits there now, he is innocent according  
10 to the laws that we live by here in America. He is not  
11 guilty of anything until the State proves him guilty. He  
12 is not a drug trafficker. He is a citizen, such as  
13 yourself. You make the determination as to whether he is  
14 guilty or not; not the State; not me. It is my duty to  
15 present the evidence to you in the best light of my client,  
16 but it is not my duty to prove he is innocent because he is  
17 innocent until the State proves him guilty.

18 That is very important here. A lot of times in cases  
19 we have a tendency to pre-judge. All I ask you to do is  
20 to carry your oath out and listen to the facts in this  
21 case. It is very important to listen to the facts in this  
22 case. It is our belief and our intent that after you look  
23 at the facts in this case, that you will come to the same  
24 conclusion that we believe that you should come to and that  
25 is that Stanley Wright is innocent of these charges. And

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

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1 we will just let the facts state whether he is or not and  
2 you as the jury will make that determination. But as of  
3 right now, Stanley Wright for a fact is not a drug dealer.  
4 He is an innocent American citizen that deserves his day in  
5 court and we ask that you give that to him. Thank you.

6 THE COURT: State may call their first witness.

7 SOLICITOR SHELTON: Thank you, Your Honor. The State  
8 calls Mitchell Archbell, Beaufort County Sheriff's office.

9 MADAME CLERK: Place your left hand on the Bible and  
10 raise your right hand for me please.

11 (WHEREUPON, MITCHELL  
12 ARCHBELL, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS  
13 FOLLOWS:)

14 MADAME CLERK: Please be seated. State your name and  
15 spell it for the court please.

16 A. Mitchell Archbell, Beaufort County Sheriff's Office.

17 DIRECT EXAMINATION

18 OFFICER MITCHELL ARCHBELL BY SOLICITOR SHELTON:

19 Q. Thank you, Mr. Archbell. Will you please spell your  
20 last name?

21 A. A-r-c-h-b-e-l-l.

22 Q. And you said you work for the sheriff's office?

23 A. Yes, sir.

24 Q. Did you respond to [REDACTED] on August  
25 31st, 2011?

1 A. Yes, sir.

2 Q. Are you prepared to tell the jury what you found and  
3 saw that day?

4 A. Yes, sir.

5 Q. Please speak - if I can hear you, I know that the jury  
6 can hear you. If the jury can hear me, I know that you can  
7 hear me so if I can hear you - if I can't hear you, I'm  
8 going to ask you to speak up. Okay?

9 A. Yes, sir.

10 Q. Thank you. Let's talk about that day, but first let's  
11 talk about what you do now for the sheriff's office and  
12 what you were doing then.

13 A. Right now for the sheriff's office, I actually work on  
14 a special unit. I'm on the SEU Team.

15 Q. What is that?

16 A. Special Enforcement Unit. We go more in the  
17 neighborhood and go door to door. Take complaints  
18 from individual residents and then go deal with those  
19 complaints however we see fit.

20 Q. And what were you doing, what was your role on August  
21 the 31st, 2011?

22 A. I was on road patrol in Hilton Head Island.

23 Q. And what do you call that?

24 A. Respond to calls that are dispatched to us. Also  
25 patrol businesses, residences, trying to prevent crime

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

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1 whenever we're out on a call.

2 Q. And for the jury's information, how is the Beaufort  
3 County Sheriff's office broken up as far as Beaufort County  
4 in general? In general for road patrol.

5 A. For road patrol?

6 Q. Do you have different divisions?

7 A. Yes. We have a northern and a southern side.

8 Q. And where is the geographical area in the southern  
9 division?

10 A. You got the area of Bluffton, which is Area Four, and  
11 you've got Hilton Head which is split into two different  
12 areas. You've got Five Alpha which is the southern end of  
13 Hilton Head and Five Bravo which is the northern end of  
14 Hilton Head.

15 Q. And where were you patrolling that day?

16 A. In Five Bravo.

17 Q. So that would be the northern end of Hilton Head?

18 A. Yes.

19 Q. And did you receive a call to be dispatched to [REDACTED]

20 [REDACTED]?

21 A. Yes, I did.

22 Q. What is that call about?

23 A. Its about a 911 hangup.

24 Q. And when you respond to a 911 hangup, what are you  
25 looking for?

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

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1 A. Anything out of the ordinary. Anything that's wrong.

2 Q. Are you looking for the caller?

3 A. Yes.

4 Q. When you arrived on scene, what do you see?

5 A. When I arrived on scene, I saw a male subject exiting  
6 the house.

7 Q. Was the caller a male or a female?

8 A. The caller was a female.

9 Q. And who was that male subject?

10 A. Later identified as Stanley Wright.

11 Q. And do you see him in the courtroom today?

12 A. Yes, sir.

13 Q. Would you please identify him for the jury?

14 A. He is in the white shirt with the tie on.

15 SOLICITOR SHELTON: Please let the record reflect that  
16 he is pointing to the defendant, Madame Court Reporter, Mr.  
17 Stanley Wright.

18 (WITNESS IDENTIFIED DEFENDANT STANLEY WRIGHT.)

19 Q. You said he was at the door?

20 A. Yes, sir.

21 Q. Did he come to the door from inside or outside?

22 A. From inside.

23 Q. And what did he do when he came outside?

24 A. He immediately shut the door behind him.

25 Q. And while you were on the scene, did anyone else

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

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1 arrive from the sheriff's office?

2 A. Corporal Collier arrived yes.

3 Q. Corporal Collier did?

4 A. Yes.

5 Q. When Corporal Collier got there, what did you do?

6 A. We ended up doing a protective sweep of the residence.

7 Q. And why?

8 A. To ensure the victim in this case was not hurt or  
9 injured.

10 Q. You say a victim. Do you mean the caller?

11 A. The caller.

12 Q. And when you do a protective sweep of a residence  
13 looking for a person, what do you look into?

14 A. Any place that someone can be either placed into or  
15 someone could hide in.

16 Q. Including?

17 A. Cabinets, under beds, closets.

18 Q. And why do you do that?

19 A. To ensure that they are not injured or dead inside the  
20 residence.

21 Q. Did you do that in this case?

22 A. Yes.

23 Q. And please describe for the jury when you performed  
24 the sweep exactly how you do it with Corporal Collier.

25 A. Well actually another officer did arrive, but myself

1 and Corporal Collier went into the residence and as soon as  
2 we went into the residence we smelled an overwhelming smell  
3 of marijuana and we immediately went straight into the  
4 first room and made sure there was no one in there and we  
5 wrapped around to the right going into the bedroom after  
6 that checking any cabinets big enough for someone could be  
7 in or under the bed or any closets.

8 Q. Did you eventually make your way to the master  
9 bedroom?

10 A. Yes.

11 Q. And describe the master bedroom.

12 A. We went into the master bedroom. We checked  
13 underneath the bed and then the master bathroom was  
14 immediately attached to it so we went into the master  
15 bathroom and checked the vanity which it was a large vanity  
16 that someone could be placed in.

17 Q. Did you see anything inside?

18 A. Yes, sir.

19 Q. What did you see?

20 A. At the time, there was a bag of suspected marijuana  
21 and a Crown Royal bag that had a white powdery substance in  
22 it.

23 Q. And from your training and experience, did you believe  
24 the white powdery substance could be anything?

25 A. I believe it was suspected to be cocaine.

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

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1 Q. What did you do with it?

2 A. We didn't touch it. We continued our sweep of the  
3 residence.

4 Q. What were you looking for again?

5 A. Anyone who could be the 911 caller at that time.

6 Q. And when you completed the sweep of the residence,  
7 what did you do?

8 A. After we finished searching for the caller, we  
9 couldn't find her but we immediately exited the residence  
10 and placed Mr. Wright in handcuffs.

11 Q. And when you placed him in handcuffs, what did you do  
12 to Mr. Wright?

13 A. I advised him of his *Miranda* rights.

14 Q. And what else?

15 A. I placed him in - well, so I conducted a search of his  
16 person incident to arrest and pulled everything out of his  
17 pockets.

18 Q. Did you find anything in his pockets?

19 A. Yes, I did.

20 Q. What did you find?

21 A. A large sum of money. I think it was like - if I can  
22 reference.

23 Q. And before you do that.

24 SOLICITOR SHELTON: May I approach, Your Honor?

25 THE COURT: Yes, sir.

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

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1 SOLICITOR SHELTON: I would like to show the defense  
2 counsel what you are referencing before you reference  
3 anything.

4 (SIDE BAR BETWEEN ATTORNEYS OFF THE RECORD.)

5 MR. CHAPLIN: No objection.

6 THE COURT: Thank you.

7 BY SOLICITOR SHELTON:

8 Q. You say you'd like to reference something. What is  
9 this for the jury's information?

10 A. That's the original report that I wrote.

11 Q. And would this help refresh your recollection?

12 A. It would.

13 Q. Thank you.

14 SOLICITOR SHELTON: May I approach?

15 THE COURT: Yes, sir.

16 SOLICITOR SHELTON: Thank you, Your Honor.

17 A. Thank you, sir.

18 I did one of our - conducted a search incident to  
19 arrest and in his left front pants pocket I discovered One  
20 Thousand, Four Hundred and Eighty Dollars.

21 Q. One Thousand, Four hundred and Eighty dollars?

22 A. Yes, sir.

23 Q. And do you have knowledge whether anyone else  
24 responded that day to the scene, law enforcement wise?

25 A. Prior to us responding?

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON

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1 Q. After you responded.

2 A. After we responded, yes.

3 Q. And when you said prior to you responding, did anyone  
4 else respond? Excuse me, while you were there, did anyone  
5 else respond?

6 A. While we were there, yes. Our deputies responded.

7 Q. And this is confusing, but before you went into the  
8 residence did anyone else respond?

9 A. Yes.

10 Q. Who was it?

11 A. Deputy Irving.

12 Q. And why did you wait for her to get there?

13 A. So we would have someone - It takes at least two  
14 people to do a protective sweep of a residence for security  
15 reasons and we needed one person to stand with the subject  
16 that walked out of the residence, so Ms. Irving stood with  
17 him while we did the protective sweep.

18 Q. But you were alone inside the residence doing the  
19 protective sweep with Corporal Collier?

20 A. Myself and Collier yes.

21 Q. And I apologize. Now, let's go move forward. After  
22 you did a protective sweep of the residence, saw the  
23 suspected drugs, after you detained Mr. Wright and located  
24 the Fourteen Hundred and Eighty Dollars on his person, did  
25 anyone else from law enforcement respond to the scene?

1 A. Yes.

2 Q. Who?

3 A. After that there were - I know Collier made contact  
4 with our supervisor who contacted Investigator Criddle from  
5 the Drug Task Force and he responded to the scene.

6 Q. Investigator Criddle. What's his name?

7 A. Investigator Criddle.

8 Q. And you personally saw him arrive on the scene?

9 A. Yes. And then Investigator Squires.

10 Q. Now between the time Investigator Criddle and Squires  
11 arrived on the scene, do you remember them arriving on the  
12 scene? Describe what condition the scene was in.

13 A. No one could go in the house or anywhere around the  
14 house because we ended up setting up a perimeter.

15 Q. And during the sweep of the house, you found no one  
16 else inside the house?

17 A. No.

18 Q. You did not and Mr. Wright was alone at the house when  
19 you arrived?

20 A. Yes, he was.

21 Q. Now, did you ever have contact with the caller later  
22 that day?

23 A. Yes. Later after we did the protective sweep and the  
24 investigators and everyone arrived on the scene, yes the  
25 caller ended up showing back up at the house.

OFFICER MITCHELL ARCHBELL: BY SOLICITOR SHELTON  
BY MR. CHAPLIN

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1 Q. So you were able to eventually confirm her safety?

2 A. Yes we were.

3 Q. But you did not know that at the time of the sweep?

4 A. No.

5 MR. JOHNSON: Your Honor, objection. He is leading  
6 the witness.

7 THE COURT: Just rephrase your question, please.

8 SOLICITOR SHELTON: Okay. I'll just withdraw the  
9 question.

10 Strike it from the record.

11 Thank you.

12 THE COURT: Ladies and gentlemen of the jury, that  
13 means is that you must not consider that question or  
14 potential answer if it's stricken from the record.

15 BY SOLICITOR SHELTON:

16 Q. [REDACTED], what county is that in?

17 A. Beaufort County.

18 SOLICITOR SHELTON: Thank you. Those are all the  
19 questions I have for you. Please answer any questions that  
20 Mr. Chaplin may have for you.

21 THE COURT: Mr. Chaplin, your witness.

22 MR. CHAPLIN: Thank you.

23 CROSS-EXAMINATION

24 OFFICER MITCHELL ARCHBELL BY MR. CHAPLIN:

25 Q. How are you doing, Officer?

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

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1 A. Good, sir.

2 Q. Good. The sheet that you just had that you were  
3 refreshing your memory with, you have it?

4 A. Yes, sir.

5 Q. Can I have it. Thanks.

6 Officer, how long have you been on the force?

7 A. Now or at the time?

8 Q. At the time how long have you worked for law  
9 enforcement?

10 A. At the time, I've been out of the Academy about -  
11 I can't give a definite answer but probably about two  
12 months.

13 Q. Two months? Sixty days?

14 A. Three months, somewhere around there.

15 Q. So how many of these type calls have you ever been on  
16 at that time?

17 A. 911 hangups?

18 Q. Yes.

19 A. It's a daily occurrence.

20 Q. No, no, no. At that time, in sixty days that you were  
21 employed, had you ever responded to another one?

22 A. Yes.

23 Q. How many times?

24 A. I can't give - honestly, I would be speculating if I  
25 told you a certain amount of times.

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

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1 Q. More than five?

2 A. Most likely yes.

3 Q. More than five?

4 A. Yes.

5 Q. How many times were you first on the scene? That  
6 might make it easier.

7 A. I honestly can't remember.

8 Q. Less than five ---

9 a. I don't know.

10 Q. --- in those sixty days?

11 A. I don't know. It was a long time ago, sir.

12 Q. Okay. And then how did you -- who taught you or where  
13 did you learn what to do when you get there at the scene?  
14 When you get there.

15 A. The Police Academy. Along with a field training  
16 officer.

17 Q. Okay. So when you initially got to the scene -- what  
18 was the address again?

19 A. [REDACTED].

20 Q. When you got to that address, my understanding is when  
21 you pulled up, the first person you saw was who?

22 A. Was the defendant.

23 Q. Okay. Then who did you see next?

24 A. Corporal Collier.

25 Q. Who did you see after him?

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

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1 A. I believe it was Ervin showed up on scene.

2 Q. Okay. Well did you have an occasion to see one of Mr.  
3 Wright's neighbors? Did you see her?

4 A. Before we went into the house? I do not know.

5 Q. So no one approached you other than Mr. Wright?

6 A. No. Before going into the house, no.

7 Q. Okay. And you're positive?

8 A. Yes, sir.

9 Q. Or do you need to look at your notes?

10 A. No, sir. I'm positive.

11 Q. So at no time prior to going in you spoke to a  
12 neighbor of Mr. Wright?

13 A. No, sir.

14 Q. This incident occurred about two years ago. Correct?

15 A. Yes, sir.

16 Q. Okay. Did the Solicitor's office prep you for your  
17 testimony this morning?

18 A. I don't understand the question.

19 Q. Did you meet with the Solicitor's office prior to your  
20 testimony to be prepared for today?

21 A. Yes, sir.

22 Q. You did?

23 A. Yes, sir.

24 Q. Once? Twice?

25 A. Once.

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

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1 Q. Once. When was that?

2 A. It was a couple of months ago.

3 Q. So a couple months ago you met with the Solicitor's  
4 office just to make sure you understood what was going to  
5 be going on today?

6 A. Yes, sir.

7 Q. Okay. How many times have you testified in trial?

8 A. In trial?

9 Q. Like we are today.

10 A. Numerous times.

11 Q. Numerous?

12 A. Yes, sir.

13 Q. How many? More than five? More than ten?

14 A. In General Sessions Court is my first one. In  
15 Magistrate's Court numerous.

16 Q. I was referring to General Sessions.

17 A. This is my first time.

18 Q. First time. You also - A question was posed to you  
19 concerning - Well they actually was asking you about the  
20 vanity and you said that the vanity was - well actually you  
21 tell me. What size was the vanity?

22 A. It was large enough that a person could be placed in.

23 Q. Show me with your hands what's a large vanity.

24 A. I can't - I don't know as far as size with hands. It  
25 was a double sink vanity. I believe there was two sinks at

OFFICER MITCHELL ARCHBELL: BY MR. CHAPLIN

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1 least. I know it was at least that wide.

2 MR. CHAPLIN: May I approach?

3 THE COURT: Yes, sir.

4 Q. Let's use this bar. Let's use this. From one end to  
5 the other end, put your hand and show me how wide that  
6 vanity is.

7 A. It was about as wide as the entire thing.

8 Q. So you're telling me that the sink is as large as  
9 this?

10 A. Yes.

11 Q. And a small vanity would be?

12 A. One with single cabinets.

13 Q. You also gave another interpretation of - I think you  
14 were showed, how much money you said you took from Mr.  
15 Wright?

16 A. One Thousand Four Hundred and Eighty Dollars.

17 Q. Okay. And I think the terminology you used is it was  
18 a large sum?

19 A. Yes, sir.

20 Q. Would that be a large sum for someone who was  
21 employed?

22 A. It would be a large sum period. You usually you don't  
23 find that much money on a person.

24 Q. Even if a person is working, that's a large sum to  
25 you?